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The Philadelphia Association of Paralegals (PAP) held its 1Q Luncheon and Board Induction Ceremony on January 30, 2018 at the Sofitel Philadelphia. PAP promotes the paralegal profession and encourages individual excellence in skills and abilities through education and networking. PAP was honored to have the 2018 Philadelphia Bar Association Chancellor, Mary F. Platt, administer the oath of office to the 2018 incoming board members. Chancellor Platt also spoke on the long-standing relationship between PAP and The Philadelphia Bar Association. PAP has partnered with the Philadelphia Bar Association on several projects, including pro bono and the access to justice. Additionally, PAP will again partner with the Philadelphia Bar Association in offering 2018 memberships to both associations at a discounted rate. We look forward to continuing our work with the Philadelphia Bar Association in 2018, including connecting on pro bono projects as well as continuing legal education opportunities.

PAP was also honored to have several guests in attendance from The National Federation of Paralegal Associations (NFPA) including NFPA President, Valerie Wilus, RP®, Pa.C.P. and NFPA Region IV Director, Becky Reedy.

In addition to the board induction ceremony, PAP also presented the Mary F. Creekmore Memorial Scholarship. This scholarship is awarded to preserve and foster the ideals of Mary L. Creekmore by supporting the paralegal profession and individuals who aspire to the profession who share like-minded ethics, values and interests. The scholarship was awarded to Elizabeth Lynch, a paralegal student at The Community College.
College of Philadelphia. Liz maintains a 4.0 GPA. She also volunteers at several non-profit organizations and serves her community in a variety of activities. In her essay submission, Liz outlined the role of ethics in the field of law. Liz Lynch graciously accepted the award, along with a $1,500.00 monetary contribution toward her paralegal education and academic studies. Elizabeth Canapary, Curriculum Coordinator of the Paralegal Studies Program at the Community College of Philadelphia, as well as Julia Rafferty, Esquire, and Kim DiStasio, the niece of Mary F. Creekmore, were also in attendance in honor of the awarding of this scholarship. To become a member of The Philadelphia Association of Paralegals or to volunteer to serve on a committee, please contact philaparalegals@gmail.com or visit www.philaparalegals.com. For additional information on paralegal pro bono opportunities, please contact Christine Flynn at cflynn917@yahoo.com.
In this issue of the Reporter, we are tackling the hot topic of Immigration. What are the biggest issues facing immigrants today?

- Border Wall
- Criminals
- Detainment
- Laborers
- Border Security
- Deportation
- Immigrant Laws
- Sanctuary Cities
- Immigration

There is no one (1) immigration question. There are more like three (3): How should the United States treat illegal immigrants, especially those brought to the country as children? Should overall immigration levels be reduced, increased or neither? And, how should the U.S. prioritize the various groups—refugees, family members, economic migrants, and skilled workers among them—seeking entry to the country? [https://www.theatlantic.com/politics/archive/2018/02/why-immigration-divides/552125/](https://www.theatlantic.com/politics/archive/2018/02/why-immigration-divides/552125/)

I find the following statistics from the Department of Homeland Security very interesting:

- Approximately 1.13 million aliens obtained Lawful Permanent Resident (LPR) status in Fiscal Year (FY) 2017
- More than 40 percent of new LPRs in each quarter of FY 2017 were from the top six countries of nationality: Mexico, the People’s Republic of China, Cuba, India, the Dominican Republic, and the Philippines
- About 46 percent of LPRs in FY 2017 obtained status as immediate relatives of U.S. citizens and an additional 21 percent obtained status under a family preference category. Employment-based preference categories were the next-largest class of admission, accounting for 12 percent of LPRs
- A total of 54,000 refugees were admitted in FY 2017
- For the year, 63 percent of refugees were from five leading countries of nationality: the Democratic Republic of the Congo, Iraq, Syria, Somalia, and Burma
- A total of 703,000 aliens were naturalized in FY 2017
- Just over 40 percent of aliens naturalized in each quarter of FY 2017 were from Mexico, India, Philippines, People’s Republic of China, Dominican Republic, and Cuba
- During the first three quarters of FY 2017, DHS recorded a total of approximately 132 million admissions to the United States, including 56 million I-94 nonimmigrant admissions
- The leading countries of citizenship for I-94 nonimmigrant admissions in the first three quarters of FY 2017 were Mexico, Canada, the United Kingdom, Japan, and the People’s Republic of China
- Visitors entering for business or pleasure comprised ninety percent of all I-94 nonimmigrant admissions in the first three quarters of FY 2017, followed by temporary workers and families (5.3 percent) and students and dependents (2.1 percent)


I was fortunate enough to work with an attorney who was very caring and dedicated to his clients, Lawrence Corson, Esquire, who had the distinct honor of arguing an immigration case to the United States Supreme Court. Mr. Corson passed away from cancer. I loved working with him and still miss his stories to this day. We worked on obtaining green cards for permanent residents, travel visas, student visas, work visas, citizenship applications, asylum petitions, petitions for relatives and many more documents, applications, petitions that even sometimes touched on other areas of law, like criminal and domestic relations. Unlike other areas of law, immigration cases can last upwards of 10 years.

When I was working in immigration law, all of the processes were done in paper format. A lot of those same processes can now be done electronically. For anyone interested in entering this practice area of law practice, the United States Citizenship and Immigration Services website ([www.uscis.gov](http://www.uscis.gov)) will become your best friend. The website is designed to assist you and your clients from A-Z, containing the forms, guides, tools and resources you will need.

A paralegal career in immigration is very rewarding. There is a lot of client contact and independence in the work that you will do. Paralegals in this chosen career field can be found in government agencies, law firms, even human resource departments. You will obtain an understanding of foreign documents, translation services, research and various cultures. All of the following terms will also become second nature to you - H-1B, J-1, L-1, O-1, TN, E-1/E-2, EB-1, all other types of NIV/IV petitions and PERM labor certifications.

I hope you are enjoying your summer! I look forward to seeing many of you at the Annual Convention in Seattle, Washington.

Valerie A. Wilus is a Litigation Paralegal with Ross Feller Casey, LLP, and has over 22 years of experience. Valerie currently serves as President of the National Federation of Paralegal Associations. She has previously served as President and has held other board member positions with the Philadelphia Association of Paralegals. She has also served as Chairperson of the Keystone Alliance of Paralegal Associations. Valerie is a Registered Paralegal (R.P.) through the National Federation of Paralegal Associations. She also obtained her Pennsylvania Certified Paralegal (Pa.C.P.) designation through the Keystone Alliance of Paralegal Associations.

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**President’s Message**

I am proud to introduce Valerie Wilus to you all as the new President of NFPA. Valerie is a new addition to the National Federation of Paralegal Associations and we are excited to have her in this leadership position. Valerie is a highly respected and well-regarded member of our community, known for her dedication and commitment to the field of immigration law.

Valerie has a wealth of experience in the field of immigration law and has served in various leadership roles within the National Federation of Paralegal Associations. She has a strong background in legal research and has contributed significantly to the development of the Immigration Services website ([www.uscis.gov](http://www.uscis.gov)).

Valerie is a litigation paralegal with Ross Feller Casey, LLP, and has over 22 years of experience. She has served as President of the National Federation of Paralegal Associations and has held other board member positions with the Philadelphia Association of Paralegals. She has also served as Chairperson of the Keystone Alliance of Paralegal Associations.

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Mission Statement: The National Federation of Paralegal Associations, Inc. promotes a global presence for the paralegal profession and leadership in the legal community.

Purpose: To advance the paralegal profession.
The theme of this issue is immigration and it contains a few articles on that subject. This topic has been prominent in the news and that may explain why people were reluctant to submit articles.

There are some other great articles in this issue, including one about the annual convention to be held in the “Emerald City” of Seattle Washington, the site of the 2018 annual convention. The author gives a quick sightseeing tour of the city that should help encourage you to attend this year’s meeting.

I believe the articles on “Certificating versus Certification” and “Marketing The Paralegal Profession” are must reads for all paralegals.

This issue also includes details about a great program: “Operation Gratitude” and some association news.

Finally, when you read the article, “What Do Paralegals Do,” I hope you will feel the same pride in your profession as the author does.

Have a fun and safe summer!
Operation Gratitude

NFPA Announces Corporate Partnership With Operation Gratitude

Overview

NFPA is pleased to announce our corporate partnership with Operation Gratitude. Operation Gratitude sends Care Packages filled with entertainment, hygiene, handmade items, non-perishable snacks, and personal letters of appreciation to U.S. Troops, First Responders, Veterans, Military Families, and Wounded Heroes & their Care Givers. The NFPA Pro Bono and Armed Forces Committees are pleased to support this wonderful project. This project provides our associations with the opportunity to express our gratitude to those who serve. Additional information on Operation Gratitude is available at https://www.operationgratitude.com/

Local Association Contribution

We would like to concentrate our initial efforts on collection drives. We will be expanding our involvement into other areas in the upcoming months. Initially, we would encourage each local association to arrange a collection drive at an upcoming event, i.e., committee meeting, board meeting, luncheon, etc. We have been advised by Operation Gratitude that they are in great need of men’s black crew socks as well as men’s travel size deodorant. Therefore, we would initially ask members to donate one of these items at an upcoming collection drive.

How to Host a Collection Drive

Hosting a Collection Drive is easy! Here are some suggestions:

(1) Select a date and/or location for the collection drive;
(2) Notify membership of the collection drive;
(3) Create materials (e-mails or flyers) to advertise the collection drive;
(4) Specify what items will be collected (black socks & men’s travel size deodorant);
(5) Arrange for a basket or box to collect donations;
(6) Take pictures at the collection drive and forward to Nicole Martinez at kynicole1977@gmail.com.

Ready to Ship

Once all donations are received you will need to arrange for shipment of a box to Operation Gratitude as follows:

(1) Complete the Donation Form www.operationgratitude.com/product-donation;
(2) Place all items in a plastic bag;
(3) Place the plastic bag in a box (not to exceed 50 pounds);
(4) Ship the box of items to Operation Gratitude, 21100 Lassen Street, Chatsworth, CA 91311;
(5) If funds for shipping are an issue, check with a local veterans group, vendor or sponsor to see if any would partner with your association to cover the shipping: most shipping costs are minimal;
(6) Operation Gratitude will send a thank you letter to your association within eight (8) weeks.

Questions?

If your local association or members have any questions regarding this program, please contact Nicole Martinez at kynicole1977@gmail.com. Thank you!

Many thanks to the NFPA Board for their support of this project:
Christine Flynn & Nicole Martinez, NFPA Pro Bono Committee
Linda Odermott, RP®, OCP, NFPA Armed Forces Coordinator
Experts at finding and delivering.

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In the Winter 2017 edition of the National Paralegal Reporter, an article discussing LGBT Diversity in the workplace talked about a noteworthy case, U.S. Equal Employment Opportunity Commission v. Scott Medical Health Center, 217 F. Supp. 3d 385 (W.D. Pa. 2016) which stated that discrimination based upon sexual orientation constituted discrimination based on sex, and such discrimination was in violation of Title VII of the Civil Rights Act. In February of this year, the Second Circuit Court of Appeals, in a separate action, affirmed this reasoning in Zarda v. Altitude Express, Inc., No. 15-3775 (2d Cir. 2017).

This case arose out of a lawsuit between employee Zarda and his former employer, Altitude Express, claiming employment discrimination on basis of sexual orientation in violation of Title VII of the Civil Rights Act, 42 U.S.C. 2000e et seq. This resulted in the overturning of Simonton v. Runyon, 232 F.3d 33, 35 (2d Cir. 2000) and Dawson v. Bumble & Bumble, 398 F.3d 211, 217-23 (2d Cir. 2005).

The history of this issue is quite expansive, dating back all the way to 1979 on claims that sexual orientation is part of the protected class of individuals as enumerated in the Equal Employment Opportunity Doctrine. However, societal prejudice at the time stated that differences in sexual orientation didn’t necessarily mean the same as differences in sex (or more commonly, gender). However, in 2015, the EEOC held, for the first time, that “sexual orientation is inherently a ‘sex-based consideration;’ accordingly an allegation of discrimination based on sexual orientation is necessarily an allegation of sex discrimination under Title VII.” Baldwin v. Foxx, EEOC Decision No. 0120133080, 2015 WL 4397641, at *5 (July 15, 2015)(quoting Price Waterhouse v. Hopkins, 490 U.S. 228, 242 (1989) (plurality opinion)).

There has been discussion on what “Sex” actually means in its broad definition, which is the goal in order to achieve equal opportunity. Huntington Branch, N.A.A.C.P. v. Town of Huntington, 844 F.2d 926, 935 (2d Cir. 1988) (citing Griggs v. Duke Power Co., 401 U.S. 424, 429-36 (1971)). The Supreme Court has held that sex is more than male or female when it comes to employment discrimination: Title VII prohibits not just discrimination based on sex itself, but also discrimination based on traits that are a function of sex, such as life expectancy and non-conformity to gender norms. Zarda, at 19 (internal citations omitted). The Second Circuit has recognized that any meaningful regime of antidiscrimination law must encompass such claims because if an employer is free to add non-sex factors, the rankest sort of discrimination could be worked
against employees by using traits that are associated with sex as a proxy for sex. *Back v. Hastings on Hudson Union Free Sch. Dist.*, 365 F.3d 107, 119 n.9 (2d Cir. 2004)(quoting *Phillips v. Martin Marietta Corp.*, 416 F.2d 1257, 1260 (5th Cir. 1969) (Brown, C.J., dissenting from denial of rehearing en banc)).

The instant court concluded that sexual orientation discrimination is motivated, at least in part, by sex and is thus a subset of sex discrimination. *Zarda*, at 20-21. A more detailed examination of this argument was done in a “But for” manner, looking to *Hively v. Ivy Tech Comm. Coll.*, 853 F.3d 339 (7th Cir. 2017). In Hively, a lesbian professor alleged that she was denied a promotion because of her sexual orientation. The Seventh Circuit accepted the allegation as true and compared *Hively*, a female attracted to women (who was denied a promotion), with a hypothetical scenario in which Hively was a male who was attracted to women and received a promotion. *Hively*, 853 F.3d at 345. In this scenario, the Seventh Circuit concluded that Hively would not have been denied a promotion but for her sex, and therefore sexual orientation is a function of sex and thus, sexual orientation discrimination is a subset of sex discrimination. *Id.*

Based upon these, and numerous other supporting cases and findings, *Zarda* was permitted to bring forward a Title VII claim on discrimination based upon his sexual orientation. Ultimately, the Second Circuit vacated judgment of the District Court on the Title VII claims and remanded that matter for further proceedings consistent with its findings.

This case is particularly important in the diversity environment as Courts are beginning to make findings in the broad, yet grey language of the law. At this time, a noteworthy case is before the Supreme Court after having heard oral arguments on *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, Case No. 16-111, an appeal from the Colorado Court of Appeals. The issue now before the Court on this matter was whether applying Colorado’s public accommodations law to compel the petitioner to create expression that violates his sincerely held religious beliefs about marriage violates the free speech or free exercise clauses of the First Amendment. This case, once opined, will be discussed in a further update in a future National Paralegal Reporter.

Ed Schneider is the President of the Rocky Mountain Paralegal Association and is a Senior Paralegal at Gutterman Griffiths, P.C. in Littleton, Colorado. He has served as Secretary to the Colorado GLBT Bar Association for nearly 4 years prior to joining RMPA. He is a graduate of Grand Valley State University in Allendale, Michigan. He holds a Bachelors of Arts in Criminology and Legal Studies with an emphasis in Police Studies.
CERTIFIED v CERTIFICATED PARALEGALS

What’s the Difference and Why You Should Care.

BY ROBYN A. SWEET, CRP™ AND LYNN C. WDOWIAK, RP®

his article is designed to explain what paralegal certification entails and the differences between the three organizations’ certifications and credentials.

Vermont requires no formal training to hold the title “paralegal.” A paralegal is defined by the American Bar Association (ABA) as “a person, qualified by education, training or work experience, who is employed or retained by an attorney, law office, corporation, governmental agency or other entity and who performs specifically delegated substantive legal work for which an attorney is responsible.” The VBA has adopted the ABA definition and standards in its Constitution.

The National Federation of Paralegal Associations (NFPA) and the Vermont Paralegal Organization (VPO) go a bit further and define a paralegal as “a person qualified through education, training or work experience to perform substantive legal work that requires knowledge of legal concepts and is customarily but not exclusively performed by a lawyer.”

The VPO is the formal paralegal group in Vermont and is affiliated with NFPA. Therefore, all members of the VPO are also members of NFPA.

To be a voting member of the VPO, a paralegal must have a combination of education, experience, and an affidavit by an attorney that he or she has a certain number of years of service as a paralegal and that 60% of that work performed is substantive legal work. However, a paralegal has no obligation to have any formal training, certification or designation. Obtaining these additional credentials is solely a personal desire or a requirement of an employer.

“Certificated” or “Certified” – There is a difference.

It can be challenging to understand the different paralegal credentials. There is a difference between being a certified paralegal and a paralegal with a certificate.

Certificated

A paralegal may obtain a paralegal “certificate” through a number of educational programs completely online, in classrooms, or by a combination of the two. Most of these courses take 9 to 24 months to complete and cover either a general course of paralegal studies or a specific area of law. These programs also can be independent or a part of a larger program.

Obtaining a paralegal certificate can be a challenging but rewarding process. While there are a number of institutes who offer such a program, only some of these programs are ABA approved. There are paralegal certificate programs that only require a high school diploma or equivalent; however, most are designed to run concurrently with an associate or bachelor’s degree or are post-degree programs.

While it is not necessary for a program to be ABA approved, it is more beneficial to the holder of the certificate if it is. There are over 200 programs approved by the ABA for a paralegal certificate. ABA-approved programs require 60 semester hours (including 18 hours of general education and 18 hours of legal specialty courses).

Entry into a paralegal certification program will vary depending upon the program. Many programs require only a high school diploma or equivalent, but others
require some post-secondary education. The requirements for obtaining a certificate in paralegal studies vary slightly from program to program. However, all programs require course work completion in legal principles, legal research and ethics.

Paralegal certification programs are a beneficial way for a person to start out into the legal field, especially if they have no prior legal experience. A paralegal with a certificate or post-secondary educational background in the legal field has proven advantages over other applicants without any training (either formal or on-the-job) for legal positions. An educational foundation into the field of law offers a “certificated” paralegal a solid background to be able to assist in a legal matter from beginning to end.

Once a paralegal has successfully completed a program of this type, he or she receives a certificate and is “certificated.” However, they are not able to accurately state they are “certificated.”

**Certified vs Certificated Paralegal**

For a paralegal to accurately state they are “certified,” they would need to successfully complete a paralegal certification exam. A paralegal certification exam allows one to obtain professional credentials through a vetting process which involves a successful passing of an exam.

**Who Offers “Certification” Exams?**

There are several national certifying organizations that offer a paralegal an opportunity to obtain a paralegal credential. NFPA; The National Association of Legal Assistants (NALA); and The Association for Legal Professionals (NALS) (formerly the National Association for Legal Secretaries) all offer both entry-level and advanced exams. Each requires certain prerequisites in order to be eligible to take the exam. After earning the credential, the paralegal must renew the credential by earning approved CLE credit during the licensing period mandated by the organization.

**Who Can Take These Certification Exam(s)?**

In order to take these certification exams, a paralegal has to meet certain criteria as set forth by NFPA, NALA and NALS. The specific credentials are explained in further detail below.

If the paralegal does not have a bachelor’s degree, he or she would need the following in order to be eligible to take the any of the credentialing exams:

- at minimum, high school diploma or GED, 5 years working as a paralegal under the supervision of a member of the Bar, plus evidence of 12 hours of CLE within two years prior to the examination date [for the CRP credential];
- at minimum, high school diploma or GED, 7 years working as a paralegal under the supervision of a member of the Bar, plus evidence of 20 hours of CLE within two years prior to the examination date [for the CP credential];
- an associate degree in paralegal studies plus 6 years of paralegal work experience [for the RP credential];
- graduation from an ABA-approved legal studies or paralegal studies program, or a minimum of 5 years of paralegal work experience [for the PP certification].

Even with a bachelor’s degree, the paralegal still needs to meet the following criteria before taking each exam:

- If the bachelor’s degree is not in paralegal studies: one year’s experience as a paralegal, or 15 semester hours of substantive paralegal courses [for the CP credential].
- If the bachelor’s degree is not in paralegal studies: three years’ experience of substantive paralegal work.
Certified vs Certificated Paralegals

• If the bachelor’s degree is not in paralegal studies: a paralegal certificate [for the CRP credential].

There are other combinations that would enable a paralegal to take these exams, but the above is the bare minimum for being qualified to take the exams.

National Federation of Paralegal Associations®

The National Federation of Paralegal Associations (NFPA), founded in 1974 and the first national paralegal association, is dedicated to promoting the growth, development and advancement of the paralegal profession. In 1994, NFPA began developing an exam to measure a paralegal’s knowledge of legal practice, ethics, technology and general legal competency. NFPA has developed two levels of certification, the Paralegal Core Competency Exam (PCCE™), which gives the paralegal the ability to use the credential Core Registered Paralegal (CRP™) and the Paralegal Advanced Competency Exam (PACE®), which gives the paralegal the ability to use the credential PACE Registered Paralegal (RP®).

PCCE and PACE paralegal exams; each requires an application and fee prior to sitting for the exam as well as specific educational and work prerequisites similar to the requirements to join the VPO.

• Paralegal Core Competency Exam™:

The NFPA CORE (PCCE™) exam is the newest credential to the profession, having just been established in 2011. The PCCE is an exam established for many types of paralegal work. The PCCE exam is 125 questions which cover areas such as Paralegal Practice; Ethics and Professional Practice; U.S. Legal System; Legal Research; Legal Writing and Critical Analysis; Communication; Law Office Management; Legal Technology as well as Substantive Areas of Law. Once the application for the exam is submitted and the paralegal is approved to take the exam, they will receive a letter and have 90 days to take the exam. A paralegal who passes the PCCE exam will receive a letter from NFPA indicating their passing and granting permission for the use of the CRP™ designation. In order to maintain the CRP certification, the paralegal must complete 8 hours of CLE every 2 years, including at least 1 hour of ethics.

Since 2011, 777 applicants have sat for PCCE and 599 have passed nationally. Vermont has 4 CORE Registered Paralegals: Julie Anderson-Adams, CRP; Jill Drinkwater, CRP; Jennifer McGean, CRP; and Robyn Sweet, CRP.

• Paralegal Advanced Competency Exam®:

In 1996, the PACE® exam was established. The PACE exam focuses on paralegal practice and substantive areas of law covered in 200 questions. The PACE exam questions cover 5 areas: Administration of Client Legal Matters; Development of Client Legal Matters; Factual and Legal Research; Factual and Legal Writing; and Office Administration. Questions on ethics, technology and terminology are included in all areas. Once the
application for the exam is submitted and the paralegal is approved to take the exam, they will receive a letter and have 90 days to take the exam. A paralegal who passes the PACE exam will receive a letter from NFPA indicating their passing and granting permission for the use of the designation RP following their name. In order to maintain the RP certification, the paralegal must complete 12 hours of CLE every 2 years, including at least 1 hour of ethics.

The PACE exam has higher educational and work experience prerequisites than the PCCE Exam. The PACE Exam is a more advanced exam which requires, among other things, that an applicant have a minimum of an associate degree specifically in Paralegal Studies, plus six (6) years of substantive paralegal experience prior to being eligible to take the exam.

Since 1996, 1,803 applicants have sat for PACE and 1,094 have passed, nationally. Vermont has 12 PACE Registered Paralegals: Julie Anderson-Adams, RP; Sara Boyden, RP; Corinne Deering, RP; Ashley LaRose, RP; Tracy Lord, RP; Heather Moreau, RP; Michelle Perlee, RP; Lisa Pettrey-Gill, RP; Kristin Provost, RP; Carie Tarte, RP; Lynn Wdowiak, RP; and Bernice “Missy” Woessner, RP.

**National Association of Legal Assistants**

NALA offers the Certified Paralegal exam. A paralegal who passes this exam earns the “CP®” designation. Once a paralegal has passed the Certified Paralegal exam, NALA offers courses to earn the Advanced Certified Paralegal, “ACP®” credential. This differs from the NFPA CRP™ and RP® because the paralegal must first pass the CP® exam, then take additional classes and pass additional exams relating to specific topics in order to earn the ACP® credential. It also differs from NFPA in that, under

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NFPA’s certification, a paralegal can automatically take the advanced PACE Exam without first having to take the PCCE as long as he or she meets the minimum educational and experience requirements to take the examination.

- **Certified Paralegal®:**

  The exam was updated for the 2018 testing year to ensure the examination content was up-to-date with current rules and laws, and to update the roles and responsibilities of paralegals.

  The CP® exam has two required sections; one is a knowledge exam with multiple choice questions on each of the following areas of law: US Legal System, Civil Litigation, Contracts, Corporate/Commercial Law, Criminal Law and Procedure, Estate Planning and Probate, Real Estate and Property, Torts, Professional and Ethical Responsibility. If this section is passed, then the paralegal can take the “Skills Exam” which is a written assignment consisting of writing skills and critical thinking skills. The Skills Exam can be taken after 2 weeks have passed since passing the Knowledge Exam, but the Skills Exam must be taken and passed within 365 days after receiving notification of eligibility in order to earn the CP designation. Examinees who fail either part of the exam must wait 90 days before re-taking either part.

  In order to maintain the certification, the paralegal must complete 50 hours of CLE every 5 years, including 5 hours of legal ethics. There are 19,284 Certified Paralegals in the US. Vermont currently has one Certified Paralegal®, Lucia White, CP®.

- **Advanced Certified Paralegal:**

  There are specific areas of law for which a paralegal can earn the ACP® designation. These generally require a 20-hour self-study course, with exams both during the course and at the end. NALA is working to add courses in Business Organization, Commercial Bankruptcy, Contracts Management, Estate Planning, Family Law – Dissolution Case Management, Child Custody, Child Support, Visitation, Division of Property and Spousal Support, Personal injury with 8 practice course areas, and Real Estate – Land Use and Principles, and Trademarks. Until then, the current courses include Criminal Litigation, Discovery, e-Discovery, Family Law – Adoption and Assisted Reproduction, and Trial Practice.

  NALA is working to add ACP® certifications. There are currently no Advanced Certified Paralegals in Vermont. There are 1,165 ACP certified paralegals in the US and Canada.

**Association of Legal Professionals**

NALS offers three certifications, the Accredited Legal Professional (ALP), the Professional Legal Secretary (PLS) [also called the Certified Legal Professional (CLP)], and the Professional Paralegal (PP) certification. The ALP exam is a four-hour exam designed for students and entry-level professionals working to break into the legal profession. The PLS and/or the CLP exam is a one-day, four-part exam for individuals with at least 3 years of legal work experience. The PP is a one-day, four-part exam designed for individuals who have graduated from a paralegal studies program, or have a
minimum of 5 years paralegal/legal assistant experience.

Each of NALS credentials must be renewed every 5 years, with a 50-hour CLE credit requirement for the ALP credential, and a 75-hour CLE credit requirement for the PLS/CLP credential and a 75-hour CLE credit requirement which must include a minimum of 5 hours ethics credits for the PP credential.

Why Should Your Firm Hire a Paralegal with a Certification or Encourage Your Current Paralegal to Earn Certification?

A paralegal that has voluntarily taken a certification exam and passed it is showing that he or she is invested in the paralegal field and is interested in elevating and maintaining a level of education and competency in his or her work. It is an indicator to you as the employer that he or she possesses some level of proficiency and skill. Certification exams also serve as background verification for the employer since all of these examinations require certain levels of education and experience in order to sit for them. This will all translate to a higher quality of work product generated for your firm. In addition, having a certified paralegal on staff may justify your firm charging a higher hourly rate for that paralegal’s work. It also may make it easier to receive an award of prevailing market rates for paralegal work in a case where your firm is awarded attorney’s fees.

In addition, employees who feel valued will put more effort into their work, increase their standards, and increase their job-based self-worth, making them a bigger asset to your firm. While it is nearly impossible to say which credential or program is the best in producing a paralegal ready for work at your practice, it is clear that those paralegals who have sought out these certifications or credentials have made an investment into their career.

Robyn A. Sweet, CRP™ is a Vermont Paralegal Organization member and a member of the VBA Paralegal Section. She has been a CORE Registered Paralegal since October of 2016 and has worked at Cleary Shahi & Aicher, P.C. in Rutland for over 7 years. Robyn is also the Internal Marketing Coordinator for NFPA.

Lynn C. Wdowiak, RP® is a Vermont Paralegal Organization member and a member of the VBA Paralegal Section. She has been a PACE Registered Paralegal since November of 2012 and has worked at Ryan Smith & Carbine, Ltd. for 8 years. Lynn graduated from Woodbury Institute in Montpelier in 2009 with a post-graduate Certificate in Paralegal Studies and holds a Bachelor of Business Administration degree from Northwood University in Midland, Michigan.
At the 2016 Policy Meeting in Burlington, Vermont, paralegals frustrated by how long it was taking the legal community to fully appreciate the true capabilities of their profession, passed a historic resolution to Market the Paralegal Profession, which reads as follows:

The Resolution 16-2.

Motion to charge the Vice President and Director of Positions and Issues and the Vice President and Director of Marketing to develop a Marketing Plan for the paralegal profession and NFPA’s definition and preferred term “paralegal.” Such Marketing Plan is to include educating the legal profession and community at large of the qualifications, education and utilization of paralegals. This includes the development of a letter to the ABA. The Marketing Plan shall be submitted to the Board in time for a vote and implementation at the 2017 Spring Board Meeting.”

The delegates were excited about this possibility, because for so long, the legal profession in large part has not taken them seriously. Many paralegals were and some are still called “Legal Assistants,” which these days is easily confused with “Legal Administrative Assistants.” To make matters worse, many attorneys actually call their secretaries “Legal Assistants.”

The delegates were tired of this ambiguity and wanted a plan to market not only NFPA’s preferred term “paralegal,” but as the resolution states, to educate the legal community and community at large regarding the quali-
fications, education and most importantly, proper utilization of paralegals!

**The Committee to Market the Paralegal Profession**

After convention, Director of Marketing, Lisa Lynch, CRP™ and I quickly put together a committee to undertake this endeavor. The timeline was short—the Marketing Plan needed to be submitted to the Board for a vote and implementation at the 2017 Spring Board meeting! We had an amazing committee consisting of Lisa Lynch and I, Sabrina Henry, Nancy Cominoli, Ron Badua, Dana Tod, Valerie Gamertsfelder, Tina Wiles, Theresa White Swoop, Meredith Page, Tracy Lord, Brandy Bowdry, and Amber Cotton.

Our first session was mainly a brainstorming session, as we hashed out our angst related to the legal community’s failure to take our profession seriously. We lamented over the fact that there are no minimum standards of competency for paralegals in most states (California being the exception) and if an attorney wants to, they can take someone off the street, put them at a desk with a paralegal nameplate, and voila! they’re a “paralegal!”

Our wonderful committee members had great insights as to where we wanted to go with this, and before the next meeting, we agreed to reflect on our conversation and try to condense our thoughts into writing. Well, unbeknownst to us, we had a marketing person in our midst, she prepared a draft Marketing Plan for those of us who had no clue where to start! The committee is still so grateful to Dana Tod for her help with that part of this endeavor!

To make a long story short, the committee met several additional times to hone, revise, and perfect this draft marketing plan, which was then presented to the Board and approved without one edit at the 2017 Spring Board meeting!

The Plan to Market the Paralegal Profession. So where did we start? Here is how we defined our challenge:

Currently one of the NFPA’s greatest challenges is to shift the existing perception of a paralegal from that of a legal assistant or legal secretary who performs tasks that are primarily administrative in nature, to that of a legal professional who provides substantive legal support under the supervision of licensed attorneys. The goal of this marketing plan is to educate attorneys and legal office administrators about the distinctive roles of legal assistants, legal secretaries, and paralegals. It is important to demonstrate to the legal community (our “target market”) why it is beneficial to 1) utilize qualified paralegals effectively rather than using them as legal secretaries; and 2) not hire those with no paralegal education or experience as paralegals.

The scope of the Plan to Market the Paralegal Profession (PMPP) is broad and sweeping. We first determined who the categories in our target audience would be. In addition to the obvious category of attorneys, we decided
that the following groups would be important to furthering our campaign:

1. **Attorneys:** This category includes wherever attorneys are found, starting with the ABA, and including local, state and specialized bar associations, law firms, government agencies, etc.

2. **Legal Administrators:** Legal Administrators are tasked with managing people as resources, and it’s vital that they be educated about the differences between paralegals, legal assistants and secretaries.

3. **Other paralegals:** Targeting paralegals encourages change in the local communities. If each paralegal strongly knows their value and abilities and insist on the respect they deserve, that will help to educate the legal communities in their own little corner of the world.

4. **Courts/Judges:** Paralegals come in contact with courts and judges often, either as an employee or when in attendance at court as part of the legal team for hearings or trials. In either case, it is important for judges and other court employees to see paralegals as more than simply an administrative assistant to attorneys. The goal is to enable paralegals to be seen as a vital part of the legal team.

5. **Clients:** Paralegals are often the liaison between the attorneys and their clients, and as such, their role is essential. Clients need to be assured that the paralegals employed by the law firm are qualified to do the work. While it’s important to educate the clients, we determined that targeting clients needs to occur via targeting the attorneys.

**Strategy:** Our strategy was to demonstrate that the term “paralegal” is more than a job title and that a standard needs to be set to qualify for that role. This is the foundation for the advancement of the profession and the delivery of cost-effective legal services, and is in the best interest of attorneys, their firms, their clients, and the whole legal community.

### ADVANTAGES OF THIS STRATEGY

- **Elimination of confusion in marketplace.** By informing the target markets of the qualifications, education, and utilization of paralegals and eliminating confusion between the terms “paralegal” and “legal assistant,” quality assurance is provided to attorneys and their clients.

- **Confidence in the marketplace.** If paralegals are required to meet a certain set of criteria to be considered a “paralegal,” then attorneys and firms can have confidence that they are hiring qualified individuals.

- **Mitigation of risk.** When all of the above are true, risk to attorneys, firms and the public is mitigated.

### CONCLUSION

The committee’s conclusion is this:

The NFPA has long been an advocate for advancing the paralegal profession. With this marketing plan, the NFPA continues that advocacy. By educating attorneys, administrators and the public about the difference between paralegals, legal assistants and legal secretaries, the legal community will understand the benefits of utilizing qualified paralegals. This will not only advance the paralegal profession, but will benefit the legal community and the public by providing cost effective legal services by educated and experienced paralegals.
Now what? Finalizing the PMPP was just the beginning. The committee now has target market contact information to assemble, articles and letters to write, and presentations to give. This will be a multi-year effort. The committee is working on this, but we could use more help!!

If this is something that you’re also passionate about, please contact me at vppi@paralegals.org and/or Lisa Lynch at vpdmt@paralegals.org and let us know you’d like to assist!

Lori J. Boris, RP®, MnCP, has over 19 years experience as a paralegal and has been a litigation paralegal since 1998. She is currently employed as a Product Liability Litigation Paralegal at Nilan Johnson Lewis, PA. Lori is a graduate of the Minnesota Paralegal Institute, an ABA-approved post-baccalaureate program, became a PACE® Registered Paralegal in 2009, and was credentialed as one of MPA’s inaugural MnCPs in 2014. Lori currently serves as NFPA Vice President and Director of Positions and Issues for 2016-2018. In addition, Lori has been very involved with the Minnesota Paralegal Association (MPA) holding various positions.

Behind thousands of successful cases, you’ll find The TASA Group.

The goal of this marketing plan is to educate attorneys and legal office administrators about the distinctive roles of legal assistants, legal secretaries, and paralegals.

When quality and variety matter, paralegals trust TASA when choosing an expert.

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The Best Source For Experts Worldwide
located on the Salish Sea and nestled between the Cascade and Olympic mountain ranges, on the shores of Elliot Bay and the greater Puget Sound, lies Seattle - the largest city in Washington and the Pacific Northwest. It thrives because of its waterfront location. Since time immemorial, the waters of the Puget Sound have been utilized by Native American Coast Salish Tribes (for subsistence fishing, travel, trading) and later were used by first settlers, loggers, shipbuilders and aerospace enterprises and as a gateway to Alaska and the Klondike.

Navigation of the Puget Sound was as important to Seattle’s beginnings as it is today. Where steamboats of the Mosquito Fleet provided passenger transport over a century ago, Washington State Ferries, the largest ferry fleet in the United States, now cross the Sound multiple times a day. The crossing offers one of, if not the best vantages of Seattle - from the water. A round trip ride from Coleman Dock in downtown Seattle costs $8.35 round trip and offers an unparalleled panorama of the city, and if you are lucky, majestic Mt. Rainier.

Beholding Seattle from the water one can imagine acres upon acres of evergreen trees. Trees that defined the early history of Seattle. The timber industry defined Seattle and the Pacific Northwest early on. The abundance of trees was shipped and milled from the shores of Seattle’s waterfront. So heavy was this industry that the term “Skid Row” was coined here. While used today to define where the marginalized individuals of society live, it was the path logs were skidded on. In
Seattle, this area is known as Pioneer Square. For those interested in the early, dirtier history of Seattle, the Underground Tour, which explores areas that were covered when Seattle built upon itself after the Great Fire of 1889, based in Pioneer Square is for you.

Also in the vicinity is the National Park Services’ Klondike Gold Rush Historical Park. The abundance of timber and the ample water access put Seattle in a unique position as the Gateway to Alaska and the Klondike. The Klondike Gold rush financed the city’s commercial growth at the turn of the 20th century. John Nordstrom, who caught gold fever and was fortunate enough to strike it rich in the Yukon, returned home to Washington and opened a shoe store. Nordstrom’s Flagship Store can be found on the corner of Fifth and Pine.

In 1909, Seattle hosted its first World’s Fair, the Yukon Pacific Expo. It drew thousands of people to Seattle and the University of Washington, which housed the exposition. The expo introduced its visitors to Alaska and the countries of the Pacific Rim. Today, Seattle is still the jumping off point for these places. As a large port city, Seattle sees not only container ships from far and wide but is the center for several cruise lines that depart for Alaska and, at the start and end of the summer cruise season, further destinations along the Pacific Rim.

Water is a defining element of the Seattle landscape. If you have the time, an Argosy cruise of Elliot Bay, the Ballard Locks and the Ship Canal will introduce you to Seattle history and engineering feats. If you are really interested in seeing how water defines the landscape of
Seattle and have a bit more time than it takes for a ferry ride, you should take a Ballard Locks and Ship Canal cruise.

If, however, you’re a bigger fan of observation decks, Seattle has three offering the oldest atop the Smith Tower, the tallest atop the Columbia Tower and the most iconic, the Space Needle. On the corner of Second and Yesler, in the aforementioned Pioneer Square, a 360-degree observation deck offers a glimpse to Seattle’s past. The Smith Tower, once the tallest tower west of the Mississippi, offers views of Mount Rainier and the Space Needle. Smith Tower once housed a broadcasting station hosted by Roy Olmstead, Seattle Bootleg King. Today the observation deck bar offers prohibition era ambiance from the tower’s 35th floor. Just blocks away, the Skyview observatory sits on the 73rd floor of the Columbia Center Tower, on the edge of Pioneer Square. At the height of nearly 1,000 feet, it offers another 360-degree panorama of the city, surrounding mountains, the bay, the sound and nearby lakes. Finally, the Space Needle, Seattle’s undisputed icon, sits just north of the city. Built for Seattle’s second World’s Fair, the Century 21 Exposition, it towers 605 feet in the air. Currently undergoing a major renovation called the Century Project, the observation deck is scheduled to re-open in early summer. The goal of this renovation is to fully realize the original futuristic plans of the 1960’s. The observation deck, when it re-opens, will contain floor-to-ceiling glass windows, creating an unobstructed view from the moment you step off the elevator.

The Century 21 Expo, deemed Seattle’s World Fair, revitalized Seattle economically and culturally. In the middle of the Cold War, Seattle hosted an exposition that emphasized the United States’ prowess in science and technology. One of the most popular exhibits was Boeing’s Spacearium – a circular, domed auditorium that showed a ten-minute excursion to the outer galaxies. Boeing established Seattle as the center of the aircraft industry, but Seattle quickly grew into a developing technology center, spurred on by the likes of Microsoft, Amazon and other software, internet and biotech companies.

Seattle is not the rainy gray left coast city depicted in the movies, but an Emerald City, the nickname derived from all that rumored rain, which keeps our city and state so ever green. Your visit to Seattle should include an afternoon wandering the downtown and waterfront, home to several attractions. At the south end of the waterfront, stop for a bowl of chowder at Ivar’s and
maybe feed the seagulls from your plate of fries. Moving north, you will find Ye Olde Curiosity Shoppe. It is full of oddities, including a mummy and a mermaid. There is the Great Wheel on Pier 57, a giant Ferris wheel that stands 173 feet high and offers yet another view of the city from the waterfront. The Seattle Aquarium at the north end of the waterfront, on pier 59, offers a glimpse into life under the Puget Sound. Upon entering the aquarium, you are greeted by a 40-foot viewing window filled with native northern Pacific marine life including salmon, rockfish, and sea anemones. The Seattle Aquarium strives for an interactive experience, providing two touch tanks which get you up close and personal with creatures found in regional tide pools. Take the time to reach out and feel the bumps of a sea star or the tentacles of a sea anemone, or for a “bigger” challenge, see if you can find the giant Pacific octopus.

If window shopping is more your ideal walking tour, turn east from the aquarium and brave Seattle’s Hill Climb to the famous Pike Place Market. This public market, one of the oldest in the country, stretches over nine acres from its historical façade and around winding alleys offering collectables, crafts, and a huge variety of food and gifts, all uniquely northwest. This is the perfect place to get your Seattle coffee fix, and I am not talking Starbucks, although the original Starbucks store can be found here in the market. For a true taste of Seattle coffee, stop by Ghost Alley Espresso, near the famous Post Alley Gum Wall. They showcase Pacific NW small roasters and brewing on a modbar espresso machine and you’ll begin to understand the Seattle Coffee Culture. If you’re looking for something heartier than a cup of coffee, check out Lowell’s. Serving Dungeness crab for breakfast, lunch and dinner, all with 3 floors of water view seating. The market is the place to be tempted by the sights and smells, but watch out for flying fish!

Fall in the Pacific Northwest is a perfect time to visit. We’ve moved away from the summer heat and the winter rains have not quite set in. You might not need your flannels yet, but layering is always a good idea. Your visit is sure to break those stereotypes of Seattle and we hope you find out why “the bluest skies you’ve ever seen are in Seattle.”

Wendy A. Otto, RP - Wendy received her Bachelor of Arts in History from the University of Washington (2003), her Paralegal Certificate from the University of Colorado (2006) and her Registered Paralegal accreditation in 2015. For the past 12 years, Wendy has worked in the Office of the Tribal Attorney for the Swinomish Indian Tribal Community, supporting up to 8 attorneys at any given time, and focusing on complex litigation, natural resources law, and tribal government administration.
Immigrants are defined as any foreign-born individual living in the United States: a definition which includes no reference to legal status. For many, their immigration status creates barriers to services that would assist them in understanding what their rights are, and exerting those rights. Those immigrants without legal status are a significantly underserved population. If an immigrant is detained, the need for qualified representation is even more crucial, but harder to fill. Paralegals can play an active role in providing critical services to the immigrant population.

Notario Fraud

Because the Immigration Code is so complex, there is great danger in immigrants being taken advantage of. Unfortunately, there are many who hold themselves out to this vulnerable community as being qualified to give legal advice and represent immigrants before legal authorities when they are not so qualified. These individuals call themselves “notarios” because in many Latin American countries notarios and lawyers are one in the same. Notario fraud is a significant problem because if an immigrant is given incorrect advice, takes inappropriate action, or fails to take necessary action, they can miss critical deadlines with the Department of Homeland Security (DHS) or immigration court, become subject to deportation, and/or be subject to civil and/or criminal liability for filing false claims. In many cases, immigrants spend thousands of dollars in fees to these notarios who are not in fact qualified to represent an immigrant before immigration authorities.

Federal regulation (8 C.F.R. § 1001.1) defines the practice of immigration law as “the act or acts of any person appearing in any case, either in person or through the preparation or filing of any brief or other document, paper, application, or petition on behalf of another person or client before or with DHS, or any immigration judge, or the Board.” It further defines preparation, also vital in immigration law practice, as “the study of the facts of a case and the applicable laws, coupled with the giving of advice and auxiliary activities, including the incidental preparation of papers, but does not include the lawful functions of a notary public or service consisting solely of assistance in the completion of blank spaces on printed Service forms by one whose remuneration, if any, is nominal and who does not hold himself out as qualified in legal matters or in immigration and naturalization procedure.” Unfortunately, those who hold themselves out as notarios are doing more than merely filling in blanks on forms and instead are engaging in what federal regulation defines as “practicing immigration law.” Attorney General for the District of Columbia Karl A. Racine submitted a bill in 2016 to combat notario fraud. The Immigration Services Protection Act (ISPA) contains provisions to protect immigrants from being taken advantage of from individuals unqualified and services to be performed before fees can be collected. The bill also allows for fines and penalties under the District of Columbia’s Consumer Protection Procedures Act for violations of the act. This bill has not been passed.

Other similar efforts have been taken on both a federal
and state level to combat notario fraud: In New York State, a person can be found guilty under NY Penal Law §190.87 of Immigrant assistance services fraud in the first degree “when, with intent to defraud another person seeking immigrant assistance services, as defined in article twenty-eight-C of the general business law, from such person, he or she violates section four hundred sixty-d of the general business law with intent to obtain property from such other person by false or fraudulent pretenses, representations or promises, and thereby wrongfully obtains such property with a value in excess of one thousand dollars.” Immigrant services fraud in the first degree is a class E felony. Immigrant services fraud in the second degree is a class E misdemeanor, and the property obtained has a value less than one thousand dollars. Unfortunately, notario fraud remains a significant issue, largely due to the high fees that private immigration attorneys charge combined with the lack of funding for civil legal services for immigrants.

BIA RECOGNITION AND ACCREDITATION PROGRAM

In order to improve immigrants access to legal services, the Bureau of Immigration Appeals (BIA) through the Department of Justice created the BIA Recognition & Accreditation (R&A) program. BIA Accredited Representatives assist individuals in immigration proceedings before the Department of Homeland Security (DHS) or the Executive Office for Immigration Review’s (EOIR) immigration courts and the Board of Immigration Appeals (BIA), or both. There are two types of accreditations: “partial” and “full.” A partial accredited representative may only represent aliens before DHS. A fully accredited representative may represent aliens before both DHS and EIOR. To be an accredited representative, an individual must be a member of an organization that has been approved as recognized by the BIA, which involves proving that the organization has adequate knowledge and experience to provide immigration legal services and that if the organization charges fees they are nominal. For more information on the BIA Recognition & Accreditation Program, visit: https://www.justice.gov/eoir/recognition-and-accreditation-program

Accredited representatives can then assist aliens in applying for immigration benefits before DHS, including adjustment of status and naturalization, asylum, and others. Those with full accreditation can represent aliens in immigration court and assist them with appeals from immigration court decisions. Accredited representatives can give legal advice to immigrants, such as how to answer questions on immigration forms and what immigration options they may have available.

A paralegal or any non-attorney cannot file legal documents before U.S. Citizenship and Immigration Services (USCIS) unless they have filed a Form G-28 (Notice of Appearance) on behalf of the client; to file this form, a paralegal or other non-attorney must be an accredited representative. It is important to note that accredited representatives must be affiliated with a recognized organization in order to assist immigrants. Otherwise, representatives run the risk of committing the unauthorized practice of immigration law. Paralegals must also be aware of their ethical duties arising from a client relationship.

Accredited representatives must renew their accreditation with the BIA through their organization every three years. There is no requirement for additional training in order to renew, but the standard for accredited representatives is 40 hours of immigration law training a year. Accreditation is only valid for the organization the representative is approved at. If the representative leaves that organization, they will no longer be accredited and not authorized to represent aliens unless they receive accreditation through another authorized organization. In addition, recognized organizations must have at least one accredited representative on staff at all times or they will lose their recognition and staff members will no longer be authorized to practice before the BIA.

Especially in our current political climate, immigrants are more afraid than ever and seeking the assistance of qualified individuals to walk them through the complicated immigration system. Paralegals can help to fill the significant gap in affordable or free legal services available to immigrants, which often lead immigrants into the arms of fraudulent notarios, by seeking BIA accreditation to become an authorized representative.

Jennifer M. Tromblee, CP is a paralegal with over 13 years’ experience. Jennifer is employed by Copps DiPaola Silverman, PLLC as a Family Law Paralegal. Jennifer obtained her Paralegal Certificate from the Washington Online Learning Institute. Jennifer was certified by NALA as a Certified Paralegal in 2007. Jennifer has been a member of the Capital District Paralegal Association (NY) since 2013 and has served as NFPA Secondary Representative since 2017, and Primary Representative to Empire State Alliance of Paralegal Associations (ESAPA) in 2018.
Introduction

If you have performed any document review project, whether with a formal review tool or by looking through a series of PDFs or TIFFs, you have likely learned a few things about how to efficiently approach the process. These workflows will be different depending on whether you are beginning with load files or native documents, whether you are producing for trial or in response to document requests, or any other scenarios you have encountered in your practice.

With this whitepaper, we have put together some practical tips on how to structure your document review to make the most of your team’s time.

Using Metadata

In almost every review, documents are coded or tagged for privilege, relevance, issues, or other project-specific categories. Human review of each document can be time-consuming, so most modern software tools combine search and analytics functions to identify a subset that does require human decision. However, lower-tech solutions can be valuable as well.

Filter and Cull

The first step should be the identification of junk and programmatic emails, typically through email domain searches. This task is simplified when the search tool displays a list of the domains present in the dataset. Alternatively, you can use clustering to group the emails by dominant concepts; for example, fantasy football emails would be in one category while the industry newsletters would be in another. Then, they can be mass coded for removal from the review set.

Identify Privileged Documents

Perform an initial search for potentially privileged documents prior to the review. To/From email address searches are most often used to identify documents protected under the attorney-client privilege doctrine. Prior to this step, the client must provide the email addresses of all attorneys they have worked with during the period in question. It is important in this phase to ensure that tags are applied to document families. If the email is from the attorney to the client, the attachment is also likely to be privileged. If your review software has the capabilities, both the privilege tag and the reason determination can be mass applied to the identified documents. This extra information can be used to generate the privilege log later.

With the potentially privileged documents pre-coded, reviewers can focus their attention on relevance review and only shift their thoughts to privilege when prompted by the tag. This improves review speed and results.

Target Key Custodians

Third, identify a hierarchy for the document custodians and focus the initial stages of review on their documents. When the data set has been globally de-duped, this also ensures that key documents in those custodians’ batches remain with the produced documents for those central players. When questions of proportionality arise, these key custodian reviews may render the need for further review unnecessary.

Analytics as a Targeting Tool

Although analytics and data visualization vary by review tool, the nominal number of hours spent learning how to use these tools will result in many hours saved during review. Analytics can help review teams assess the topics covered in a document set, assist in determining where to start, and allow review managers to prioritize their teams. It may also mean groups of documents can be discarded entirely.

Filter and Cull by Concepts

Cull irrelevant groups of data from a review set based on the content in those documents by using clustering and data visualization. With a quick look into the clusters, a senior attorney or person most knowledgeable can often identify whole categories of documents as irrelevant.

Identify Key Concepts

When reviewers can focus on one idea while reviewing a batch of documents, the review is faster and more accurate. Many studies have shown that people can’t...
perform multiple cognitive activities simultaneously. Instead, they single task serially. And, while the time required to task-switch is relatively short, these pauses in productivity add up to hours and dollars lost.

**Putting it Together**

Now you are ready to begin an organized, efficient review. Begin the review with key concepts within the data set of the key custodians. From there, you can determine how to move forward. In this initial review phase, you might decide to adjust your concept groups. Be flexible and let the documents’ contents and the goal of the project guide your workflow.

**Production and Exports**

Producing and exporting data tends to be a time-sensitive and stressful portion of e-discovery projects so initial preparation is welcome.

As tempting as it may be to split-up productions between in-house capabilities and the service provider, that can cause major issues with quality control, continuity, and determining which data are where. Decide at the beginning whether the litigation team will perform productions or the service provider will do it for you.

Agree on production formats and the production timeframe early, to cut down on time and prevent money wasted during production. Utilize the production templates available from your service provider - they have extensive experience and can help avoid pitfalls.

**Other Tips and Tricks**

There are several other practical tips that can reduce the time needed for e-discovery review.

**Organize**

If you have a large review team, batching the documents prior to review is important, to prevent duplication of work, and as mentioned above, to increase productivity. This also makes reviewer progress easy to track, and review managers can adjust their expectations and workflow accordingly.

**Communicate**

Ongoing communication is imperative for a successful review and case. As attorneys review documents, they learn about the case. These review attorneys need a way to share those insights with the case team. And, that case manager needs to disseminate new information throughout the team. Some review platforms, such as iCONNECT-XERA, have communication tools available within the software, so legal teams can send messages within the system. This eliminates the need to set up a separate communication channel and to move between applications.

**Consider Using AI**

Predictive Coding (TAR) has been a hot topic in e-discovery for many years, but it remains underutilized in many e-discovery projects. Predictive coding is a workflow that is a part of a general move toward artificial intelligence processes applied to the legal world and to e-discovery. If there are large numbers of documents to get through or there is a need to review very quickly, AI offerings can be extremely helpful.

**What Next?**

Reviewing documents is often the costliest part of an e-discovery project, both in time and dollars spent. These are some of the tips and tricks we have learned by helping clients with all types of document review in a variety of industries over the years. Apply them to your next project to make your team more productive and reduce those costs.

Dr. Gavin Manes is a nationally recognized expert in e-discovery and digital forensics. He is currently the CEO of Avansic: E-Discovery & Digital Forensics. Graduating with his Doctorate in Computer Science from the University of Tulsa, Manes has published over fifty papers on e-discovery, digital forensics and computer security, and has given hundreds of presentations to attorneys, executives, professors, law enforcement, and professional groups on topics ranging from e-discovery issues to cyber law.
The Nigerian criminal justice sectors deteriorated and are in the worst shape as result of a long period of military dictatorship. On May 29, 1999, the Nigeria military council handed over power to a democratically elected president, thereby making way for strategic reforms and speeding up the development of the Security and Criminal justice system. One such sector most affected is the Nigerian prisons which has a long history of neglect and poor funding.

History of Nigerian Prisons

Enugu State Nigeria has three prisons: one maximum and two minimum security. Enugu Maximum Security Prison was built in 1915 at the city capital with an initial capacity of 638 inmates. The facility housed 2,030 inmates as of January 23, 2018. Out of the total locked up, 1,800 are awaiting trial persons (ATPs) while 230 are convicts.

Minimum Security Prison Nsukka Enugu State Nigeria was built in 1934 with an initial capacity of 186 inmates but presently has 254 inmates with 95% of those awaiting trial. The last, Oji River Prison Enugu State Nigeria, was established in 1992 with an initial capacity of 90 inmates. It now houses 194 inmates.

The Case of Awaiting Trial Persons

The Nigerian criminal justice system is designed to maintain law and order by processing persons alleged to have violated law and order through the system with a view to establish their guilt or innocence. Persons found guilty by the system could either be committed to prison terms or subjected to non-custodial punishment.

The Nigeria Prisons Service (NPS) headed by the Comptroller-General, is given the statutory mandate to take general charge and superintend over the prisons system in Nigeria. Beyond incarceration, the prison system is also meant to reform, rehabilitate and re-integrate prison inmates (convicts) into the society.

Remand or awaiting trial persons are individuals confined in prison custody while criminal proceedings initiated against them is ongoing in the law courts. Section 35 of the 1999 constitution of the Federal Republic of Nigeria provides for the right to personal freedom, it also sets the grounds on which the right may be deprived.

Perhaps mindful of the need to balance the deprivation of personal liberty with ensuring that persons are not arbitrarily held in prison custody, the Section again provides in its proviso that no person who is detained upon
being charged with an offence should be held for a period which exceeds the maximum period prescribed as punishment for the offence. In Enugu State Nigeria, this proviso has been observed more in breach, given the crisis of ATPs and the distortions it has brought to the criminal justice system and prison governance in particular.

However, it was not until 1980 when the population of Nigeria had risen to 73.7 million that the issues of the prison’s infrastructure were revisited by the government but not with any prisons in Enugu State. Meanwhile, in the past 10 years, the Enugu State justice reform team, in partnership with some Non-Governmental Organizations (NGOs), have utilized paralegal services in achieving noticeable transformation in the State Criminal Justice Sector Reform, particularly in the three prisons in the state.

**The Advent of Paralegal Services**

Efforts of the Enugu State justice reform team yielded great results in 2012 when PRAWA, one of the key NGOs that has been in forefront of the security and justice reforms initiative, received funding support from justice for ALL (J4A/DID).

Major core activities involved in the projects were the training and use of paralegal services in the implementation of the projects. In order to actualize the dream of the funder and the State Government, the project implementer commenced the process of recruiting and training individuals that have experience in the Nigeria security and criminal justice system. Those individuals that formed the paralegal teams were made up of practicing lawyers, Sociologists, Psychologists and Social Workers. The Paralegals were trained and equipped with requisite knowledge of paralegal services in order to deliver maximum output at the end of the project.

All the selected Professionals trained for the paralegal services were at one point involved in the fight for social justice, equity and fairness in Nigeria and are fully aware of the decay in the sector.

Before the formation of paralegal services and the capacity training, there wasn’t any knowledge of the roles paralegal services could play in promoting human rights in the Southeastern part of Nigeria and beyond. Unimaginable gaps existed in services that fall within the ambit of paralegals.

Also, there were undeniable information gaps between the formal institutions and the citizens that needed to be filled by the paralegals. Examples of such critical information are: bail information at the police stations, bail information at Magistrate and State High courts, applications for transfer of cases from Magistrates Courts to High Courts as the case may be, when to approach the...
Department for Public Prosecution in the State as well as meeting bail conditions in the Courts.

**METHODS ADOPTED BY ENUGU STATE PARALEGAL SERVICE TEAM**

In order to realize the core objectives of the project through adequate use of Paralegal Services, the Enugu State paralegal services team adopted a pragmatic approach by grouping the trained paralegals into four Units.

The four groups are:
- The Prisons Visitation Team;
- The Family Link Team;
- The Prosecuting Team; and
- The Courts Visitation Team

Each of the paralegal units played specific and vital roles to the success of the project. The prison’s team, of which I am the lead, collects and collates information from the three prisons in the State namely; Enugu Prisons Enugu, Nsukka Prisons, Enugu and Oji-River Prisons Enugu.

An idea was formulated to create and coordinate activities of each and provide effective information sharing amongst the teams. A Clearing House was set-up in PRAWA Office at the State capital. The Clearing House serves as the data store house for speedy delivery of paralegal services. Files were created for each case in the Clearing House. There is vital information in the Clearing House that enhanced successful delivery to paralegals that provide service in the State. These include:

- A. Total number of awaiting trial persons in the three Prisons in Enugu State.
- B. Various offences they were accused off.
- C. Total number of days spent in custody.
- D. Last date of Court appearance and the Court handling each case.
- E. Awaiting Trial Persons’ stories as documented by Paralegals.
- F. Detailed information about Inmates home address and contacts of relatives.
- G. Prosecuting lawyers handling Awaiting Inmate’s case.
- H. Addresses of court handling Awaiting Inmate’s case.

**ACHIEVEMENTS OF PARALEGAL SERVICES**

Paralegal services are a powerful tool of justice, helping to resolve disputes and empower individual clients and whole communities. Living and working in the communities they serve, community-based paralegals use their knowledge of the formal justice system, alternative means of resolution such as mediation, and community education practices to help the poor and marginalized address their justice problems.

Paralegals in Enugu Nigeria contributed in no small measure in the criminal justice reforms going on in the State.
Some of the achievements include:

1. Educating and empowering awaiting trial persons with knowledge of the bail application process.
2. Instrumental to jail delivery successes in the state through the provision of a comprehensive data system on various awaiting trial persons in a 2016 jail delivery exercise.
3. Enhanced setting up of a Witness Support Unit (WSU) at the Enugu state high court.
4. Assisted in bridging the knowledge gap between the formal and informal institutions in the state.

Paralegals played vital roles in birthing Judicial System Reforms noticeable in Enugu State Nigeria today. Nevertheless, there is an urgent need to sustain the momentum thereby making Paralegal services readily available to the populace at all times. I am pushing for a bill for establishment of a Paralegal Services Council at the State level for speedy dispensation of Justice and protection of human rights.

Mr. Orame J. Chibuzo is a Social Worker and a trained Paralegal based in Enugu Nigeria. He has experience in community-based rehabilitation, monitoring and evaluation. He has been trained on client management and is involved with people and families to support them through difficult times and ensure that vulnerable people, including children and adults are safeguarded from harm. He provides support and help in order to improve outcomes in people’s lives. He is experienced in program and training activities, work-plan etc. Ensured project compliance and implementation according to the project document and supervised training activities and offers technical guidance to local and community people. He is experienced in working within a framework of relevant legislation and procedures, supporting individuals, families and groups within the community. He works closely with persons with disabilities through their skills acquisitions empowerment training and youths who are addicted to drugs, experienced working in school, homes, hospitals and the premises of other public sector and voluntary organizations.

References

(1) See section 453 to 467 of the Administration of Criminal Justice Act 2015. In addition to the Federal Capital Territory, four states have replicated this statute at the state level. The states are Anambra, Ekiti, Enugu & Lagos.
(3) See generally Section 36 of the 1999 Constitution of the Federal Republic of Nigeria
(6) Open Society Foundation (2010), Community-based Paralegals; A practitioner’s Guide.
I first met my friend Patti when she volunteered as a Spanish interpreter for the Compassion dental clinic I coordinate. Around the time the Army of One advertisement came out, I began to call her my Hispanic Army because she could do the work of an entire team. Many weeks after a clinic I belatedly sent her a thank you note in which I said “if I can ever assist you, please let me know.” That little phrase changed both our lives. Patti later told me she opened my note and began sobbing and, upon urging from a mutual friend of ours, she called me and asked to get together which we did. To make a long story short, after her call I learned her driver’s license had expired and under the new regulations, she could not get it renewed because she did not have a social security number.

**LAW ANGEL**

I learned that Patti came here from Mexico more than a decade ago. She is an educated woman and had been a successful attorney in Mexico. She and her brother were partners in their law firm when he became mayor of their town. He took an unpopular stand against a local cartel, and was assassinated. She knew that she could be next, and fearing for her safety she fled to the United States. She entered the country legally, and left as required every six months and re-entered until eventually it became too dangerous for her to leave the U.S.

In America, Patti supported herself by cleaning houses and offices for various people, as well as working catering services for private parties. (She is an excellent cook.) She never had children of her own, but she also worked as a nanny for years to a boy she helped raise into a fine young man. After that first call that night, my Hispanic Army dubbed me her “Law Angel,” and she still calls me that to this day. She told me that night that I gave her hope, and up until the moment she received my thank you, she had no hope.

I had previously worked on the same floor with a gifted immigration attorney. I had developed great respect for him during those years and had previously referred a
couple of young men I knew who had been brought to the U.S. as children, but who needed to obtain the required documentation to be able to work legally. It took some time, and a trip back to Mexico for one of the young men since he had never entered the country legally. Eventually, the attorney was able to help both young men to successfully navigate the complicated system and obtain their green cards. I contacted my attorney friend and he agreed to meet with Patti at no charge. During his meeting with her, he agreed to take payments from her as he worked with her through the process to obtain legal status to live and work here.

During the next few months, Patti worked through the process of obtaining and providing the various documents needed to perfect her application. From time to time she would put together an envelope of cash to deliver to the attorney in exchange for a receipt. After many months she got word that her application for legal resident status was approved. Then followed more anxious months while she waited for the magic green card to finally arrive. (You would think it would come right away after approval, but the process stretched out interminably for her.) Finally it arrived in her mail and I received the happy call from her. She held a party for her friends here, and her sister flew from California and we all celebrated her happy day.

A CELEBRATION!

Following this, she determined that another celebration had to be held when she received her Social Security card. (I am ALWAYS down for a party with my friend Patti. Her celebrations always involve fabulous food.) Once she had the magic Social Security card, she was able to then obtain her driver’s license again and resume driving and regain her freedom. She was also able to fly again, since now she had current identification to get through airport security and has enjoyed trips to visit with her extended family members, something she had been unable to do without a Social Security card and driver’s license.

My friend’s next milestone was filing her first, then her second, income tax return. She was so proud and I was delighted to celebrate with her. Months after she filed her second return, I received a panicked call from her because she had received a letter from the Internal Revenue Service (IRS) because her payment and return did not match up. The volunteer tax preparer had made an error in her return, which was not my friend’s fault, but she was immediately afraid of the impact this error could have on her status. I reassured her and assisted her

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<td>Contains application form, sample exam questions, and test specifications. It can be downloaded for FREE at <a href="https://www.paralegals.org/i4a/pages/index.cfm?pageID=3298">https://www.paralegals.org/i4a/pages/index.cfm?pageID=3298</a></td>
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through the process of obtaining the proper forms to correct her returns and get her payments correctly applied to HER Social Security number.

**IRS Scam**

I received a text from Patti one day, needing to talk to me immediately. She, and others like her, are vulnerable to scammers calling, purporting to be from the IRS and claiming that they will be arrested within the next 24 hours if they don’t immediately call (and provide personal information which then allows them to then be financially victimized by the scammers). I reassured her and told her how to report the callers and to warn her friends not to fall prey.

Patti continues to clean houses at this time. I would dearly like to see her transition to work that uses her education, but she uses her knowledge daily to improve the lives of others around her, referring them to our attorney-friend, assisting me with preparing for and leading dental clinics for low income uninsured people in our community, and in assisting people in her community with obtaining access to resources that can help them on their journey.

**A Dear Friend**

My dear friend pays her taxes, pays her health insurance premiums, and is a valuable contributing member of our society. I doubt that she would have ever thought to ask for my help, except I offered it as my way to try to repay in a small way the service and kindness she has given to so many that we serve through our free clinics.

I count Patti as one of my close friends and I am honored that she trusted me enough to tell me her story. In fact, during the entire time she has been in this country, she has never cost the American taxpayers a cent. She did not receive welfare cash benefits, food stamps, housing assistance or medical benefits and she has assisted in leading numerous free dental clinics, translating for patients at each one. She has been a great resource to me by translating for me when I have needed to interview a Spanish-speaking witness, and she has taught me much about the fears and concerns in the Hispanic community and is a valued liaison for us.

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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. Obtain a complete address listing of all NFPA member associations through www.paralegals.org

**Charter Member Associations**

Summer 2018  37
When I think about my career, one question continues to stand out. It is a question which I am often asked.

Early in my career as a Paralegal, I worked for a small boutique law firm that specialized in Bankruptcy and Family Law. A client once asked, “What Do Paralegals Do?” Never having been asked that question, I paused for a few seconds then immediately looked at my attorney hoping she would interject and provide our client an answer. Of course, as with all professions, I had my own ideas and was ready to provide a response. In my opinion, at the time, I was going to say; Paralegals assist with drafting legal documents, collecting information and assisting with court proceedings. To my surprise, my attorney responded; “Everything. Without my Paralegal, I would lose my mind and never find a thing! My office would stop running!” As I sat there listening, a smile came over me which I am positive conveyed my enthusiasm and sincere gratitude for her support!

How many of you have heard a similar question from a client, law student, attorney or judge?

Paralegal Day 2018

In honor of Paralegal Day 2018, I felt compelled to share my story in support of the hundreds of thousands of fellow Paralegals and paraprofessionals that find themselves in the trenches each and every day! I would also like to recognize the Legal Assistants, File Clerks, Paralegal Interns, Court Clerks, Legal Support Staff, etc. that work alongside Paralegals each and every day!

As we all know, many of us work tirelessly behind the scenes. Others work directly with clients and support their team in both the public and private sectors. Often we are the primary contacts for clients and or opposing counsel, and members of their teams. We work directly with Court Clerks, third party vendors, state and federal agencies and volunteer for local community projects, many of which require long hours and expenses for
which we are not reimbursed. We do so proudly and for the greater good of our community and our profession!

**EDUCATE THE PUBLIC**

In my time as a paralegal, I find a small percentage of working Paralegals and Legal Assistants know that Colorado recognizes our profession annually on May 4th. This brings me back to the original question; “What Do Paralegals Do?” Fortunately, that same question was raised many times and led to a fellow Paraprofessional seeing the need to recognize Legal Support Staffs’ long history of their valued contribution to the legal community. Karen Woodward, a Paralegal from Denver, CO and a member of the Colorado Association of Professional Paralegals and Legal Assistants, was quoted for saying; “the biggest problem she faced when moving to the State of Colorado was the misconception that Legal Assistants and Paralegals weren’t one in the same.” For that reason, Ms. Woodward worked diligently to educate the public and explain how Legal Assistants are highly trained professionals and bring value to law firms across the state. “One way that Woodword called attention to this was by helping to bring about the dedication of Colorado’s Paralegal Day, May 4, through CAPPLA.” Ms. Woodward is credited with working with our State’s General Assembly in founding House Joint Resolution 04-1060, concerning the creation of Paralegal Day.

Due to Paraprofessionals like Ms. Woodward and others in our Paralegal and Legal Assistant community, our state recognizes the contributions and services Paralegals have and continue to provide to our deserving public and our Judicial Branch alike! Due to the tireless effort and professionalism shown by our local paraprofessionals, we continue to rise above criteria set by the American Bar Association (ABA), the National Federation of Paralegal Associations (NFPA), National Association of Legal Assistants (NALA) and that of our local Judicial Branch.

It is important to point out there is a sweeping trend across our great country which has led to the creation and implementation of limited licensure of Paralegals. The primary purpose of these programs is to provide limited legal services so Paralegals can meet the needs of the growing number of pro se litigants. Allowing qualified, proficient and competent Paralegals to provide limited legal services, along with proper oversight, paraprofessionals are bridging the gap to justice equality and reliving the courts of overly crowded dockets.

**THANK YOU!**

I would like to take this opportunity and say thank you to each and every Paralegal student who strives to contribute to the future of our profession, all Legal Support Staff, all Legal Assistants and Paralegals for your relentless dedication and tireless devotion to our ever-changing and rewarding profession! The services you provide our deserving public, courageous and extremely talented attorneys and of course our remarkable one-of-a kind Judges is invaluable!

Please know you are recognized for the greater good you provide our community and for the professionalism you exhibit in the trenches each and every day!

Jose L. Trujillo is the managing paralegal for Rosen Thompson Rosen, P.C. in Glendale Colorado. Jose received his legal training at Kaplan College where he graduated with an ABA accredited Associate of Applied Science degree in Paralegal Studies in 2011. Jose is a family law paralegal and mediator with 11 years’ experience in family litigation. He is a member of the Rocky Mountain Paralegal Association (RMPA), and currently serves as Vice President of Development.

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