

THE PARALEGAL *Educator*

American Association for Paralegal Education

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THE 21ST CENTURY PARALEGAL

Come to the 28th Annual AAFPE Conference
October 28-30, 2009 in Portland, Oregon

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On the Cover: The 21st Century Paralegal

AAfPE MISSION: To provide greater access to legal services by promoting quality paralegal education.

The Dallas Conference “Spurs” Thoughts of Portland

Kathryn L. Myers,
Saint Mary-of-the-Woods College and
Chairperson of the National Conference Committee

AAfPE held its 27th Annual Conference in Dallas, Texas, October 15-18, 2008. President Marisa Campbell identified the conference theme as “Foundations of Teaching.” We had around 300 attendees this year and offered a variety of educational sessions that provided something for everyone. Teaching was highlighted in a variety of sessions, including a new teaching competition that focused on the online delivery of courses.

We want to again thank Delmar Cengage for its continuing sponsorship of our Teaching Competition: Best Practices and Pearson/Prentice Hall for its sponsorship of our new session, Teaching Competition: Online/Distance Best Practices. Both events will be available next year, so why not start planning your participation?

The conference also focused on faculty issues, teaching tips, technology, and sessions geared toward the first-time attendee or new program director. In all, over 35 educational sessions were offered. The extended number of sessions allowed for a variety of panelists, including many new members who presented for the first time. We also had four to five concurrent sessions from which to choose in most time slots.

Representatives of the American Bar Association were available throughout the conference to answer specific questions as well as hold an open forum. The ABA representatives conducted sessions on approval, re-approval and interim report issues. In addition, there were two sessions on assessment and the changes in the reporting of assessment.

Vendors participated in a variety of ways this year. In addition to having booths in the Exhibit Hall, vendors held software demonstrations to help educators better utilize their products, and the vendors sponsored some of our events.

AAfPE also offered pre-conference technology training workshops on Sanction® and CaseMap/TimeMap/NoteMap/TextMap®. From hands-on workshops to numerous sessions on a variety of topics,

there was definitely something for everyone at this exciting conference.

One of the best rewards that come from attending AAfPE conferences is networking with colleagues from around the country. Regional meetings and roundtables for Associate degree programs, Baccalaureate degree programs, and Certificate programs were offered. Seasoned program directors had a chance to share war stories and get re-energized while first-time attendees networked with each other, current Board members, and past presidents at an orientation session.

The National Conference Committee is already hard at work on next year’s conference. As you know, the 28th Annual Conference, with its theme,

Continued on next page



2009 AAfPE Conference Portland • October 28-31, 2009

Portland '09 *Continued*

"The 21st Century Paralegal," will be held in Portland, Oregon, October 28-31, 2009. Some suggested topics on the Call for Proposals are:

- New kinds of jobs for paralegals
- New courses and skills we should be teaching
- Latest technology for paralegals
- Access to justice
- Alternative ways to teach/study abroad
- Electronic research
- Looking to the future — changes that are coming
- Teaching tips
- Creative classrooms

If you would like to propose an educational session, be a panelist or facilitator, please complete the Call for Proposals on the website at www.aafpe.org or in this issue of *The Educator*. If you have any suggestions to help make next year's conference even better, please contact the Chair, Kathryn Myers, at kmyers@smwc.edu.

We look forward to seeing you in Portland. AAFPE is all about you! ■

FROM CAROLINA ACADEMIC PRESS

Legal Research Workbook and Scavenger Hunt Series



UP FIRST: The South Central Region

Forthcoming Spring 2009, ISBN 978-1-59460-574-1
Teacher's manual forthcoming

In addition to federal research exercises, this South Central Region workbook includes state-specific assignments for Arkansas, Louisiana, Oklahoma, and Texas. State exercises include those on common types of laws, regulations, and case law in each state.

Dianna L. Noyes, series editor
California University of Pennsylvania

This new regional workbook series provides practical assignments on both the federal and state levels to complement most research books on the market. Each workbook begins with a federal section with exercises that give students practice researching federal cases, statutes, regulations, and procedures. The second part of each regional workbook will feature state-specific exercises for that region. For example, the South Central Region will include state-specific exercises for Arkansas, Louisiana, Oklahoma, and Texas.

The regional divisions correspond with the states represented by AAFPE regions — North Central, Pacific, South Central, Northeast and Southeast.

To learn more/request a review packet, contact Beth Hall at bhall@cap-press.com or (919) 489-7486 x121



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MESSAGE FROM THE PRESIDENT

Ready. Set. Go!

I am honored and excited about being President of AAFPE. I have enjoyed being on the AAFPE Board for the past six years and although I am somewhat anxious about taking on the position of President, I feel that my six years on the Board have provided me an excellent background for the organization and the workings of the Association. I am ready to focus on the goals that the Board has established. The following is an outline of some of the actions I intend to implement over the next year:

1. Get the various committees up and going and establish long- and short-term goals for each.
2. Prepare for the National Conference to be held in Portland, Oregon.
3. Revitalize the website and make it more user friendly. We hope to add more information, especially technology, and also have a place for sharing assignments.
4. Develop technology resources.
5. Increase membership.
6. Establish representation on the National Conference Committee from each region to provide a broader range of presentations.
7. Possible collaboration with NFPA in Portland (their conference is in Portland at the same time as our National Conference).

COMMITTEES

The following are the current committees and task forces:

- Access to Justice Committee
- Alternative Delivery Task Force
- Education Committee
- International Networking Committee
- Marketing Committee (Public Relations)
- Membership Committee
- Model Syllabi/Core Competencies Task Force
- Publications Committee
- Scholarly Journal
- Technology Committee
- Website Task Force
- Writing Task Force

I encourage you to become involved in a committee or task force that interests you. Your participation is the fuel that powers our Association and is essential for our growth and strength. The Model Syllabi/Core Competencies Task Force has an important task to pursue. This year, we hope to develop one or more model syllabi or possibly a DVD on professionalism. Another goal is clarification on what "substantial compliance with the ABA" means, and how to handle memberships with all-online programs. The Membership Application Task Force has been commissioned to review the membership requirements and make recommendations.



AAfPE President
Carolyn Smoot
Southern Illinois University

AAFPE NATIONAL CONFERENCE, PORTLAND, OREGON

The theme of the next National Conference is "The 21st Century Paralegal". We encourage everyone to get their Call for Proposals in as soon as possible with a topic that interests you. The deadline is February 1, 2009; however, it is very important for us to get the proposals as soon as possible so that the Conference Chair and Committee can be working on the program. If they have to wait until February, it will be very difficult to get all the organization completed that is required to put on the first-rate program we experienced this year. There were a total of 39 sessions at this year's conference, which is amazing. Therefore, please check out the Call for Proposals in this edition of *The Educator*. Whatever topic you would like to present, the Committee can ask others to join you, so that you are not responsible for finding other speakers yourself.

Portland is a gorgeous city and in this edition, we have information

Continued on next page

President's Message

Continued

about the location and details about the conference. We hope you can attend. At our conference in Dallas, I heard so many comments about it being the best conference with the best material. I can tell you from my experience in attending eleven conferences, each time I go, those comments are made. That is what is exciting about this organization: that we can come together and share ideas in an open manner and each conference offers so much information and such great networking opportunities. We had a new member orientation at the start of the conference in Dallas and the attendees were already excited about the conference. Since Halloween is the Saturday of our conference, anyone who has any thoughts on activities that we could do related to Halloween, feel free to e-mail me. I do hope to see you in Portland. If you have any questions or suggestions for the conference, feel free to contact me at csmoot@siu.edu.

WEBSITE

Talley Management has been given the task of updating the website and making it more user friendly. The Board asked for its direction in helping us develop a more useful website, one that provides information for the membership and one that can be used for advertising the organization. In the next two months, look at the website to see new postings. We hope to add more information, especially

regarding technology, and also have a place for sharing assignments. If you have suggestions regarding the website, please send them to me, and I will forward them to the management company or e-mail Gene Terry (gterry@talley.com) at Talley Management.

TECHNOLOGY

One of the goals regarding technology is to put links to resources on the AAFPE website that are easily accessible and can be used in classrooms. We are also requesting from you guidance in determining what software programs and other resources are the primary ones that schools should be teaching and the best ways to do so.

INCREASE MEMBERSHIP

Our membership is at 459 at this time, up from the year before; however, I think there are still many non-member schools that could benefit from AAFPE, and we could benefit from their membership. I am hereby challenging you to seek out and provide to us the name and contact information for any schools you know of that are not members of AAFPE. Please e-mail that information to Talley Management, gterry@talley.com. We would like to contact any prospects that you give us. Nancy Harbour is President-Elect and in charge of membership. You, as paralegal educators, are in the perfect position to get the names of schools that are not currently AAFPE members. I appreciate your help in this challenge.

NATIONAL CONFERENCE COMMITTEE

I would like to thank the National Conference Committee for their work in putting on such a fabulous conference in Dallas and for their current hard work on the Portland conference. This year we will have a representative on the National Conference Committee from each region. I hope this will help broaden the base so that more members from all over the United States are speaking. Not that this hasn't been done in the past, but having representation from each region is a concerted effort to make it possible for each region to provide speakers.

I want to thank Talley Management and Meridyth Senes, our Executive Director, for their hard work this year. They are instrumental in the success of our organization and handle so many details that are never visible to most of us. As most of you know from the announcement on the listserv and e-blast, Meridyth is no longer our Executive Director and Gene Terry was recently appointed. I wish Meridyth the best in her future endeavors and I look forward to working with Gene to further the mission of AAFPE.

Again, I look forward to serving you as President. If you have comments, or questions please e-mail me at csmoot@siu.edu. I wish you a great year and hope to see you in Portland October 28-31, 2009 for the 28th AAFPE National Conference. ■

MESSAGE FROM THE PRESIDENT-ELECT

Expanding Membership and Visibility

Thank you sincerely for your vote of confidence in electing me AAFPE President-Elect. As we begin this journey together, I am following in some incredible footsteps. Thankfully, I am surrounded by a tremendous President and Board of Directors.

At each Board meeting last year, and in all of my conversations with so many of you in Dallas, I was constantly reminded of the just plain kindness that exists in this membership. We all do help each other to become better at teaching our paralegal students. Of course we have differences! However, our method is to resolve differences for the good of AAFPE, our institutions and our students.

With this core AAFPE method, I hope to work with you towards expanding two areas: AAFPE's membership and AAFPE's visibility as the "go to" organization for paralegal educators. Our organization offers many wonderful benefits to its member educators. It seems a natural cycle that if we promote our benefits, membership growth should follow. To me, these

growth goals remain realistic despite the tough economic times our programs and institutions are enduring. I look forward to my assigned duties, including continuing the membership mentor-mentee work, which has been so carefully shepherded by Carolyn Smoot, now our President. As President-Elect, I will also be working on membership.

Overall, two vehicles for growing AAFPE's visibility and membership occur to me: (1) our regional conferences, and (2) our work in Access to Justice initiatives. A lot of good, hard work has gone into our past regional conferences. Let's continue to build on that momentum to encourage more participation from member and non-member educators. Regional conferences are also a terrific way to promote AAFPE in the legal communities in our own backyards.

Looking at our two last annual conferences, I dare say that no session seems to generate as much energy as our meetings on Access to Justice. We need to



AAfPE President-Elect
Nancy Caine Harbour
Eastern Michigan University

continue this momentum by focusing on the development of specific AAFPE goals and plans for Access to Justice. A necessary first step is an inventory of what our own membership is doing in Access to Justice. Albeit slowly, I believe that this inventory process is moving forward. One member in Dallas suggested that we expand our Access to Justice discussions to the regional meetings. I agree! If Dallas is any indication, an ATJ event at our regionals could be a draw for vigorous attendance.

Finally, I have to thank Marisa Campbell, our outgoing President, for all her work on our AAFPE procedures, policies, and processes. We can all move forward with an organized dynamic without which we legal professionals would be lost.

Thanks for reading. ■

MEMBERSHIP REPORT

Nancy Caine Harbour, Membership Chair

NEW MEMBERS

AAfPE is pleased to welcome the following new members since the last membership report in *The Paralegal Educator*:

Institutional

Lake Superior College
Duluth, MN

Delaware Technical & Community College
Georgetown, DE

Individual

Laura Alfano
Virginia College at
Birmingham, AL

MEMBERSHIP STATISTICS

As of December 2008

Institutional	359
Associate	32
Affiliate	6
Sustaining	11
Individual	32
Honorary	19
Total	459



A Paralegal Educator's CD Library

- 1. AAfPE Model Syllabi & Model Surveys** **Member Price: \$95** **Non-member price: \$395**
 The original CD containing 23 model syllabi plus three surveys. A must for your resource library! **Model Syllabi:** Administrative Law (1996), Alternate Dispute Resolution (1997), Bankruptcy Creditor's Rights (1998), Business Organizations (1994), Constitutional Law (1996), Contract Law (1999), Elder Law (1997), Employment Law (1995), Environmental Law (1995), Family Law (1994), Interviewing and Investigation (1995), Introduction to Law (2000), Introduction to Paralegalism (1993), Law Practice Management (1996), Law Office Computer Applications (1998), Legal Ethics and Professional Responsibility (1998), Legal Research & Writing (1993), Legal Research & Writing & CALR (2001), Litigation (2000), Paralegal Internship (1998), Probate and Estate Administration (1994), Real Estate Law (1993), Tort Law (1996), Wills, Trusts, and Estate Planning (1995) **Model Surveys:** Employer Survey, Graduate Survey, Student Satisfaction Assessment (Editable .doc files)
- 2. AAfPE 2002 Model Syllabi Supplement** **Member Price: \$30** **Non-member price: \$60**
 Contains Introduction to Paralegalism, Estate Planning & Administration and Introduction to Legal Nurse Consulting. (Editable .doc files)
- 3. AAfPE 2003 Model Syllabi Supplement** **Member Price: \$30** **Non-member price: \$60**
 Contains: Criminal Law & Procedure, Family Law, Real Estate Law, Sports and Entertainment Law. (Editable .doc files)
- 4. AAfPE Model Exit Assessment Tools** **Member Price: \$85** **Non-member price: \$170**
 Contains: Core Competencies, Model Capstone Syllabi: Advanced Paralegalism, Advanced Research & Writing, Applied Law Office Technology, Model Portfolio Requirements, Model Internship Requirements, PLUS Comprehensive Exit Assessment Test with Key and Grading Rubrics. (Editable .doc files)
- 5. 2004 Model Syllabi Supplement** **Member Price: \$30** **Non-member price: \$60**
 Contains: Business Organizations (revised 2004), Interviewing and Investigation (revised 2004), American Indian Law (new) and Model Primer on Transitioning to online. (Editable .doc files)
- 6. 2004 Education Series** **Member Price: \$95** **Non-member price: \$195**
 The Virtual Law Office Contains: The Virtual Law Office and Classroom Projects. (Editable .doc files)
- 7. 2005 AAfPE Model Syllabi Supplement** **Member Price: \$35** **Non-member price: \$65**
 An update to the original CD on Administrative Law (revision and update); Employment Law (revision and update); Environmental Law (revision and update); Tort Law (revision and update); and Intellectual Property. (Editable .doc files)
- 8. AAfPE 2007 Educational Resource** **Member Price: \$85** **Non-member price: \$170**
 The CD includes: Model Surveys: Employer Survey; Market Assessment Survey; Graduate Survey; Student Satisfaction Survey; Student Survey of Online Learning; Creating Electronic Surveys; **Immigration Law Model Syllabus** ; **International Law Model Syllabus**

TITLE	Quantity		Member	Non-Member	Total
1. Model Syllabi/Model Surveys		@	\$95.00	\$395.00	
2. 2002 Syllabi Supplement		@	30.00	60.00	
3. 2003 Syllabi Supplement		@	30.00	60.00	
4. Exit Assessment Tools		@	85.00	170.00	
5. 2004 Syllabi Supplement		@	30.00	60.00	
6. The Virtual Law Office		@	95.00	195.00	
7. 2005 Model Syllabi Supplement		@	35.00	65.00	
8. AAfPE 2007 Educational Resource		@	85.00	170.00	

ORDER TOTAL: _____ \$

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**PORTLAND 2009
THE 21ST CENTURY PARALEGAL
CALL FOR PROPOSALS**

DEADLINE: February 1, 2009

This application MUST be completed and received by AAFPE by February 1, 2009

**TOPIC AREAS
TO CONSIDER:**

- New kinds of jobs for paralegals
- New courses and skills we should be teaching
- Latest technology for paralegals
- Access to justice
- Alternative ways to teach/study abroad
- Electronic research
- Looking to the future – changes that are coming
- Teaching tips and creative classrooms

Title of Your Presentation:

Brief Description:

Name:

Institutional Affiliation:

Telephone:

Fax:

E-mail:

INSTRUCTIONS FOR SUBMISSION

For consideration of your proposal

- Provide complete mailing information, phone and e-mail address.
- Submit a separate form for each program proposal.
- Provide a program content outline.
- Provide a 50-75 word program description suitable for inclusion in conference marketing.
- Provide the above items by **February 1, 2009** or your presentation will not be considered.

Materials

- All handouts for reproduction must be received at AAFPE Headquarters by **July 15, 2009**.
- Acceptable electronic formats include Word®, WordPerfect®, PowerPoint® or PDF.
- Each speaker is limited to conference materials of **15 pages**, front and back.
- Any copyrighted materials should include a permission letter from the publisher.
- The Conference Chair and Meeting Manager reserve the right to approve and edit session materials.
- Most sessions are scheduled for one hour and 15 minutes. Please allow time at the end for questions and answers.

Reminders

- Late submissions will not be considered.
- Session presenters do not receive an honorarium, reimbursement for travel expenses, nor waiving of conference fees, but they do receive recognition in the conference brochure for their valuable contribution to paralegal education.
- Attendees have paid for and expect to receive complete handout materials. Should you miss the deadline of **July 15, 2009**, you will be responsible for providing enough handouts for attendees. **AAFPE will not cover on-site copying of session materials.**
- Speakers should remember that members attend these sessions for educational purposes. While speakers may mention books, articles, tapes or DVDs they have authored or edited, sale of such material is permitted only in the exhibition hall by registered exhibitors.

Equipment

- If chosen to participate at the Annual Conference, an Equipment Request Form will be sent with your confirmation materials. However, when planning your presentation, please consider:
- AAFPE **will** provide LCD projector, screen and lavalier or table microphones for individual session rooms. All other needs will be the responsibility of the speaker.
- **Limited** Internet access will be available. Please advise if access is **necessary** for your session.

Signature:

Date

FORM MUST BE RECEIVED BY AAFPE NO LATER THAN FEBRUARY 1, 2009

Proposals should be e-mailed to **AAFPE Headquarters** info@aafpe.org
or mailed to: AAFPE 2009 Annual Conference CFP
19 Mantua Road, Mt. Royal, NJ 08061
Telephone: 856-423-2829 • Fax: 856-423-3420

Remaining Ethical in an E-Discovery Age

Monica Lehre, CLA, Empire College

Teaching the ethical implications of technology in the law office to paralegal students is one of the most challenging parts of a paralegal educator's job. Technology is always changing and law offices are notoriously slow to adapt, especially to the ethical issues inherent in electronic discovery. It is often the job of the graduating paralegal student to educate her new boss about the "duty to investigate" and "reasonable inquiry" ethical obligations in the face of e-discovery.

For example, a client wants to sue her former employer for sexual harassment. She comes into the law office with a "smoking gun" e-mail in which it was suggested that she be fired ASAP after her charge of sexual harassment was filed, partly in order to keep her from being eligible for any year-end bonuses.¹

At this point, the law office must jump into action. Even before a lawsuit is filed, a preservation letter must be sent to the employer or the employer's attorney. This letter demands that all hard drives, disc formats, backup files/storage devices, pretty much any electronic media in which data can be stored, must be preserved by the employer until the final resolution of the dispute. Even imbedded data (metadata), deleted files, and file fragments that might be written

over and destroyed in the normal course of business, must be maintained and preserved.

The law office has an ethical duty to demand the preservation of this electronic evidence before it is lost forever. Without this evidence, there is a good chance the case will suffer and even be lost. Paralegal graduates with the latest training in e-discovery are in the perfect position to come into a law office and save it from its old-fashioned discovery techniques.

The client needs to be educated about what electronic data must be maintained and preserved in order to prevent spoilage.

On the other side of this coin is the attorney for the employer who receives the letter demanding preservation of electronic evidence. The worst mistake this office can make is to put this letter into a file and forget about it. Sending the letter to the client is a good start, but not good enough. The client needs to be educated about what electronic data must be maintained and preserved in order to prevent spoilage. It is not just data usually available to the ordinary computer user; it is Internet and web-browser-generated history files, caches, and "cookies" files, logs recording network use, copies of back-up files, electronic information in fax machines, data kept on thumb drives, cell phones, PDAs, CDs,

DVDs, and a host of other electronic devices that have become an integral part of the business world.

Educating the client may involve talking to technology experts about how best to preserve the evidence while continuing the everyday use of technology by the business. Since the evidence, or at least some of the evidence, is usually sitting on the servers used everyday by the client, it can be difficult to explain to the client that even performing a regular

backup of the hard drives can erase evidence that has to be produced.

Again, this triggers an ethical issue. The attorneys have an ethical duty not to suppress evidence. Attorneys must alert their clients and educate them about preserving evidence. If the electronic evidence isn't preserved, then the sanctions from the court can be catastrophic. The cases involving the issue of spoliation of the evidence have included the presumption from the court that the evidence that was destroyed was relevant and favorable to the plaintiff.

Since 2006, when amendments regarding electronic discovery were added to the Federal Rules of Civil Procedure, the federal courts have been busy reviewing cases in light of these new rules.

Continued on next page

Ethical *Continued*

In *Ed Schmidt Pontiac-GMC Truck, Inc. v. DaimlerChrysler Motors Co., LLC*, 538 F. Supp.2d 1032 (N.D. Ohio 2008), the court ruled that the defendant failed to implement a litigation hold and replaced or altered employee hard drives. The court allowed the plaintiff to add a cause of action of spoliation even though the defendant believed the cause of action would bias the jury against it.

In *Qualcomm Inc. v. Broadcom Corp.*, 539 F. Supp.2d 1214 (S.D. Cal. 2007), the court sanctioned defendant's counsel and referred them to the state bar for investigation of ethical violations. The defendant's counsel produced nominal e-mails when a simple word search in defendant's archives would have produced thousands of emails. The court relied on California Rules of Professional Conduct, Rule 5-200, which provides that "a lawyer shall not seek to mislead the judge or jury by a false statement of fact or

law." It also relied on Rule 5-220, "that a lawyer shall not suppress evidence when the lawyer or the lawyer's client has a legal obligation to reveal or produce evidence."

The issue of preservation of electronically stored information has affected even the White House. In July of 2008, a Federal court ruled on a case involving the alleged destruction of millions of e-mails by the Executive Office of the President.² This case is different from most spoliation cases because the plaintiffs, one of them being the National Security Archive at George Washington University, are seeking to preserve these electronic communications for the historical record of our country. Thus, the e-mails are not evidence yet; in fact, the preservation of the e-mails is the crux of the case. This case shows us that electronic communications are so easily erased that we can lose not just evidence but a part of our national history as well.

Two unintended by-products of the electronic age are the proliferation of evidence in every nook and cranny of electronic media and its casual destruction. Paralegal students are in the best position to come into law offices armed with the knowledge of what all of this means and how best to protect clients and attorneys from costly ethical missteps in dealing with this technology. Now, more than ever, through legal technology courses, we can bring paralegals into the workplace who are equipped to take on the ethical challenges of electronic discovery. ■

ENDNOTES

¹ This fact situation is taken from *Zubulake v. UBS Warburg, LLC*, 229 F.R.D. 422 (S.D.N.Y. 2004).

² *Citizens for Responsibility and Ethics in Washington, v. Executive Office of the President, National Security Archive v. Executive Office of the President*, (2008) U.S. Dist. LEXIS 57261

Monica Lehre is a Certified Paralegal and head of the Legal Department at Empire College in Santa Rosa, California.

Assessing an Academic Service-Learning Project: The Arthur Kill Correctional Facility Inmate/Student Debates

Ellen Boegel, St. John's University

This paper will assess an Academic Service-Learning (AS-L) Debate Team project developed by St. John's University and Arthur Kill, a New York State medium-security correctional facility.

AS-L assessment begins with identifying institutional goals and analyzing their alignment with

the outcomes of the AS-L project. Each AS-L project serves two groups — student and community. AS-L projects are most successful when the goals and outcomes established for each group are congruous.

GOALS AND OUTCOMES

Identifying the various institutional goals of both the

school and community organization is the first step in AS-L assessment. Begin with the most universal goals and work toward the most immediate and concrete. For example, a goal of the St. John's AS-L program is to "[p]rovide our students and faculty with an opportunity to share in the pursuit of wisdom through active participation in

Assessing AS-L *Continued*

their education by immersing themselves in the human experience.” A goal of the Legal Studies division is to develop students’ critical thinking, research, and oral communication skills. The Advanced Legal and Research course is designed to meet these goals through student preparation for and presentation of an appellate oral argument or formal debate topic.

The mission of New York’s Department of Correctional Services is to provide “appropriate treatment services, in safe and secure facilities, that address the needs of all inmates so they can return to their communities better prepared to lead successful and crime-free lives.” Specific goals and policies of the department include teaching “inmates the need for discipline and respect” and establishing “a structured environment that fosters respect through disciplined learning.” The goals of the Arthur Kill Debate Club are “to

sharpen offenders’ research and language skills and enhance their poise, confidence, public speaking and ability to appreciate and respect different points of view.” Once the institutional goals are known, AS-L project outcomes should be determined.

The outcomes for each group in the Arthur Kill project were very similar and can be summarized as shown in Figure 1.

The second phase of AS-L assessment requires analysis of what actually transpired between students and the community and the identification of which outcomes were met.

ARTHUR KILL AS-L COMPONENTS—ROUND ONE

Topic Selection and Preparation

The Arthur Kill Debate Team coach consulted with team members and proposed a debate topic. Resolved: Juveniles should be tried as adults. The faculty member approved the topic and the inmate and student teams began to prepare. The inmates

chose to take the negative side; the students took the affirmative. The teams researched federal and state statutes, case law, sentencing and recidivism reports, and medical and psychological studies. Team members worked together to develop their arguments, anticipate rebuttals, and practice their presentations.

Debate Day

The debate was held in the evening at the correctional facility. Students arrived and were processed through security. Most student participants had never been in a prison. The process was somewhat intimidating as every student and the professor set off the metal detector. After being patted down and wanded, we were led to the community room where inmates meet with their families for visits. The room was clean and well lit. Approximately 30 inmates were assembled as an audience. Two inmates served as timekeepers. One student served as a moderator to explain the rules and introduce the competitors. Volunteers from the community served as judges. Two students presented independent arguments in favor of the resolution. They were followed by two inmates who rebutted and presented opposing arguments and one student with a final rebuttal. The entire debate lasted for approximately 40 minutes. The judges conferred and delivered their decision — the inmates outscored the students in every category, including diction, professionalism, logical reasoning, and researched support.

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FIGURE 1

PROJECT OUTCOMES FOR INMATES

Academic development

- legal research
- legal analysis
- public speaking
- intellectual curiosity

Personal development

- increased self-confidence
- respect for differing viewpoints

PROJECT OUTCOMES FOR STUDENTS

Academic development

- legal research
- legal analysis
- public speaking
- interest in our criminal justice system

Personal development

- compassion for the imprisoned
- appreciation for personal liberties
- respect for differing viewpoints

Assessing AS-L *Continued*

ARTHUR KILL AS-L COMPONENTS—ROUND TWO

After their initial resounding defeat, faculty and students at St. John's realized they needed more time to prepare for their next debate. They asked the inmate team to meet with them for a joint preparation/brainstorming session. The inmates agreed and both teams began independent research on a new topic – Resolved: Determinate sentencing is preferable to indeterminate sentencing. Students and inmates conducted independent research of federal and state statutes, sentencing guidelines, court cases, and policy reports. Six students and their professor met with eight inmates around a conference table set up in the community room. Approximately 35 inmates sat in an audience behind the conference table. The professor acted as moderator and asked for thoughts from the group on the arguments for determinate sentencing. The inmates gave a few well-formed arguments, such as uniformity, clarity, and leverage in obtaining plea bargains. The inmates then spent the better part of an hour educating the students on the personal, economic, and social harm done by long determinate sentences. The students were generally intimidated by the inmates' superior forensic abilities. Only one of the six actively engaged the inmates in questions regarding their arguments.

ASSESSMENT TOOLS

Students and inmates were asked to complete pre- and post-debate surveys to gauge their initial and subsequent knowledge of the debate topics and their personal expectations and reflections upon each others' abilities. These surveys were supplemented by observations of the professor and correctional facility debate coach and administrators.

Academic Development

Both groups increased their understanding of the criminal justice system, although the inmates began at a higher level of understanding because of their personal knowledge and interest. Both groups exercised their legal research and analysis skills. The inmates and students in the debate improved their oratory skills, but the students who participated in the discussion did not accomplish this objective. The inmates reported that the debate format sparked their intellectual curiosity, but the discussion format did not provide as great a stimulus. Both student groups reported increased interest in the criminal justice system.

Personal Development

The inmates' resounding victory in the debate clearly improved their self-confidence. The discussion format was not as useful for this purpose, but both formats increased their acceptance of differing viewpoints. Both groups of students expressed increased acceptance of differing viewpoints. They also

experienced appreciation for their personal liberty and heightened compassion for inmates. One student wrote,

When you grow up, no matter where or how, you are automatically prone to certain biases and beliefs... That is why it was so beneficial for us to see this segment of [society]. It is a reality check that we need from time to time in order to make judgments and decisions regarding our lives and the world we want to live in.

CONCLUSION

The Arthur Kill Debate Project meets AS-L and correctional facility goals by enabling inmates and students to improve their social and oratory skills and by allowing students to see the imprisoned in a new light. The debate format is preferable to the discussion format because it provides greater opportunities to meet the inmate outcomes of increased self-confidence and intellectual curiosity and the student outcome of improved public speaking. ■

Ellen Boegel is Assistant Director of the Legal Studies Program at St. John's University, Staten Island, New York. She earned her J.D. from George Washington University and served as Associate Counsel to the Unified Court System of the State of New York before joining St. John's.

In Search of Student Engagement

Mary Noe, St. John's University

It's been over 25 years since I graduated college and I remember little about my college classes. I know I attended every class, all of which were lectures. I took endless pages of notes, researched many topics and wrote papers. I don't remember speaking much in class; it wasn't necessary and no one wanted to hear what I had to say.

Fast forward 25 years and as Tevye said to his wife in *Fiddler on the Roof*, "It's a new world, Goldie." Today a professor lecturing for an entire class period will rate you a "sleeper/bore" on rateyourprofessor.com and will not advance the education of your students or prepare them for their future. Professors are in the education age of student engagement which has become every university's mantra. It probably has taken me the better part of three years to figure out exactly what "student engagement" means and how, if possible, it can be achieved.

In my opinion, a minimum definition of student engagement is the ability of the student to become totally engrossed in the class activity, whereby the student is listening, thinking, and participating in class.

The teacher's primary responsibility is creating a classroom environment where each student is engaged. According to Donald W. Harward, Ph.D., former president of Bates

Student engagement is the ability of the student to become totally engrossed in the class activity, whereby the student is listening, thinking, and participating in class.

College in Lewiston, Maine, college students are chronically disengaged from their academic experiences (personal communication, January 29, 2008).

Constructing a class to obtain student listening and, thereby, to achieve student engagement is a daunting task.

It is now known that university freshmen listen with an efficiency as low as 25% (Floyd, 2005). In addition, as a communication method, listening ranks first as compared to writing, reading and speaking (Wolvin, 1996). Finally, students understand approximately half of what is said when they are listening, and their attention span rarely lasts more than 45 seconds (Kline, 2007).

These statistics are alarming for any teacher.

CONSTRUCTING A MODEL CLASS

A model class of student engagement begins after the student has read the homework assignment and then has a framework for the lesson presented. The lesson presented is stimulating and causes the student to listen and block out external and internal distractions. With those conditions, the student may think and reflect about the information presented. If the information is unclear or incomplete, the student will ask

questions and participate in the lesson. Finally, the student can discriminate between essential information and extraneous information such as examples, evidence, or discussion. The student takes notes in order to remember the information presented. How can this model class of student engagement be achieved?

Reading

Reading is one of the keys to success in college. With the advent of text messages and e-mail, the students' ability to focus on a reading assignment of considerable length and complexity is more difficult than ever. Students must be motivated to read. Every professor has an inherent motivator for reading in every course: grades. To achieve this goal of student reading, a professor may present short questions at the beginning of each class based on the assigned reading for students to analyze and submit a written answer. In class, an immediate review of the question and answer provides instant feedback and reinforces both the student's analytical skills and the content. Reading is an absolute necessity to lay the foundation for the lesson so that the information is more meaningful within the context of the subject. Students will be

Continued on next page

Student Engagement *Continued*

motivated to read if it is part of a class assignment and their grade.

Listening

The second goal is to get students to listen.

Television and radio advertisers are familiar with the statistic of the attention span that lasts rarely more than 45 seconds.

Additionally, classroom listening requires actively listening as compared to television which does not require the listener to think about what is being said.

To engage students in listening and thinking, the professor must once again provide the grade motivation for the student. If I were to demonstrate in class the latest iPhone for student use, I am confident the students would listen intently. Unfortunately when I lecture about new material the motivation to expend the necessary energy to listen and think about the context is not present and there are few questions. I have experienced dead silence during lectures. The attitude of the student is "Will this be on the test?"

Based on the evidence of the time students listen, lectures should be divided into three to five minute segments. Time consideration must be given to the lecture content. Although I find reading legal cases and analyzing legal issues interesting, students may not have the same level of interest. Therefore, lecturing on complex, difficult, and tedious

information would be directly related to the length of time devoted to a particular lecture.

Grading

To assure active listening during the lecture, once again grading is the key. A percentage of the student's grade must be based on relevant questions asked about the lecture in class. This method forces the student to focus on the subject matter in order to have questions to ask. The questioning requirement is critical in forcing the student to listen, think, and reflect on the information presented so that if the information is unclear or incomplete, the student asks questions and participates in the lesson. Another creative option is to present a question at the beginning of class and have students write an answer. During the lecture the professor provides the answer and then gives the students an opportunity to correct their answers, if, of course, they were listening (Nevid).

Varying the Teaching Techniques

If students are only actively listening for five minutes, how can the professor cover the course material during class? After approximately five minutes, it may be necessary to change the teaching method. Today's professors have available to them a wide variety of teaching techniques such as group discussions, student presentations, crossword puzzles, PowerPoints®, in-class research and writing. During use of the varying teaching methods, there are many five-minute

opportunities for the professor to lecture. The students are continually stimulated by the variety of teaching methods, which keeps them alert and focused. Students' questions throughout the class period can create an interesting discussion among the entire group and result in more active listening and participating. A stationary podium is not always helpful in keeping the attention level high, and movement by the instructor throughout the classroom provides all students with a sense of one-to-one contact between the student and instructor. Teacher-student eye contact is essential and imposes a sense of participation on the student. Writing key words or phrases of the lecture on the board also provides a road map for the lecture and a basis for the students' notes and helps them to discriminate between essential and extraneous information.

Finally, and most significantly, the vision, design, and implementation of the course are the unique touch of every teacher. A positive, energetic attitude about the class the teacher has created must be maintained throughout a semester. A teacher's attitude about the course material and the student is not only apparent through words but body language as well. The teacher is the producer and director of that class for one semester. The teacher's energy will shape the students' attitudes toward the class, the reading, and the assignments.

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Student Engagement *Continued*

CONCLUSION

Constructing a class for student engagement is as demanding as delivering the course content. Moreover, it is a necessity for today's student. With proper appropriate attention to the listening process, students are enabled to complete the course as engaged participants. Their success, therefore, whether in education or in the work place, will be affected by the ability to read, listen, analyze, and think in class.

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Mary Noe is Assistant Professor of Legal Studies, St. John's University, New York. She is a state certified hearing officer in special education and has written numerous articles. She previously served as an ALJ for the NY State Department of Health, Office of Professional Medical Conduct. She earned her undergraduate degree from Brooklyn College and her law degree from St. John's University School of Law.

Developing Oral Presentations for the Paralegal Classroom

Rebecca Parker, Arapahoe Community College

Quality paralegal programs, as part of their curriculum, should address the need for paralegal students to make oral presentations. The American Bar Association wants paralegal programs to assess their students' oral presentation skills.

Students must demonstrate competency in oral communication. Programs may comply with this requirement by whatever means are appropriate for the student constituency they serve, such as requiring the satisfactory completion of a college-level course or courses that develop such skills, incorporating instruction into legal specialty courses, or having students demonstrate competency.

ABA Guidelines for the Approval of Paralegal Programs (Guidelines), G-302 E.4.

While many programs undoubtedly satisfy this requirement with general education courses, the ABA also requires programs to provide paralegal students with "practical assignments to develop paralegal job competencies." *Guidelines, G-301 B.3.* By incorporating oral presentations into legal specialty courses, paralegal educators can address the need for students to develop practical oral communication skills.

This article discusses some ideas and actual experiences my faculty and I have had in creating and using oral presentations in the classroom.



As we discussed how to introduce and develop oral communication skills for our students, we considered when paralegals would likely be using these skills in real world settings. Examples included:

- Interviewing for a job
- Receiving oral instructions
- Reporting information
- Presenting to a group (such as a training situation)
- Participating in mediations, administrative hearings, or other situations where paralegals make oral presentations.

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Oral Presentations

Continued

Of course, oral communication includes listening as well as speaking. The faculty realized that virtually all of the assignments we provided to our students included written instructions. Yet, during many years of practicing law, I rarely provided my paralegals with a detailed set of written instructions on how to perform a task or complete a project.

Instructions were given in a phone message, in my office, and often in the hall! Paralegal students needed to learn how to listen carefully and carry out instructions given orally.

Accordingly, in several classes, instructors now occasionally give students an assignment by giving the instructions aloud. We recommend you write out your instructions and read them rather than relying on memory. This will permit you to have a record of exactly what you told the students about the assignment. Students are permitted to take notes and are warned ahead of time that the instructions will be provided orally. They are also permitted to ask the instructor questions about the instructions, but students may only hear the instructions once. This forces students to focus on the “listening” side of oral communication skills. If our experience is typical, this is an underdeveloped skill at best.

In your Capstone or Internship course, it would make sense to have students complete a mock job interview. In addition to your faculty conducting the interview,

You might consider having a member of your advisory committee interview the students. Interviewing with strangers can more closely simulate the real anxiety of a job interview.

you might consider having a member of your advisory committee interview the students. Interviewing with strangers can more closely simulate the real anxiety of a job interview. Students can also receive immediate feedback on their skills and get suggestions for improvement. If you conduct a mock interview in your introductory course as well, you might use the difference in results from the first interview to the second interview as part of your assessment of your students’ oral communication skills.

In a number of classes, we ask students to present a project orally to the rest of the class. For example, in several courses, students read an article or a case (from a list chosen by the instructors) on an appropriate topic and summarize the article to the class. Many students really enjoy the opportunity to make an oral presentation and enhance the presentation with PowerPoint®, handouts, and other visual aids. Other students, apprehensive about these presentations, get a chance to face their fears in a relatively low-risk situation.

In other classes, students are required to attend a hearing or court proceeding and present a summary of their observations to the class. I give students some information I want them to acquire during this project, such

as giving time/date/place of hearing and specific details about the case. Because the program first used these assignments in our Torts class, we refer to these projects as “Go to Court; See a Tort; Make a Report” assignments, although they can be used in classes from Civil Litigation to Administrative Law.

Alternative Dispute Resolution is a class that naturally lends itself to oral projects. Students in our course conduct a face-to-face negotiation, mediate a dispute between other students based on a hypothetical, and participate in an arbitration hearing. In the arbitration project, students are assigned roles based on a lengthy hypothetical designed by the instructors. I teach this course with another faculty member, and we act as the panel of arbitrators. At the conclusion of the hearing, the students not only receive a grade but an actual decision from the arbitrators. Interestingly, although the hypothetical we use has not changed significantly over several semesters, the results we give as arbitrators vary considerably depending upon the students’ presentations.

In another example, the instructor in our Business Organizations class gives students a group project to form a specific business entity. The students must work together to negotiate the terms of their entity, and then make an oral

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Oral Presentations

Continued

presentation as a group concerning the results of the project. On a couple of occasions, the students have been unable to reach an agreement on the entity, which made for a most interesting oral presentation — but one which reflected real life.

Finally, in Administrative Law, I have the students prepare a case to present to me as I play the part of the administrative law judge. The students are paired up (one to act as a witness, the other as the representative) and oppose another pair in the hearing, based on a hypothetical set of facts I provide. The students on the agency side receive a brief set of “regulations” on which both sides base their argument to the judge. I developed these regulations by copying actual regulations from a state agency website, then simplifying and condensing them

to include only those regulations relevant to the hypothetical. The students attend a pre-hearing conference with me the week before their hearing so that I can be assured that both sides are on the right track for the hearing itself. Some students are very nervous about the presentation, and the pre-hearing conference seems to calm them down a bit.

In any situation where the students are doing a presentation based on a hypothetical, the difficult part is preparing a balanced hypothetical, where solutions are available without being obvious. Once you have achieved this, however, we think you’ll enjoy the process of watching your students negotiate and advocate — and most students will enjoy the challenge of doing something different in the classroom.

A final word of advice: using a scoring rubric is extremely helpful when you are grading any oral

project. I always take extensive notes on my rubric while the presentation is happening, because I know that I will need them later as I make my grading decisions.

I hope that this stimulates some ideas for you on how to incorporate oral communication skills into your paralegal program. My faculty and I love listening to, and participating in, the oral projects our students prepare. ■

Rebecca Parker is the Department Chair of the Paralegal Department at Arapahoe Community College in Littleton, Colorado. She teaches courses in Legal Analysis, Legal Research, Alternative Dispute Resolution, Administrative Law, and Cooperative Education. She practiced law in Colorado for 27 years, and has been teaching paralegals since 1989. She received her B.A. from Phillips University, her M.S. from the University of Denver, and her J.D. from the University of Oklahoma.

Developing Leadership Skills in Student Organizations

Linda T. Chin, St. John’s University

Numerous theories and definitions of leadership and equally as many scholarly articles and books have been written on the topic of leadership. One scholar defines leadership as “the process of persuasion or example by which an individual (or leadership team) induces a group to pursue objectives held by the leader or shared by the leader and his or her followers.”¹ Another

leading scholar states that the leadership process entails “initiating and guiding and working with a group to accomplish change.”²

While definitions of leadership vary, there is credible research to suggest that student involvement in leadership activities in a college environment is directly related to student educational and personal



development.³ One of the studies, “Developmental Outcomes of College Students’ Involvement in Leadership Activities,” conducted in 2001, used longitudinal data from 875 students at ten institutions to support this assertion. The study assessed

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Skills *Continued*

whether leadership education affected college students' leadership ability, and personal and educational development. One of the outcomes of the study is that student participants in leadership activities "were more likely to report growth in their commitment to civic responsibility, conflict resolution skills, ability to plan and implement programs and activities, and willingness to take risks."⁴

As an example, using a rubric comprising the above factors as a form of assessing leadership skills, I will focus on the leadership skills of the officers of the Legal Society at St. John's University. The Legal Society at St. John's University is a student-run organization that works to enhance the relationship of the Legal Studies Program to the legal profession by various student-organized activities.

In order to maintain its active status as a viable student organization, the Legal Society must follow certain guidelines. It must stay within its allocated annual budget,⁵ it must sponsor at least three programs, and it must organize at least one community service event. The Legal Society has sponsored guest speakers, visits to courts, workshops on preparing for the law school application, an LSAT review course, and a workshop on how to pass the Notary Public test. It also has published a bi-annual newsletter written entirely by the students and helped organize its first Annual Legal Studies Award Dinner this

past semester. In addition, the Legal Society also has sponsored several fundraisers benefiting the homeless and supporting cancer research.

As the faculty advisor for the Legal Society since 2006, I have personally observed that the organization provided a vehicle for leadership development. My role as a faculty advisor was to serve as a resource and provide guidance to the students when needed. The officers of the Legal Society initiated, organized, and implemented most of the programs they set out to accomplish at the beginning of each semester. The process of organizing these programs required specific leadership skills such as delegating and collaborating on tasks, and following up to ensure that these tasks were completed. I observed that in addition to these skills, other skills came into play: the ability to address or resolve conflicts among and between members of the organization and the willingness to take risks when faced with a lack of clear or ambiguous facts.

An example of developing leadership skills involves the publication of the Legal Society's bi-annual newsletter, *Notorious*. The student editors of the newsletter solicit and edit articles, design the graphics, prepare the newsletter for printing and disseminate it to the college community. Since many of these tasks are time-sensitive, the students' organizational and follow-up skills are essential for publishing this newsletter.

The leadership of the Legal Society demonstrated risk-taking and other skills when it sponsored the first Legal Studies Awards Dinner. The Awards Dinner was a risk because it was never done before; and at first, the embarrassment of failure appeared to outweigh its benefits. In spite of this, and after support shown by the student membership and the faculty, the Legal Society moved ahead and helped organize this significant event. The dinner was a complete success and the turnout exceeded their expectations. Students, parents, faculty, alumni, and outside parties who were involved with the Legal Studies Program participated. I need not dwell on the details of organizing this event. But leadership skills were used by the students in making this event successful: pre-planning, consensus building, conflict resolution, collaboration, follow-up and risk-taking.

The Legal Society also gave the students an opportunity to foster civic responsibility. The officers initiated more community service activities than required by the university. It organized a fundraising walkathon to benefit the homeless, initiated a toys-for-tots drive during the holidays, and mobilized the community to participate in a "Relay for Life," which raises money for the fight against cancer.

While my conclusion regarding leadership is not based on any scientific inquiry, most of the students who held leadership positions in the Legal Society also achieved academic success.⁶

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Skills *Continued*

These students exhibited their leadership skills in the student organization and in the classroom. The skills to collaborate, to resolve conflicts, to follow up on assignments, and to take risks are critical skills that are needed both in the classroom and as leaders of student organizations. The Legal Society at St. John's University was able to provide students a mechanism to develop and enhance these skills. ■

ENDNOTES

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- 5 For 2007-2008, the Legal Society's annual budget was \$1,100.
- 6 Since many of the officers of the Legal Society were in my classes, I was able to observe their academic performance.

Linda T. Chin is an Assistant Professor at St. John's University in New York City, where she teaches Legal Studies courses. Prior to teaching, Professor Chin served as Dean of Faculty and Staff Relations and Special Counsel to the President at Hunter College. She also served as Counsel for the New York State Judicial Commission on Minorities and as a Corporate Attorney at Consolidated Edison, Inc. Linda may be reached at ChinL@StJohns.edu.

Student Centered Teaching Across the Gender Divide

Martin J. Connor, Kaplan University, Valerie J. Connor, Kaplan University

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ABSTRACT

This paper presents the results of a literature review on gender learning differences in online higher education. Knowledge of gender differences provides important tools for curriculum development, classroom instruction, and student retention.

The purpose of this literature review is to examine the differences that exist between genders in online education. Similarities and differences will be highlighted, as well as suggestions for how online educators can make the learning environment attractive to both genders. Focus is on curriculum, retention, increased participation, and overall academic success.

Researchers and scholars tend to agree that men and women learn differently (Connell & Gunzelmann, 2004; Kimura, 1999; Kaledin, 2005; "Gender Differences," n.d.). Knowledge of these differences influences curriculum, teaching methods, and retention. Research indicates that females tend to excel in reading, writing, and collaborative learning, while men tend to shine in math, science, and competitive learning environments. (Kimura, 1999; "Gender Differences," n.d.). Differences surface early in the academic career of children and continue throughout adulthood (Connell & Gunzelmann, 2004).

Understanding these learning differences can provide instructors important tools to improve classroom performance of students in online higher education.

Research indicates that men are more interested in computers than women, and so one would expect that more men than women would take and succeed in online learning. Recent research examines the facts: Despite evidence that both men and women have an equal potential to be successful in higher education online (Coldwell, Goold, Craig, & Mustard, 2007), women outnumber men in enrollment in online education and actually do better in online courses (McSporran & Young, 2001).

Since the 1970's, women have closed, and then reopened, the gender gap in higher education. According to the U.S. Department of Education (2008), 57.9 percent of students receiving higher education degrees are women. In online education, that number is even greater. At Kaplan University, for example, 77.6% of students are female—in some schools, such as Legal Studies, the percent is as high as 90% (E. Kreul, personal communication, April 10, 2008). Males are not only less likely to attend college, they are less likely to graduate. (Sax, 2007).

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Gender *Continued*

Why does a gender gap matter?

According to the University of Fairbanks Boys Project (2008), people with college educations tend to have larger salaries, spend more time participating in civic duties, have more stable marriages, spend less time incarcerated, and contribute more to the global economy. An educator's goal should be to provide those opportunities to all students — regardless of gender. Also, while some educators might have a preference for having one gender or another in their classroom, recent research has demonstrated that overall participation is increased when there is an equal number of men and women in an online classroom (Hamann, 2004; Sierra & Wang, 2002).

Also, balancing the number of males and females in an online course results in a stronger social network (Sierra & Wang, 2002), and more accurately reflects the workplace our students seek to enter. Finally, by offering educational experiences that are attractive to both genders, educators can improve retention rates and increase market share.

There are interesting differences between male and female online learners. A study completed in New Zealand revealed that women are more successful in online learning than males. The study's student survey results indicated that women tended to read and follow all directions, worked sequentially and set aside quiet time to do their online work. In contrast, males tended to

By offering educational experiences that are attractive to both genders, educators can improve retention rates and increase market share.

access classes at various times of the day and did not work in linear patterns (McSporran & Young, 2001). Another study completed in Australia discovered that students who explored the online platform early in the term had increased self-confidence and were more effective in the classroom (Coldwell, et al, 2007). Of the students polled, 82% of the females completed early exploration as compared to 58% of the males; also pointed out by that study, only 75% of males felt it was their role as an online student to ask questions vs. 87% of females.

In addition to having different methods of accessing the classroom, as noted above, women and men also have different methods of posting on asynchronous and synchronous forums. One online graduate course found that women had slightly more non-substantive posts during threaded discussions (Davidson-Shivers, Morris, & Sriwongkol, 2003), but most indicate that males and females post an equal number of on-topic messages (Davidson-Shivers, et al, 2003; Sierra & Wang, 2002). Within those discussion posts, males are more likely to post information, as shown in this example taken from a class: "This is a fairly simple question that is seen every day by most people in bad neighborhoods all across America. It's statistically proven that less opportunity in an area raises criminal activity

significantly." In contrast, women use more opinions and collaborative statements when participating, as in this actual class example: "In my opinion social class and crime are related in many ways, (sic) Speaking from experience the more money you have the lesser your crime is plead down."

Most importantly, researchers note that offering an "open learning mix," that in which different features of online learning are combined, is important to support individual learning (Astleitner & Steinberg, 2005). Females and males have distinct learning needs and offering a flexible learning environment is imperative to fostering success in the online classroom.

How then do online educators offer a supportive, adaptive, and effective learning context that meets the needs of both genders? Studies show that some aspects of online education are beneficial to both genders. For example, according to research completed by Anderson and Haddad of Eastern Michigan University, professor support of students influences expression of voice more strongly than the flexibility of the online course environment (Anderson & Haddad, 2005). This indicates that both males and females appreciate a strong instructor presence within the online classroom. Also, since

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Gender *Continued*

1997, studies have demonstrated that both genders feel comfortable using computer technology (Gunn & McSporrán, 2003).

Other researchers recognize the learning differences between males and females, and call for gender equity in the creation and implementation of online programs (Garland & Martin, 2002). Although not every male or female will exhibit stereotypical learning differences, it is important for educators to recognize differences and attempt to meet the needs of all individuals. By offering curriculum that encompasses the preferences of both males and females, online educators can make the online experience attractive to both genders. For the purposes of this article, we will offer suggestions from research where preferences of the majority of males and females are represented.

“Boys are wired to seek a high position in the pecking order” according to Eli Newberger from Harvard Medical School (as cited on the Council for Exceptional Children). This competitive desire continues into adulthood and offers educators many opportunities for increased learning. For example, online instructors can use educational games and challenges within the standard curriculum (e.g., <http://jc-schools.net/tutorials/PPT-games/>). Other ways to incorporate competition into the curriculum include trivia contests, brainteasers, offering right/wrong

answers, and asking students to delve further into the course material by offering clues to difficult questions, but without giving away the complete answer.

Males also prefer theory readings along with concrete instructions with a clear rationale for completing assignments. In addition, in a study completed at Southwest Missouri State University, males indicated that within the online classroom they preferred teacher-directed learning (Garland & Martin, 2002). While many online instructors consider themselves to be facilitators of learning, it is important to remember that male students can benefit from traditional lectures.

In contrast to most males, many females view online education as an opportunity to communicate and collaborate with other students. They prefer open-ended questions and assignments that require interaction with fellow classmates. Also, women tend to prefer or enjoy group work, such as team assignments (Garland & Martin, 2002).

In summary, the results of this literature review indicate that to increase retention and student success we should strive to incorporate the preferences of both genders into our online classrooms. Research has demonstrated that having gender balance in the classroom is beneficial to all students — both in increased participation and in fostering a stronger social network. Increased participation and stronger community translate

into higher retention rates and successful students who achieve their dreams. Just as we teach to all learning modalities, we should teach to all gender modalities as part of student-centered learning. ■

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Martin Connor is an Academic Department Chair for Kaplan University's Legal Studies Department. He has been with Kaplan approximately six years, starting his Kaplan career as an instructor. Prior to teaching, Martin practiced law, primarily criminal

defense. He lives outside of Davenport, IA with his wife and their two children.

Valerie Connor is an adjunct instructor for Kaplan University's Health Sciences Department and St. Joseph's of Maine Graduate and Professional Studies. Before teaching, Valerie was a speech therapist in long-term care facilities. She is currently pursuing her Ph.D. in Health Care Administration. She lives outside of Davenport, IA with her husband and their two children.

Adventures in Freshman Composition: Writing Errors from the Trenches

Tracy Spencer, Lamar Institute of Technology

It had been at least five years since I had the opportunity to teach ENGL 1301. My academic roots are in English Education, so I jumped at the chance. I missed my old stomping grounds.

Our campus requires a pre-test/post-test analysis for all general education courses. I fully expected to see a litany of comma splices and sentence fragments. Boy, was I surprised! Yes, students still struggled with comma usage and incomplete sentences, but a major area of concern — you might want to sit down for this one — was *capitalization*.

These students had already passed the COMPASS; therefore, they did not require Developmental Writing. How in the world did they pass when the

One semester is rarely enough time to correct, un-teach and re-teach material that students have already been exposed to for twelve academic years.

capitalization of proper nouns and adjectives eluded them?

To be fair, the students were proficient with capitalizing the first word in a sentence and names of people. Specific trouble spots were discovered in the areas of titles, proper adjectives and the capitalization decisions required when using quotation marks. But how could I re-teach objectives that should have been mastered no later than middle school? I only had one summer session to clear their writing of simple errors.

Why would any of this drivel matter to my colleagues in

AAfPE? First, I'd like to foster some understanding of the issues your English teachers are facing with today's students. Freshman Composition I students may have passed a writing exam or may have completed the developmental writing courses, but that is no guarantee that these students begin the semester as even adequate writers, let alone proficient writers. One semester is rarely enough time to correct, un-teach and re-teach material that students have already been exposed to for twelve academic years. At best, we can provide students with basic templates for

Continued on next page

Writing Errors *Continued*

different writing purposes, guide them to samples of strong writing the students can attempt to emulate, and perhaps repair some errors common to most students in our current collection.

More importantly, however, I'd like to share some quick tips students can utilize to check themselves when they doubt the capitalization rules at hand. As instructors of paralegal classes, we have even less time, if any at all, to correct students' writing. The catch is huge: students who do not write well cannot remain gainfully employed in our field. These students reflect poorly on our programs, which can endanger enrollment, funding, and even our very existence as a viable program. Obviously, it is worth the extra time to pull a student aside and show him or her a few tricks when needed.

Let's start with titles. Titles can be confusing for some students because many of them are capitalized in one situation, but not capitalized in another. Wouldn't it be easier if we could just tell them that a word like "dad" is always capitalized or is never capitalized? Since we can't say those things without being entirely wrong, we have to find some "tests" for students to use when deciding to capitalize or to leave lower case.

Test One: Is the title being used with a proper name?

- I went to visit Aunt Sally.
- I went to visit my aunt.
- The school board has decided to give Principal Smith a raise.

- The school board gave the principal a raise.

Test Two is for familial titles like "dad" and "mom." Can I use a name in the place of the title?

- I don't want to go to my room, Dad!
- Can I say, "I don't want to go to my room, Bob"? Yes, so I capitalize the title "Dad."
- Try this one:
- I wish my dad would raise my allowance.
- Can I say, "I wish my Bob would raise my allowance"? I would sound like an idiot talking that way, so I better leave "dad" lower case.

Let's move to proper adjectives. Many of these errors would cease to exist if students read more quality writing. Their abysmal texts to each other do not count as reading.

- "Y R U sleeping B4 lunch?"
- GAG!!!

The hardest issue to address with proper adjectives is identifying them. If our students do not know that "China" is the proper name of a country, how will they know to capitalize "Chinese"?

O.K. China is an easy one, but what about "Babylonian" or "Edwardian"? How would they know to capitalize Petrarchan sonnet if they did not know the word "Petrarchan" was based on a poet's name?

Honestly, there is no quick fix for a student's ignorance of history, geography and mythology. We *can* tell them that names of languages are *always* capitalized in English, but if the language is

one the student has never heard of, we are back to square one.

In the arena of proper adjectives, we can be grateful that word processing programs are able to identify and correct a majority of these errors. Perhaps, with practice, some students will eventually notice the computer changing "jungian" to "Jungian."

Using capitalization with quotation marks is relatively easy to explain to students. They need to identify the tag in the sentence. Then, they can simply cover the tag and ask themselves, "Would I capitalize this word if it were not in quotes?"

"I wish," said Joe, "that Friday would hurry and get here."

The student can place a few fingers over "said Joe" and read, "I wish that Friday would hurry and get here." Would the word "that" be capitalized? No, so it won't be capitalized inside the quotes either.

Your piece of irony for the day: While I was typing the previous example, the computer changed "that" to "That." Now, how do I teach this *computer* to capitalize correctly? I'll leave that query for the tech committee. ■

Tracy Spencer is an Associate Professor at Lamar Institute of Technology in Beaumont, Texas. Aside from building a paralegal program from scratch, she teaches Fine Arts Appreciation and Speech and Freshman Composition. She lives in Lumberton, Texas and is married to an attorney. Together, they raise two ADHD sons and three dogs.

LEX WINNING ESSAYS

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



Laura Baldwin

Duquesne University

Public confidence is extremely important to the legal field. There are moral standards that apply to everyone. A person must be trustworthy, reliable, and maintain integrity. Without these key elements it will be very difficult for a person to practice law. A client needs to be able to trust their attorney. If a person can't trust their attorney to do the best job possible then that attorney will find it very difficult to find and maintain clients. People in the legal field have an obligation to maintain integrity and keep the public's respect. Due to the crime that Mr. Cortopassi was accused of his moral character will be brought into question. He will have to constantly prove time and again that he is someone who is trustworthy and reliable.

James Cortopassi will have an uphill battle to practice law if he is acquitted of all charges and seeks admission into the New York bar. When he applies to the bar he must make sure to disclose everything. Even with an acquittal of all charges brought against him, James Cortopassi will still have the stigma that comes with being accused of committing a crime. Whether right or wrong, being associated with and accused of committing a crime will follow him everywhere. On every interview and background check he will have to explain his actions and why he was involved in the case that was brought against him.

Mr. Cortopassi was involved in a case that was very newsworthy and it received a lot of media attention. He will have a hard time finding clients who trust him and do not know anything about his past. In addition, he will also have a hard time finding employers who trust him. Mr. Cortopassi will have to constantly prove his competence and diligence. When Mr. Cortopassi does find a place to work, his employers, as well as the legal community will be

watching for any evidence of wrongdoing. He must be on his best behavior at all times. Even the slightest infraction could be a "red flag" for employers and clients. Any type of professional misconduct will lead to the loss of respect for Mr. Cortopassi, his employer, and the legal profession itself.

If Mr. Cortopassi is acquitted of all charges he will be facing constant scrutiny from the legal profession as well as the community he lives in. As he proves himself to be competent, and trustworthy, he will be able to put the charges behind him. Until he is able to prove that he is reliable and able to represent clients in a diligent and competent manner he will be facing the stigma and questions that come with being accused of a crime.

The legal field does everything it can to maintain the public's respect for its profession. From disciplining to disbarring attorneys, they take attorneys' actions very seriously. James Cortopassi will have an extremely difficult time to bounce back from the charges that were brought against him. He will constantly have to prove that he is a competent attorney. ■

Joan M. Carey

Roger Williams University

The objectives of the New York State Bar Association are to elevate the standards of integrity, honor, courtesy, and professional skill in the legal profession. James Cortopassi, a second-year law student named in the *Asbury Park Press* article, would test the level to which these standards applied to him should he seek admission to the Bar of the State of New York. Mr. Cortopassi has been indicted on several charges, including money laundering, promoting prostitution, and conspiracy. Assuming that he is acquitted of all charges and completes his Juris Doctorate degree,

Continued on next page

Lex Winning Essays *Continued*

Mr. Cortopassi will find a difficult road in gaining admission to the Bar of the State of New York.

The criminal case against James Cortopassi has been a very high profile one. His character will always be in question even if he is acquitted of all charges. It is not a simple matter of obtaining a Juris Doctorate degree and passing the state Bar exam. There is a process in place that will challenge Mr. Cortopassi's fitness to practice law in the State of New York. The Appellate Division of the State of New York Supreme Court is charged with evaluating the character and fitness of those seeking admission to the Bar. Every application for admission to the Bar is referred for investigation to the Committee on Character and Fitness (Committee). It is here that Mr. Cortopassi's prospective career may hit a roadblock.

Since Mr. Cortopassi's case has been so high profile, his application will most likely receive more scrutiny. Every answer to every question on the admissions questionnaire will be examined for truthfulness. The questionnaire for admission to the Bar asks pointed questions such as whether an applicant has ever been indicted for the commission of a felony or misdemeanor, engaged in the unauthorized practice of law, or "ever been charged with fraudulent conduct or any other act involving moral turpitude." If truthful, Mr. Cortopassi will have to answer "yes" to all these questions.

Although we are assuming that Mr. Cortopassi is acquitted, the mere fact that he was indicted on so many serious charges would lead the Committee to at least question his ethical fitness to practice law. Not mentioned in the *Asbury Park Press* article was any indictment which speaks to the unauthorized practice of law. Mr. Cortopassi was a second-year law student at the time of the indictments. Even when he was a first semester student, taking the most basic Ethics class, the issue of the unauthorized practice of law would surely have been reviewed. Having held himself out as an attorney to a parole officer was such a blatant example of the unauthorized practice of law.

It seems logical that once the Committee on Character and Fitness reviews Mr. Cortopassi's application to the Bar, they will want a more thorough investigation. If the application is denied, Mr. Cortopassi could request a hearing. However, hearsay evidence may be received at the hearing without having to adhere to strict rules of evidence. This hearsay evidence would most likely prove very damaging to Mr. Cortopassi.

In criminal court cases, we know that someone must be found guilty beyond a reasonable doubt to be convicted. Mr. Cortopassi cannot rely on this doctrine should he seek admission to the Bar of the State of New York. After completion of their investigation, the Committee should have considerable reasonable doubt as to Mr. Cortopassi's ethical and moral character and his fitness to practice law. The current climate in the legal profession is to maintain the integrity of the profession as it pertains to not only attorneys, but to paralegals. This is a point being reinforced by the continued updating of the Model Rules of Professional Conduct. It is the charge of the Appellate Division of the State of New York Supreme Court, and its committees, to ensure that these ethical Rules are enforced.

Self-regulation plays a key part in trying to restore the public confidence in the legal profession. We hear of scandals involving attorneys all the time. The first step in the self-regulation of the profession starts at the very beginning of one's career, going through the process of being admitted to a state Bar. Here, candidates' qualifications are reviewed by practicing attorneys who, one would think, care a great deal about their profession and the public's perception of their profession. It would be in the best interest of the public, and the legal profession as a whole, that Mr. Cortopassi's quest to become an attorney in the State of New York be met with caution. If the process that is in place works as it was intended, Mr. Cortopassi's career as an attorney should end before it has a chance to start. ■

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Cynthia R. Chambers

Duquesne University

There are several possible effects that the criminal charges against James Cortopassi could have on his application and admission into the New York Bar and prospective legal career. Although it is assumed Cortopassi will be acquitted of these charges, he will encounter a very rigorous and intense application process that not only requires certain minimum educational and personal qualifications, but also calls into question issues of moral character and integrity.

First, from a legal perspective, since Cortopassi's "slate" has been written clean with the acquittal of the charges against him, any criminal background reports or investigation will not reflect these charges when Cortopassi applies for admission into the bar. However, from a professional standpoint, Cortopassi has violated one of the most fundamental and important legal canons — the code of ethics. For example, to become a lawyer, part of the licensing requires that "the candidate must pass an extensive personal background investigation to verify that he or she is a responsible individual and otherwise qualifies to engage in an ethical profession. An illegal act committed by the candidate in the past, for example, might disqualify the individual from being permitted to practice law" (*West's Paralegal Today*, 4th ed., p. 69). In fact, an investigation into a candidate's character and moral qualifications is one of the primary components of the admissions process. Furthermore, Rule 8.4 of the ABA Model Rules of Professional Conduct states as follows: "It is professional misconduct for a lawyer to (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; [and] (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation." Thus, Cortopassi's past criminal acts of money laundering, promoting prostitution and fraudulently representing to be a paralegal while actively running an escort service unquestionably present issues of concern with regard to Cortopassi's moral conduct and character.

Second, while Cortopassi previously enjoyed the luxury of a 10-year working relationship/mentorship

with Bergrin from the age of 17, he will be unable to use this experience as a positive employment reference on any bar admission application or in any future job application.

Lastly, there is no doubt that Cortopassi's past conduct will be scrutinized by the admissions review board since this matter involves a case that has been the center of public scrutiny and attention and has become the topic of discussion among legal professionals. However, it is possible that the admissions review board may employ a more lenient approach to Cortopassi's situation, taking into consideration his age at the time he began working for Bergrin, whether he is sincerely apologetic for his past mistakes, whether he has engaged in any recent unethical conduct, and whether he provides truthful, honest answers during the admissions process. It may also be necessary for Cortopassi to obtain the support of his law school professors to rally in his favor in support of his admittance. If the board employs a lenient approach, Cortopassi may have the opportunity of enjoying a very fruitful legal career. On the other hand, if the board utilizes a stricter approach and determines that Cortopassi lacks the moral character requisite to becoming a lawyer, Cortopassi could be forced to appeal to the state Supreme Court for a decision concerning his bar admission and future legal career. ■

Audrey J. Poch

Duquesne University

Mr. James Cortopassi, through his association with Attorney Paul W. Bergrin, has been charged with: actively running a brothel, pretending to be a paralegal working with Attorney Bergrin, and posing as an attorney to help get another manager of the brothel out on parole. Along with Attorney Bergrin, Cortopassi faces charges in two indictments for engaging in money laundering, promoting prostitution, and conspiracy.

Assuming that Mr. Cortopassi is acquitted of all charges brought against him and completes his Juris Doctorate degree, he will still face an up-hill battle for

Continued on next page

Lex Winning Essays *Continued*

admission to the New York Bar. In an effort to maintain integrity and public respect for the legal profession, the bar associations have set competence and moral character standards for all bar applicants. In filing for admission to the Bar of the State of New York, as with all jurisdictions, a written application must be accompanied by various affidavits. The applicant must answer each question on the application completely and truthfully. The certification of the good moral character of Mr. Cortopassi may not be possible. It would be better to deny him admission to the Bar of the State of New York and prevent future problems from occurring.

The application for admittance to the Bar of the State of New York asks in Section D "Bar Admissions, question 9(b): "Have you ever engaged in or has your conduct ever been called into question with reference to the unauthorized practice of law?" Mr. Cortopassi would need to answer "yes" due to his portrayal of an attorney at the parole board to back up Mr. Itzler's false claims of working as a paralegal for Attorney Bergrin. Question 9(d) asks, "Have you ever tried any action or proceeding, argued any motion, drawn legal papers other than under the supervision of an attorney, given legal advice or held yourself out as an attorney in this state?" Once again, Mr. Cortopassi will need to answer "yes" for the same reason as his motions stated in answering 9(b). He did pose as an attorney at the parole board, which definitely constitutes the unauthorized practice of law.

In the Criminal Record section F(12) of the Bar admissions application, it asks if the applicant "has been arrested, taken into custody, charged with, indicted, convicted or tried for, or pleaded guilty to, the commission of any felony or misdemeanor or the violation of any law..." Mr. Cortopassi must answer "yes" and explain in full detail stating the charges, the disposition of the case and also the underlying facts. As attorneys may be disciplined for criminal conduct unrelated to their practice of law, it is almost certain that the New York Bar would not want to admit a person who obviously lacks the responsible characteristics relevant to the practice of law.

Everyone working within the legal profession has a duty to maintain the integrity and public respect for the legal profession. This includes following the applicable rules of ethics, remaining honest and staying within the law. It is highly questionable whether Mr. Cortopassi would be admitted to the New York Bar based on the prior accusations and examples of poor moral character. His character traits are indicative of his lack of fitness to practice law. It would be prudent to protect prospective clients and the justice system by denying Mr. Cortopassi admission to the New York Bar. ■

Dawn M. Richmond Kankakee Community College

If James Cortopassi is acquitted of all charges, completes his Juris Doctorate Degree and seeks admission to the New York Bar, there will be many hurdles for him to overcome. The ethical issues surrounding the case are very serious and as such, may have very detrimental consequences to his pursuit of a career in the field of law.

The New York Bar will have to take a very stern look at Cortopassi's ability to exercise good judgment. The article states that he posed as an attorney to help get another manager of the brothel out on parole. As a second year law student, Cortopassi would have known the seriousness of this misrepresentation. Even if this fact did not pose a legal problem for Cortopassi, the Bar Association would most definitely have to scrutinize the issue before admitting him. The title of "Attorney" requires a high degree of honesty, integrity, trustworthiness and a great respect for the law. These are just a few of the essential ethical requirements for a person seeking acceptance as a legal representative.

All of the media surrounding the case might have a very negative impact on Cortopassi's future in the field of law. Potential employers and clients who knew of the case will likely question his integrity. Even if Cortopassi is not the one who actually committed these crimes, it is still very hard to believe

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Lex Winning Essays *Continued*

that he was unaware of at least some of the circumstances that were going on around him. When a judge or jury finds a person innocent, sometimes it is still very hard for the public to put aside the association of that person with those crimes.

Future employers and coworkers may be more likely not to give Cortopassi the benefit of looking at his prior work or trusting in his abilities to complete future work based on prior misconceptions. He may be passed by for employment opportunities or the opportunity of advancement in a job because of the stigma of these accusations. Potential clients may request that another attorney represent them based on knowledge of the allegations.

The facts surrounding this case are very incriminating. In a perfect world, when a person is found innocent of a crime, that person would no longer be linked to that crime in the minds of others. Unfortunately, most times, this is just not how the world works. Even if Cortopassi is found innocent, there will very likely still be a stigma that remains. He can only hope that time will fade the association between himself and these charges in the minds of the people around him, potential employers and potential clients. ■

LEX SCHOLARSHIP APPLICATION DEADLINE FEBRUARY 15, 2009

All AAFPE institutions which have been granted a Lambda Epsilon Chi (LEX) honor 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 whether a victim of identity theft should be successful in a malicious prosecution claim. The question, the article from which the question was derived and the application form are available through Headquarters at info@aafpe.org.

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, 2009** at the following address:

LEX Scholarships
c/o American Association for Paralegal Education
19 Mantua Road
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.



TECHNOLOGY CORNER

Jeff Rubel, University of Cincinnati Clermont

During the past year, under the leadership of Committee Chair Thomas F. Goldman, the Technology Committee worked to strengthen AAFPE's ties to software developers and vendors. Creating these relationships has allowed us to offer new training materials for the products, while also saving members money, and helping several members build and strengthen their relationships with the legal communities within their geographical area.

We are now looking to the future, working to expand the offerings to our members as we spot new technology trends. The Technology Committee is working to identify and research the evolving technologies that are most directly affecting the paralegal profession. Our theme for the year is "Leveraging the Present, Envisioning the Future."

In this regard, the Committee's primary goals for the coming year include:

1. Identifying the technologies and software that are driving the legal markets throughout the United States;
2. Enhancing AAFPE's relationship with the key technology and software companies;
3. Implementing an effective way to communicate information regarding technologies and software to AAFPE members;
4. Implementing more technology and software training opportunities for AAFPE members.

Look for the following as this academic year progresses:

1. Increased flow of information from the Committee to all AAFPE members;
 - a. Watch for information and vendor links on the AAFPE website
 - b. Complete a membership survey on software and hardware needs
2. Technology articles published on the AAFPE website and in *The Educator*;
3. Insight on how to utilize existing "free" software to train students. One such avenue that is currently under-utilized is the Google Apps for Higher Education (check e-mail, schedule meetings, chat in real time, search maps, collaborate on documents and spreadsheets). The use of the Google suite of tools, commonly known as Google Apps, is causing quite a stir in academic environments. Google Apps is free and accessible via the Web.

Watch for the "Technology Corner" in future editions of *The Educator*. We will keep you updated on some of the emerging trends and software that is available to AAFPE members.

The Committee is also recruiting new members. If you have a passion for technology and love to give away your time, contact Jeff Rubel (jeff.rubel@uc.edu) today! ■

Jeff Rubel graduated from Western Michigan University with a B.S. and received his Masters of Public Administration and Law Degree from the University of Arkansas. He is an Associate Professor and the Director of the Legal Studies/Paralegal Program at the University of Cincinnati Clermont. Prior to joining the faculty of the University of Cincinnati, he was a partner in a twenty-eight-member law firm where he was chair of the firm's Technology Committee. He has extensive experience with software applications and regularly presents at national and regional conferences on integrating technology into the classroom. He chaired his College's Information Technology Committee and is the current chair of the Technology Committee for AAFPE.

WRITING COMMITTEE Q AND A

Q Not sure if this is the right kind of question for this column, but I am looking for an appropriate writing competency test to let students opt out of a communication class. Any suggestions?

A Wow! I had to break out the Internet for this question, but I think I have it covered.

The “Granddaddy” of all tests for college credit exams is the CLEP. The CLEP offers a test for English Composition and a separate test for Freshman English Composition. Both the English Composition and the Freshman English Composition tests are composed of multiple choice questions and optional essays. The main difference seems to be knowledge of research skills and terminology; those items are only covered on the Freshman English Composition test. Considering the demands of a paralegal education, I would feel more comfortable with the Freshman English Composition exam with the essay included.

Another possibility would be the ParaPro Assessment. Granted, this exam covers reading, writing and math, but I think any communications class could consider the reading and writing sections without regard to the math. Conversely, since some of the math questions are word problems which require the student to read, understand, and

follow instructions, all three sections could be considered before awarding credit. The ParaPro Assessment is available in paper and pencil format and in an online format.

The same company that provides the ACT offers the COMPASS. Results from this series can be used to determine if a student needs remediation or if the student excels in reading, writing, and math. This test is offered online, but in a supervised computer lab. As my own campus uses the COMPASS, I have seen the standards for passing. These standards would not guarantee a student is ready to communicate in the legal field.

Depending upon the instructor for the communication class and your campus policy, it may be possible to let the student take the final exam for the class he or she wants to “skip.” On our campus, we charge a student \$75 to attempt a test-out for a class. The student takes a retired, comprehensive final exam for the course. The student must receive an “A” on the exam to receive credit for the class. The student is only permitted one opportunity to test-out this way.

So, which test should you use? I would recommend reviewing the learning objectives of the communications course first. Exactly what will students be able to do after they have successfully completed the course? Once you have the list of objectives, visit the

websites for these exams and see if any of them cover all of the competencies the course is designed to instill. It might be an uphill battle to convince administrators that a test will guarantee mastery of “most” of the class competencies, so let’s skip the class.

If you find that none of the tests will cover all of the requirements, ask about the retired final exam option. By its very nature, it would cover all the material the student should master. Administrators can be consoled that the testing fee stays on campus instead of going to a testing agency. If they worry that the testing fee is not the same money they would earn from a student taking the actual course, explain how retention can be increased by allowing students to move at an individualized, appropriate pace. A student forced to sit through too many classes of “stuff” he or she already knows may get bored and leave before graduating.

Last chance strategy: If you think the course itself should not be required in your program, start the ball rolling on updating the degree plan. Perhaps you know of another course that would be better suited to your students’ needs? Follow your campus’s chain-of-command for changing degree plans and make life better for all of your students. ■



From the ABA Approval Commission

Anita Tebbe, Chair of Approval Commission, American Bar Association



Thank you, AAFPE, for your warm welcome to the ABA at your impressive Dallas Annual Conference. It was wonderful seeing you. We congratulate you on an outstanding conference and look forward to your regional spring meetings and your October Annual Conference in Portland.

There were two well-attended ABA presentations on Assessment, given by Educational Consultants Jean Hellman Ryan and Joyce Becker in Dallas. We have placed their excellent materials on the ABA website at <http://www.abanet.org/legalservices/paralegals/forms/html>, so please visit if you would like to obtain these valuable items.

In preparation for the AAFPE conference, the outstanding ABA staff, under the leadership of Peggy Wallace, Staff Counsel, and her hard-working and talented team of Mattie Evans, Approval Process Manager, Jennifer LaChance, Report Review Coordinator, and William Dority, Site Visit Coordinator, spent countless hours in doing essential behind the scenes work. Thank you.

A highlight of every AAFPE conference for the ABA is the Open Forum. At this Friday afternoon session, we listen as you tell us how we can better work together in order to improve the ABA process. As always, you did not disappoint us with your suggestions and they were discussed at the Chicago November Approval Commission meeting. We appreciate your valuable input.

Marisa Campbell, AAFPE Immediate Past President, started the Friday question and answer session by inquiring about the possibility of sending only a "snapshot" view of one's program when submitting a seven-year report. In other words, is it necessary to update certain aspects of the site visit report from the time it is submitted until the time of the site visit, concerning matters such as additional faculty meetings and placement of graduates? At the November meeting, the Approval Commission discussed how best to address this long-standing

updating practice. The Commissioners agree that there is value to altering this updating procedure and the Educational Consultants and staff are working to implement this suggestion, which will provide a clear view of the program to the site team at the time of the visit.

There are, however, two points that need to be stated for further clarification. ABA headquarters will still ask for revisions of your report after you submit it, if necessary. For example, if your syllabi are not complete or you failed to list the professional growth of all your faculty, that information will be requested after the initial review of the materials. Secondly, at the time of the site visit, your team might ask you for some updated information, such as copies of additional faculty meeting minutes, if the team feels that this is an area of concern from studying your report.

Another area that was addressed during the Open Forum dealt with revisiting synchronous delivery. The Chair of the Standing Committee, Larry Hunter, replied that this question has been referred to the Joint Task Force on Alternative Delivery, which consists of members of both the Standing Committee and Approval Commission.

Speaking of this important Task Force, one of the impressive accomplishments of this six-member group was to conduct a national attorney survey of 1200 lawyers. The purpose of the survey was to obtain lawyers' attitudes about alternative delivery and their interest in hiring entry-level paralegals whose paralegal education was completed solely through alternative delivery methods. One of the reasons why it is critical to obtain the input of

Continued on next page

From the ABA *Continued*

attorneys is because the American Bar Association answers to its members, who are primarily attorneys. The majority of the attorneys responded that they did not see the need to change the current ABA Guidelines for the Approval of Paralegal Education Programs at this time, which requires ten of the legal specialty hours to be taught in a traditional way (G-302 J). Because of the evolutionary nature of alternative delivery, the Standing Committee and Approval Commission see the need to continue to monitor closely this specific area.

As a result of the “moving target” aspect of alternative delivery, this Joint Task Force of Standing Committee and Approval Commission members will continue to work during the upcoming year. Some of the other matters that the Joint Task Force on Alternative Delivery plans to address concerns synchronous delivery and re-examining the requirement of obtaining pre-approval of two courses in an alternative form.

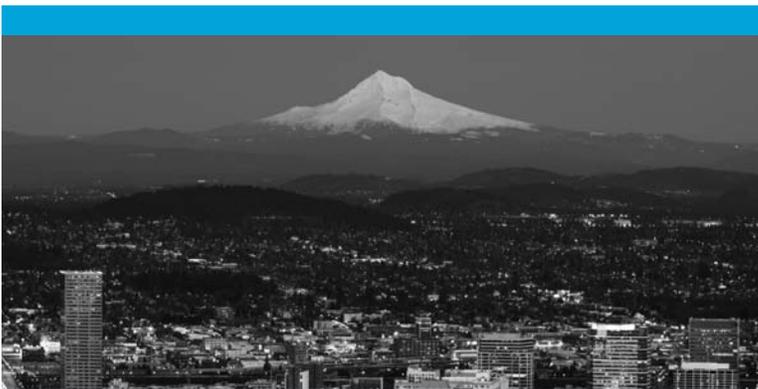
A second important Joint Task Force, comprised of Standing Committee and Approval Commission members, has also been created. It is currently called the Outreach to the Profession Joint Task Force. It is charged with the task of publicizing the value of paralegal education and explaining the ABA Approval Process so that it can be better understood by employers.

At the November Approval Commission meeting, six of thirteen commissioners were new members. Because of that number, there was a lively afternoon discussion on the first day concerning ways to insure valuable site visits for all participants. The new

members are: Magistrate Pablo Castro, Phyllis Funkenbusch, Tracy Kaiser-Goebel, Amy Hill, Deborah Keene, and Cynthia Minchillo. Also, Bruce Hamm, who was nominated at the October AAFPE Annual Conference, was present. Upon Bruce’s anticipated appointment to the Approval Commission in August 2009, he will become a voting member of the Commission. We are fortunate to have such dedicated individuals join us in this important ABA Approval Commission work of doing four site visits a year, attending two commission meetings annually, and participating on committees. Thank you.

This year is quickly drawing to a close and 2009 will be here soon. During the upcoming year, we are looking forward to attending your worthwhile spring AAFPE regional meetings. Before the spring officially ends, we want to mention that the ABA is sponsoring an exciting one-day Approval Academy at ABA headquarters in downtown Chicago. Please mark Friday, June 12, 2009, 10 am to 5 pm, on your “to attend” calendar. This all-day session will focus on a better understanding of the “Guidelines for the Approval of Paralegal Programs” and is geared for new and “senior” program directors as well as any other individuals who would like to benefit from these informative and fun sessions. Please keep an eye out for registration information (only \$60 or early bird fee of \$50 — lunch included!).

I know that I speak for all the commissioners, educational consultants and staff when I say that it is an honor to be working with you for the improvement of paralegal education. It is definitely a “win/win” situation for our paralegal students and the paralegal profession. ■



SAVE THE DATE

**2009 AAFPE
Conference**

Portland, OR

October 28-31, 2009

THE OMNISCIENT MENTOR

Welcome to "Ask the Omniscient Mentor" column. All members are encouraged to send questions to Steve Dayton — sdayton@fullcollege.edu. Steve will forward them to the O.M. and promises to protect your privacy.

Dear Omniscient Mentor,

I have just returned from the AAFPE National Conference. I have so many teaching suggestions that I want to share with my faculty and adjuncts. How can I do this in an efficient and entertaining way?

Energized in Erie

Dear Energized,

I am glad that you enjoyed the conference.

Here is a method that might work for you. Contact your Center for Excellence or other resources available for teachers. Have a meeting with four to six instructors. Teach them the skills or concepts that you want your faculty to learn.

Then you are ready for a G.I.F.T.S. session (Great Ideas for Teaching Students). Schedule a meeting. Invite your faculty, adjuncts and anyone else who

could benefit from these presentations. Schedule the meeting in a room with round tables. Each presenter is assigned a table and has a handout or other visual presentation. The participants select a table and hear a presentation that lasts five to seven minutes. At the end of this time the participants move to another table (speed teaching). This continues until all participants have visited each table.

I have been a presenter and a participant in this activity and have benefited from both roles. My experiences have been inter-disciplinary: currently I am helping the math department develop rubrics for a state-wide standardized test. Moreover, in this process, I have become quite savvy at using YouTube examples in my classes.

G.I.F.T.S is an efficient and entertaining way to share teaching tips. Good luck!

O.M.



AAfPE 2009 Calendar of Events

February 20-22 Board of Directors Meeting
Portland, OR

March 1 *Educator* articles due to
Editor for Spring issue

March 26-27 South Central
Regional Meeting
Houston, TX

March 26-28 Southeast Regional
Conference
Atlanta, GA

April 3-4 North Central
Regional Meeting
Chicago, IL

April 17-18 Northeast Regional
Meeting
Washington, DC

April 23-25 Pacific Regional Meeting
Honolulu, HI

June 1 *Educator* articles due to
Editor for Fall issue

June 5-7 Board of Directors Meeting
TBD

October 28-31 28th Annual Conference
Portland, OR

November 1 *Educator* articles due to
Editor for Winter issue

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Stephen P. Parsons. 480 pages.
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Clyde E. Craig. 544 pages.
ISBN: 978-0-7355-6233-2.

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Robyn Scheina Brown. 288 pages.
ISBN: 978-0-7355-7316-1.

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Robert J. Glidewell, J.D. 368 pages.
ISBN: 978-0-7355-7697-1.

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678-717-3760
jmarler@gsc.edu

AAfPE HEADQUARTERS

Gene Terry
Executive Director
AAfPE
19 Mantua Road
Mt. Royal, NJ 08061
856-423-2829
Fax: 856-423-3420
gterry@talley.com

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