

REPORTER

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NFPA 2.0



NATIONAL
FEDERATION
of
PARALEGAL
ASSOCIATIONS Inc.

NFPA-The Leader of the Paralegal Profession™

President's Message



DEAR MEMBERS,

Two of the most powerful emotions in the world are **Hope** and **Gratitude**. They can literally transform an individual and an association. As I write this President's message on this beautiful November day, I'm feeling both.

Hope. "Hope lies in dreams, in imagination, and in the courage of those who dare to make dreams into reality." – Jonas Salk

At one of our Board retreats a few years ago, we were asked to contemplate what would happen if the NFPA ceased to exist, and it was sobering to consider all we would lose. It made each of us ponder how it would affect us and the paralegal community if that happened. One by one we each identified those aspects and benefits of the NFPA that mean the most to us. Many shared that the credentials that we had worked so hard for – that we'd put in months or even years studying for – would be valueless. Some discussed that CLE and other educational opportunities would no longer be available. Others discussed the networking opportunities that would be lost.

As then Director of Positions and Issues, I shared that if NFPA ceased to exist, we would no longer have as much of a voice in shaping the paralegal profession. We could no longer have a platform to support or encourage what we envision, such as a more

diverse profession, and paralegals being enabled to perform more substantive legal work to create more access to justice.

This became more of an urgent question for the Federation in 2018, when we once again were faced with having to change management companies. We came face to face with NFPA's potential "mortality" and realized that radical action needed to be taken to save the Federation. When faced with losing something that has been an important part of many of our lives for years, if not decades, it forced us to contemplate just what we'd be losing. The consensus of the members and the Board was that yes, the NFPA was definitely worth saving, and decisive action needed to be taken.

Take action it did, as the Board retained consultants Bloch | Reed. In addition to helping us identify our new management company, MHQ, who has become a valuable partner for NFPA, Bloch | Reed held up a mirror to the NFPA, forcing us to look long and hard at what it was within our organization that was threatening its existence.

It was not an easy assessment, and it was often painful. We saw many things that were holding us back and hampering our progress as a Federation. But the good news is we didn't give up. We collectively took the wheel of the NFPA and turned it around, beginning the arduous work of transformation.

The upshot of this assessment was the formation of the Futures Task Force (FTF), which started planning how to make the changes necessary for NFPA 2.0 to arise. The FTF operated under the oversight of Michael Reed of Bloch | Reed, MHQ, 2018-2020 President Nita Serrano, ACP, RP®, FRP, AACP and chair, Georgette Pecararo, RP®. Its members included current Board members, former Board members, and other leaders interested in moving the Federation forward. They divided the members into Team Governance, Team Strategic Planning and Team Culture, and they held multiple Town Halls to seek feedback and input from the membership.

The FTF has not yet finished its work, but what they're doing and have done up to this point is cause for great hope, and I'm so encouraged by what we've seen thus far.

Gratitude. "Gratitude turns what we have into enough, and more. It turns denial into acceptance, chaos into order, confusion into clarity...it makes sense of our past, brings peace for today, and creates a vision for tomorrow." Melody Beattie

As I write this, it is the First of November, a month that has an entire DAY set aside to be thankful (well, and to enjoy a sumptuous feast). **Gratitude is powerful – it can literally change your attitude!** Believe me, there are mornings when I need an attitude adjustment, and what

works best for me is itemizing the things I should be grateful for. I almost always come away from this exercise with a better attitude and am more ready to face my day.

Today, I'm thankful for:

- **The outstanding virtual convention we just experienced.** From the Happy Hours, to the Board meetings, to the CLEs, to the Region Meetings, Caucuses, Meet-ups and ultimately, the Policy Meeting, it went off nearly without a hitch (from the point of view of attendees, anyway). This doesn't happen without months of planning and hard work, and huge credit is due MHQ, SDLD Mianne Besser, AACCP, Convention Coordinator Angela Gonzalez, Host Co-coordinators, Maren Schroeder, MBA, RP®, MnCP and Amy Conrad, and all the volunteers in the Minnesota Paralegal Association who spent literally hundreds of hours planning and working on this event. Huge applause. Huge!
- **Our new Board of Directors.** We had wonderful leaders on last year's Board, and I think the mix of leaders on this year's board is nothing short

of outstanding. I look forward to an extremely productive year in the NFPA this year.

- **The friendships I've made through the NFPA.** I think most of you will agree that one of the biggest benefits of involvement in the NFPA is the friends we make. I have friends through my involvement in the NFPA that I am sure will be with me for a lifetime. They give my life richness and color, laughter and love. As wonderful as the virtual convention was, I hope that COVID will be behind us soon so that our next events can be in-person events. I need to hug my friends!

As NFPA transforms itself into NFPA 2.0, and we do the arduous work of hammering out the details, may the hope and gratitude in our hearts buoy us, inspire us and lead us forward.

LORI J. BORIS, RP®, MNCP

NFPA PRESIDENT

2020-2021 PRESIDENT'S CHALLENGE*

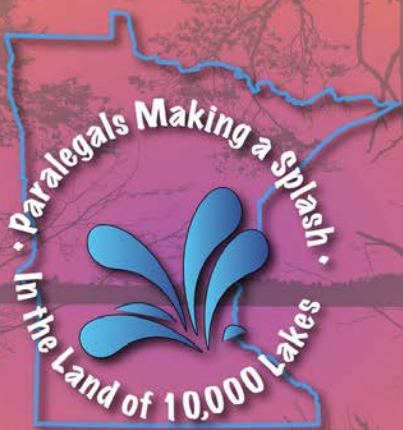
1. TWO NEW RPS AND TWO NEW CRPS;
2. MAINTAIN MEMBERSHIP NUMBERS (SPECIAL RECOGNITION TO THOSE WHO ARE ABLE TO INCREASE MEMBERSHIP); AND/OR
3. PREPARE AND PRESENT AT LEAST ONE WEBINAR.

*to meet the challenge, associations must complete one or more

ON THE COVER

Over 300 members gathered together virtually to learn, discuss and celebrate during the 2020 Annual Convention. On the cover are screen shots from the virtual social, education sessions and Board meetings including a picture of the newly-elected board members (bottom.)

National Federation of Paralegal Associations, Inc.



2021 Joint Conference

Minneapolis, Minnesota | May 6-8

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Board Advisor Message



Thank you to the Minnesota Paralegal Association and their committee for hosting an awesome virtual convention. Thank you to the NFPA convention committee and Management Headquarters for all of your hard work and support in organizing the convention.

I want to thank the Board, Mianne Besser, Lori Boris, Tom Stephenson, Lori Wagner, Ron Badua, Theda Yandell, Linda Odermott, Valerie Wilus, Lisa Lynch, Tracey Woolsey, Brenda Cothary, Catherine Allard and Rebecca Reedy for your hard work, dedication and support over the last two years.

I also want to thank the Futures Task Force, Georgette Pecoraro, Robert Hrouda, Tom Stephenson, Lisa Lynch, Tom Holmes, Tracey Woolsey, Tina Wiles, Sabrina Henry, and Maren Schroeder and their volunteer arm for the hard work and countless hours that you all put into updating our Bylaws, policies and procedures in order to ensure that NFPA remains a member-driven Federation, while strengthening NFPA and ensuring its future as the leader of the paralegal profession.

Congratulations to the newly elected board members, Maren Schroeder, Lisa Vessels and Don Bristol, as well as Lori Boris, new NFPA President.

The last two conventions, 2019 and 2020 the members of NFPA have come together and collaborated on agenda topics, this year passing Amended Bylaws and taking NFPA into the future. It has been an honor to serve as your President the past two years and to be a part of the changes and transformation of NFPA. I look forward to continuing to be a part of the change and transformation of NFPA as Board Advisor.

NITA SERRANO, RP®, AACP, FRP
PAST PRESIDENT

VP Marketing Message



We recognize that the ever-changing nature of the pandemic has had significant impact to our personal and professional lives. 2020 has been a remarkable year, with unprecedented levels of good will, creativity, and flexibility from members, staff and volunteers who have enthusiastically stepped up and collectively embraced change.

NFPA is committed to providing members with available resources and opportunities to help manage things within our control. We continue to maintain weekly communications through the *News You Can Use*; share information through targeted email announcements; and stay connected through LinkedIn and Facebook. Thank you for your readership. Be sure to connect with us on social media.

This issue features a recap of NFPA's first-ever virtual Convention. We applaud the hard work and efforts made by many who turned this event around. Secondly, NFPA's Diversity, Inclusion and Equity Committee put together articles that share personal vulnerabilities and recognizes our fundamental needs and wants, as individuals, while recognizing we are same—just like anyone else; opening ourselves up to connection. Finally, others have shared their insight on professional development.

Implementing and sharing personalized content for this publication can be effective, but difficult to deploy. Appealing and producing content to NFPA members requires your participation. Submit an article today. Sharing your experiences and

content contributions can holistically integrate current trends in our profession, increase conversations and elevate your voice in the legal community. The *National Paralegal Reporter* provides a sense of belonging to readers. It is a highly effective communication tool that reaches a broader channel toward interacting with members in a time where we crave the latest trends.

The resilience of our membership, partners and teamwork of your leadership team and volunteers provide us the opportunity to unite and actively support each other during these challenging times.

We are living in unprecedented times. Focus on the many good things in life.

Happy Holidays! Be healthy. Stay well.
Live Aloha.

RONELL B. BADUA, AACP
VICE PRESIDENT & DIRECTOR
OF MARKETING

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Jencks, Napue, Brady, and Giglio

UNTRUTHFUL WITNESSES AND THE ROLE OF THE PARALEGAL

By Bill Minks, Paralegal

This article will examine four United States Supreme Court cases that address untruthful testimony by witnesses. These cases underscore why paralegals should be diligent when investigating and vetting records and witnesses. These four cases involve criminal matters but, the underlying importance of determining truthfulness and credibility in a witness is very important in both criminal and civil practices.

William Blackstone wrote in the Commentaries on the Laws of England that it is better that ten guilty persons escape than that one innocent person suffers. In order for justice to prevail, truth must be the cornerstone of our legal system. When truthfulness is ignored, when a witness with a propensity and history of lying, concealment, and deception is allowed to testify unchecked, our system of justice becomes suspect.

JENCKS V. U.S., 353 U.S. 657 (1957).

In 1950, Clinton E. Jencks was the president of a labor union in Texas. During the 1950s, the threat of communism was a serious concern for national security and the government feared communist infiltration into labor and political organizations. Labor unions at the time were required to file an affidavit with the National Labor Relations Board (NLRB) swearing that their leaders were not members of the communist party. Unfortunately, Mr. Jencks filed his affidavit, falsely swearing that he was not a member of the communist party. He was indicted and convicted for violating 18 U.S.C. § 1001, making a false statement, and the Fifth Circuit affirmed his conviction.

The case revolves around Harvey F. Matusow and J.W. Ford, the two principal witnesses that testified at trial against Jencks. The evidence convicting Jencks was all circumstantial and consisted of testimony from Matusow and Ford. Unbeknownst to Jencks, Matusow and Ford had become paid informants, and gave regular verbal and written reports to the FBI concerning the activities of Jencks and his fellow subversives.

THESE CASES UNDERScore WHY PARALEGALS SHOULD BE DILIGENT WHEN INVESTIGATING AND VETTING RECORDS AND WITNESSES.

These reports were used by the government at Jencks' trial as evidence of his communist membership and activities. Jencks' attorney made a motion to inspect the FBI reports and for unspecified reasons, the trial judge denied the motion. On appeal, the Fifth Circuit ruled that there was not a foundation laid to prove any inconsistencies between the statements made at trial and the reports that Matusow and Ford provided to the FBI during their debriefing sessions. The Supreme Court granted certiorari and held that Jencks was not required to lay a foundation concerning inconsistencies in the reports, because a sufficient foundation was established when Matusow and Ford testified during the trial about activities detailed in their reports.

18 U.S.C. § 3500, and Tenn. R. Crim. P. 26.2, require that after a witness (other than the defendant) testifies on direct examination, the court, on motion by a party who did not call the witness, shall order the production of any statements the

witness previously gave and relied upon when testifying. This production may allow the opposing party to impeach the witness if false testimony was given. Although *Jencks* is not similarly applicable in civil cases, as documents are shared as part of the discovery process, statements made on social media, insurance claims, medical and employment records may be used to impeach a party during depositions and at trial. See Tenn. R. Civ. P. 43, and Tenn. R. Evid. 612, and 613.

NAPUE V. PEOPLE OF STATE OF ILL., 360 U.S. 264 (1959).

In 1938, some twenty years before this case was granted certiorari, Henry Napue, George Hamer, Mr. Poe, and Mr. Townsend, attempted to rob a cocktail lounge. An off duty police officer was present and began shooting at the robbers. One of the robbers was killed outright, the police officer was mortally wounded and Hamer was wounded. Eventually, all the robbers and a getaway driver were arrested and sentenced. The two actors important to this case, Hamer and Napue, were both sentenced to 199-years imprisonment. Hamer plead guilty and Napue was tried and convicted, with Hamer being the state's principal witness against Napue.

Hamer was specifically asked by the prosecuting attorney during his testimony against Napue if he (Hamer) had ever been promised leniency in return for his testimony. Hamer vaguely referred to an unnamed public defense attorney that said he would do what he could to help Hamer. Years later, after all the actors had been convicted, the former prosecutor filed a

coram nobis writ of error stating that in fact he had promised Mr. Hamer a reduction in sentence if he testified on the state's behalf. Remember, this is the same prosecutor that elicited testimony that Mr. Hamer had not been offered leniency except for the vague promise by a public defense attorney.

In the *coram nobis* petition, the former prosecutor stated that in his zeal for justice, he may have used some language or promise that, after reflection, was probably not a good decision. Napue somehow heard about the *coram nobis* petition and filed appeals to overturn his conviction. Both the lower court and Illinois Supreme Court found that even though the prosecuting attorney elicited a lie from his witness, it didn't matter because Hamer was with Napue when they tried to rob the cocktail lounge so he must have been a credible witness, consequently they denied Napue's appeals.

Certiorari was granted and Chief Justice Earl Warren delivered the opinion of the Court. The Supreme Court found that convictions relying on false evidence, presented without correction, violate the Fourteenth Amendment. False evidence and testimony impair the ability of a jury to decide truthfulness, reliability, and credibility and deprive them of information needed to form a fair decision. In its decision, the Supreme Court, quoting *People v. Savvides*, 1 N.Y. 2d 554, 557 (1956), stated:

"It is of no consequence that the falsehood bore upon the witness' credibility rather than directly upon defendant's guilt. A lie is a lie, no matter what its subject, and, if it is in any way relevant to the case, the

district attorney has the responsibility and duty to correct what he knows to be false and elicit the truth."

Had the jury learned of Mr. Hamer's deal for leniency, they may have taken that into consideration during their deliberations. More importantly, the prosecutor, in his effort to reach what he considered justice, specifically elicited false testimony to convince the jury that Mr. Hamer was testifying truthfully and credibly. The U.S. Supreme Court reversed, and rightfully so, the lower Courts rulings. Think something like this could not happen today in our modern criminal justice system? Do a Google search of, Michael Nifong at Duke University, and see what you find. Still think it would never happen today?

BRADY V. MARYLAND, 373 U.S. 83 (1963).

You may recall hearing the term Brady Officer, or Brady Issue especially if you work in criminal practice. John Brady and Donald Boblit were tried and convicted of murder in the first degree and both sentenced to death. The trials were separate and Brady was tried first. Brady, as is very unusual in a criminal trial, took the stand in his own defense and claimed that Boblit did the actual killing and asked only that he (Brady) be sentenced to life in prison under Maryland law. As part of his trial strategy, Brady's attorney requested to examine all of Boblit's extrajudicial statements.

The prosecution complied but, withheld a statement from July 9, 1958, wherein Boblit admitted to the killing. This exculpatory information did not come to Brady's attention until after his conviction and death sentence were affirmed. Brady moved the



trial court for a new trial based on the withheld evidence but the trial court dismissed the motion; fortunately the Court of Appeals remanded the case for a retrial on the question of sentencing. Simultaneously, the U.S. Supreme Court granted certiorari. The three prongs of a *Brady* violation are: evidence must have been favorable to the accused, evidence must have been suppressed or withheld, either willfully or inadvertently, and prejudice or harm must have been done to the accused. *Strickler v. Greene*, 527 U.S. 263, 281 (1999).

This rather unusual case focuses on the punishment aspect of Brady's conviction. In the withheld statement, Brady and Boblit argue over how to kill the victim, with Boblit taking the leading role of hands-on murderer. Would the jury have found Brady innocent of murder because Boblit prevailed in the argument of how to kill the victim? The Court reasoned that it probably would not have influenced Brady's guilty verdict but may have reduced his sentence to life in prison. The Court correctly reasoned that suppression or withholding of any evidence that is material to degree of punishment (as well as guilt or innocence) does in fact violate the due process clause of the Fourteenth Amendment.

The *Brady* ruling made the sharing of prosecutorial and law enforcement materials similar in the way civil cases exchange information. However, criminal defense counsel need not ask for evidentiary materials that may be exculpatory, the prosecution must provide it. *Kyles v. Whitley*, 514 U.S. 419, 433 (1995); *U.S. v.*

Bagley, 473 U.S. 667 (1985). This might seem like a simple task but, in large and complex cases that involve a myriad of agencies, it may prove challenging. Also, unethical actors like Michael Nifong would resist a Brady disclosure.

In the practice of civil law, well written requests for production of documents and interrogatories are the cousins of Brady, and a good paralegal who has done their research and investigation may well assist a supervising attorney in discovering issues regarding truthfulness, and credibility in a witness, petitioner, plaintiff, respondent, or defendant.

GIGLIO V. U.S., 405 U.S. 150 (1972).

In June of 1966, Robert Taliento was a cashier at a bank and allowed John Giglio to cash forged money orders. Bank officials discovered the crime and notified the FBI. Taliento confessed and implicated Giglio during grand jury testimony. During the trial, which occurred two years later, Giglio's defense lawyer repeatedly questioned Taliento about agreements or deals he may have received from the government in exchange for leniency. Taliento denied any such deals and Giglio was convicted and sentenced to about five years in prison.

Due to the time between investigation and trial, different Assistant U.S. Attorneys were assigned to the case. The initial Assistant U.S. Attorney promised Taliento, through an affidavit later discovered by Giglio's attorney, that if he (Taliento) testified before the grand jury and at trial, he would not be prosecuted. Remember, Taliento was the employee at the bank cashing the forged money orders. However, a different Assistant U.S. Attorney took the case to trial and during the pendency of Giglio's appeal, the affidavit was discovered.

The first grand jury Assistant U.S. Attorney had assured the second trial Assistant U.S. Attorney that no deals for immunity or leniency had been made to Taliento. The U.S. Attorney also filed an affidavit stating that Taliento would be prosecuted if he did not testify for the govern-

ment. Please read Chief Justice Burger's opinion, *Giglio*, 405 U.S. at 153, to get a full understanding of the strongly delivered wording regarding deliberate deception, false evidence, and the responsibility of the prosecutor in these matters.

The *Giglio* decision once again reiterated that inadvertent or deliberate deception of the court and unreliable or untruthful witness testimony undermine the rudimentary demands of justice and due process. The conviction of Mr. Giglio was reversed and the case remanded. Although Justice Burger issued a strong opinion regarding the promises of leniency that were not divulged to the defendant, this case appears to be more of an inadvertent oversight rather than a deliberate action to withhold evidence.

Deliberately withholding exculpatory evidence or perpetrating fraud upon a court may result in very strong sanctions and in extreme cases, disbarment of the offending attorney; just ask Mr. Nifong.

The four cases discussed above deal with criminal case law. Deception and perjury upon the court may also emanate from civil law matters. Review, *Black v. Suzuki Motor Corp.*, No. 2:04-CV-180, 2008 WL2278663 (E.D. Tenn. May 30, 2008). As legal support professionals we should be aware and cognizant to identify and report fraud, deception, and perjury to our supervising attorney. Remember, truthfulness not only applies to government officials and law enforcement officers, it also applies to private citizens.

Paralegals, if your supervising attorney authorizes it, do a deep dive (Google is a great place to start, Westlaw and LexisNexis also include public record searches) into social media, criminal records and news archives. When your supervising attorney is preparing for the client or witness interview, she may ask you to prepare a draft of questions to ask regarding the case, who the client spoke to, what social media they utilize, ALL medical providers, bankruptcies, and complete employment history especially relating to discipline and termination.

There is nothing worse than having a client or witness being exposed as a liar in court or at deposition, and always assume opposing counsel has already done this research.

Many years ago, working as a fire inspector in Central Kitsap County Washington State, I had the extreme displeasure of having to work with personnel in the fire marshal's office and my own department, who were disciplined or terminated for untruthfulness during investigations into employment applications, work related issues, time card cheating, corrupt fire investigations, and even the misuse of sick leave. Being disciplined for untruthfulness regarding sick leave, work related duties, past employment history, and similar concealment and deceit are all evidence of untruthful behaviors.

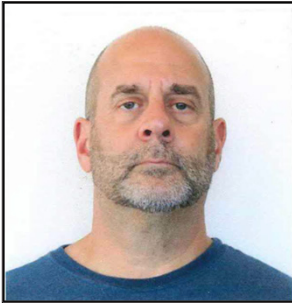
Google search the following terms:

- Brady Officers List
- Kitsap 9/11 Memorial Treasurer Resigns
- Mary L. Corso, Washington State Fire Marshal
- Samuel Pierre, Washington State Fire Marshal
- Roger Nordlander, Central Kitsap Fire & Rescue, Fire Inspector
- Keith Barkow, Kitsap County Fire Marshal
- Phoenix Arizona Arson Investigators Placed on Article 15
- South Kitsap Fire Mechanics Lunch

Remember to read past the first page(s) of the search results to conduct a thorough search. What did you find? What if one of these individuals was suing a client your firm represented? What if one of these individuals was a client of your firm? What if opposing counsel discovered a history of untruthful behavior at deposition or trial? When requested by your supervising attorney, what questions might you draft to be used in a deposition of these persons?

Remember, not everything you read on the internet is true! Protect your attorney

and firm and please verify any information you find online by thoroughly researching news archives, public records, reliable investigative websites (Westlaw and LexisNexis) and where appropriate, witness interviews. Remember, we work for our supervising attorneys; follow their direction when preparing or working on any case.



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NFPA wishes to congratulate the newly minted NFPA-Credential Holders!

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- Laura Stanle, RP®
- Tom Stephenson, RP®
- Robyn Sweet, RP®
- Maelene Tyson, RP®
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Additionally, there is one additional CRP™ in Illinois who opted out of publication.

Questions about NFPA's certification programs or how you can obtain your paralegal credentials can be submitted to certifications@paralegals.org

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How In-House Legal Departments Are Handling a Rough Year

BUDGET IMPACTS FROM 2020 LIKELY TO CARRYOVER

By Mike Hamilton

This year has been one for the books—and it may have altered in-house Legal department strategies for years to come. Amid economic and social pressures that have pounded law firms, attorneys, and in-house Legal departments everywhere, many are re-assessing their budgets and attempting to mitigate the continued impacts of both a global pandemic and economic recession.

But how are businesses—and their General Counsel, Chief Legal Officer, or other Legal Head in particular—handling these troubles, now several months in? Exterro's *2020 In-House Legal Benchmarking Report* was put together specifically to find those answers. Generally, we found that Legal departments were:

- ...still reeling from the COVID-19 pandemic and subsequent economic distress, but also feeling pressures to change internal policies to strive for a more diverse staff and help erase potential systemic discrimination in their ranks.
- ...highlighting e-discovery and pre-litigation as areas of savings opportunities—and legal teams are starting to track key metrics to showcase the efficiencies of their resources.
- ...not yet seeing huge risks from data privacy laws, and some aren't sure whether they even apply to their businesses—meaning that tracking consumer requests (DSARs) is a potential compliance gap.

- ...facing accelerated challenges at small and mid-sized businesses, as many departments already feature five employees or fewer.

SOME LEGAL TEAMS ARE PREPARING TO SHRINK THEIR BUDGETS

Ever-tightening budgets can be a problem even during less-challenging years; over time, this has meant that employees must do more with less, creating the need to produce more efficient outcomes at a quicker pace. About 57% of those surveyed say the impacts of economic pressures are what keeps them up at night, with the risk of layoffs, a declining economy, and a reduced budget on the minds of most. And while the vast majority of survey respondents (86%) are happy with their Legal department's performance, there are a few focuses for potential improvements:

- General automation of processes, such as Legal Hold
- Better data management, including a comprehensive data strategy
- Better use of analytics to showcase internal and external ROI
- Proactive responses to litigation
- More use of technology

In taking a closer look at the data, Legal Hold is a great place to start for many teams. It's the most-often outsourced e-discovery service, according to the survey. But the teams that do use a Le-

gal Hold technology solution (62%) say it ranks as the most useful for creating efficiency and reducing costs (48%, compared to 34% for Document Management and 32% for Collection & Processing).

ABOUT 57% OF THOSE SURVEYED SAY THE IMPACTS OF ECONOMIC PRESSURES ARE WHAT KEEPS THEM UP AT NIGHT

"With economic and budgetary concerns, it's not hard to understand why legal departments are looking at reducing litigation and e-discovery costs," said Steve Lincoln, COO of Today's General Counsel. "Teams can help mitigate the impact of lost resources by focusing on refining their legal processes and adopting technology to help them do more with less."

KEY INITIATIVES FOR CREATING SAVINGS & EFFICIENCIES

Legal professionals working in e-discovery and pre-litigation activities can push for ways to increase efficiency and significantly reduce spend in a few ways. Establishing standardized pre-litigation processes can help—roughly one-third (35%) of Legal departments say they still rely on ad hoc pre-litigation and e-discovery processes, making the team more reactive than proactive. For smaller departments (50 matters or fewer, annually), the number is closer to half (44%).

In order to meet all of these challenges, Chris Colvin, founder of In The

House, says that departments must continue to grow into more strategic, metrics-based teams to ensure that resources are being utilized properly.

“This is a prolonged, multi-pronged crisis—one spanning medical, economic, workplace, and societal arenas—that creates a C-suite level mandate for strategic transformation within legal departments in order to overcome this vast set of challenges facing legal professionals everywhere,” says Colvin.

Data suggests that teams are doing three things to help prepare for 2021:

1. Tracking key metrics that showcase third-party spend and the efficiency of in-house resources, including:
 - Overall spend of e-discovery service providers
 - Data volumes collected and processed
 - Cost per GB of data reviewed

2. Investing in e-discovery technology, such as Legal Hold or Document Management and Collection/Processing software, to reduce costs and create efficiencies. However, larger legal departments appear to be focusing on more comprehensive approaches that utilize end-to-end e-discovery software platforms, as compared to their smaller counterparts.

3. Focusing on how to limit the most expensive pre-litigation costs: document review expenses. About three-out-of-five (58%) legal departments will, at least most of the time, conduct a first pass review before sending documents to law firms for review. About two-thirds (66%) of larger legal departments do this. But this is yet another area in which technology can help, as early case assessment technology can help to vastly reduce data volumes collected, which streams into review costs: the fewer the documents for review, the lower the overall cost.

As we move into 2021 and say a merciful goodbye to 2020, legal professionals must be ready to quickly pivot and change as business needs become evermore complex.



*With a legal and business background, **MIKE HAMILTON**, is experienced and passionate about creating thoughtful, out-of-the-box*

educational resources that help keep legal teams interested and on top of emerging need to know e-discovery and privacy issues. Mike has spent the last 10 years working with legal departments to identify cost effective solutions for e-discovery and privacy practices.

How to Write an Effective Demand Letter

by Rochelle Arnold, CRP™

In order to write an effective demand letter, it is important to first gather all the facts of the case. Creating a detailed timeline is a good way to write a clear and concise letter that is not too long. You want the demand letter to contain all the pertinent information with the facts attaching to specific laws. Developing a comprehensive history of events is key to writing a demand letter that is persuasive and powerful.

BUILDING THE CASE

For example, in a disability discrimination case, you will want to prove a prima

facie case and then build from there. Prima facie is a Latin expression meaning “on its first encounter” or “at first sight.” The literal translation would be “at first face” or “at first appearance.” A prima facie case in a discrimination case would include the following proving points:

- The employee is a member of a protected class.
- The employee had all of the qualifications for the job.
- The employer rejected the employee despite his or her qualifications.

- The employer then continued looking for applicants who have the employee’s qualifications.

In a discrimination case you must prove that the complainant was qualified and that he or she falls into a protective category. The Americans with Disabilities Act of 1990 (ADA) is a civil rights law that prohibits discrimination based on race, religion, sex, national origin, and other characteristics.

SKILLS LOADING...



THE BENEFITS OF A DEMAND LETTER

A demand letter is often required by a judge before a lawsuit can be filed. This shows good faith on the complainant's side as to attempting to settle a case before court costs and legal fees are incurred. It also helps the attorney discover all the facts and timelines if the case does go before a jury. More often than not, the parties would rather come to an amicable agreement before going through an extensive and expensive legal trial. It is really at the best interest of both parties to settle before a lawsuit is filed.

I HAVE BEEN ASKED IN INTERVIEWS IF I WOULD BE ABLE TO WRITE A DEMAND LETTER, SO IT IS A GOOD SKILL TO HAVE IN YOUR BACK POCKET.

You can research for yourself on how to format a demand letter, but there is no set way that it has to be formatted. The letter should have subtitles and be arranged in a way that makes the most sense. I look at a demand letter as somewhat of an opening statement, which should be strong, concise, and persuasive while presenting

key evidence. In my opinion, it is a good idea to look at the respondent's position statement and look for any discrepancies in content, dates, or adverse actions.

The more familiar with the case you are, the better equipped you will be to write a demand letter. I believe a seasoned paralegal with above average writing skills is capable of producing an excellent demand letter, although in my experience demand letters are usually created by the attorney representing the case. With that said, however, I have been asked in interviews if I would be able to write a demand letter, so it is a good skill to have in your back pocket.

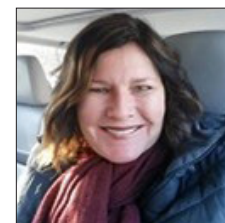
DAMAGES

To calculate damages accurately depends on the kind of case you are working on. For a disability discrimination case you would calculate front pay, back pay, compensatory damages, mental anguish, and punitive damages, if applicable. Front pay is calculated using the estimated time the complainant would have likely worked for the company and multiply the salary times that amount of time, whether it be months or years. Back pay would be the

amount of money lost while the employee was unemployed. If the employee found a job elsewhere, then subtract those wages from the back pay. It would be best to have the attorney you are working for help you with this portion of the demand letter.

Compensatory damages are any out-of-pocket costs resulting from the employer's discriminatory acts. Mental anguish can be hard to prove, but should be calculated in, if the client has developed severe anxiety, depression, or post-traumatic stress disorder as a result of being discriminated against. Emotional distress may be expensive to prove, as it requires an expert witness to testify on the complainant's behalf to what extent the person was affected by the adverse action. Punitive damages may apply if the discriminatory actions were particularly malicious.

In conclusion, this article only covers the basics of demand letters and it is best to confer with the attorney you are working with as to the best way to develop a demand letter. There are many resources on the Internet that explain how to write an effective demand letter. So, if you are willing to do the research and apply your writing skills, you too should be able to write a professional and persuasive demand letter.



ROCHELLE ARNOLD, CRP™ has been a Core Registered Paralegal with the NFPA since 2017. She has experience working as a litigation assistant,

specializing in medical malpractice and wrongful death cases. She has also worked on the personal injury insurance defense side of the law.

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Professional Development and the Paralegal

By John Acquaviva, Pa.C.P.

Stating the obvious, 2020 has been a year like no other. We have all struggled to stay afloat with the immense challenges and rapid changes presented by the novel coronavirus (COVID-19) global pandemic. In these difficult times, we can do our best to navigate the dizzying influx of new and sometimes conflicting information by using one of our greatest human abilities: learning.

Professional development is all about learning. Why is this important and why does it matter? First, we become more productive and efficient. By actively pursuing professional development, we expand and hone our skills and confidence. Second, professional development encourages us to move outside our comfort zone and to think critically. This allows us to better anticipate not only the needs of the attorneys we support, but also the clients they (and we) serve. Third, we enhance our marketability to employers as subject matter experts. Lastly, and most importantly, professional development fuels innovation, creativity, and problem-solving ability. Even simpler: learning can be good for your health. I can't think of anything more important than that, especially now.

BELOW ARE 5 WAYS TO ENRICH ONE'S PROFESSIONAL DEVELOPMENT:

1. Positive mindset:

In "The Little Engine That Could," the children's story of a small engine who succeeds in pulling a long, broken-down train over a high mountain, the phrase "But I think I can. I think

I can. I think I can." is a universal anthem of hope and optimism. My sons – ages 2 and 4 – have used this mantra in their successful pursuits of climbing the stairs, climbing small rock walls and getting into mischief. In much the same way and in this spirit, having a positive mindset towards professional development is key to setting and achieving one's goals. Yes, you can!!

2. Mentors:

Find someone who is willing to be your mentor; someone who will actively teach you what he/she knows and share his/her wisdom and experience. Equally as important, you must be willing to do the work. A mentor-mentee relationship is a two-way street: if you are not willing to put in the work and apply the acquired knowledge in your own experience, then, ultimately, the outcome of the relationship will not be successful.

Also, keep in mind that many practicing attorneys started out as paralegals and have been in our professional shoes. Cultivating peer relationships – whether it be with attorneys or other paralegals – is vital in so many ways, not the least of which is finding someone who will give you honest, constructive feedback.

3. Continuing Legal Education (CLE):

Many firms and in-house companies, or non-profit organizations like Practising Law Institute (PLI), offer credits to satisfy license and/or professional certification requirements. If obtaining

credits is not necessary to fulfill licensing requirements in your situation, CLE is still a great resource to explore areas either within or outside your practice group to enhance or expand your knowledge. As a bankruptcy paralegal, perhaps I want to take a CLE class on real estate or intellectual property to expand my exposure to other practices areas. Also, as the saying goes, "use it or lose it." Oftentimes, we simply forget things when they are not frequently used. Routine learning, via CLE, pushes you to be active and helps to prevent stagnation.

4. Firm/in-house education/training opportunities:

Always take advantage of firm or in-house sponsored educational and training opportunities. Hear from your peers or reach out to your paralegal manager to discuss what may be available. Or propose a learning series on issues that are relevant to your firm or practice group. Since everyone's time is valuable, this is a great way to get everyone in a room, or nowadays, a "Zoom room," hunker down at an assigned time and learn from the pros. Not only is this a great way to develop or enhance new skills, but it is also an opportunity to network, which I discuss below.

5. Networking:

This is so important. Meeting your peers and cultivating these relationships opens doors and presents opportunities that may not otherwise have been there.



Moreover, when paralegals network professionally, they help to enhance the reputation of their firm or company by serving as its representative. Networking also increases a firm's profitability: you, as a paralegal, can connect to potential clients and demonstrate your knowledge of advancements or improvements within the industry.

It is also important not to forget the resource that outside vendors can provide. In a post-COVID world, I connected with leading service providers in court reporting to learn and acclimate myself with the nuances of supporting a remote deposition: how to upload and share exhibits to remote parties using a cloud-based platform, how to mark exhibits, etc. By leveraging my contacts in this space, I was able to effectively assist my team in a remote environment.

Networking for paralegals allows you to build a support system of highly skilled professionals – people you can call upon with questions and be a resource to, in turn, as each of you need. The legal industry is extremely competitive, and every member of the firm should be building a network to achieve the highest level of success possible.

Whether it is by attending conferences, taking CLE, networking, mentorships or informal learning opportunities arising in practice, paralegal professional development is key for improving and enhancing one's professional knowledge and skill set and opening the doors to new opportunities. Now more than ever, both personally and professionally, we owe it to ourselves

to take nothing for granted. It is easy to become complacent. The uncertainty of a post-COVID world, however, calls upon each of us to be prepared, to adapt, and to set aside time to learn on a regular basis.

This publication is intended for general information purposes only and does not and is not intended to constitute legal advice. The reader should consult with legal counsel to determine how laws or decisions discussed herein apply to the reader's specific circumstances.



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Mr. Acquaviva is currently a bankruptcy paralegal with Ice Miller's Bankruptcy and Financial Restructuring Practice Group. In addition, he is involved in Ice Miller's Distressed Investment Group, assisting attorneys on distressed investment strategies and transactions,

including bankruptcy and in-court restructurings, out-of-court restructurings and other insolvency-related transactions.

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THE NATIONAL PARALEGAL REPORTER

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Articles can be 750 to 1,000 words with appropriate images, charts, etc. Text submitted as a word document and images as high resolution .jpg or .pdf files. All material should be emailed to Ron Badua at vpdmkt@paralegals.org

Reintegration: The Road to Grace

by Sonjanita Jordan, Brenna Dickey, RP®, and Aaron B. Bath, CEDS, RP®

Grace - do we all deserve it? Everyone on this earth has been given a measure of grace in some form. Whether it was grace from your mother when you stole the cookie she told you not to take or whether it was grace from your parents when you missed curfew and didn't get the punishment you should have received. No matter the circumstance, we all have been granted grace at some point in our life.

When we speak of grace, we generally believe that everyone and every class of people deserve it except one class: the formerly incarcerated person ("FIP"). Why is this? Haven't they already paid their debt to society? Wasn't their sentence served in full? If so, why has there been such a concerted effort to bar FIPs from joining our associations, organizations, clubs, and society? With this being said, why is it so hard for us as a society to extend grace to the formerly incarcerated person? If we think about it, we all are ex-some-things and have all needed forgiveness.

RESTORATIVE JUSTICE

At its core, restorative justice is about repairing harm and addressing various needs. When a crime is committed, people are hurt, and the degree of hurt is not always obvious or predictable depending on the nature of the crime. If a young man is arrested for a drug charge, for example, those that have been harmed could include his family, friends, community, and often unconsidered ... himself. Howard Zehr, a modern day criminologist and lifelong criminal justice and prison reform advocate, started laying the foundation for the restorative justice movement in the

1970s when he applied indigenous teaching and philosophies to problems faced under the current U.S. practices. Zehr's book *Changing Lenses*, first published in 1990, was one of the first instances where restorative justice was formally organized and articulated as an alternative approach to punitive models of criminal justice.

In *Changing Lenses*, Zehr defined restorative justice as "a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible." Under this definition, we can distill that a restorative approach to justice is one that focuses on i) the harm caused by crime, ii) meaningful accountability, and iii) meeting the needs of those involved through safe and voluntary dialogue.

Restorative justice is a process where all the parties with a stake in a particular crime are able to come together and decide how to address and deal with the aftermath of the crime and its implications for the future. FIPs deserve to be restored into society. Restorative justice creates a path to reintegrate FIPs back into society. The input and involvement of the offender, the victim, and the community is crucial in a successful restorative process. In this way, everyone who has a stake and interest in the matter is involved in the healing and restoration process.

Restorative justice ensures everyone's voice is heard and equally valued. FIPs and the community benefit when the lives of those who have made mistakes are restored, the victim's life is restored, and

the FIPs have opportunities away from the ones that led to the previous behavior.

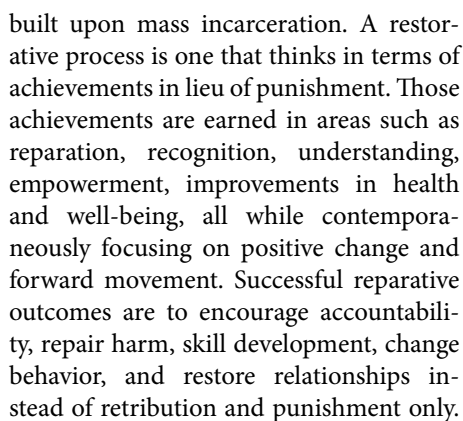
WHO PARTICIPATES AND WHAT IS THE GOAL?

It is important to understand the players involved and what the end goal looks like when contemplating a restorative process. Immediate or tangential to the crime itself are the victim(s), offender, community, family, survivors, witnesses, neighbors and friends. Structurally, other parties may include police, attorneys, judges, mediators, counselors, victim support services, witness care liaisons, and restorative justice hubs and service providers. The roles and needs of all involved vary and are equally important to consider.

PUT SIMPLY, THE GOAL OF RESTORATIVE JUSTICE IS TO THINK ABOUT THE NEEDS OF INDIVIDUALS AND THE NEEDS OF THE COMMUNITY WHEN RESPONDING TO HARM.

When a crime occurs and we hold someone accountable for that crime, questions arise. A victim may ask: Why me? Is this going to happen again? How do I go on from here? What will happen to the person that did this to me? All of these are valid questions that deserve to be addressed. Offenders may seek answers, too. What can I do to repair the harm? How can I make things better? What does the victim need from me?

Put simply, the goal of restorative justice is to think about the needs of individuals and the needs of the community when responding to harm. This is of course in contravention to punishment, which is the goal of our current criminal justice system



Often when first thinking through the logistics of restorative justice, it is easy to jump to worse case scenarios. “Why would I want to ever talk to someone that killed my spouse, or sexually assaulted me?” - one may ask. Let’s all agree that restorative justice is not the right path for every crime, and victims should always have a choice in participation. Let’s also acknowledge that the majority of people processed through our criminal justice system are not murderers or rapists, or violent psychopaths incapable of growth or self-betterment. It is important to remember that most incarcerated persons are someone’s son, daughter, brother, father, mother, sister, or friend that made mistakes which led them to commit a crime.

on one, in groups, or in mediated settings. The restorative process can also involve community projects and involvement.

For example, a person convicted of property damage may serve in the capacity of repair and cleanup, which may involve the property they directly damaged or not. The point is to better understand the harm and its impact. Conversely, a person convicted of a sexual assault may never be able to face and hold a productive conversation with their victim, but there may be value in a conversation with other sexual assault survivors or groups. Conversations like these can be impossibly hard, but offer tremendous benefit to the offender in gleaning understanding of the pain, suffering, trauma, and fear his, her or their actions caused another.

Conversely, the offender's words can help the victim by answering lingering questions such as "Was this my fault?" or "What did I do to deserve this?" There are healing and restorative powers on both sides of these conversations and actions. Restorative practices need to be proactive and rooted in self-care and internal work. Checking in along the process is imperative and necessary to ensure needs are being met, collaboration is occurring, and all participants feel safe and comfortable moving forward.

low for restorative processes as a factor in sentencing (or pre-sentencing), the criminal justice systems within those states often do not know how to effectuate alternatives to incarceration and have neither time nor resources to pilot a new initiative.

Lastly, this section warrants a brief overview of how equity fits into discussions about harm. The theory of multiple truths states it is very rare for any two or more people to agree that a certain thing happened exactly the same way or for exactly the same reasons. The problem occurs when experiences of traditionally marginalized people - black, indigenous, people of color (BIPOC) - are not heard ... or are heard but not considered. Equity gives weight and meaning to voices and perspectives unlike one's own and is a core restorative value, along with respect, compassion, inter-connection, and self-determination.

Our current criminal justice system fails everyone it touches. In prison people are hurt instead of helped. Think about the very first thing that is said to a person accused of a crime: “You have the right to remain silent. Anything you say can and will be used against you in a court of law.”

Under the current system of retributive justice, punishment or the threat of punishment is believed to successfully reform or change offenders and their behaviors. Under the current judicial process, which is primarily focused on pun-

ishment, recidivism is high. Recidivism creates a revolving door in which an FIP is in and out of the judicial system. Here is a good example of how recidivism can easily happen: An FIP applies for various positions, including positions at entry level jobs at chain restaurants. The FIP applies for more than 20 jobs, but no one will hire the FIP for any position.

With no opportunities for gainful employment and a paycheck to pay rent, bills, and support their family, many FIP will be in a position where they will most likely feel they have to recommit crimes to put food on their tables and keep a roof over their families' heads. When opportunities are not available, it is difficult, if not impossible, to get out of the situation the FIP was in that created the climate for crime. Additionally, many FIPs are released with little or no resources and placed back in the same circumstances and with the same associates that led to them being incarcerated in the first place. Restorative justice is important to stop recidivism and provide opportunities for FIPs to become fully integrated back into society so they can become active and contributing members of society.

Acknowledgement and discussion is overwhelmingly discouraged. For the victim, our criminal justice system can seem long, stressful and complicated. Criminal and judicial processes are unfamiliar and daunting to victims, and often leave them feeling powerless and excluded. Restorative justice creates a process of justice that meets a victim's needs by giving them a voice, and provides a path for understanding, growth, and personal betterment to the offender.

Yet, under the current judicial system, individuals who are incarcerated nonetheless typically return to incarceration, with many returning to places plagued by violence and lacking supportive social structures. By focusing only on the offending individual, the criminal justice system misses valuable opportunities to repair the harm caused by an offense and to strengthen relationships within struggling communities. Given the revolving door between prison and community,

there is much potential for restorative justice to play a role in reducing recidivism.

Several studies show the positive role restorative justice processes play in lowering reoffending rates. In 2007, Kimberly De Beus and Nancy Rodriguez studied the relationship between completion of a restorative justice program and re-offense in offenders. Offenders in restorative programs were more likely to complete the program and were less likely to reoffend compared to a control group. Furthermore, in 2005, William Bradshaw and David Rosenborough also conducted a study of the effect family group conference and victim-offender mediation had in reducing recidivism. In this study, family group conferencing was shown to have twice the effect as traditional justice programs, and victim-offender mediation had an even larger effect on recidivism. Several other studies showed the positive effects of restorative justice programs on decreasing recidivism.

SEVERAL STUDIES SHOW THE POSITIVE ROLE RESTORATIVE JUSTICE PROCESSES PLAY IN LOWERING REOFFENDING RATES.

In many ways, restorative justice is the opposite of our current criminal justice model which is based on punishment. A consequence to an action is not equal to a punishment. If one loses one's temper and pushes someone down, there should be a consequence to that action. However, whatever happens after that bad action occurs is a choice. We can choose to punish and focus on the law/rule that was broken, who committed the offense, and what retributions are appropriate. Alternatively, we can adopt a restorative approach and focus on what occurred, who was impacted and why, and what needs must be addressed to make it right.

Let's take a second to acknowledge the power of language. What if we referred to victims as people who were harmed and offenders as people who caused harm? Does that change how we think of them? Most people have caused harm or been harmed in their lifetime - we can all relate to this on

some level. It is unfair and punitive to label someone based on the worst thing they have ever done or that has been done to them. Dignity and grace should be ascribed when talking about human beings, even when the topics are difficult and complex.

Restorative justice is difficult and complex for a number of reasons - this is a human problem. Instinctually, people retreat into isolation as a form of protection. Many only feel safe isolated within the protection of their home. We've lost the skill of facing people and having difficult nuanced conversations, especially with people outside of our comfort bubble - people who are not like us. As a society, we are not adept at facing our fear of facing each other. The answer has been to take the easy path. Lock everyone up. Keep people separated to feel safe; let's lock away all harm inside of prisons so we don't have to see it or deal with it. This approach fails on many levels as demonstrated by the fact that 50%-70% of people that leave prison return within three years.

This model assumes that human beings are motivated by fear, and that people only follow the rules because they are afraid of what will happen if they get caught. If this were true, why have we not won the war on drugs ... or why is domestic abuse a daily occurrence? This antiquated approach fails to recognize and acknowledge that people are intrinsically good and capable of course correction, and that people need help. People can and are motivated by relationships and refrain from causing harm because they want to be in good relationships with those in their community. Punishment only causes more harm. Whereas, a restorative approach to justice restores humanity and helps to rebuild communication skills and compassion that have long been lost and blocked by the current criminal justice system and mass incarceration.

THE VALUE OF RESTORATIVE JUSTICE

The most important reason our current system is in need of serious reform is that in the United States, approximately 1 in 3 adults (70 million people) have some sort

of criminal record and are subject to having opportunities or employment withheld.

In fact, most people currently incarcerated in the United States are not accused of serious crimes, but instead are charged with misdemeanors or non-criminal violations. Rather than investing in community-driven safety initiatives, cities and counties are still devoting vast amounts of public resources into the processing and punishment of these minor offenses.

Many of these 70 million Americans are subject to criminal background checks

lowering the Money of Mass Incarceration, that the system of mass incarceration costs the government (and its taxpayers) and families of incarcerated individuals at least \$182 billion every year. According to the Vera Institute of Justice, incarceration costs an average of more than \$31,000 per inmate, per year, nationwide. In some states, it's as much as \$60,000. Taxpayers foot the bill for feeding, housing and securing people in state and federal penitentiaries.

Unfortunately, the negative effects of a criminal conviction are substantially more significant for African Americans

There are currently federal, state, and local laws protecting individuals with criminal records from unfair or discriminatory practices in the employment context, including laws governing the commercial background check industry; however, many employers are either unaware of these laws or choose to ignore them in their hiring practices. We encourage you to review and share the accompanying: "20 Best Practices Standards on the Use of Criminal Background Checks in Hiring Decisions", provided by the Legal Action Center Lawyers' Committee for Civil Rights Under the Law, and the National



when they seek employment and are often pre-screened and eliminated from employment opportunities before they go through the interview process. Most employers and occupational licensing agencies conduct criminal background checks on prospective employees.

Costs associated with the healthcare, shelter, food, and security services related to incarceration are expensive. The Prison Policy Initiative found in its report, Fol-

lowing the Money of Mass Incarceration, that the system of mass incarceration costs the government (and its taxpayers) and families of incarcerated individuals at least \$182 billion every year. According to the Vera Institute of Justice, incarceration costs an average of more than \$31,000 per inmate, per year, nationwide. In some states, it's as much as \$60,000. Taxpayers foot the bill for feeding, housing and securing people in state and federal penitentiaries.

Unfortunately, the negative effects of a criminal conviction are substantially more significant for African Americans than for Caucasians. A New York City study found that the employment harm suffered by African American applicants is almost twice the penalty for Caucasian applicants with a criminal record.

According to a 2014 Brookings Institution study, local prisons cost taxpayers at least \$22 billion a year; this amount is separate and apart from the costs related to those serving sentences in state or federal prisons.

Workrights Institute. It is very important for job applicants with criminal records, employees, social service providers, employers, and lawyers be aware of all applicable laws and the changing landscape in the laws affecting potential employees.

In the current system, social and economic disparities create large discrepancies in the amounts of bail set, charges made, and the length of sentences. Using

restorative justice instead of the current system would help address some of the clear race- and income-based disparities.

There are multiple disparities, all of which create an unjust system for people of color, but particularly for African Americans.

First of all, there are disparities in the amount of bail set. African American defendants receive higher average bail amounts than other defendants. Additionally, more African American and Latinx defendants are detained without bail in comparison to white defendants.

Additionally, and more importantly, there are many people incarcerated for long periods of time because they are unable to pay the bail set for them to be released from jail until their court date.

Over the past few decades, the jail and prison population in the United States has grown exponentially. This unprecedented growth of America's incarcerated population is almost entirely due to the rise in pretrial detention: the practice of holding defendants before their trial. It is clear that the reason for detaining defendants in pretrial detention is because an estimated 2.5 million people each year behind bars cannot afford their cash bail.

Most importantly, our current judicial system is in dire need of reforming its bail system. In addition to the 1.6 million people incarcerated in federal and state prisons, there are more than 600,000 people locked up in more than 3,000 local jails throughout the U.S. Over 70 percent of people held in local jails are being held there pretrial – those who have not yet been convicted of a crime.

The reason so many people are being held in jail before they have been convicted of any crime is primarily due to how our country ties its justice system to money bail. With money bail, the guarantees under the constitution of being innocent until proven guilty only apply to those with the funds to be able to pay bail money. Additionally, with money bail, if the defendant is unable to come up with bail

money, those accused of a crime can be incarcerated from their arrest until their case is resolved or dismissed in court.

Although it may not seem like a relatively minimal amount of money to many of us, there are numerous individuals being held because they are unable to pay \$900 in bail. A disturbing example of the economic disparities related to bail is well illustrated in the documentary, *Time: The Kalief Browder Story*, which is available on Netflix. Kalief Browder was accused of stealing a backpack and insisted on his innocence. He was held in jail for three years, much of that time in solitary confinement, without even being convicted of a crime or having his day in court to defend himself. If Kalief Browder's mother had been able to post bail in the amount of \$900, he would have been released until his trial.

Kalief Browder was subjected to beatings from fellow inmates and prison guards, and unknown other atrocities – all because he was accused of stealing a backpack. Although his story is shocking, what's truly shocking is how common this treatment is for so many other individuals involved in our country's judicial system. Kalief Browder's story is the story of far too many.

Perhaps some of you are aware from your work as paralegals in the criminal law arena, but most of you are probably wondering: how does bail work? Most individuals arrested and charged with crimes must provide a refundable deposit to ensure they will appear on their court date. This means either putting up their own cash, or paying a fee to a commercial bond company that will post the bail. Unfortunately, people who are unable to pay bail or a bail bondsman remain in prison.

The United States (minus four states) and the Philippines are the only countries with a commercial bail industry. Bail reform advocates contend that this system creates unequal justice for rich and poor citizens – effectively jailing people simply because they don't have access to the right amount of bail money at the right time.

Holding non-convicted citizens in jail has a multitude of serious effects, some of which are obvious: they can't work, they can't spend time with their families, they might lose housing, and they can't contribute to society through volunteer work. These individuals are pressured by the District Attorney's office to plead guilty just to avoid the misery of being locked up, and many of them do so. Kalief Browder could have walked out of jail immediately if he had pled guilty to a crime he hadn't committed. However, he was determined to have his day in court because he was innocent. Unfortunately, his day in court never came. These individuals who haven't been convicted too often lose their jobs and suffer physical and emotional trauma due to their incarceration. Who is this serving? No one. Instead, huge sometimes irreparable harm is being done to these individuals.

THE AVERAGE SENTENCE FOR AFRICAN AMERICANS SENTENCE IS 168 DAYS LONGER THAN A SENTENCE FOR A CAUCASIAN.

Research shows that the economic and emotional consequences of being jailed for lack of access to bail money leave defendants damaged and more desperate than they would have otherwise been, and most likely actually lead to more, not less crime.

Furthermore, defendants incarcerated before trial have a lot less leverage in bargaining with prosecutors when they are in custody versus out of custody on bail. They also have less opportunity to substantially contribute to their defense.

Secondly, African Americans are charged with more serious offenses than white defendants for the same crime. For a good example of this, please see Aaron Bath's accompanying article.

Lastly, the average sentence for African Americans sentence is 168 days longer than a sentence for a Caucasian. Even when researchers controlled for criminal history, jurisdiction, and neighborhood, they concluded: "racial disparities in sentence length cannot be solely be explained by the

contextual factors that we consider and permeate the entire criminal justice process.”

On June 2020, the American Bar Association’s Working Group on Building Public Trust in the American Justice System published a scathing report on the current justice system, outlining the various ways our current justice system penalizes and criminalizes our nation’s poorest citizens. A link to this report is available in the notes, references, and resources below.

TRANSITION AND PATH TO REINTEGRATION

The transition from prison to free society is not merely a phrase. Transition, also known as re-entry, is alive and well, but is also well hidden within the boundaries of what society thinks it should be.

Even though grace has not been extended to FIPs by society’s standards, the state and federal criminal justices systems have surprisingly allowed a current offender to improve or better themselves for their return back into society by allowing the FIP the opportunity to take several different programs. Some of these programs are faith-based but they also include job training, General Educational Development (GED)/High School Equivalency Test (HISSET), anger management, parenting skills, and alcoholics and narcotics anonymous. If the powers that be can have that type of empathy for the FIP, why can’t we as a society extend the same grace?

Re-entry begins when an incarcerated person is released from incarceration not when we as a society decide to release them from the prisons of our thoughts and minds. Contrary to popular belief, any work done, such as trainings or treatments, prior to setting foot outside the prison gate, is done in preparation for transition/re-entry back into society.

So, how can we as a society assist FIPs on the road to reintegration by giving them what they need and not by giving them what we think they need or what we want to give them? We believe the following steps are just the beginning of the process.

1. Use evidence based practices from Right-On-Crime 20 Best Practice Standards on the use of Criminal Background Checks in the hiring process which are as follows:
 - Background checks can often be misinterpreted by employers, not up-to-date, contain incorrect information, or do not tell the whole story of an individual, causing employers to unnecessarily pass up on highly qualified applicants.
 - Statistics show that employment of individuals that have criminal backgrounds reduces recidivism, improves public safety and helps the overall economy of our communities.
2. Involve non-correctional stakeholders (public, private and community agencies) who can provide services and support as re-entry efforts are planned and implemented;
3. Assure that transitioning offenders are provided basic survival resources such as identification documents, housing, appropriate medications, linkages to community services and informal networks of support before, during and after they are released from prison; and to
4. Expand the traditional roles of correctional staff beyond custody, security, accountability, and monitoring to include an integrated approach to offender management that engages offenders in the process of change.

What re-entry does not do is create unnecessary stress, or situations that can lead to re-arrest. Re-entry does not account for the masses of people on probation and is not an extension of the criminal justice system.

Successful re-entry programs for the FIP rely on more than merely helping ex-offenders find jobs; it also requires helping offenders change their attitudes and belief about crime, addressing mental health issues, providing mentoring, offering educational/vocational opportunities, job training, and increasing positive reinforcement.

The goal of re-entry initiatives is to cut the recidivism rate by 50% or more for returning citizens beginning with the local jurisdictions that contribute the highest numbers of prisoners to the system. If we combine a bit of grace with steps to help reintegrate FIPs back into society, we could reduce the rate of recidivism by numbers currently unimaginable.

A crime should not define who you are forever and hand out a life sentence by limiting opportunities available to FIPs. Without restorative justice, FIPs are given two different life sentences – behind bars and then the subsequent stigma of being someone with a felony record. We are all ex-some things and we have all made mistakes. Fortunately, we have been forgiven for those mistakes and are able to move forward. FIPs deserve forgiveness and the chance of a viable future. Once local, state and federal agencies have freed the incarcerated person, can we now also remove the shackles of judgment from the FIP and treat them as human beings who have paid for their transgressions? Forgiveness is the currency for redemption.

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20 Best Practice Standards

On the Use of Criminal Background Checks in Hiring Decisions

- ☒ 1) Identify Risks of the Job for a Relevance Screen of Convictions
- ☒ 2) Review Only Convictions and, Where Permitted, Pending Prosecutions
- ☒ 3) Choose a Reasonable “Look-Back” Period
- ☒ 4) Don’t Mention Criminal History in the Job Posting
- ☒ 5) Don’t Ask about Convictions in the Application
- ☒ 6) Interview Option 1: Don’t Ask about Convictions (Check Before Final Hire)
- ☒ 7) Interview Option 2: Discuss Convictions
- ☒ 8) Use an Experienced Consumer Reporting Agency for Background Checks
- ☒ 9) Provide Relevance Screen to the Consumer Reporting Agency (CRA)
- ☒ 10) Don’t Use Databases Containing Non-Conviction Data
- ☒ 11) Confirm All Conviction Data from the Original Source
- ☒ 12) Report Convictions Only When Full Name and All Other Available Identifiers Match
- ☒ 13) Be Sure Disposition Reported Is Current
- ☒ 14) Report All Charges Related to a Single Incident as a Single Entry
- ☒ 15) Allow Time to Challenge a Disputed Report
- ☒ 16) Consider All Evidence Relevant to Rehabilitation
- ☒ 17) Choose Hiring Official Senior Enough to Balance All Factors
- ☒ 18) Presume Incumbents with a Track Record are Fit to Stay
- ☒ 19) If necessary, Offer Incumbent Appropriate Transfer
- ☒ 20) Train Human Resources Staff on Proper Use of Conviction Records

Excerpted from **Best Practice Standards: The Proper Use of Criminal Records in Hiring**

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https://www.lac.org/assets/files/Best_Practices_Standards_-_The_Proper_Use_of_Criminal_Records_in_Hiring.pdf



More Than My Mistakes

By Aaron B. Bath, CEDS, RP®

I AM A LEGAL PROFESSIONAL.

I love the law. Like most of you reading this, there is a prideful connection I feel to the language, strategy, and specificity of the legal profession. After 20 years of courtship, I finally feel confident and at home in this space despite the many obstacles that made my path a minefield.

At age 25, I met a new friend in Fort Worth, Texas where I was working in Information Technology. He was a recent law school graduate, and between rounds of pool, he convinced me to trade in my pager and help desk tickets to work at his law firm. This was my start as a **paralegal**.

The first decade of my career was spent in the trenches of busy successful litigation firms, racking up well over 100+ trials while learning the mechanics and creativity of successful trial advocacy. Splitting my time between New York and Dallas, I climbed the ladder from entry level document manager to managing senior trial paralegal - often sitting side-by-side with our top partners as they argued high profile cases in beautiful courtrooms all over the country, and internationally. After a unique opportunity was presented by a federal judge and personal mentor, I made the scary and uncertain transition to an in-house corporate position.

Adjusting from law firms to corporations felt like I was on an alien planet at first. Different skills were developed and new strengths were brought into focus as I worked tirelessly for two back-to-back multi-billion dollar global companies during the second decade of my career. My title changed every few years, from *Litigation Paralegal*, to *Litigation Consul-*

tant, to *Litigation Manager*, to *Director of Litigation*, finally arriving at my current role of *National Director of Legal Operations & Litigation Management*. Eventually, I also added the title of legal educator as I began working as an adjunct professor and course instructor for multiple graduate programs in litigation management, eDiscovery, and legal technology.

Believe it or not, even after all of this ... I felt like an **imposter**.

I AM A CONVICTED FELON.

As a young man I made a series of choices that impacted and shaped my life in ways I never could have imagined. The details surrounding the particular crime are not particularly important - it was not violent. I voluntarily confessed out of sheer fear and guilt after I was arrested; I was just 17. After a difficult year in prison having been tried as an adult, I completed ten years of

Turns out, I was wrong. My parents were right. I should have listened. Hindsight is a funny thing.

probation with weekly meetings and drug tests for the first two years. Additionally, I completed hundreds of hours of community service, paid thousands of dollars in fees and restitution, and went back to school and earned my GED. That's right, I never graduated from high school. The series of choices that shaped my life started at 16 when I dropped out of high-school against the protests of my parents and moved out on my own - erroneously thinking I was mature enough for independence while pursuing a career as a pianist. Turns out, I was wrong. My parents were right. I should have listened. Hindsight is a funny thing.

Years later as an adult I learned that I am severely dyslexic, a learning disability that profoundly hindered me in public school causing embarrassment and shame. I was smart and had a rare talent on the piano that garnered much attention and praise, but I kept failing my exams and quizzes. Maybe school just wasn't for me. Frustrated with my academic failure and inability to make passing grades, I dropped out, moved out, and committed a crime in an effort to make rent and eat ... all before my 18th birthday.

So here I am now at age 45 - a convicted felon. I am also a husband, son, dog dad, uncle, brother and friend. I'm human. Like all humans, I made mistakes. This one mistake; however, was exponentially more serious and costly than others ... as this story will tell.

I AM VULNERABLE.

When I was young, I remember hearing the fable of the elephant and the chain. The story goes: In the circus, a massive heavy chain is wrapped around the foot of baby elephants. No matter how hard the baby struggles, it is unable to break the heavy steel chain. After many years, that elephant grows to be enormous and weighs 5-7 tons ... but now only has a small thin rope around its foot. This rope could easily snap under the sheer power and might of an adult elephant if it tried to make an escape. The lesson here is one of *learned helplessness*.

I have experienced *learned helplessness* my entire adult life. Being told "no" over and over again, and that you do not belong has a lasting impact. It chips away at your confidence creating a world of isolation, insecurity, and fear. As a convicted felon,

those chips come in unexpected ways. You want the job? You want to go to school? Do you want to rent an apartment or buy a house? You want to vote? “Fill out this form,” they say. The “form” will inevitably have some version of: “Check this box if you have ever been convicted of a crime.”

Checking that box changes everything. Twenty eight years ago, when I was released from prison, I understood the need for me to check that box. I did the crime, and this was my punishment. I did something bad, and people had a right to know before taking a chance on me - understood. But what about now? At age 45, do people still have a right to know what I did 28 years ago when I have worked hard to better myself and constructively contribute to society?

Relationships with family and friends change, too. At first, you notice small modifications to behavior. Excuses come quickly as to why you no longer need to babysit, or why you shouldn't work the cash register at the family store. Romantic relationships had a funny way of dissolving once my background became known. Sometimes the awkward breakup came swiftly, other times years later when I thought I was safely over that hurdle. It really hurts to be judged and feared for something in your past that you cannot erase.

Every step as a person with a criminal past is a tight rope walk without a net; you never know exactly when you will fall, but at some point you will hit the ground ... hard. Over and over again. This is particularly true with respect to employment. I am lucky to now be at a stage in my career where I have earned a solid reputation in our industry and no longer have to hide who I am; however, my story is the excep-

tion not the norm. For most of my career I lived in fear of losing my job at any second. Every single time I was called into an office or to HR, I thought “this is it”.

Having a criminal background is an invitation for small minded people to weaponize it against you. And they do. I once had a Harvard Law School graduate send my mugshot to the managing partner of the law firm I worked for because of a casual joke I made at his expense during a document review. I called him “short”. It was all in good fun - we both laughed. I considered him a friend who I had confided in regarding my background. His ego, however, locked on to the insult and he tried to get me fired anonymously almost a year later - he is now the dean of a Texas law school. It amazes me how often petty people are rewarded for egregious behavior.

Years after starting my legal career and finding some success, I contemplated going to law school. Long after my dyslexia was diagnosed and I learned how to navigate my learning disability, I worked my way through college as a trial paralegal eventually earning a degree with a double major in philosophy and political science from Southern Methodist University, with distinctions in jurisprudential studies, logic, and ethics.

I then studied hard for six months and bagged a 176 on my LSAT (180 is perfect). I was poised to be accepted into my two top picks: NYU or Harvard Law Schools. Much like the baby elephant in the fable,



I remembered all the struggles from years past, all of the pain and embarrassment, and I could feel those chains holding me back. What would happen if I incurred all that debt and could never practice law? What would happen if I worked hard for three long years just to be denied and told I could not sit for the bar? What would happen if I became a lawyer and down the road opposing counsel found out about my past? Would they weaponize it against me or my client? I was paralyzed with fear. I am vulnerable, and every step I take must be carefully measured and considered. I ultimately decided that despite my efforts and high scores, I would abandon my plans for law school in favor of a less risky path for someone like me.

I AM A MEMBER OF A PARALEGAL ORGANIZATION.

During my journey from entry-level to managing senior paralegal, there were many times I wanted to solidify my place at the table. I would see other more senior paralegals and think - wow - they have a certification, they are Board-certified, they are part of a paralegal association. They are a **real** paralegal. I tried to join a number of paralegal associations and was denied membership because of that one troublesome question on the ap-

plication. I applied to take certification exams to demonstrate my knowledge and competency - application denied.

I felt like an imposter. What did I have that made me a paralegal? I had no initials after my name, and I never formally studied the law - I was just a guy working at a law firm trying my best to earn a living. This community does not want me, and even if they did ... they could never really know the “real me”. I’d be exposed. “I’ll just keep my head down and let my work speak for itself”, I often thought.

I FELT LIKE AN IMPOSTER. WHAT DID I HAVE THAT MADE ME A PARALEGAL? I HAD NO INITIALS AFTER MY NAME, AND I NEVER FORMALLY STUDIED THE LAW - I WAS JUST A GUY WORKING AT A LAW FIRM TRYING MY BEST TO EARN A LIVING.

I was reintroduced to the Dallas Area Paralegal Association (“DAPA”) back in 2018. At the time, I had just started teaching at Southern Methodist University’s graduate-level paralegal program and learned that DAPA was a partner of that program. As a 20 year litigation veteran with a senior management role on a global in-house legal team, I wanted to join DAPA primarily to get involved and mentor other paralegals looking to start out or change their career trajectory. I filled out the application, submitted it, and my heart sank when the response came. Denied.

My membership was summarily denied pursuant to “their policy”, and I was informed of my right to appeal the decision to the association’s Board of Directors by attending a Board meeting in-person and pleading my case. I had a difficult decision to make. Do I let this go (as I had so many times in so many situations before), or do I subject myself to the embarrassing indignity of telling a room full of strangers my most embarrassing story from 28 years ago? I stood my ground and showed up.

I will lead with this: DAPA and its Board are now very dear to me, but when I showed up to that Board meeting, it was

a roomful of strangers. I entered a large beautiful conference room on the 14th floor of a downtown Dallas highrise; all of the faces were new as I walked in and handed everyone a bound document with exhibit tabs containing my resume, professional accomplishments, and over a dozen letters of recommendations - my trial prep training had served me well.

I talked through the documents and explained my background to the room and fielded a number of questions. It went well I thought, and the smiles I saw in return felt genuine and sincere. I heard more than once the phrases “that’s why we have an appeals process” and “the process works for us”. But no. That process only “works for you” because you are not the one having to risk your privacy and employment to join a professional organization in an effort to make a living. Let me spend just a minute to explain why “the process” *didn’t* work for me and doesn’t work for others with a criminal past. It’s called positionality; my situation is different than yours and I can lose my livelihood based on the information you are asking me to share - but that does not even register to you.

Paralegal organizations, like any legal peer group, are volunteer organizations. Everyone does not always get along. Feelings can get hurt. People can be vindictive (remember my short lawyer friend from Harvard? I do.) Sharing my criminal background with 12 strangers that I did not know or trust scared the hell out of me. Any one of those people could weaponize my disclosure against me, or casually tell someone they know about my past that might - for whatever reason or no reason at all - eventually try to hurt me. It has happened before. It will happen again. I am vulnerable.

I should not have to risk my job, dignity, and privacy to join a group or gain a certification that helps me validate my professional self and earn a living. Not when my mistake was 28 years ago. Or 20. Or 15. Or even 10. **One mistake should not equal a life sentence** or stand in the way of professional betterment and personal growth. It is so easy to recapitu-

late the lazy and inconsiderate phrase “it is our policy.” You have most likely heard it when on the phone with your cable service provider when challenging a billing issue. How did it make you feel?

During that Board meeting I was ultimately warmly welcomed into DAPA. I was glad, but also profoundly disappointed that I had to go through that in the year 2018 given the efforts, strides, and accomplishments I’ve made in the legal space over the past two decades. It was that very same week I told my friends and family to watch me: I will become President of DAPA and change things, so that others do not need to feel that same fear and anxiety when they see that question on DAPA’s membership application. That was 2018.

It is now 2020, and I’m DAPA’s current President-Elect serving my second term on the Board and am slated to be President in 2021. Last year, I volunteered to serve on the Bylaw committee and fought to change the question regarding criminal convictions to go back only seven years in lieu of all of time. After 45 minutes of heated discussion, I changed some minds and the majority compromised to go back ten years on the application - it was not a unanimous vote. The Bylaws were formally amended and adopted by DAPA’s Board of Directors, hopefully paving the way for others to come behind me without fear of exposure or rejection.

I AM A PACE REGISTERED PARALEGAL.

Once I was allowed to join DAPA and was voted onto its Board, doors started to open in ways I had not experienced before. As a member of DAPA, I was automatically admitted as a member of the *National Federation of Paralegal Associations* (NFPA). Suddenly I’m in two paralegal associations - one local and one national. Next thing I know, a former President of DAPA who quickly became a trusted friend, vouched for me to NFPA leadership. Like magic, I suddenly received an exemption to sit for the *Paralegal Advanced Competency Exam* (PACE), which I took and passed a month later. I now had some new ini-

tials after my name (RP), and an actual paralegal certification to my credit.

In just a few months, I went from feeling like an imposter ... to being a member of two paralegal associations, serving on the Board for one of them, and earning the most advanced paralegal credential that NFPA offers. It is amazing the impact those small changes had on my sense of confidence, personal pride, and sense of belonging to the paralegal community. Despite my prior accomplishment and level of expertise gained over 20 years, it was that sense of acceptance and community that cemented my self-worth as a legitimate paralegal. I now belong. I am an imposter no more.

I think of all my peers and colleagues hiding in the shadows afraid to step out and join our rich legal community. They hesitate because of a mistake that should be fading out of focus in their rear-view mirror as they try to move forward. They could be the next member of a paralegal association, or Board member ... or even its President. Or could they?

I AM WHITE.

It would be a mistake to write this article without addressing race. I am white. More specifically, I am a straight, white, cisgender male. I want you to consider how privileged I am that I can go from having my membership application denied to becoming DAPA's President-Elect in just over a year **simply because I wanted to**. Don't get me wrong, I am qualified to lead the organization and am excited to do good with my opportunity in that leadership role. The same Board members I had to bare my soul to just to join have now converted to a valued group of respected friends, colleagues, and peers. Although I am proud and thankful that DAPA has a talented, committed, and diverse Board, it's not lost on me that there has never been an African-American President in its 44 year history.

Creating a culture change around race and racial issues needs to come from the top down, and it needs to be **intentional**.

Even well-meaning people, in positions of power, have a natural bias that their way and their perspective is the norm. Anything other, or in contravention to their way or perspective, is abnormal. It takes intentional action to pave the way for groups that have been historically marginalized - to create a *new* normal. It does not arbitrarily happen on its own.

Leaders have to be intentionally **inclusive** to effectuate meaningful change. Despite the privilege my whiteness and maleness have afforded me, I do belong to a historically marginalized group. I'm a convicted felon. Now, it is not axiomatic to those that meet me that I'm a member of that group. I'm able to hide in plain sight. Even when people know about my past, it generally fades to the background eventually ... as it is not something they are reminded of or see every time we interact. This is not the same with skin color. A person of color can't hide. A person's race is front and center every single time they are present. To quote author Ta-Nehisi Coates, "to be black is to walk through the world and watch people doing things that you yourself cannot do." Now, just imagine being a person of color AND someone with a criminal record. The intersectionality of both attributes makes life exponentially more complicated and limiting.

I've been both lucky and strategic during my adult life to have been surrounded by very smart people. My wife is a highly educated university professor and woman of color; she is the daughter of immigrants that moved to the U.S. from India. My inner-circle friendships include African-Americans, Asian-Americans, and immigrants from all over the globe. These aren't just Facebook friends either; I actually know them. I've been to their house, know the names of their children, met their spouse, and most importantly ... earned their trust to where they are comfortable talking to me about race.

Those relationships have all enriched my life teaching me the world is different and so much more than I envisioned as a white kid growing up in Texas. Because of my ex-

posure to those relationships, I did not fall prey to the *single-story* myth of other cultures that I hear repeated so often in white communities. This myth is the concept of knowing one small aspect of a country or culture and allowing that small symbol to stand for the entirety of that country or culture - a dismissive synecdoche of race and culture. For example, someone may watch a documentary on India and form the false conclusion that people from India lived in mud huts and poverty before moving to the US. They have clearly never been to Mumbai, with levels of wealth, education, sophistication, and cultural appreciation that most Americans would be in awe of. This myth applies to me in some respects.

If you read on a piece of paper that I was convicted of a felony, that is all you see. Your mind already forms a picture of me full of bias and low expectation, even if you are well meaning. Now imagine if I was also black. I'd like to think if you actually got to know me for who I am and what I have done with my life over the past two decades ... the picture in your head would materially change for the better and to my benefit. This concept is demonstrated by the welcoming process by which I was accepted into the NFPA's Diversity, Inclusion, and Equity ("DI&E") Committee. As colleagues and peers experienced in recognizing past stigma and stereotypes, the Committee members accepted me based on merit and a willingness to contribute without the need to make me revisit mistakes made as a teenager.

This is in contrast to my prior frustrating experience in trying to join a paralegal association, or trying unsuccessfully to just be allowed to sit for a certification exam. My experience as someone who has been through the criminal justice system is seen as a strength within the DI&E Committee, as it gives me a unique perspective from which to voice the pain, vulnerability, and positionality of a formerly incarcerated person.

Despite my past ... my voice matters. Not ALL voices are heard or considered equally, though. That is why, as an ally

to communities of color, I need you to hear that my personal story is the exception ... not the norm. I understand that I stand in a space that a person of color cannot currently occupy; my privilege allows me to. With a profound understanding of this, I will use my privilege wisely to continue to drive a culture change in the legal community with purposeful, decisive, and intentional action.

I AM MORE THAN MY MISTAKES.

Transitioning from prison to the free world at such a young age was challenging. All I wanted was a chance to heal and succeed. Although success was eventually earned, it came with much pain, difficulty, and discouragement. Once you are labeled, that label sticks - it follows you everywhere. For some, like me, it is easier to outpace those mistakes than for others - though never fully. All human beings have worth and dignity. For individuals with a criminal background, building momentum proves difficult because you hit wall after wall after wall, from your personal life to professional endeavors. Human beings need grace at times to flourish. They need opportunity and support to contribute, grow, evolve, and eventually give back. **A person is so much more than their worst mistake.**

My hope is that focus shifts from punishing and excluding people that have made mistakes, to providing room and oppor-

tunity for them to course correct. People coming out of the criminal justice system desperately need opportunity and support to do right. In sharing this personal story, I invite you to walk a brief minute in my shoes ... and the shoes of so many others that struggle to regain their dignity and find a meaningful place in this world on the other side of a bad decision.

I encourage you to understand what is at risk when you ask someone to disclose the entirety of their background on an application ... or to a group of strangers. Consider a person in their entirety and seek to understand their whole story, not just the *single story* their past mistakes will lead your mind to form. When writing policy or making decisions that involve being more inclusive, remember my story. Yes, I have been convicted of a felony crime ... but that alone does not define me. I am a legal professional, an educator, a husband, a son ... with innumerable facets of my life that more accurately represent who I am now. I am more than my mistakes.



AARON BATH, CEDS, RP® is the National Director of Litigation Management for Balfour Beatty and an adjunct professor of legal

technology/eDiscovery at Southern Methodist University in Dallas, Texas. Aaron also serves as President-Elect for the Dallas Area Paralegal Association (DAPA), VP of Education on the Board of Directors for the Association of Certified eDiscovery Specialists (ACEDS), and is a member of NFPA's Diversity, Inclusion, and Equity Committee.

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2. TED. "The danger of a single story | Chimamanda Ngozi Adichie". YouTube, 7 Oct. 2009, <https://youtu.be/D9Ihs241zeg>.

The Diversity, Inclusion, and Equity (DI&E) Committee was created by former Director of Positions and Issues (current NFPA President), Lori Boris, RP(r), MnCP, and is now overseen by current Director of Positions and Issues, Maren Schroeder, RP(r), MnCP. Its objective is to work on development of NFPA's Model Diversity, Inclusion, and Equity Policy to be used as a resource for NFPA member associations, and to provide guidance and suggestions for implementation of their own diversity, inclusion, and equity policies. The members of the Diversity, Inclusion, and Equity Committee are:

- Sybil Taylor Aytch, RP®, M.Ed. (Coordinator)- Oregon Paralegal Association
- Wayne D. Akin- Oregon Paralegal Association
- Aaron B. Bath, CEDS, RP®- Dallas Area Paralegal Association
- Cynthia Bynum, MBA- Georgia Paralegal Association
- Brenna C. Dickey, RP®- Oregon Paralegal Association
- Sage Black- Missouri Paralegal Association
- Sonjanita C. Jordan- New Orleans Paralegal Association
- Salimah Rosenberry, ACP- Central Pennsylvania Paralegal Association
- Stefanie M. Trujillo- Rocky Mountain Paralegal Association
- Jay M. Williams, TBLS-BCP- Dallas Area Paralegal Association
- Mpho Chapi - New York City Paralegal Association

#ParalegalsPlugin at the NFPA Annual Convention and Policy Meeting

By Becky Reedy and Ronell B. Badua, AACP

NFPA MAKES HISTORY: FIRST VIRTUAL CONVENTION AND UPDATES TO BYLAW AMENDMENTS

NFPA held its Annual Convention and Policy Meeting from October 22 - 25, 2020. This convention brings paralegals and our partners together to learn about the latest legal trends and to advance the paralegal profession.

Through the years, the Minnesota Paralegal Association (MPA) had planned the convention for an in-person function in their home city. The pandemic brought an abrupt halt to in-person planning, and MPA's Convention Planning team, led by Convention Host Coordinators Amy Conrad, Jaime Holzer, and Maren Schroeder, RP®, MnCP transitioned an in-person event into a virtual convention. MPA managed to plan a convention experience into a new dimension for sharing quality con-

tent and networking. Relentless expectation of travel and prohibitive costs allowed for more accessible virtual convention experience in an inclusivity advantage.

NFPA's 2020 virtual conference experience brought paralegals from across the nation together in an adaptive and innovative way to ensure the Convention program brought the most pressing industry topics to you from the comfort of their homes. Attendees were able to easily access conference materials, customize their daily agendas, and set reminders for planned events.

CONTINUING LEGAL EDUCATIONAL (CLE) SESSIONS AND WORKSHOPS

Through innovative planning, NFPA continued to offer workshops and CLE-approved sessions on October 22, 2020. Utilization of the virtual platform accelerated the knowledge of attendees and became a catalyst to learning legal trends,

such as Immigration Law, Recent Developments in Intellectual Property, Millennials, Gen Xers in Juries, Ethics Panel and examining the current state of affairs in ethical and inclusive leadership, a session on implicit and explicit bias, and career transitions through workshops. The all-day continuing legal education virtual event transpired to a series of 16 CLE sessions and five workshops, including one session for paralegal students.

KEYNOTE SPEAKER

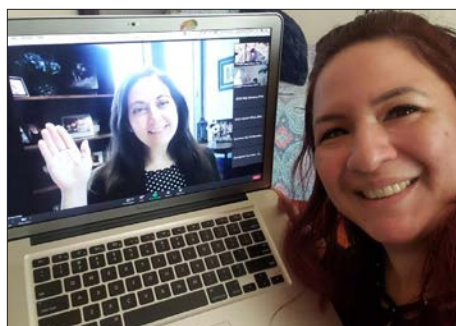
Justice Paul C. Thissen of the Minnesota Supreme Court presided over the Keynote Luncheon. Justice Thissen spoke to attendees about Minnesota's commitment to expanding access to justice for low- and modest-income Minnesotans. He talked about the recently approved pilot project that allows legal paraprofessionals to provide limited legal advice to, and appear in court on



Lynn Borden, packing vendor swag boxes from her living room to mail to first 300 attendees who registered for the Virtual Convention.



Members of the Washington State Paralegal Association attend the 2020 Policy Meeting as a team,

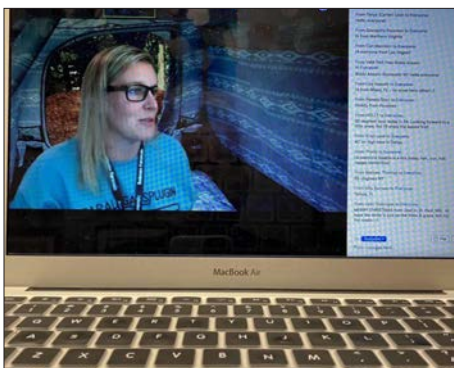


Jessica Miele (Region 5) and Becky Kerstetter (Region 3) collaborate before the Strategic Plan Presentation.



Corinne Deering, RP, attends the 2020 Virtual Convention

Jamie Holzer, MnCP, 2020 Convention Planner, hosts the Pre-Convention Virtual Social Event which was open to all NFPA members.



behalf of, clients in eviction and family law cases. He also spoke about the importance of paralegals in providing legal services.

BOARD MEETING

During the Thursday evening Board Meeting, Board members provided updates on activities for the programs they supervise. Most notable, the Board approved a new committee. The Access to Justice Committee will be an overarching and unifying umbrella over all of NFPA's Access to Justice activities under the leadership of the Director of Positions and Issues and the Director of Profession Development.

Team Governance of the NFPA's Futures Task Force provided an update on the progress of updating policies and the Bylaws and future actions for the NFPA delegation to consider.

VIRTUAL EXHIBIT HALL

This event could not have been possible without the generous donations by sponsors and support from exhibitors. Through the virtual platform, attendee engagement was made simple and interactive from either their computer or mobile app. Even the ice-breakers were fun!

REGION MEETINGS

Region Directors facilitated virtual meetings. These meetings are a forum for NFPA Delegates and leaders from each association to discuss NFPA business, contributions to the paralegal profession and opportunity for local association leaders to exchange ideas on leadership, membership, community activities and networking.

DELEGATE CAUCUS

Following the Region Meeting, later that evening, the NFPA Delegates convened a Caucus. The synergism of the delegates was a fine tribute to months of hard work from the Futures Task Force as they discussed amendments to NFPA's Amended and Restated Bylaws which were up for consideration at the Policy Meeting on Saturday.

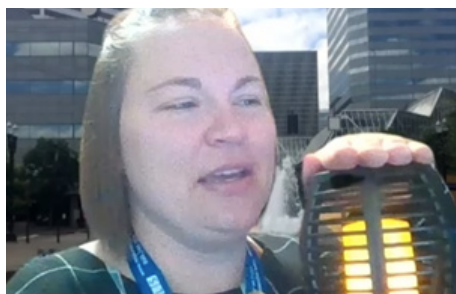
POLICY MEETING

The 2020 Policy Meeting was the first of its kind for NFPA. The virtual Policy Meeting commenced on Saturday with 39 credentialed associations present achieving a quorum of the delegation to vote on policy matters. President Nita Serrano, ACP, RP®, FRP, AACP, called the meeting to order.

The Policy Meeting began with the consideration of the amendments to the Amended and Restated Bylaws. Bylaw Resolution #1 was approved unanimously as Resolution 20-01.

Delegates later considered Agenda Topic #1, which permits licensed paraprofessionals (such as LLLTs and LPPs) and attorneys to obtain and maintain NFPA-issued credentials so long as they meet the existing, permanent, eligibility requirements. This measure was approved as Resolution 20-02.

NFPA recognized the following distinguished guests who joined us: Chris Albin-Lackey, National Center for Access to Justice; Debra Geiger, President of AAFPE; John Goudie, AACP, President of American Alliance of Paralegals, Inc.; Dana Martinez, United States Navy; Georgette Pecoraro RP®, Past NFPA President; and Lisa Vessels, RP®, CP, Past NFPA President.



Amy Conrad, MPA “hands” the torch off to Tom Holmes, OPA .

During the Policy Meeting, various updates were made, including the State of the Federation Address, Strategic Plan, updates on Board reports and introduction of Ramona Hill, Parliamentarian of NFPA’s Policy Meeting.

A record attendance of 201 attendees indicated that this was their “first NFPA Convention.” There were 76 local leaders attending the Policy Meeting and 49 observers. 149 members attended the Region Meetings, while 129 members were present at the Thursday evening Board Meeting.

ANNUAL AWARDS CEREMONY

During the Saturday Virtual Luncheon, NFPA the winners were announced for the Awards and Scholarships. Congratulations to all nominees and recipients!

- William R. Robie Leadership Award - Christine Hansen, ILAP, Illinois Paralegal Association (sponsored by Larkin Hoffman Attorneys);
- Justice Champion Award - Maren Schroeder, MBA, RP®, MnCP, Minnesota Paralegal Association (sponsored by Gustafon Gluek, PLLC);
- Paralegal of the Year Award - MaryAnn Ivie, RP®, Oregon Paralegal Association (sponsored by Paradigm Reporting & Captioning);
- Outstanding Local Leader Award - Amy Conrad, Minnesota Paralegal Association (sponsored by Quinlivan & Hughes, P.A.);
- Individual Pro Bono Award - Kimberly Kasper, MnCP, Minnesota Paralegal Association (sponsored by Maslon);

- The Paralegal CORE Competency Exam™ (PCCE) Scholarship - Julianne DiBenedetto, Illinois Paralegal Association (sponsored by the Paralegal Education Group); and
- Student Scholarships - Mary Andriani, member of the New York City Paralegal Association (sponsored by Paradigm Reporting & Captioning).

ELECTION RESULTS

Nominations Coordinator Cindy Welch, RP® introduced the Slate of Candidates for NFPA Board positions. Following the candidate speeches, the NFPA Delegates convened a virtual voting session. The newly elected board members were sworn into office by Parliamentarian Ramona Hill:

- President – Lori Boris, RP®, MnCP
- Director of Positions and Issues – Maren Schroeder, MBA, RP®, MnCP
- Director of Certification – Lisa Vessels, RP®, CP
- Secretary & Director of Leadership Development – Mianne Besser, AACP
- Region Director, Region I – Brenda Cothary
- Region Director, Region II (2-year term) – Lisa Lynch, CEDS, CRP™
- Region Director, Region III – Tracey Woolsey, RP®
- Region Director, Region IV (2-year term) – Donald Bristol, RP®, Pa. C.P.
- Region Director, Region V – Catherine Allard, CP

CONTINUING ON THE BOARD:

- Director of Profession Development – Theda Yandell, RP®
- Director of Membership – Tom Stephenson, RP®
- Director of Marketing – Ronell B. Badua, AACP
- Treasurer & Director of Finance – Lori Wagner, RP®, IRP
- Board Advisor – Nita Serrano, ACP, RP®, FRP, AACP (immediate past president)

In addition to recent changes to the NFPA Bylaws, the newly created position of President Elect will become a member of the Board. The election will occur in early 2021 for this position which will culminate with the President Elect becoming President of NFPA at the 2022 Convention.

The annual tradition of the Passing of the Torch was viewed virtually by those in attendance on Sunday of the Policy Meeting. Amy Conrad, MPA Convention Co-Host passed the torch to Tom Holmes, member of the Oregon Paralegal Association and Co-Host Coordinator of the 2021 Convention. This creative presentation showed us the bridging of people and connecting with each other in a virtual reality, no matter the distance.

The 2020 Convention was a historic event. NFPA’s first-ever virtual convention brought a new virtual interface that was accessible to a larger and more diverse audience. In-person and virtual conferences are without a doubt not interchangeable and each format need not

2020 CONVENTION CO-CHAIRS

Amy Conrad
Maren Schroeder
Jamie Holzer

MPA CONVENTION COMMITTEE

Amanda Judd, President MPA
Amanda Bean
Wendy Berklich
Lynn Borden
Lori Boris
DeAnne Brooks
Katie Burns
Tanya Carter
Stefanie Lee
Jennell Lundgren
Danette Mundahl
Matt Regan
Nikki Rockstroh
Morganna Starrett
Patricia Treseler
Terri Yang

Secretary & Director of Operations
Mianne Besser

Convention Coordinator
Angela Gonzalez

FUTURE CONVENTION HOSTS

Oregon Paralegal Association
Jared Brown (2021 Convention)
Tom Holmes (2021 Convention)
Joyce Kent (2021 Convention)

Cleveland Association of Paralegals-
Becky Kerstetter (2022 Convention)
Jessica Kubiak (2022 Convention)

National Capital Area Paralegal Association
Angela King (2023 Convention)
Alana Stanley (2023 Convention)

NFPA BOARD MEMBERS CONTRIBUTING TO CONVENTION

Brenda Cothary, Region I Director
Lisa Lynch, Region II Director
Tracey Woolsey, Region III Director
Becky Reedy, Region IV Director
Nita Serrano, President
Theda Yandell, Director of Profession Development
Lori Wagner, Treasurer
Valerie Wilus, Board Advisor
Ronell B. Badua, Director of Marketing
Mackenzie Kelley, NFPA Events Manager

mutually be exclusive, but aim to capture the strengths of both platforms and the attendee experience. The pandemic triggered a paradigm shift in how technology demands connected remote audiences who are passionate about the profession we serve and come together in a time where we are more inspired by one another and connected more than ever.

Restroom lines were shorter and receptions were BYOB noticeably during virtual networking events. MPA hosted a pre-convention social for all NFPA members to participate. To further network, attendees were placed in breakout rooms based on Minnesota places of interest and popular attractions. Throughout the weekend, attendees met after each day for virtual happy hour to reconnect, sometimes creating different breakout rooms through the virtual platform forming specialty groups to discuss specialized work/career topics.



BECKY REEDY is a litigation paralegal for the State of New Jersey, Department of Child Protection and Permanency, where she specializes in family law. She

has served as NFPA Region IV Director from 2017 – 2020.



RONELL B. BADUA, AACP, is a paralegal for the City and County of Honolulu, Department of the Corporation Counsel, where he works on the state's largest public works project as its transit

paralegal. He currently serves as NFPA's Director of Marketing.

ANNUAL CONVENTION CHARITY

This year's Convention Charity supported the Friends of the Boundary Waters Wilderness. This non-profit organization formed in May 1976, with a mission to "protect, preserve and restore the wilderness character of the Boundary Waters Canoe Area Wilderness and the Quetico-Superior Ecosystem." The Boundary Waters contains more than 2,000 backcountry campsites, 1,200 miles of canoe routes, 12 different hiking trails, and is popular for canoeing, canoe touring, fishing, backpacking, dog sledding, and enjoying the area's remote wilderness character. NFPA members also had the opportunity to purchase convention swag and proceeds went to the charity. Through generous donations and swag purchases, more than \$1200 was raised for this organization.



WATCH THE SPRING ISSUE OF THE REPORTER FOR A CELEBRATION OF THIS YEAR'S AWARD WINNERS!

Paralegal Association of Rochester, Inc. Celebrates 45 Years

By Bobbi L. Ahearn

Since 1975, the Paralegal Association of Rochester, Inc. (PAR) has effectively worked to advance the Paralegal Profession locally, statewide, and nationally, and to connect with the communities that we live and work in. As our association celebrates its 45th Anniversary (through April 2021) we recognize that 2020 has been fraught with challenges as we adapt to the demands of how to further advance our profession, perform our work, take care of our loved ones, and interact with one another personally and professionally. PAR believes that we are meeting the challenges that we face as an association, and as individuals, by keeping an open mind, embracing necessary change, and allowing ourselves to be uncomfortable while making a concerted effort to grow.

Covid-19 forced our association to rethink and revise how we serve our members through our Continuing Legal Education (CLE) seminars, our annual events, and plans specific to celebrating our 45th Anniversary. As we sifted through our ideas, and the often-daily changes implemented by our governor, the result has been to offer our CLE's for free via zoom, postpone in person social gatherings, and reimagine our plans to celebrate PAR's 45th Anniversary. We decided the best way for us to celebrate our 45th Anniversary is to give back to our members, sponsors, and our community in as many ways as we can.

We have provided a forty-five percent discount to our members and sponsors for dues owed through April 30, 2021. We began the hard work of adding sections to



our Board to address the needs of Paralegals working in specific areas of the law.

We implemented a Book Club to start conversations to deepen relationships through shared learning (and to date have read: *Deep Work* by Cal Newport, *My Own Words* by Ruth Bader Ginsburg, Mary Hartnett and Wendy W. Williams, *Caste* by Isabel Wilkerson, and *Think Like a Monk* by Jay Shetty).

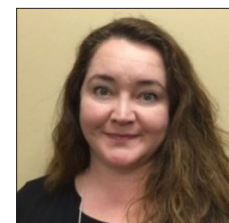
We are providing two (2) \$450 Scholarships to eligible students: PAR's Annual Scholarship and a Diversity and Inclusion Scholarship. The PAR Board purchased stemless wine glasses, with PAR's logo, and will give away to our Members and Sponsors the week of Thanksgiving and offer additional glasses for sale on our website.

To further celebrate our 45th Anniversary, we have planned our version of a Pen Pal program by offering Members and Sponsors the opportunity to participate in a holiday "PAR Pal" to encourage connections and support between Members, Sponsors, and our communities, and have are working to adopt a charity or two that our Members and Sponsors can donate to support those in need, all while socially distancing!

These items were thoughtfully planned with our Members and Sponsors in mind. We ultimately decided that asking Mem-

bers and Sponsors to attend "yet another zoom event" to celebrate PAR's 45th Anniversary, on top of the challenges they are facing personally and professionally, would detract from the intent of our celebration—to thank, raise a glass and toast our Members and Sponsors for their continued support throughout the past 45 years and our efforts to grow our connections as we move toward the future navigating these uncharted waters! 'Like' us on Facebook and visit our website at www.rochesterparalegals.org to learn more about our upcoming plans.

PAR wants to congratulate the Minnesota Paralegal Association on their success as host of the 2020 NFPA Annual Convention! Happy holidays to all—stay safe and healthy! And we look forward to seeing you all, in person, soon!



BOBBI L. AHEARN
is the President of the Paralegal Association of Rochester, Inc. and Board Member of the Paralegal program of Finger Lakes Community College, Canandaigua, NY.

Community College, Canandaigua, NY.

Washington State Paralegal Association Celebrates 45 Years

By Pamela M. Hokanson and Theda M. Yandell, RP

Washington State Paralegal Association (WSPA) is celebrating its 45th anniversary. WSPA was founded in 1975 as the Washington Legal Assistants Association (WLAA). In November 1992, WLAA became the Washington State Paralegal Association. WSPA is a state organization with geographical chapters throughout the state.

The purpose of WSPA is to support and promote the educational and professional standards of paralegals; encourage and promote continuing professional education; uphold and elevate the standard of honor, integrity and courtesy in the legal profession; and promote the employment and advancement of paralegals. WSPA is dedicated to improving the legal system and the expansion of the paralegal role in the delivery of legal services, and to the provision of a forum to address the needs, interests, concerns and responsibilities of the paralegal profession and the individual paralegal. WSPA's vision for the future, "Washington State Paralegals are champion of justice: respected, empowered, valued contributors ensuring the integrity of the legal profession." Values: community, integrity, professionalism, advocacy, and excellence.

The WSPA Board of Directors consists of four officers (president, vice president, secretary and treasurer), chapter directors, and directors-at-large. The individual chapter directors represent their chapters on the WSPA Board of Directors, keeping the board apprised of members' interests and concerns.

Membership throughout the years has been about 300-400 members. In the 1990s WSPA had over 600 members.



The early years WSPA was defining the association, forming goals and becoming known as the leader of the profession in Washington State. WSPA polled members on salary and jobs and annually prepared a detailed salary guide. The 1977 salary survey had 153 responses to a very detailed survey covering many topics. Salary for an experienced paralegal ranged from \$550-\$1,800 a month with the average \$938.

WSPA became a member of NFPA in 1977 and attended the NFPA Annual Meeting. From the beginning, WSPA was an advocate for the paralegal profession. WSPA has always sent delegates to the NFPA annual meetings, speaking out on topics relevant to Washington State Paralegals and growing the paralegal profession.

In 1992, NFPA approved resolutions endorsing regulation and education criteria for paralegals. WSPA held meetings and recruited feedback from members about the resolution and its meaning for Washington State paralegals. WSPA was always involved in strengthening the profession on the local and national level.

WSPA historically has supported regulation. Members worked diligently to mold standards for the profession on the local

and national level. WSPA historical data is filled with information on regulation locally and nationally including a research paper, prepared in March, 1992 on Regulation of the Paralegal Profession in Washington State concluding that the Washington Supreme Court was the appropriate authority to petition to expand the practice of law. Many types of regulation were discussed over the years with WSPA participating in the discussions and advocating for standards for paralegals and providing more access to justice. After many years of different proposals, in 2012 the Washington Supreme Court approved the creation of the Washington Limited License Legal Technician (LLLT). Unfortunately, in June 2020, the Washington Supreme Court decided to sunset the LLLT program.

WSPA has hosted the NFPA Annual Meeting in 1983 at the Olympic Hotel in Seattle and recently the 2018 NFPA Annual Convention (Paralegals Shine in the Emerald City) at the Hilton Seattle Airport & Conference Center. WSPA has hosted many Region I meetings and hosted the Regulation and Leadership Conference in May 2009.

WSPA has always advocated for CLEs and for many years voting members of WSPA had to have 10 CLE credits. WSPA held 2 CLE events a year with multiple tracks of CLEs. Speakers for the CLEs came from WSPA membership, NFPA, local attorneys, judges, paralegal program teachers and vendors. The CLEs were informative and well attended and provided a networking opportunity for the attendees. CLE events had 1 and sometimes 2 key note speakers. The key note speakers addressed



topics affecting the paralegal profession, leadership, ethics and job advancement. Over the years, WSPA has partnered with local legal associations and colleges to provide CLEs for paralegals and attorneys.

WSPA is active in Pro Bono participating in Law Day free legal clinics, Washington Citizen Day, bar association neighborhood legal clinics and The Housing Justice Project.

WSPA has supported the military paralegals gathering need items and sending to military paralegals abroad.

Student involvement is important to WSPA and to encourage involvement membership is discounted for students. WSPA has held student dinners/events, bringing in speakers to discuss the paralegal profession, how to search/interview for a job. WSPA members staffed resume clinics for the students and many members serve on the advisory boards of the local college paralegal programs. Over the years WSPA Board members have spoken to students in the paralegal programs about the paralegal career, and the value of being a member of WSPA and NFPA. WSPA has also sponsored scholarships for students to help with furthering education.

WSPA's newsletter Findings and Conclusions has been the conduit for information since the beginning of WSPA. The newsletter was originally a small 1-2-page publication that grew over the years to a multiple page professional

newsletter. Currently Findings and Conclusions is a digital newsletter. The newsletter contains board member reports, national news, and tips for paralegals

Congratulations to WSPA on celebrating 45-years of shaping the paralegal profession in Washington State and on a national level. WSPA is a leader of the paralegal profession.

For more information about WSPA visit the website at www.wspaonline.org.



THEDA M. YANDELL, RP® is a litigation paralegal at Forsberg & Umlauf, P.S. She is NFPA's Director of Professional Development.



PAMELA M. HOKANSON is a litigation paralegal at Forsberg & Umlauf, P.S. She is WSPA's Vice President of Professional Development;

NFPA Primary Representative.



NATIONAL
FEDERATION
of
PARALEGAL
ASSOCIATIONS Inc.

NFPA-The Leader of the Paralegal Profession™

The NFPA Career Center offers job seekers the tools they need to quickly find and apply for top paralegal positions.

PARALEGALS:

Keep Your Career on the Move

- **LEVERAGE** social connections by posting your resume or anonymous career profile that leads employers to you
- **SEARCH** and apply to hundreds of fresh jobs on the spot by using robust filters
- **QUICKLY** configure job alerts to deliver the latest jobs right to your inbox
- **SEEK** expert advice about your career issues
- **RECEIVE** a free evaluation of your resume

<http://p.nat.fed.associationcareernetwork.com/jobseeker/search/results/>

or see current positions on the NFPA homepage
www.paralegals.org

Northeast Indiana Paralegal Association, Inc.

By Marie M. Lucas, NFPA Primary Representative

BRIEF HISTORY

The Northeast Indiana Paralegal Association ("NIPA") is a longstanding affiliate member of NFPA's Region III, with its home base located in Fort Wayne, Indiana. As its name suggests, NIPA covers the northeast portion of Indiana, but welcomes paralegals from all counties and states. Today NIPA works along with the Indiana Paralegal Association (IPA) and the Michiana Paralegal Association (MPA) to serve paralegals throughout the State of Indiana. Together, IPA, NIPA, and MPA form the Indiana Paralegal Alliance.

PURPOSE

NIPA promotes individual paralegal growth through education by holding monthly luncheons with continuing legal (and occasionally, non-legal) education opportunities and also through its successful Annual Seminar.

EDUCATION

The hour-long monthly luncheons are offered free to current members and are held in downtown Fort Wayne, Indiana. Non-members are charged a token of \$5.00 to attend. The speakers are generally attorneys, but not always. Examples of topics in the past few years include updating the paralegal community concerning Indiana's electronic filing in state court. Various speakers were non-attorneys who updated the attending Members on the process. Notary laws also changed this past year and attendees were educated about those upcoming changes to the Notary system.

There is a lot of work that goes into the annual Spring Seminar and the results show that it is well planned. Every year the Board brainstorms to determine the four slots that will be filled with speakers. Ethics is always a topic and we consistently have one judge as a presenter. Our Spring Seminar is very important to NIPA and will continue every year going forward.

BOARD OF DIRECTORS

The Board of Directors consists of its President, Vice President, Treasurer, Secretary, Parliamentarian and Primary Representative; also included are the following Chair positions: Website, Job Bank, Education, Membership, Fundraising, Advertising, Public Relations, Pro Bono and Newsletter. It is not uncommon for one of the Board to be responsible for more than one position.

Our current Board of Directors:



EVENTS

Our Annual Meeting is held in the spring and kicks off our new year by announcing the election results after the nominations and balloting is completed. The Meeting includes not only the election results, but the announcement of the Paralegal

Recognition Award. This award goes to a paralegal who has demonstrated outstanding commitment and contribution to the paralegal field through employment, the legal community and/or NIPA.

The Annual Retreat is held late summer/early fall for the new Board to brainstorm new ideas for the year ahead and to promote team building. Planning for the Annual Spring Seminar begins at the Retreat. The Board brainstorms topics and speakers so that the difficult task of coming up with speakers does not solely rest upon the shoulders of the event coordinator. The Board's goal is to have speakers present topics which are relevant and popular. It is sometimes difficult to maintain both standards at once.

No organization would be complete without socials! Our yearly socials include the August Social and Holiday party.

MEMBER COMMUNICATION

The Paralegal Press is the official NIPA bi-monthly Newsletter, and one of the benefits to being a Member. The Newsletter is generally intended to provide Members changes in Federal and State law, keeping them informed about the NFPA, but is also compiled with news, stories and advertisements.

Our Facebook page is active with current information and we have had a Website for years. Our Website was updated a few years ago and now that we have control of it, we attempt to keep it current with useful information.

JOB BANK

An additional benefit to our Members is the job bank. Our active job bank allows law firms and companies to advertise (for free) paralegal positions in north-east Indiana. Members must log into the Website in order to view the advertisements. It is important to NIPA that its Members have access to employment, while providing the legal community a free opportunity to search for paralegals.

COMMUNITY SERVICE

NIPA has supported various other non-profits in the community, including:

- Whittington Homes & Services which provides help for children at risk for being homeless, neglected, emotionally abused and/or sexually abused.
- Ontulili Literacy and Resource Center which provides an enabling environment that promotes literacy and academic success.
- Kate's Karts - Through the gifting of new books, Kate's Kart strives to provide a comforting diversion to hospitalized children and their families, and to foster a love of books, and ultimately literacy, by encouraging children to read and parents to read to their children.

NFPA CONVENTION

NIPA will continue to be present at the yearly NFPA convention, in order to give our Association a voice on the policy floor. Agenda topics are given to our Association members prior to the convention, with time to respond to our Primary Representative. A summary report is prepared and distributed to the Board and the Members upon returning from Convention.

FURTHER INFORMATION:

Visit us on the following pages:

<http://www.niparalegal.org/> or <https://www.facebook.com/NortheastIndiana-ParalegalAssociationNipa/>

In Memoriam

JANET W. BICKEL PITTSBURGH PARALEGAL ASSOCIATION



Family Life - Janet was born in August of 1930 and raised in Wilkinsburg, PA. She married a handsome Carnegie Tech graduate, Joseph Bickel, in 1952. Their only son (yours truly), was born in 1953 and soon after, Joe's career took the family to Syracuse, NY. When their marriage ended after twenty years, Janet moved back to Pittsburgh where she began a professional career.

Career - Her career spanned 30 years at the Pittsburgh law firm of Dickie, McCamey & Chilcote, P.C., where she became the first Legal Assistant of the firm. In 1986, she served as the President of the Pittsburgh Paralegal Association (PPA). In 1987 she served as Treasurer of the NFPA, where she was also the PPA delegate to that organization's national conventions in 1983-1985. Janet was the Editor of the National Paralegal Reporter in 1984 and 1985. Finally, she was a member of the ABA's Site Visit Team, a subsidiary of the Approval Commission of its Standing Committee on Legal Assistants.

Hobbies - Janet had a fondness for travel, spending her vacations traveling across Europe and enjoying sites, scenery and local customs. She enjoyed collecting nutcrackers and Belleek china, and was a passionate lover of live music. After she retired, she enjoyed visiting her son and four grandchil-

dren in Northern Virginia and ultimately moved there to be with them. Her last great achievement was seeing her great-grandson, and celebrating her 90th birthday in August surrounded by her family. She passed peacefully on September 10, 2020.

MAGDALYN M. CYGANOVICH PARALEGAL ASSOCIATION OF ROCHESTER



Maggie graduated from SUNY at Albany, and the Institute for Paralegal Training in Philadelphia. She began her paralegal career in February 1976 and finished it at Boylan, Code, LLP in 2019.

Maggie was an early and very active member of the Paralegal Association of Rochester (PAR). She served in several officer positions. While serving as president, she worked to have Rochester become a member of NFPA. In 1989, when serving as Vice President of the Administration of the NFPA, she helped them coordinate with their first management company. She was elected Region V Director of NFPA at which time she worked to help the Central Connecticut Association, the Southern Tier Association and the Central Pennsylvania Association to become NFPA members. She also worked on the committee to develop the Paralegal Advanced Competency exam. (PACE). She would become the first PACE® Registered Paralegal in Rochester.

Maggie was an adjunct professor for Monroe Community College and Genesee Community College. She helped develop the paralegal studies certificate program at Monroe Community College.

Maggie was member of the Board of Directors of the YMCA and served as president of the Monroe Family Branch. She served on the NYS Bar Association Law Office Economics and Management Committee.

Maggie was honored to receive the Nathaniel Award in 1999, the only paralegal to receive this award. She also was honored to receive the Daily Record Excellence in Law Award in 2018. Maggie still found time to be a dedicated mentor to students at the Rochester City School #29 for 17 years.

Maggie loved her family, friends, her career, a good joke and a good Manhattan.

LINDI MASSEY
DALLAS AREA
PARALEGAL
ASSOCIATION (DAPA)
Tribute by Tracey Gajak



Lindi passed away on Saturday, October 10, 2020. We often joked with each other that our “office marriage” would never end in divorce and, sadly, our joke has become true. Lindi was not “my paralegal,” she was my teammate, friend and touchstone and I relied on her opinion more than that of anyone.

To say that Lindi led an interesting life is a tremendous understatement. Lindi was born on April Fool’s Day, 1946, which may explain her wicked sense of humor. Before becoming a paralegal, Lindi was a sheriff’s deputy. She was assigned to a drug enforcement task force during the late 1960’s and early 70’s. This was sort of a precursor to the DEA. Lindi was an undercover agent, operating as a Go-Go girl (think miniskirts and knee high, white boots). She did this until her cover was blown. She was also a “Gotcha Girl” on Rowan and Martin’s “Laugh In,” a hugely popular sketch comedy show.

As a Gotcha Girl, Lindi was doused with water as part of the punchline to jokes.

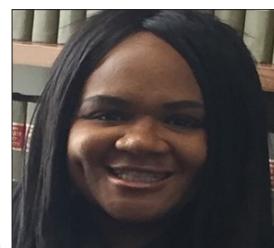
After her undercover career was done, Lindi went to work for a judge and ultimately decided to go back to school and become a paralegal. She worked in criminal law for a short period of time before deciding to make the switch to family law. Lindi worked for Jack Pate at Burleson, Pate and Gibson for a number of years. I was once opposite Jack in a highly contested matter. It is clear from that experience that Jack relied on Lindi as much as I (and many others) came to. After Jack’s retirement, Lindi came to GoransonBain Ausley, where I ultimately had the pleasure and privilege to work for her as “her attorney” for almost six years.

Lindi was in the inaugural group of board-certified paralegals in 1994. She was very proud of her certification and was very involved in the Dallas Area Paralegal Association. Lindi mentored numerous other paralegals, helping raise the bar in knowledge and professionalism. I have received many communications from Lindi’s “professional friends”, each of whom has indicated distress at not only losing a friend, but a sounding board on work and personal issues. I know that I personally relied on Lindi’s opinion in creating strategies to help my clients, and her knowledge, experience and insight will be sorely missed.

Lindi loved her family and was tremendously proud of her children and grandchildren. I had the honor of attending her grandson’s induction into the United States Army at ceremony at a North Texas football game, and Lindi was beaming. Lindi loved her dogs and everyone knows of her fondness for horses. I was surprised to learn that Lindi was also a motorcycle rider (a skill I’m sure she picked up in her undercover days).

There are no words to describe the loss to our GBA family. Possibly the greatest measure of Lindi is the number of peoples’ lives she touched. Lindi was a dedicated professional, a matriarch, a reliable friend, and great fun. She was greatly loved and will be warmly remembered by all who knew her.

NINA NEWMAN
ILLINOIS
PARALEGAL
ASSOCIATION

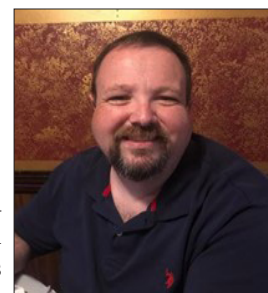


IPA member, Nina Newman, passed away in November

2019, at age 46. Nina Newman was a paralegal at Circuit Court of Cook County. She is survived by her daughter Carol Ann.

Nina had a vivacious spirit and will be missed by her family and friends.

WILLIAM PINNER
MARYLAND
ASSOCIATION
OF PARALEGALS
(MAP)



The Maryland Association of Paralegals would like to recognize and celebrate the life of long-time member William “Bill” Pinner.

Bill was born on September 6th, 1969 to William Joseph and Kathleen Anne (McKnight) Pinner. He was a childhood cancer patient at St. Jude Children’s Research Hospital where he was treated for Acute Lymphocytic Leukemia beginning in 1972. Bill was not expected to survive this illness, but surprised his medical team by doing just that.

He went into remission for the last time at the age of 5 and was considered “cured” from cancer. Bill was treated for many other childhood illnesses, the last of which was a brain aneurism at the age of 12. He was an amazing survivor.

Bill had been battling diabetes for a number of years and lost his life due to complications on December 6, 2019. Bill left behind the love of his life, John Milcarek, who he met in February of 1999. They were a devoted couple for almost 21 years having married in December 2018 in a small ceremony with their family.

Bill and John enjoyed many happy years together creating beautiful memories.

Bill attended Fayette Academy in Somerville, TN where he graduated high school in 1988. He attended the University of Tennessee at Martin and graduated with a Bachelors Degree in Public Administration. Bill also earned a paralegal certification from the University of Memphis.

Bill worked as a senior level paralegal with the Office of the Vice President and General Counsel of Johns Hopkins University.

In addition to his long career in the paralegal field, Bill volunteered countless hours with MAP having most recently served as the President of the Board. Every year he planned and executed his favorite event – MAP(U)niversity, a full day continuing education program. Bill leaves

behind a legacy of promoting education and professionalism within the field. Bill was known to the members of MAP for his dedication to the profession, generosity, friendship, and welcoming smile.

The loss of Bill will leave a hole in the hearts of his family, friends, and colleagues that can never be filled.

DEBORAH A. SCHRAMM
ILLINOIS
PARALEGAL
ASSOCIATION (IPA)

IPA member and longtime Sears paralegal, Deborah A. Schramm,

passed away on March 12, 2020 of non-Hodgkin's Lymphoma at age 55.

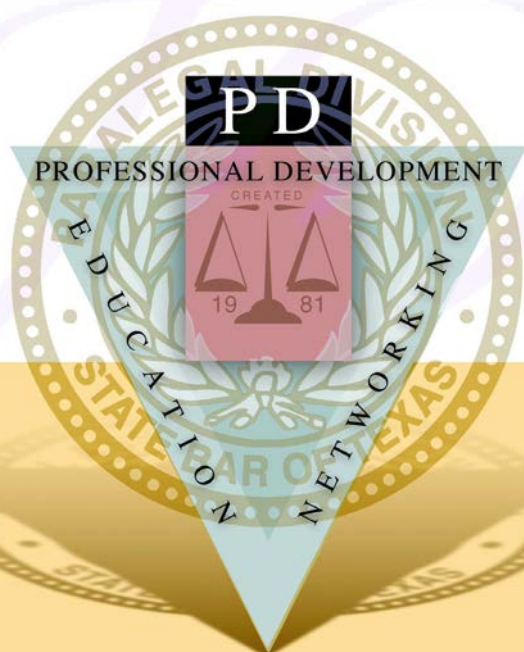


Deb Schramm was a paralegal at Sears for 20 years. She worked in the asbestos and litigation departments while at Sears.

Not only was Deb revered for her commitment in the legal profession, but friends and colleagues described her as giving and having a huge heart.

Deb traveled to Las Vegas every year, where she enjoyed swimming and drinking refreshing mojitos.

Deb is survived by her husband Chuck who resides in Carol Stream, Illinois.



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- Professional Development
- Professional magazine with substantive articles and updates from across the nation

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Catherine D. Allard

PARALEGAL ASSOCIATION OF NEW HAMPSHIRE

REGION V DIRECTOR

WHAT IS YOUR TOP GOAL DURING YOUR TENURE AS A REGION DIRECTOR?

My goal as Region V Director is to continue improving the lines of communication between the Board and my local Associations. I would also like to find ways to help my local Associations grow and retain their membership.

WHAT HAVE YOU LEARNED ABOUT NFPA THAT YOU DIDN'T KNOW BEFORE BEING A BOARD MEMBER?

I learned more about each of the various Board positions and the responsibilities associated with them. I also learned just how dedicated the members of the Board and Management are to the success of NFPA.

WHAT DO YOU ENJOY MOST ABOUT VOLUNTEERING ON THE NFPA BOARD?

I enjoy volunteering on the NFPA Board because I enjoy collaborating with other paralegals who are passionate about the paralegal profession. I enjoy knowing that I am participating in the advancement and growth of our profession.

HOW HAS YOUR VOLUNTEER WORK INFLUENCED YOUR CAREER?

My volunteer work has influenced my career by providing me with leadership skills that I did not have prior to joining the Board. I feel I now have a better approach to my work day.



WHAT HAS BEEN YOUR FAVORITE/MEMORABLE MOMENT OF YOUR LEADERSHIP RESPONSIBILITIES?

My most favorite moment is leading/participating in the Region V Meetings. I truly value the relationships that I have with all of the delegates from Region V. They are the most thoughtful, considerate, passionate and dedicated group of individuals that I have ever had the pleasure of working with. It is truly an honor.

WHAT ADVICE WOULD YOU GIVE SOMEONE WHO WANTS TO PURSUE A LEADERSHIP ROLE?

I would tell them that if it is their passion, then they should pursue that role. There is a lot of hard work and dedication in being in a leadership role; however, being a part of the bigger picture and making a difference is priceless.

WHAT IS THE BEST PIECE OF ADVICE YOU HAVE RECEIVED?

The best piece of advice is to know your limitations. Whether you are at work or volunteering, you need to keep in mind what your capabilities are and the timing necessary to complete tasks.

WHAT IS A TYPICAL WORK DAY LIKE FOR YOU?

A typical day for me is there really is no typical day! For the most part, I spend my day working with clients and attorneys in all aspects of administering trusts and estates. That can include obtaining asset information, resolving outstanding debts, preparing and attending to Probate Court filings, working on trust and estate accountings or preparing tax returns.

WHAT MADE YOU BECOME A PARALEGAL?

When I was in high school, I truly thought that I would have been a chef. I was in my Junior year when I needed additional electives to fill my day. I had already taken all classes relating to cooking. So, I decided to take a Street Law class. That was such an interesting class that I continued to sign up for the next two semesters. Upon discussing my career options with my guidance counselor, she mentioned being a lawyer, which I had absolutely no desire to be. She then mentioned a Paralegal degree, which was a newer upcoming career (newer to New Hampshire anyway). After reading the course description for the degree program, I knew that was the career I wanted to pursue. Once I took my first law class, I was hooked!

Erica Richey

MICHIANA PARALEGAL ASSOCIATION

WHAT IS THE LAST EXPERIENCE THAT MADE YOU A STRONGER PERSON?

I am sure there is something more recent, but the last experience that made me a stronger person was being a witness in a work related Court proceeding. I not only had to face my fear of public speaking, but I also had to validate my work by presenting a forensic accounting reflecting defendants actions.

WHAT IS SOMETHING YOU LEARNED LAST WEEK?

I learned how to participate in and attend a virtual convention.

WHAT IS THE COOLEST TREND YOU SEE TODAY (IN THE LEGAL FIELD)?

The coolest trend that I see is the technological advancement within the Courts system. I can't believe that we are now e-filing documents and holding zoom hearings.

IF I COULD NAME THE AUTOBIOGRAPHY OF MY LIFE, IT WOULD READ ...

According to plan.

IF I WEREN'T A PARALEGAL, I WOULD BE ...

A chef! I love to cook and bake!

A PARALEGAL IS ...

undamental to client service.

WHAT DO YOU ENJOY THE MOST ABOUT BEING A MEMBER OF YOUR LOCAL ASSOCIATION?

It has been great meeting and working alongside local paralegals!

WHAT MEMBERSHIP BENEFIT IS IMPORTANT TO YOU AND WHY?

Being able to network and work alongside other professionals dedicated to the paralegal field. CLEs have been a great benefit as well.

I BECAME A PARALEGAL BECAUSE ...

I was interested in furthering my career and being able to take on more responsibility in my day to day responsibilities.

WHAT IS YOUR FAVORITE PART ABOUT BEING A PARALEGAL?

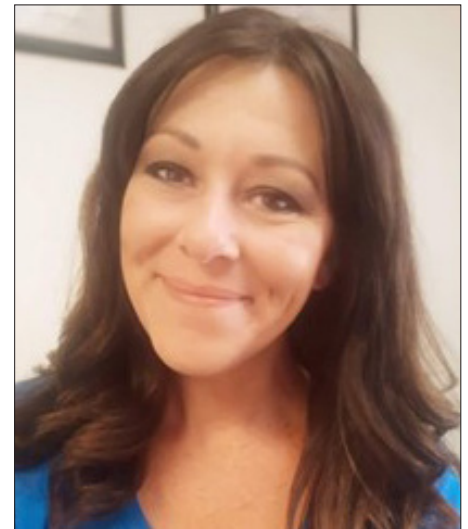
I enjoy the opportunity to be self-directed and self-motivated.

WHAT ADVICE WOULD YOU GIVE A STRESSED OUT PARALEGAL?

It is worth putting in the time to learn, not only through education, but through on job experience. In fact, never stop learning!

WHAT IS THE COOLEST/MOST IMPORTANT TREND YOU SEE TODAY (IN THE LEGAL FIELD)?

The impact of technology to make some of our duties easier and more productive has been a great trend. What used to take hours to do, can now be done with relative ease.



WHAT IMPACT DO PARALEGALS HAVE IN THE DELIVERY OF LEGAL SERVICES?

We are the ones who can have the biggest impact on our clients, oftentimes being the one who a client can reach easier, we facilitate the flow of communication, and we impact the pace in which a case is worked.

IF I COULD NAME THE AUTOBIOGRAPHY OF MY LIFE, IT WOULD READ

Not Done Yet!

IF I WEREN'T A PARALEGAL, I WOULD BE ...

Running a food truck

A PARALEGAL IS ...

The backbone of the firm.

Laurel A. Foster, BS®

ALASKA ASSOCIATION OF PARALEGALS

HOW HAS BEING AN NFPA MEMBER BENEFITED YOU PROFESSIONALLY?

I'm new to NFPA and haven't quite been able to tap into the benefits of the organization; however, I am excited to see what professional development and network opportunities await.

WHAT DO YOU ENJOY THE MOST ABOUT BEING A MEMBER OF YOUR LOCAL ASSOCIATION?

The networking opportunities not only on the legal side of the Air Force, but the Air Force as a whole, is something I learned not to take for granted early on in my career. Those relationships play a major role with career advancement and maximizing available resources. As a newly elected Board Member for Alaska Association of Paralegals, I see the opportunity to network and build relationships within the local, and even national legal community just as I have done in my military career.

I BECAME A PARALEGAL BECAUSE . . .

I was military law enforcement for nine years, working in every position available to me from patrol to firearms qualifications instructor, then into the training section, ensuring new members were ready to operate efficiently and effectively in the field. I came to realize my impact as law enforcement only went so far, and that limitation bothered me, so one day I decided I wanted to be a lawyer. Before making such a major professional and financial commitment to law school, I decided I'd become a paralegal with the Air Force and get my feet wet in the legal field first.



WHAT IS YOUR FAVORITE PART ABOUT BEING A PARALEGAL?

I have a big heart for service, and this will sound extremely cheesy, but my favorite part is being able to serve the attorneys and staff that I work for (and also being able to subtly correct them when they make a mistake). On the flip side of that, when I do go to law school and become an attorney, I am grateful I will have the paralegal perspective to ensure I am able to serve my paralegals well.

WHAT ADVICE WOULD YOU GIVE A STRESSED OUT PARALEGAL?

When I came out of paralegal school, because of my rank in the Air Force I was put in charge of the Military Justice section, the busiest and most stressful section at the base legal office (a position for the most senior paralegal). It was extremely overwhelming! When I was sure I just couldn't perform or do the job, one of my mentors told me "Your job is not to fix the world or save it, it's to protect

the process one case at a time, one day at time." I have always held on to that.

WHAT IS THE COOLEST/MOST IMPORTANT TREND YOU SEE TODAY (IN THE LEGAL FIELD)?

Going paperless, electronic and remote work life amidst COVID-19. COVID-19 has been challenging for all of us in some way shape or form. I do love that I have been able to e-file the majority of my work versus taking it to the courthouse in person, thus making my job more effective.

WHAT IMPACT DO PARALEGALS HAVE IN THE DELIVERY OF LEGAL SERVICES?

The level of service involved in the job was not something I expected when I became a paralegal. I have seen attorneys appreciate when a paralegal goes above and beyond the requirements of the job, and I've seen others who don't. When the attorney/paralegal team is well balanced, the legal process is effective and efficient, and that can translate into any career-field.

IF I COULD NAME THE AUTOBIOGRAPHY OF MY LIFE, IT WOULD READ

Playing by My Own Rules

IF I WEREN'T A PARALEGAL, I WOULD BE . . .

An attorney or a nutritional doctor.

A PARALEGAL IS . . .

Someone who serves, is often overlooked, but you're going to miss us when we are gone!

Diana Roth, RP®

PITTSBURGH PARALEGAL ASSOCIATION

HOW HAS BEING AN NFPA MEMBER BENEFITED YOU PROFESSIONALLY?

NFPA has provided certification opportunities along with networking opportunities for my career journey.

WHAT DO YOU ENJOY THE MOST ABOUT BEING A MEMBER OF YOUR LOCAL ASSOCIATION?

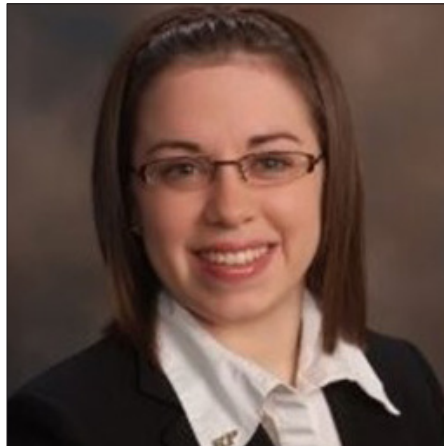
I have been a member of PPA since July of 2003 and since then I have made life-long friends and meet new friends.

WHAT IS A TYPICAL WORK DAY LIKE FOR YOU?

Well, given the state of affairs, I am juggling a full time position as an escrow officer with Old Republic Title Company; mom to 4 year girl and 5 year boy; preparing 3 meals a day; playing housekeeper and early childhood teacher along with reviewing real estate and corporate documents to prepare title insurance binder reports for residential and commercial transactions and clearing title matters to close on transactions and perform post-closing tasks.

I BECAME A PARALEGAL BECAUSE...

I became a paralegal because in high my senior year all students were required to take "Career Connections" seminar and in such class I took some surveys. The results were either I would be a paralegal or historian. Well... 20 years later I have Bachelors and Masters in Legal Studies and work as a paralegal.



WHAT IS YOUR FAVORITE PART ABOUT BEING A PARALEGAL?

My favorite part is the wide range of opportunities.

WHAT ADVICE WOULD YOU GIVE AN ASPIRING PARALEGAL?

Be flexible and open-minded.

WHAT IS THE COOLEST/MOST IMPORTANT TREND YOU SEE TODAY (IN THE LEGAL FIELD)?

The most important trend is how paralegals are working virtually and remote in a paperless world.

WHAT IMPACT DO PARALEGALS HAVE IN THE DELIVERY OF LEGAL SERVICES?

Paralegals are essential part of the legal team and can aid with providing quality legal services no matter the situation.

IF I COULD NAME THE AUTOBIOGRAPHY OF MY LIFE, IT WOULD READ

They told me I was not smart enough for college since I was not a honor student.
- A Paralegal's Journey Through Many Closed Doors.

IF I WEREN'T A PARALEGAL, I WOULD BE...

a historian.

A PARALEGAL IS...

the person behind the smoke and mirrors.

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