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The NFPA Pro Bono Committee would like to extend its warm congratulations to Kathi P. Ingram, RP®, Paralegal Association of Northern Virginia, as well as Teresa Scharf, RP®, Paralegal Association of Central Ohio. Both Kathi and Teresa were recently honored for their outstanding service and efforts in both pro bono and advancing the paralegal profession.

Kathi P. Ingram, RP, Paralegal Association of Northern Virginia (PANV), recently received the Pro Bono Paralegal of the Year award. The Arlington County Bar Foundation and Legal Services of Northern Virginia (LSNV) sponsored the Annual Northern Virginia Pro Bono Reception on June 1, 2017 at the Arlington Circuit Courthouse. This reception honored those volunteers who donated their services to Northern Virginia’s indigent, elderly, and disabled residents. Kathi was recognized for her dedication and outstanding service to LSNV and the public through her pro bono efforts. Kathi works in the Loudoun County office of LSNV, supporting staff attorneys in providing legal assistance to LSNV clients in support of the mission of LSNV to provide access to justice to the indigent and underserved. Kathi performs a variety of tasks including legal research, drafting legal documents and preparing exhibit notebooks for trial.

Teresa Scharf, OSBA Certified Paralegal, recently received the Paralegal of the Year Award as well as the Leadership Award from the Paralegal Association of Columbus Ohio (PACO) for Visionary Guidance and Exceptional Leadership. These awards recognize an individual PACO member whose achievements have contributed to the expansion of the paralegal profession, including contributions to her employer, colleagues and the paralegal profession in general. In addition to serving as a member of the NFPA Pro Bono Committee, as well as president of PACO, Teresa also serves as chair of the Pro Bono Committee for PACO. Teresa participates in the busy InterFaith Brief-Advice Legal Clinic on a monthly basis in her community. Attorneys, paralegals and law students work together to provide free legal services. Teresa also volunteers her time with PACO/LASC to hold local Pro Bono Wills Clinics twice a month. This clinic provides much needed legal services to senior citizens in the community who otherwise cannot afford to retain private counsel. Through her work with the attorneys, paralegals and law students, the volunteers provide fully-executed documents to the senior citizens setting their affairs in order and their minds at ease.

The NFPA Pro Bono Committee is honored to work with both Kathi and Teresa in our ongoing pro bono efforts. Kathi and Teresa are an inspiration to individuals through their dedication and compassion for others. They serve as role models for our paralegal members and truly embody the term “leader” in the legal profession. Way to go ladies!
In this issue, we discuss diversity and inclusion. But what does that actually mean? According to Merriam-Webster, these words mean the following:

Diversity means “the condition of having or being composed of differing elements: variety; especially the inclusion of different types of people (such as people of different races or cultures) in a group or organization programs intended to promote diversity in schools; and/or an instance of being composed of differing elements or qualities: an instance of being diverse.”

Inclusion means “the act of including: the state of being included; a relation between two classes that exists when all members of the first are also members of the second; and/or the act or practice of including students with disabilities in regular school classes.”

This year, the NFPA Board has taken on the initiative to begin looking inward to make sure NFPA is being diverse and inclusive. NFPA developed the position of a Diversity and Inclusion Coordinator and a committee to assist in various upcoming projects. Many of the projects that NFPA is looking into include: the website; policies; procedures; membership; and the establishment of the Justice Champion Award in honor of the late Heather Danielle Heyer, to recognize a practicing paralegal whose conduct, actions and activities demonstrate an extraordinary commitment to diversity and inclusion.

At this time of the year, I like to look back and see how far NFPA has come. While we faced many issues, setbacks and challenges, I feel that we also made many strides and connections that will carry us well into the future. The NFPA Board has worked as a team this past year and have brought a lot of new and fresh ideas to the front, for the benefit of all our members. The connections we have made with the military and other paralegal associations have been positive and we will build on those connections in the upcoming year.

Some of the changes we will be making in the new year will only be seen on the backend processes, which will make things easier for members and associations. Other changes will be seen in our publications, website and outreach. I hope everyone stays tuned for these developments as the NFPA Board is looking forward to rolling them out.

I want to thank all our sponsors, members, committees, coordinators and Board members for a great 2017, and I look forward to working with you all in 2018!!

Valerie A. Wilus, RP, Pa.C.P. is a Litigation Paralegal with Ross Feller Casey, LLP in Philadelphia, PA. She has over 22 years of experience. Valerie currently serves as President of the National Federation of Paralegal Associations. She obtained her R.P. designation on June 1, 2004, and obtained her Pa.C.P. designation on March 13, 2009.
One of the real joys of The Holiday Season is The opportunity to say Thank You And to wish you the very best for the New Year!
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Diversity and Inclusion in the Paralegal Profession
Diversity, equality, inclusion. Seems like we hear those terms more and more often. But, do we know what they mean?

Here are some working definitions:

• **Diversity** – everyone is individual and different.
• **Equality** – means equal access to opportunities.
• **Inclusion** – is a sense of belonging; feeling respected, valued for who you are; feeling a level of supportive energy and commitment from others so that you can do your best work.

This issue contains articles that may help refine your knowledge of these ideas. Including:

- *LGBT Equality In The Workplace*, which is an overview of the legal history;
- *Diversity and Inclusion in the Paralegal Profession*, encourages paralegals to learn and grow by promoting diversity and inclusion;
- *Diversity - A Family View*, is a paralegal’s personal story about living with indigenous people in Africa; and
- *Navigating Cultural Diversity in the Workplace*, presents tips for people in the mainstream and the non-mainstream.

The article, *How Would your Employer React If You Said No To an Assignment*, is as intriguing as its title.

*A Paralegal Skillset*, points out some necessary traits needed to be a successful paralegal.

This issue is rounded out with an article called *Aging*, which presents some views on the process of growing old, and the recap of the 2017 National Convention in New Orleans.

I’ll close my comments with a quote from the Nobel Peace prize Winner, John Hume,

“Difference is the essence of humanity. Difference is an accident of birth, and it should therefore never be the source of hatred or conflict. Therein lies a most fundamental principle of peace: respect for diversity.”

I wish you Happy Holidays, and my fondest wish that we all can find some peace,

Dan O’Leary, Editor
S
ince long before the ruling in Obergefell v. Hodges, 576 U.S. ___, 135 S. Ct. 2584 (2015), diversity has been a constant discussion point for many law firms across the country when they look to change their diversity and inclusion programs to include a ‘hidden form’ of diversity (diversity that is not outwardly evident), specifically the Lesbian, Gay, Bisexual, Transgender (“LGBT”) community. We, the authors, believe it is important to share the message of how to encourage diversity with regards to LGBT professionals. But first, you the reader need a brief history of the issue to better prepare for what needs to be done going forward.

LGBT or GLBT? What is the Difference?

The common question that comes from many legal scholars and employers is in which order do the letters go? LGBT or GLBT? How about LGBTQ (Q stands for Queer). And what is the addition of the other letters, such as LGBTIA (Intersex and Asexual) or Ally (a heterosexual supporter of the LGBT community)? It is all in the context and the missions of the organizations utilizing the acronym. While the National LGBT Bar Association sets the standard of the nomenclature, there are many varieties of the order of the letters, but GL or LG may be swapped interchangeably.

Legal History of LGBT Equality in the Workplace

Protections against discrimination in the work- place for the LGBT community were first argued under Title VII of the Civil Rights Act of 1964 (“Title VII”), which prohibited employers from refusing to employ or to discharge an individual or otherwise discriminate against any individual with respect to one’s compensation, terms, conditions, or privileges because of an individual’s race, color, religion, sex, or national origin. 42 U.S.C.A. § 2000e-2. [emphasis added].

In addition to the codification of Title VII and the birth of “Don’t Ask, Don’t Tell” (or DADT), numerous court cases and federal regulations were put into place that continued to enhance protections against discrimination based on an individual’s sexual orientation and more recently, their gender identity.

The Colorado Court of Appeals might have been one of the first courts in the nation to address this issue of equality with regards to sexual orientation and gender identity. The 1973 decision of Christian v. Randall, 516 P.2d 132 (Colo. App. 1973), arose from a post-decree child custody modification after Mother transitioned from female to male and Father sought full custody of the parties’ four daughters as a result of the transition. The court found that the mere sexual transition was not a sufficient change of circumstances alone to justify a change of custody. Id. at 133. Further, the court found, notwithstanding Mother’s change in gender, it was not in the children’s best interests to terminate custody of
Mother as there was no physical, emotional, or psychological harm to the children as a result of Mother’s transition and termination of her parenting rights/time would be more harmful to the children than Mother’s transition. See generally, id.

In 1995, President Bill Clinton signed Executive Order 12968, the first major movement towards LGBT equality in the workplace, which established criteria on the issuance of security clearances which included sexual orientation for the first time: “The United States Government does not discriminate on the basis of race, color, religion, sex, national origin, disability, or sexual orientation of the employee.” [emphasis added]. Then, in 1998, President Clinton signed another Executive Order, No. 13087, which prohibited discrimination based on sexual orientation in the competitive service of the federal civilian work force. However, notwithstanding Clinton’s mission to create equality in the civilian sector, he still implemented DADT as a result of the 1992 beating death of U.S. Sailor Allen R. Schindler.

One year after many of these laws or executive orders went into effect, the United States Supreme Court entered its groundbreaking ruling in *Romer v. Evans*, 517 U.S. 620 (1996) which involved a voter approved constitutional permission to create laws that specifically discriminated against members of the LGBT community. In this case, Justice Kennedy held that such an amendment would violate the equal protections clause, affirming the decision of the Colorado Supreme Court, overturning the law and creating confusion amongst many as to where we as a country should stand on LGBT equality.

For much of the 80s and 90s, laws continued to be passed that created discrimination and inequity against those of the LGBT community. But the onset of the 21st century brought a change in the tide. The first landmark case which dealt with equality was *Lawrence v. Texas*, 539 U.S. 558 (2003), which invalidated certain laws regarding consensual sexual intercourse because it was a violation of due process. In the Lawrence case, a Texas state law criminalized sodomy with the intent to criminalize homosexual intercourse. The Supreme Court found that such a law violated the substantive due process of consenting adults and was an invasion of the privacy of the bedroom, regardless of the sexual orientation.

Fast-forward to 2010, Congress and President Barack Obama passed legislation with support from the Secretary of Defense and Chairman of the Joint Chiefs of Staff to repeal what was considered by the Servicemembers Legal Defense Network and the LGBT community as a whole to be one of the biggest forms of workplace discrimination, DADT, by repealing the controversial prohibition after several noteworthy cases challenging the constitutionality of the act, most notably *Log Cabin Republicans v. United States of America*, 658 F.3d 1162 (9th Cir. 2011) (case rendered moot by repeal of 10 U.S.C.A. § 654).

Momentum continued with the 2013 landmark decision in *United States v. Windsor*, 570 U.S. _____, 133 S. Ct. 2675 (2013), which was a case involving a refund of a tax payment relating to Windsor’s late same sex partner and her estate. The Supreme Court in a 5-4 decision stated that the Defense of Marriage Act was unconstitutional as it was a deprivation of liberty of a person protected by the Fifth Amendment. The same day as the Windsor case was ruled upon, *Hollingsworth v. Perry*, 570 U.S. ___, 133 S. Ct. 2652 (2013) overturned a ban on same-sex marriage in the state of California, which was later reinstated by Proposition 8, a voter approved marriage ban for same
sex individuals, which kick started the nearly two busiest years in the LGBT equality movement.

Then in 2015, the most significant equality case came before the nation’s high court, Obergefell v. Hodges. Obergefell was a consolidation of six federal appeals court cases, a challenge to Baker v. Nelson, 291 Minn. 310, 191 N.W.2d 185 (1971), which held that a state law restricting marriage to persons of the opposite sex did not violate the U.S. Constitution. The split in the federal circuit courts led to a review by the Supreme Court, as states have always been granted sovereignty by the Fourteenth Amendment. U.S. Const. amend. XIV (No State shall deprive a person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protections of the laws). This also addressed the conflict between the full faith and credit beliefs and a state’s abilities to regulate who can marry. Obergefell challenges that by requiring all states to issue marriage licenses to same-sex couples and to recognize same-sex marriages validly performed in other jurisdictions, based upon the 14th Amendment.

The issue of equality, specifically in employment, was addressed in a 2016 case where the U.S. District Court in the Western District of Pennsylvania held that discrimination based upon sexual orientation was discrimination based on sex and such discrimination constituted a violation of Title VII. U.S. Equal Employment Opportunity Commission v. Scott Medical Health Center, 217 F. Supp. 3d 834 (W.D. Pa. 2016). This, of course, was a ground-breaking ruling for federal level protections for those of the LGBT community.

Recently, several actions have been taken in Washington that potentially reverse or eliminate LGBT protections as developed in the last three to four years. By rolling back administrative implementations of non-discrimination equality, as held in the Lawrence and Log Cabin Republican cases, the authors feel it is important to those reading and applying the message of this article to focus on continuing to move forward with diversity and protections. It is our job as paralegals to work with our attorneys to protect equality, for our clients and for society.

One example of this reversal was the March 27, 2017 Executive Order by President Donald Trump reversing a 2014 executive order banning discrimination of LGBTQ individuals involved in government contracting. See Executive Order on Revocation of Federal Contracting Executive Orders. On May 4, 2017, another executive order granted “free speech” and “religious liberties” that organizations such as the Human Rights Campaign felt would encourage LGBTQ
discrimination. See Executive Order on Promoting Free Speech and Religious Liberty. And finally, a recent push at the executive level has been to ban new enlistment or commissions to those who are transgender into the armed forces. With this growing list, we as citizens must persevere to unravel the work of at least the last decade and continue making progress.

**Case Studies on Diversity in the Work Force**

Numerous case studies have been completed on diversity in the work force, but one that stuck out to these authors is the Out Now Global LGBT2020 Study, which discusses how “the implementation of LGBT workplace diversity policies…almost universally do not provide dollar valuations to substantiate the effects claimed.” Ian Johnson & Darren Cooper, LGBT Diversity: Show Me The Business Case, OutNow Global (Feb 2, 2015). The report demonstrates “the need for more effective implementations of LGBT diversity policies at work…..” by analyzing global data where employees are more comfortable “being out to none of their colleagues” to “being out to all.” Johnson, id. at 4.

According to the report, 38% of Americans are “out to everyone at work,” compared to 51% in Australia, 45% in the United Kingdom and 42% in Canada. Though these four countries rank high on the chart for employees to be open about their orientation, the report further shows that the percentage of respondents ‘observing homophobia’ is just as significant, with 49% in the United States, 68% in Brazil, 61% in India and each over 40% in France, Canada and the UK.

On 2civility blog, Jayne Reardon shares the “importance of diversity to the future of the [legal] profession.” Jayne Reardon, Lawyer Diversity: The Future is Now, 2Civility (June 22, 2017), https://www.2civility.org/lawyer-diversity-future-law/. She refers to a conference, Future is Now: Legal Services 2.017, in which legal professionals discussed innovations in delivering legal services. Microsoft Assistant General Counsel Dennis Garcia identified the profession as being “[s]tatistically, 64 percent… male and 88 percent… white.” “[T]he legal profession trails other professions” and should “look at ways to improve diversity and inclusion.” Mr. Garcia cited a McKinsey research study, stating that “a company with a racial and ethnically diverse workforce is likely to outperform its competitors by 35 percent [financially]….”. but, in addition to race and gender, “should also include different styles of leadership and communication.” Id. (citing Vivian Hunt, Dennis Layton, and Sara Prince, Why diversity matters, McKinsey & Company (January 2015) http://www.mckinsey.com/business-functions/organization/our-insights/why-diversity-matters).

The article further explains the importance of “diverse and outside perspectives and experiences…. to learn more as a team. This includes technological proficiency and ‘maintaining sensitivity to’ generational differences, both of which can be achieved through competence-based learning, inspiring creativity, and by implementing incentives to remain competitive and marketable. In the end, focusing on employee morale is what should be important in this market that is more employee-driven than it ever has been before.

Title VII is the protection provided to American citizens (employees) to prevent discrimination and for enforcement by civil actions and injunctions. See generally, 29 C.F.R. § 1602.12. [emphasis added].

While the authors of this article look toward diversity
and inclusion and envision a society and workplace free of discrimination, we realize the history and complexity that come with change. We share this information with you to consider not only the programs and initiatives that pro-diversity organizations and employers may provide and implement, but to recognize the power of our own actions. We as paralegals, legal professionals and allies are a part of the legal process and our contribution plays a significant role in the future of the legal profession and equal access to justice.

**Conclusion**

In the current state of affairs in our nation, it is important now more than ever, to focus not on one’s sexual identity, but the contributions each individual can make to your firm and to the profession as a whole. The justice system focuses on equality, due process, and liberties for those of various backgrounds. The First Amendment is not confined to one voice, one religion, and one point of view. It is focused on all points of view. The legal profession deserves diversity in all areas as do the public users who in the end want to find a voice that supports their cause. What will you do with this call to action for diversity?

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How Would Your Employer React If You Refused an Assignment?

How would your employer react if you requested not to work on an assignment due to ideological differences, assuming the subject matter of such assignment was legal under both applicable federal and state law?

How would your employer react if you requested not to work on a project due to ideological differences, assuming the subject matter of such assignment presented conflicting legal issues between federal and state law?

Introduction

The request for exclusion from an assignment for ideological differences poses many issues for an employee and an employer. While the above questions regarding a work assignment appear somewhat similar, the distinction between the two is very clear.

Since each employer handles their personnel matters in their own manner, I will not attempt to provide any definitive answers to these questions. Rather, this article sets forth a number of issues for each reader to contemplate so they can reach their own conclusions. Even if the situation has not yet presented itself in your workplace, it is an interesting topic to reflect upon, either individually or with your employer, even if only in the hypothetical.

So, how do you think your employer would react? Would your employer fire you? Would your co-workers identify you as a troublemaker? Would your employer just staff you on another project? Would your employer use your request against you at review time?
reaction change if you knew about certain projects when you accepted the employment? Would the employee have any recourse against an employer if fired or otherwise negatively impacted? These are just a few thoughts for your deliberation.

There are infinite hot button issues that people feel strongly about, and many disagreements exist among individuals with respect to those issues. Two such subjects which this article will explore are gaming and marijuana. While gaming is legal under both federal and state law, “legalized” marijuana presents conflicting legal issues between federal and state law. The potential for a strong reaction exists when these topics are introduced, whether in or out of the workplace.

**Gaming**

Gaming consists of many activities that are regulated and restricted under federal and state laws; however even subject to such restrictions, these activities ultimately are legal under both federal and state laws. Gaming includes but is not limited to, casinos, state lotteries, racetracks, bingo, poker tournaments and other games of chance. These activities are considered by some as entertainment, a test of skill, a fun social event or a chance to hit it big. Conversely, others consider gaming as an activity that is detrimental to society; believe it is addictive, that it causes economic hardship and that it is a waste of money. While some argue gaming provides a legitimate business that employs many and benefits society (with a portion of gaming proceeds often going to schools and seniors), others argue that gaming tears families apart and causes adversities in many aspects of life. The opinions contrasting the positive and negative aspects of gaming enter the workplace when an employee receives a related assignment and an individual’s point of view is triggered.

Many terms describe the taking of a stake for wager in an outcome for a prize. Gaming, gambling, wagering, and betting are common terms, but their meanings can vary based on the rules, regulations and restrictions imposed in the jurisdiction where the activity takes place, and whether the activity occurs in a formal or informal setting. Legislation controlling these activities has been on the books at the federal and state levels for many years and continues to evolve with changes in societal views.

Early federal laws established rules, regulations and restrictions for gaming as an industry. These laws formalized a structure for activities that have been around since the early years of competition. Federal laws dealt with the transportation of gambling devices, registration of manufacturers and dealers, prohibitions on manufacturing, repairing, selling, possessing or use of gambling devices, and prescribed penalties, including confiscation of gambling equipment and gambling proceeds. In later years, laws were enacted with respect to gaming conducted by Indian tribes. Several federal agencies, including but not limited to, the Department of Justice, the Department of the Interior, the Federal Trade Commission and the National Indian Gaming Commission, have oversight of the gaming industry at the federal level.

As the gaming industry expanded over the years, state gaming agencies have established laws and regulations to control the industry within state borders. State gaming agencies regulate the types of allowable gaming activities, set forth restrictions on when and where such activities take place and set forth penalties for activities that fall beyond the restrictions of the state laws. While the gaming industry continues to evolve, state laws have also changed to reflect changes in the community standards.

Many personal, social and legal issues surround the gaming industry. However, when gaming is conducted within the parameters of applicable federal and state laws, such activities are legal. So, if you are opposed to
How Would Your Employer React If You Refused an Assignment?


gaming and want no part of any assignment that promotes its activity, but if gaming is legal under both federal and state laws, what does an employee do if given an assignment on this topic?

Marijuana

As of early April 2017, pursuant to federal law, marijuana remains illegal and is listed as a Schedule I substance under Title 21 of the United States Code Controlled Substance Act (the “Act”). In contrast to the Act, twenty-six states and the District of Columbia have laws legalizing the medical and/or recreational use of marijuana, and three additional states have passed similar laws that have not yet become effective. The differences between the Act and the state laws have the potential to cause conflict between employers and employees in respect to marijuana businesses or businesses ancillary thereto. There are differences of opinion between individuals who believe the state laws are long overdue while others hold the belief that the federal stance under the Act should remain as currently codified.

Differences also exist in the enforcement of marijuana laws. Traditionally, other than with respect to large quantities of the drug, federal authorities have ceded enforcement efforts to the states. Given the changes in state laws and state level legalization, the U.S. Department of Justice addressed the marijuana enforcement policy in a memorandum dated August 29, 2013 from James M. Cole, Deputy Attorney General (the “Cole Memo”), and also provided guidance regarding marijuana-related financial crimes in a memorandum dated February 14, 2014 again from James M. Cole. The U.S. Department of the Treasury issued a memorandum on February 14, 2014 to “clarify Bank Secrecy Act expectations for financial institutions seeking to provide services to marijuana-related businesses” (the “FinCEN Guidance”). The Cole Memo and the FinCEN Guidance delineate eight enforcement priorities for marijuana related activities. The Cole Memo also states, “outside of these enforcement priorities, the federal government has traditionally relied on states and local law enforcement agencies to address marijuana activity through enforcement of their own narcotics laws.” Moreover, the Cole Memo states that the Department of Justice’s guidance “rests on its expectation that states and local governments that have enacted laws authorizing marijuana-related conduct will implement strong and effective regulatory and enforcement systems that will address the threat those state laws could pose to public safety, public health and other law enforcement interests.” Further, pursuant to the Denial of a Petition to Initiate Proceeding to Reschedule Marijuana dated August 12, 2016, the Drug and
Enforcement Agency kept marijuana illegal, and listed on Schedule I under the Act and stated “(1). Marijuana has a high potential for abuse; (2). Marijuana has no accepted medical use in the United States and (3). Marijuana lacks an acceptable level of safety for use even under medical supervision.” Others hold a juxtaposed position and believe marijuana is not addictive or harmful, and is potentially beneficial for those suffering from serious illnesses.

The recommendations set forth in the Cole Memo and the FinCEN Guidance effecting the marijuana enforcement policy could change at any time. In a February, 2017 news conference, Attorney General Jeff Sessions stated “I would just say it does remain a violation of federal law to distribute marijuana throughout any place in the United States, whether a state legalized it or not.” Changes in the current enforcement policies of the Act would affect businesses operating under applicable state laws and the current enforcement policies of the Act.

Simply stated, the marijuana industry and businesses ancillary thereto are illegal under federal law, while at the same time having been legalized under various state laws. If you are opposed to the use of marijuana and want no part of any assignment that promotes its use, and if marijuana use remains a violation of federal law but is legal under state law, what does an employee do if given an assignment on this topic?

**Employment Laws**

Many factors contribute to the formation of an employee’s response to these issues, with some quantifiable, such as labor and employment law, while others, such as personal beliefs and societal tolerances or intolerances, are not as measurable.

Federal and state labor and employment laws protect both the employers and employees in the workplace. These laws cover subjects such as wages, working conditions, non-discrimination, disability accommodation, hours, and benefits. Certain regulations also protect employees’ rights when terminated for certain reasons, such as refusing to commit a criminal act or for retaliation when reporting an illegal activity. Employment may be subject to assorted types of contracts, such as formal employment contracts, consulting agreements, collective bargaining agreements or even oral agreements, or alternatively, and most commonly, the employment is considered “at will” Generally, employment at will allows either an employer or an employee to terminate employment for any reason, without any legal consequences, as long as the employee was not terminated for an illegal reason, such as because of race, sex, religion, nationality or disability.

However, individual state polices do vary. For example, in Montana, an employee can only be terminated under employment at will provisions during a probationary period. In addition, the employment at will doctrine has certain exceptions. The public policy exception generally protects an employee from wrongful terminations when the motivation for the discharge contravenes an obvious mandate of a clear public policy. Another exception can exist under an implied contract theory if, for example, an employer makes certain promises regarding the...
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length of an employee’s employment. Some states recognize a duty of good faith and fair dealing in the employment at will context. Would firing an employee for refusing to work on an assignment that directly or indirectly touches upon an issue that is illegal under federal law violate public policy? Would an employer breach its duty of good faith and fair dealing (if one exists) if it did not fairly address an employee’s concerns about working on sensitive assignments that involve gaming and marijuana? Do employers also need to be cognizant of potential discrimination issues that could arise if the complaining employee is a protected minority, if the concerns arise from religious beliefs and/or if the employee is disabled and uses marijuana for medical purposes?

Final Thoughts

Employers generally expect employees to work on assignments that they are given. One topic reviewed herein is legal under federal and state law and one topic is illegal under federal law but with published guidelines regarding enforcement policies, and legal under state law. Either topic may cause an employee’s moral compass to spin if given a related assignment. When presented with such a situation, the following items may warrant consideration:

1. Communication. Openly discuss the concerns with your employer. Are your concerns covered by any protected class, such as a religious belief?

2. Review the assignment in detail. Does the assignment breach federal or state laws?

3. Employment status. Is your employment considered at will or are you covered by a contract? Do the public policy or implied contract exceptions apply to your employment?

4. Work flow. Was the employer working on these subjects when you were hired? Are there other alternative assignments?

5. Understand the options. Would you choose to change employers if you are not given any alternative projects? How would you react if fired for failure to complete the work assignment you were given?

Before leaping to any conclusion about how you think your employer would react or how you would handle the employment issues raised herein, be aware that there is not one definitive answer and that the landing site is a bit rocky.

Margaret R. Roberts is a paralegal with the law firm of Duane Morris LLP and is located in the firm’s Baltimore office. She has 34 years of experience as a corporate paralegal with an emphasis on complex reorganizations, mergers and acquisitions. Ms. Roberts holds a Bachelor of Science degree from Indiana University, a Certificate from the Institute for Paralegal Training and a Master of Arts degree from The College of Notre Dame of Maryland.
A culturally diverse workplace can be an incredible asset, especially to a legal team. People from different backgrounds can offer different perspectives on a case and help the team as a whole to anticipate how different juries might react to different arguments and strategies. They can help market a lawyer’s services to a wider demographic. They can facilitate communication with clients.

You can tell from my picture, I am a member of the majority. However, I know that maintaining a diverse workforce depends on members of a majority treating members of a minority with respect. By interacting with many different sorts of people over my lifetime, I’ve learned a few things that I’d like to pass on to people like me who are members of the mainstream culture (i.e. white Americans or the majority). I’d then like to offer a few suggestions to members of non-mainstream cultures (i.e. non-white Americans or minorities) who find themselves in an uncomfortable and foreign environment. As paralegals, we often have little influence over the actual composition of our team, but we can foster a culture of acceptance in our firms.
**Tips for the Mainstream**

1. Adopt the position and attitude of a student. When you grow up as a member of the mainstream culture, you have no idea how people in other cultures live, think, or feel. As you grow older and your experience expands, you’re likely to run into different ways of doing things and your first reaction is likely going to be “that’s weird.” This is where you should cast yourself back to your school days and remember what it was like to be in the presence of someone who knew so much more than you did. It does not matter what your religion, politics, or personal values are; you can always learn something from someone else. Even if you disagree with everything someone else says, you can at least learn what respecting that very different person looks like, practically.

2. Whenever someone begins a sentence with “In my culture,” listen. As members of a mainstream culture, we often don’t realize that we have a culture. We grow up in a world where most of the people around us make the same cultural assumptions. People who aren’t members of mainstream culture grow up learning how to explain themselves to members of the mainstream almost out of necessity. Whenever someone tells you how they do things differently than you might expect, recognize that you are receiving valuable information.

3. Don’t confuse culture with race/ethnicity. In other words, don’t make assumptions based on how people look. Let’s say the Poster in our example above actually did learn about the Commenter’s culture. Let’s further suppose that the Commenter is Indian. That does not mean that the Poster should strike up a conversation with the next Indian he meets about the value of knowledge. First, by referring to “our culture,” the Commenter is not necessarily referring to a race or a nation. Second, not everyone who looks Indian is actually from India. Culture transcends both borders and appearance. As you become a student of others and listen to what they say about their cultures, be careful to note in your mind that culture is something internal, not something that you can see. Before you leap to conclusions based on what you have learned from other people, let the person you are currently meeting be the one to teach you who he or she is and what cultures influenced him or her the most.

4. You didn’t earn everything you have. We mainstream people tend to think that everyone gets the same opportunities as everyone else, and so we trivialize the vast statistical gaps between minorities and the majority with reference to level of education, salary, and leadership positions. Unfortunately, those statistical gaps reflect the very real advantages of being born into the mainstream. You are more likely to grow up understanding mainstream culture’s expectation that all competent people go to college. You are more likely to have the means and familial support to pursue your goals. People are more likely to accept your leadership because most other leaders they have encountered look and act like you. Recognize that you had and have advantages simply because you are a card-carrying member of mainstream culture. Do not judge others who did not have the same advantages.

This is only a cross section of what I’ve learned, and I’m sure that I will learn even more as I work with diverse clients and make new friends. To sum up the practical lessons for the workplace and beyond: Become a student of those around you (not their teacher), actually listen to what they have to say (don’t trivialized it), remember that culture doesn’t necessarily correspond with a person’s ethnicity, don’t forget that you have advantages that you did not earn, and don’t judge the people who didn’t get those advantages.

**Tips for the Non-mainstream**

I want to be clear: I’m not suggesting that members of non-mainstream cultures should ever have to put up with the ignorance around them. I’m just listing a few observations about white middle-class culture that might prove helpful to people trying to navigate a world where the cultural cards are stacked against them. I’m pulling these tips from suggestions a university (I’ve forgotten which one) provided to foreign exchange students and the intent was to help them connect with their American classmates and ease the feeling of isolation. It also helped me, as a white American, recognize that I do, in fact, have a culture.

1. Americans really like names. If your name is hard to pronounce or hard to spell, be prepared to constantly correct everyone around you. Even if you don’t particularly care, misspelling or mispronouncing a name can be a sign of disrespect in American culture.
Most people don’t mean it in this way; they probably just have a hard time with your name. However, by correcting people, you are demanding respect. You’ll notice that the Americans around you will make an effort to remember how to pronounce and spell your name, even if they never quite get there. This is a way for them to show you respect.

2 In hallways, try to walk on the right side and avoid any physical contact with people. In many cultures, simply pushing past people, whether there is room or not, is almost expected. However, Americans perceive this as very rude. If there is no room for you to pass someone who is walking slowly, slow your pace. If you accidently touch anyone in the halls, even if only very lightly or very briefly, apologize. Some Americans can see physical contact while walking as an attempt to start a physical altercation. Even if they don’t, an apology is expected.

3 Americans generally feel that adult children should leave home sometime between ages 18 and 22. If you are an adult living with his or her parents, you can be perceived as lazy or as taking advantage of your parents. If you have adult children living with you, you might be perceived as gullible or naïve. Some well-meaning coworkers may even try to convince you to kick your children out of your home. If you choose to share this aspect of your life with your coworkers, it would probably be wise to add an explanation of how your culture perceives family.

4 If you have a loud voice and talk with your hands, Americans may perceive you as being intimidating or threatening. This is especially true if you are disagreeing with someone, but the misperception can happen even without that context. If an American sees you speaking with someone else but all s/he knows is that you are gesturing and speaking loudly, s/he may come up to you with the idea of defending the other person from you or even complain about you to HR or your boss. To avoid being perceived as a bully, if you have a loud voice and come from a culture that uses the whole body to communicate, it may be wise to voice any disagreement in an email, rather than speaking to someone in person.

5 Racists don’t like being called racist. Even if the persons in question are, in fact, racists, nothing guarantees that they’ll dig in and try to make your life miserable like calling them out on it. If you are experiencing racism, try to communicate it by focusing on your feelings and perceptions. Americans refer to this method of conflict resolution as using “I” statements,
and it’s a way to seem non-threatening and open up dialogue, e.g. “I feel excluded when you address everyone else as ‘Mr.’ or ‘Ms.,’ but address me using my first name. It would make me feel like a part of the team if you would call me Ms. So-and-so, or if you would address my coworkers using their first names.” Document everything you are experiencing in case you need to involve HR or some other higher authority, but give the offending person a chance to become your student.

Ultimately, everyone in the office benefits when people with diverse cultural backgrounds can work together and enjoy each other. I hope some of these tips are helpful towards that end, but if they aren’t, feel free to tell me! I’d love to be your student.

Hannah Hibbs has worked as a paralegal in the Denver area. She is experienced in employment law and immigration law. She earned a BA from Baylor University and received her paralegal certificate from the Community College of Aurora.
New Orleans is famous for its French Quarter, Creole cuisine, jazz, Bourbon Street and Mardi Gras. It was also the city that welcomed the 43rd National Federation of Paralegal Association (NFPA) Annual Convention and Policy Meeting. If you missed out on the festivities, let us channel the spirit of Mardi Gras in October. Laissez les bon temps rouler.

Host association, New Orleans Paralegal Association, selected Support of Lawyers/Legal Personnel—All Concern Encourage (SOLACE) as this year’s annual convention charity. SOLACE was developed by Judge Jay Zainey and Mark Surprenant, in connection with the Louisiana State Bar Association. SOLACE provides a way for the Federal Bar Association legal community to reach out in compassionate ways to its members and those related to them within the legal community who experience a catastrophic event, illness or personal crisis.

Thursday – Meet, Greet and Learn

Convention goers arrived at the Registration Booth on Thursday anxious to meet vendors and attended continuing legal education seminars. The Exhibit Hall featured local and national vendors showing off their products and services. The NFPA-approved continuing legal education seminars consisted of: Digital Due Diligence; Avoiding Unauthorized Practice of Law; International
Relations: Understanding Apostilles & Legalizations; Catch-22 of Cannabis Legalization; Legal Holds; Trial Preparation from Start to Finish; Ethics in Evolving Compliance Requirements; Effective Business Plans for Companies in the 21st Century; Delaware Updates; Road to a Green Card through an Employer; Effective Handling of Conflict in the Workplace; Legal Holds and Personal Branding.

Complimentary workshops provided students the opportunity to pair with human resource professionals from the New Orleans Central Business District to discuss interview techniques, resume writing, social media and accessing public records. Members also attended workshops on Challenges and Strategies for a Successful Small Law Firm and Developing a Strong Mentoring Program.

During the buffet-style luncheon, NFPA coordinators and volunteers were recognized for their outstanding dedication to NFPA. The lunch also incorporated a networking event where attendees at each table discussed career-related topics and shared responses as a whole.

The afternoon Exhibitor’s Reception allowed vendors and attendees to network while savoring on drinks and sponsored appetizers. The day concluded with the NFPA Board of Directors Meeting. Board members provided their reports and members were engaged with the Board in an open forum. The Oregon Paralegal Association made a presentation at the meeting, as hosts of the 2021 Annual Convention in Portland.

**Friday Festivities**

Friday was an indoor parade at the Astor Crowne Plaza Hotel-French Quarter as association leaders and members attended various meetings. An in-person First Timer’s Meeting was conducted for convention newcomers. This informational meeting provided first time conventioneers the opportunity to become familiar with the ins-and-outs of NFPA’s convention.

Conference rooms were packed as members met for their Region Meetings to participate in passionate discussions relating to region activities, association management, the paralegal profession and the Federation. During the meetings, members met NFPA’s new management team, Executive Director Amanda Bureau, CAE, CVA and RGI President, Leslie Murphy, FASAE,
CAE. Members also met SGM Noverlette Roberts (U.S. Army) and Lorri Jenkins, Executive Assistant to Regimental Command Sergeant Major U.S. Army and Judge Advocate General’s Association of Legal Paraprofessionals President.

Matthew Block, Executive Counsel to Louisiana Governor John Bel Edwards, joined us for lunch as the Keynote Speaker. He touched upon the importance of paralegals in the law office and legal community. Mr. Block commended NFPA members for contributing to SOLACE and talked about the positive impact the organization has on the community.

NFPA members later gathered to learn more about candidates vying for NFPA Board positions at the Meet the Candidates panel. Members also had the opportunity to attend the Treasurer’s Meeting to discuss budget-related matters.

Comic costuming brought to life a masquerade at the evening Social Event filled with a live brass band, visits from local krewe mascots, dance performance by the Original Divas School of Dance, libations and an authentic creole feast. Guests were delighted with a parade of New Orleans Paralegal Association Convention Committee and NFPA Board members who tossed Mardi Gras favor-novelities for onlookers to take home. The gaudy and gorgeous made this a networking event that brought Mardi Gras to life in October.

**Saturday Ball**

The opening of the Policy Meeting was called to order by NFPA President Valerie Wilus, Rp®, PaCP. The colors were presented by the Brother Martin High School NJROTC, who also led the Pledge of Allegiance. Various reports including the State of the Federation, Annual Convention Report and NFPA’s Strategic Plan were presented to the membership.

The annual memorial presentation also recognized beloved NFPA members who have passed since the last convention. Associations from all over the country were recognized for exceeding the President’s Challenge.

It was no secret that the super krewe of NFPA gathered for the Annual Policy Meeting on Saturday. Passionate leaders took to the Policy Floor to engage in lively discussions on issues facing the profession. The following Agenda Topics were passed by the delegate assembly: Position Statement on Non-Lawyer Legal Professionals; Support for Limited License Legal Technicians;
Formation of an Ad Hoc Committee to study Rogue Paralegals; Creation of a Position Statement on Rogue Paralegals; Creation of Justice Champion Award and an Administrative Topic on NFPA Election Campaigning.

At the annual Awards Luncheon, members and associations were honored for their significant contributions to their local community, service to the profession and outstanding career achievements. NFPA congratulates the following award recipients: John Goudie, AACP (Paralegal Association of Wisconsin) was awarded the William R. Robie Leadership Award; Leah M. Alred, RP®, OCP (Oregon Paralegal Association) was awarded Outstanding Local Leader; KaTina Whitfield, ALP, CRP™ (Dallas Area Paralegal Association) was awarded Paralegal of the Year; Paralegal Association of Central Ohio was awarded the Association Pro Bono Award; Angela Woodlee, RP®, (Indiana Paralegal Association) was awarded with Certification Ambassador Award; and Dardanel E. Robinson (Oregon Paralegal Association) was awarded the Individual Pro Bono Award. Thomson Reuters presented scholarships to two paralegal students: Elizabeth Velez Urie and Kajal Patel. Jessica Kubiak received the NFPA PACE Scholarship.

**SUNDAY PARADE**

The traditional passing un flambeau (a torch) was exchanged from the New Orleans Paralegal Association to the Washington State Paralegal Association – host of the 2018 Convention. The NFPA Board elections results were also announced, see page 26.

The colors were retired on Sunday, marking the end of the convention festivities thanks to the hard work of the New Orleans Paralegal Association. For attendees, the excitement and fun had just begun. October was a Mardi Gras party that did not take into account how many beads you had at the end. There was no shortage of beads. Mardi Gras colors embodied a perfect color scheme to hold a national paralegal convention in the Big Easy. Purple for justice. NFPA paralegals for social justice. Gold for power. Paralegals are golden. Green for faith. Faith unites NFPA in advancing the paralegal profession. NFPA’s Annual Convention continues to be a celebration of renewed passion for the advancement of the paralegal profession.

Ronell B. Badua is dedicated to public service as a paralegal at the Department of the Corporation Counsel, City and County of Honolulu. Mr. Badua obtained his Associate in Science Paralegal Degree from Kapiolani Community College’s American Bar Association-approved paralegal program. He is a proud member of NFPA’s Region I and can be reached at idir@paralegals.org.
2017-2018 NFPA Board of Directors, from left to right: Josie Estes, Region Director V; Cherylan Shearer, Secretary and Director of Operations; Mianne Besser, Region Director II; Nita Serrano, RP, Vice President and Director of Paralegal Certification; Yvonne DeAntoneo, Vice President and Director of Membership; Lori Wagner, RP, IRP, Region Director III; Ronnell Badua, Region Director I; Lori Boris, RP, MnCP, Vice President and Director of Positions and Issues; Valerie Wilus, RP, PaCP, President; Lisa Lynch, CRP, Vice President and Director of Marketing; Lisa Vessels, Board Advisor; Mindi Schaefer, M.S., RP, OSBA, AACP; Vice President and Director of Profession Development; Not pictured, Becky Reedy, Region Director IV.

**AWARD WINNERS**

- **Robie Award**
  - John Goudie, AACP

- **Individual Pro Bono Award**
  - Dardanel E. Robinson

- **Individual Pro Bono Award**
  - Dardanel E. Robinson

- **PACE Scholarship**
  - Jessica Kubiak

- **Outstanding Local Leader**
  - Leah M. Alred, RP, OCP

- **Certification Ambassador Award**
  - Angela Woodlee, RP

- **Paralegal of the Year**
  - KaTina Whitfield, ALP, CRP
AWARD WINNERS

Thomson Reuters Scholarship Winners
L to R: James N. Ward, Jr (Thomson Reuters);
Elizabeth Velez Urie ($3,000 winner);
Kajal Patel ($2,000 winner);
Sara Sawyer (Thomson Reuters)

Association Pro Bono Award
Paralegal Association of Central Ohio
Accepted by Brittany Hays and Mindi Schaeffer, M.S., RP, OSBA, AACP

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In 2000, I wrote an article for the National Paralegal Reporter entitled “Diversity in the Paralegal Profession” which profiled several paralegals of diverse backgrounds and the issues and challenges they faced as they endeavored to be included as part of our profession. Since that time, significant advances have been accomplished, yet there is still progress to be made.

In 2006, NFPA adopted the following Diversity Statement:

One of the greatest assets of the paralegal profession is the ethnic, cultural, and social diversity of its members. The National Federation of Paralegal Associations, Inc. (“NFPA”) takes great pride in this diversity. The NFPA welcomes, respects, and supports diversity, in all its forms, in its membership, its vendors and its contractors, as well as with paralegal educators, the paralegal profession, legal profession, bar associations, and the courts.

In 2017, NFPA established its first Diversity and Inclusion Committee. Among the Committee’s objectives are to: 1) research, investigate and recommend policy concerning the feasibility of implementing diversity and inclusion initiatives and coordinate implementation of same, and 2) develop “NFPA’s Model Diversity and Inclusion Policy” to be used as a resource for NFPA member associations to provide guidance and suggestions for implementation of their own diversity and inclusion policies.

Promoting diversity and inclusion in our profession opens dialogues that foster an appreciation of the differences that separate us as well as the similarities that unite us. Better understanding strengthens our bonds and allows us to gain a deeper understanding of each other while developing a greater sense of connection. Methods by which this can be accomplished include the following:

- Dedicate time to learning about the diversity surrounding us.
- Appreciate our differences and similarities by exploring the cultural celebrations and significant life events of others.
- Build connections with those we don’t usually get the opportunity to know.
- Include everyone. Each of us represents unique dimensions of diversity. Our uniqueness is our difference.
- Recognize that one person does not represent an entire group – great variation exists within all groups.
• Realize that we each have the power to create a better world by reaching out across differences one person at a time.

Our racial, ethnic, cultural, religious, national origin, indigenous heritage, socio-economic status, disability, sexual orientation, and identity are part of our existence. They give one a sense of our history and heritage, but assumptions should not be made based on unfamiliarity, stereotypes or bias. In our profession, ability and qualifications have often served as powerful antidotes to prejudicial attitudes. In too many instances, those who are classified as members of a particular group and are successful are seen as anomalies, while those members of the group who are unsuccessful are used as examples as to why that group cannot succeed. Additionally, the actions of one person should never be imputed to all those who may share the same background or beliefs.

Diversity and inclusion are essential parts of the business model of corporate America, including the legal profession. Corporate legal departments continue to stress to their outside counsel the significance of diversification. Changing demographics in the U.S. have signaled to law firms that diversity is an important goal that will affect a firm’s viability and ultimately, its bottom line. It is more than just the right thing to do; it makes good business sense.

Diversity and inclusion can also be viewed as components of the ethical obligations of legal professionals. In 2016, the American Bar Association revised Model Rule 8.4 Misconduct to state that it is professional misconduct for a lawyer to:

(g) engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these Rules.

The responsibility of paralegals to foster diversity and inclusion while upholding the highest of ethical standards is exemplified in the recent establishment of the Justice Champion Award which honors the commitment of paralegals to civil rights and social justice. The Diversity and Inclusion Committee was honored to work on this endeavor which positively highlights our profession and rewards the virtue of the human spirit.

Accordingly, it is vital for paralegals to connect with others in our profession whose backgrounds and experiences are aligned. It is equally important to build connections with those we don’t usually get the opportunity to know. These objectives are essential in order to provide positive reinforcement that the legal profession is indeed inclusive and that the paralegal profession is a viable and attainable career option.

As our profession continues to evolve and advance, the role of paralegals remains challenging. Our commitment to this profession involves enhancing our responsibilities, exemplifying professionalism, embracing diversity and fostering a sense of inclusion, which are the tenets of a bona fide, well-respected career.

Sybil Taylor Aytch, RP©, M.Ed. is Coordinator of NFPA's Diversity and Inclusion Committee. She has extensive experience in complex litigation, antitrust law, commercial bankruptcy law, and trial preparation, specializing in litigation support, discovery management, trial technology, and project administration. Sybil is a senior paralegal at Quarles & Brady LLP in Phoenix, AZ. She is a native of New York City and prior to moving to Phoenix, she was a senior specialist/coordinator at Skadden, Arps, Slate, Meagher & Flom. Sybil is also an Adjunct Professor in the ABA-approved Paralegal Studies Program at Phoenix College and co-author of Ethics and Professional Responsibility for Paralegals (8th edition). References available by request.
Diversity education in my family started before I was born. On May 15, 1954 my mother, born and bred in Portland, Oregon, married my father, a dyed-in-the-wool Missourian. Shortly after their marriage, my father brought my mother to meet his family in Missouri. As my father and mother and his father walked down the sidewalk in the small town, they encountered a black man coming from the other direction. The fellow stepped down from the sidewalk into the street. My mother asked why he did that, and my father replied it was a sign of respect. At that point, my mother stepped down into the street with the fellow, and that was an action that changed my father’s life.

Our Journey Begins

In 1962 my parents made the decision to sell their home in San Diego; my father quit his job and they began the year of preparation to go as missionaries to Africa. During the next year of preparation for the mission field, my parents stopped in Washington, D.C., for the March on Washington. At the time, I was not impressed by the historical event. My only memory of the day was hearing my mother fussing about how to obtain basic human services for the throngs of people there, especially getting the people in the Mall access to porta-potties and drinking water. I remember she thought it was terrible that the pastors were all staying in hotels, but many of the people who had traveled there were camping out in the humid weather.
Just three short months later, in November 1963, the freighter we were traveling on docked in Liberia, West Africa. On that same day, President Kennedy was assassinated and my parents were shocked by the news that came across the ship’s radio. It was during the 1964 rebellion which originated in the Congo, when I learned from the wonderful people we served in Africa how much they could love us, despite our differences. My parents and I went on about a six week trek through the jungle, walking many miles each day with our camping gear, then setting up in a village where my parents would provide rudimentary medical care to the people, cleaning sores, dressing them, providing injections of Penicillin, cleaning eyes and providing eye-saving drops, etc. Then we would set up our tent, my parents would speak with the people, we would have a quick dinner and fall into bed to repeat the process the next day. When my nine-year-old legs would give out on the walk, my father would give me a piggy back ride for a period of time. One day, pastor Doe, one of our African brothers, stepped in and carried me on his back as gently as if I was his own child. He became my favorite pastor.

A Powerful Lesson

On one of the days of the trip, my father reported in to the daily missionary radio call on the wind-up short wave radio we had, and he learned that there was trouble; and that missionaries had been tortured and killed by rebels and that, since we were deep into the jungle, we were in the danger zone. My parents continued with their duties and later that night in our tent, I heard my father say to my mother that he would save the last three bullets for us. During the middle of the night, something woke us and my father quietly pulled aside the tent flap, ready to defend us. All we saw were the backs of the villagers, who were surrounding our tent, facing outward. The trouble passed by, because of the wonderful people we were serving, who were willing to stand up for us. That was a powerful lesson I have never forgotten, and I still sing the praises of those wonderful people.

I was blessed to grow up in a world where I was taught that people were not to be judged by their socioeconomic status or skin color, but to be seen as the individuals they are. However, there were definitely prescribed roles for boys and girls. That meant there were restrictions placed on me because I was a girl. Good girls grew up to be wives and mothers and they were good at decorating, cooking and needlework. Being smarter than the boys was a distinct disadvantage. As a result, I felt I never measured up and I certainly didn’t fit in “my” world, except for my musical ability, at least not until I began to develop my career.

Subtle Changes

Over the years following my first few jobs, there were subtle changes in the work world, which had its seeds in 1973 with Washington State’s then Governor Dan Evans ordering a study which, when finished, gave credence to the notion that women and men were being paid different rates for the same work. I was working...
for the State of Washington during that time and, following the study, I experienced a sudden jump in my monthly salary.

I transferred from state government to private industry in 1976 after marrying, and when I learned I was pregnant, I happily announced the news to coworkers. I was sent for a physical examination and was told I was being laid off and would need to reapply for a job after the baby was born and I was ready to return to work. I was crushed – it was the only time in my life I ever lost a job – and I applied for unemployment. At the unemployment office I told my story to the lady behind the desk, filled out the forms, and began looking for another job. Shortly after, I was contacted by someone in the state attorney general's office who asked me questions and sent me some forms to complete to allow them to investigate. The end result was that I ultimately was one of many women who ended up receiving a monetary settlement from the employer, negotiated by the state, for their discriminatory practice toward women. It wasn't until I received the state's letter and award that I realized my layoff was, in fact, wrong. Until then, I believed I did something that deserved being laid off. I am very grateful to the lady in the unemployment office who took the time to listen to my sad story, and then she took it a step farther, reporting it to people who could make a difference.

**Our Duties**

These are the essence of what I believe is the duty of each individual: 1) to take the time needed to truly listen to the people we come in contact with; 2) to not prejude people who seem different from us and try to hear their story; 3) to seek to understand the people we meet and, to whatever extent possible, 4) to try to make a positive difference for the people we see and hear. The actions don't have to be significant. For me they are the small things like taking the time to learn the name of the people who serve me at the local convenience store or the parking garage, or to give away my mid-morning snack of a fruit cup to the homeless person sitting huddled in the rain or to at least acknowledge them and tell them I am sorry I have nothing to give them. My goal is to really see, make eye contact and acknowledge the existence of the people I meet and, if they have time, to learn a bit about them. I have made many friends that way.

*Crossing a river on a "real" bridge*
As a result, over the decades what has most enriched my life, besides my amazing children and grandchildren, is not my career, but the amazing people it has been my privilege to meet, sometimes mentor, always learn from, and serve whenever possible. Some I encountered through my “paid” job, others through my pro bono efforts. I am blessed with a wide and varied network of friends and acquaintances I treasure who represent many different religious beliefs, span at least three continents, and whose belief systems do not always intersect with my own. I have learned that, even when our beliefs don’t match up, there are numerous areas where we do have common ground and that, even in those areas of disagreement I find new understanding of where they are as I listen. I don’t have to agree with someone’s beliefs to love and respect them. And if you have love and respect for each other, I have found that’s really all that is needed since it’s pretty difficult to stay offended and angry at someone you truly unconditionally love.


Robinson and her family believe strongly in pro bono work, and volunteer with many organizations in Portland. She is married, with six adult children and one granddaughter (Miriam). She is a member of the Oregon Paralegal Association and the Pacific Northwest Paralegal Association.
Bette Davis has been credited with saying, “Old age is no place for sissies” (https://www.brainyquote.com) and, for the most part, she may have been right. Personally speaking, when I was young, it did not occur to me that the day would arrive when things like good health, bountiful energy and long lasting enthusiasm might begin to wane. Please don’t misunderstand, I am still in good health, and am energetic and enthusiastic – just not at the same level as when I started my first full-time job quite a few years ago.

According to the US Bureau of Labor Statistics, in May 2016 there were nearly 4,000 paralegals / legal assistants employed in the State of Indiana; I am one of those 4,000. Compared to the states with the highest number of paralegals, California, Florida, New York, Texas and Pennsylvania with 29,190, 24,460, 22,210, 22,120, and 10,800, respectively, 4,000 seems like a relatively low number (South Dakota had the fewest paralegals of the states reporting in 2016 with 350). The average salary for an Indiana paralegal in that same timeframe was $45,560 (and includes paralegals of all experience levels); $59,130 for California; $48,680 for Florida; $59,300 for New York; $54,480 for Texas; $53,380 for Pennsylvania; and $44,500 for South Dakota. (US Bureau of Labor Statistics May 2016 Occupational Employment and Wages, Paralegals and Legal Assistants https://www.bls.gov/oes/current/oes232011.htm).

Like many of my peers, being a paralegal was not my first job. I worked my way through the ranks of banking, nursing assistant, accounts payable, and collection agent before answering a blind ad for a secretary in 1991. Shortly after starting as a secretary for a small general

AGOING:
The Process of Growing Old

BY Lottie Wathen, IRP
practice firm, I knew that I had found my professional home. I began paralegal school in the third quarter of 1991 and have not looked back. Yes, I realize that a career of 26 years (and counting) may not seem like a long one compared to the paralegals who have been plodding along for nearly twice that time, but it is long enough to have noticed a tremendous number of changes in the profession.

As a member of the Indiana Paralegal Association (where I have been on the Board of Directors for several years and currently serve as the Vice President), I have seen the demographics of our Membership and, as a result, of our Board of Directors, change in recent years. As the “more seasoned” paralegals are stepping away from their leadership roles, they are primarily being replaced by mid-level paralegals, but not many that fall into the new/young category. Perhaps this is because the newer paralegals have not yet discovered the bonus of professional organizations. Or is it possible that the pro-

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<th>Occupation (table redacted for relevance to this article)</th>
<th>Total</th>
<th>Age 16 to 19 years</th>
<th>Age 20 to 24 years</th>
<th>Age 25 to 34 years</th>
<th>Age 35 to 44 years</th>
<th>Age 45 to 54 years</th>
<th>Age 55 to 64 years</th>
<th>Age 65 years and over</th>
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</table>

NOTE: Median age represents the midpoint in the age distribution such that half of workers are younger and half are older. Updated population controls are introduced annually with the release of January data. Dash indicates no data or data that do not meet publication criteria (values not shown where base is less than 50,000). Last Modified Date: February 8, 2017.

Yes, I realize that a career of 26 years (and counting) may not seem like a long one compared to the paralegals who have been plodding along for nearly twice that time, but it is long enough to have noticed...
fession is not being replenished as quickly as it once was? I began to wonder how many of those 4,000 Indiana paralegals in 2016 were new to the profession and how many fell into the experienced category.

Of the 433,000 employees who classified themselves as a paralegal or legal assistant in 2016, roughly 29% (126,000) are below the age of 35 while nearly 50% (203,000) are 45 or older. The extrapolation seems pretty clear to me – the number of paralegals heading for retirement exceeds the number coming in as a young person. For me, the most shocking figure (and, at my age, a somewhat reassuring figure) is that 30,000 paralegals over the age of 65 were still employed. I am curious how these trends will hold up over the next decade or so. There are clearly other issues and developments impacting the profession (regulation, certification, registration and the creation of other non-lawyer professions, such as the Limited License Legal Technician in the State of Washington), but what impact will the aging process have on the profession as a whole?

Aging in the work force can be intimidating. As someone who has passed the one-half Century Mark, but is still a good distance from retirement age, I cringe when I hear stories of paralegals who are “let go” from a firm after many years of employment only to be replaced by someone who is younger (and earns a much lower salary). It makes me wonder if there is a magic point when your salary outweighs your talent and ability. Is this something that should concern me? Most of the time, I am comfortable with my age and I embrace the fact that my confidence and skills have increased as the years of experience pile up. Most of the time. I must confess, though, that competing in a world of younger paralegals, who are bright and ambitious can be a bit daunting. I think that Barbara Hershey may have said it best, “I am not afraid of aging, but more afraid of people’s reactions to my aging.” ([www.brainyquote.com](http://www.brainyquote.com))

Lottie Wathen, IRP, has been a paralegal for nearly 30 years, is an Indiana Registered Paralegal, and is currently employed by Whitham, Hebenstreit & Zubek, LLP as a paralegal for Michael J. Hebenstreit. Lottie is presently the Vice President of the Indiana Paralegal Association (IPA). She is an Affiliate Member of the Indiana State Bar Association, a member of the National Federation of Paralegal Associations and sits on the Advisory Board for IUPUI’s Paralegal Studies program. Lottie’s paralegal education began at Sullivan University in Louisville, Kentucky and was completed at the Southeastern Paralegal Institute.
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If you are interested in obtaining the address and phone number of any of these associations, please call NFPA headquarters at (847) 686-2247.

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One of the fastest growing fields in our country is the field of Paralegal Professional. Many companies and institutions hire paralegals, and paralegals have become an important part of Corporate America. These days, you can obtain a job in the paralegal field in law firms, court houses, banks, and in the legal department of most corporations. Some may wonder what a paralegal actually does and why this is such a growing field. Others may wonder what are the keys of success for a paralegal and what does it take to make it in this ever-growing field? This article will highlight the top 4 skills a successful paralegal must have in order to succeed.

There are several traits a paralegal should possess. The first is you must be organized. Throughout the course of your day, you will be getting tons of information and perhaps a lot of documentation as well. A successful paralegal knows how to keep an organized desk. Attorneys expect that you will maintain all the information they give you in an organized manner, and being organized will make your job easier as you take on assignments and different tasks. One example of being organized could be keeping something as simple as a task list. A list of tasks that need to be done or assignments that have been assigned to you. Another example of something that could help keep a paralegal organized is a docket list of all active matters. This list should include the name of the matter and any important due dates relating to the matter. One other way to keep organized is by having an organized filing system. This would entail a way to identify all active files and a running list of all file locations so that all files are in order and easy to identify.

The second skill is the ability for a paralegal to prioritize. It is important that you ask the attorneys for the due date of each assignment you are given so that you can prioritize your work in an efficient manner. The more you prioritize, the more likely you are to efficiently complete all of your assignments. This is especially important because we are often asked to complete multiple assignments at one time. It is very important that you keep a running list of the assignments assigned to you and the due dates. The assignments that are completed first should be the assignments that have the soonest deadline. It is also a good idea to ask the attorneys for some guidance when it comes to making your priority list. It is important to confirm with the attorneys that what you have identified as priority fits their priority list as well.

The third skill is the ability to multi-task. In order to be a successful paralegal you must be able to multi-task and handle various assignments at the same time. It is a skill you develop with time but it is a very big skill that potential employers look for in a paralegal. The more
A Paralegal Skillset

EXPAND YOUR SKILLSET
capable you become at multi-tasking, the more valuable you become to your employer. I would suggest that you start small with multi-tasking by reading or sending an e-mail while working on another assignment or answering the phones while sending an e-mail. It is not an easy task but it is one that is essential in this field.

The last skill for a successful paralegal is what I like to call the “sponge” skill. That means you must learn and act like a sponge when absorbing information. I always say if you learn one new thing each day you make yourself more marketable as a paralegal. You can never learn too much and your thirst for knowledge should always be a part of your job. If your job offers training courses in any area, you should certainly sign up. For example, some jobs offer continuing education opportunities and other jobs offer in-house training. If your job does not currently offer these opportunities, it is a good idea to suggest this to your supervisor or office manager and it will not only benefit you but it will also benefit your employer in the end. Another way to learn would be to partner up with a senior paralegal within your firm or company or attend your local paralegal organization where you can meet plenty of people in your field who can mentor you. You would be surprised how much you learn just by talking with a more experienced paralegal.

If you utilize the skills set forth in this article, you are on your way to having a successful career as a paralegal. It is a very rewarding and interesting field. The demand for paralegals is at the highest that it has been in recent years. More and more companies are recognizing the value that a paralegal brings to their company or practice.

Melissa Acosta-Amarante has been a paralegal in the State of New Jersey for 18 years. She first graduated from Berkeley College in the year 2000 with an Associate’s degree in an applied science with a concentration in Paralegal Studies. Additionally, she graduated in 2009 from Montclair State University with her Bachelor of Arts in Justice Studies and earned a Paralegal Certificate. She has worked for some of the most prestigious firms in the State of New Jersey. In 2017, Melissa established Melissa Acosta Freelance Paralegal Services, LLC, her own business, and today she assists law practices by providing freelance paralegal work in the area of trust and estates. She is happily married to Frank Amarante and enjoys traveling with her husband and spending time with her family.

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