Intimate Partner Violence on College Campuses

See article on page 17
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Articles may be on any paralegal education topic but, on occasion, a Paralegal Educator issue has a central theme or motif, so submissions may be published in any issue at the discretion of the Editor and the Publications Committee. (A submission may be rejected as well at the discretion of the Editor and/or Committee.)

Articles may be of any length although, generally, submissions should not exceed 1,000 words. The article should be submitted with an appropriate title, the author’s biography (3-5 sentences) at the end of the article, and with a recent photo (.jpg at 300 dpi only). Articles should be submitted in Microsoft Word®. It is preferred that articles be double-spaced, 12-point Times New Roman, and follow the conventions of good English. Please spell and grammar-check articles before submission. Additional editorial guidelines can be found at the AAfPE website (www.aafpe.org).

Publication and editing of submissions are within the purview of the Editors, President, and Executive Director. The opinions expressed in The Paralegal Educator are those of the authors and are not necessarily those of AAfPE.

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The Educational Resource Library

The mission of the ERL is to provide members with course-level resources, such as syllabi and subject-matter projects; and program-level resources, such as assessment plans, rubrics, professional development ideas, and surveys. Since the ERL’s inception, the Education Committee has been gathering and cataloguing all types of information, even archives of relevant listserv discussions, in an effort to streamline AAfPE institutional members’ access to material designed to make our lives easier (always a bonus) and our programs even better.

To explore the ERL, go to www.aafpe.org, click on “Members Only,” and enter your Username (your email address) and Password (from AAfPE). If there is content you would like to see added, please let us know. Or, if you have something to add, please send it to Stephen Barnes (sbarnes@coastline.edu). Contributors retain all copyright and author privileges to their own material. The ERL should only get bigger and better as time passes and more AAfPE members help it grow.

Honorary Membership in AAfPE

Each year, up to two persons who have provided outstanding service to AAfPE, but are no longer involved in paralegal education, are conferred with honorary lifetime membership.

A nominee must have two (2) letters of recommendation from two (2) different AAfPE member institutions. If you are interested in nominating someone for this achievement, please mail and/or email your letters of recommendation, on institution letterhead by May 31st to:

AAfPE
c/o Patricia Lyons, AAfPE Immediate Past President
222 S Westmonte Drive, Suite 101
Altamonte Springs FL 32714
info@aafpe.org

Writing for The Paralegal Educator

Would you like to impress your boss, your colleagues, your students? Do you have a teaching experience, knowledge relevant to the paralegal profession, or a solution to a problem that you would like to share?

If you are thinking “yes” to any part of these questions, then it is time to put your ideas on paper and write an article for AAfPE’s national peer-reviewed magazine – The Paralegal Educator.

The Educator is published twice each year. Articles can be submitted at any time; the deadlines for the two issues will be announced well in advance of the submission date. A broad theme may be assigned to an issue to focus on trends and concerns within paralegal education and the paralegal profession. Watch for the “Call for Articles” on the AAfPE listserv which will provide this information.

If you have any questions or would like more information, please contact Editor-in-Chief, Carolyn Bekhor at cbekhor@laverne.edu or (909) 448-4410
Weathering the Storm

I am not much of a sailor myself, but having lived on the Maine coast much of my life, I am fond of nautical metaphors. The metaphor of a ship weathering a storm at sea seems appropriate as a description of AAfPE’s recent history and present status.

As most of you are well aware, AAfPE sustains itself through volunteer officers, directors, committees, conference organizers and presenters. These volunteers have full-time employment aside from their commitment to AAfPE, so AAfPE contracts out the day-to-day management of its membership services, finances, and the like. Unfortunately, AAfPE’s relationship with its previous management deteriorated rapidly starting in 2014 as AAfPE became less and less satisfied with the also deteriorating services provided by the company.

Last year, the Board of Directors began the process of locating a new management company. We received a good number of very good responses to AAfPE’s Request for Proposal, narrowed the field down for interviews at our last national conference, and then sent the Executive Committee to visit the main offices of the finalists.

We started our relationship with the new management company, Kauter Wenhold Management Group in January of 2016 in particularly stormy seas. Contracts for regional conference sites, normally finalized before December, still needed to be negotiated. Naturally this backed up all other aspects of preparation for those conferences. Fortunately, KWMG was quick to act, so the regional conferences were able to go forward.

There has been some continued rough sailing as KWMG learned the particularities of AAfPE’s ship and the organizational structure at its helm, but it does appear that we are heading for calmer seas and a better wind as AAfPE gets to better know KWMG and it gets to better know us.

Calmer sailing will allow AAfPE, both its leaders and its members, to once again focus on its mission and the issues that confront AAfPE, undergraduate legal education and the legal profession. AAfPE’s membership and conference attendance is not growing at a sufficient rate to sustain the organization. We must engage in respectful discussion on how AAfPE can remain the leader in legal studies education, meet the challenges of changing demands for legal education outside of law school, technology advancements, access to justice, and similar issues, while growing as an organization. I encourage all of you to actively engage in that discussion.

Robert Mongue  
President  
American Association for Paralegal Education
As I write this mid-May, I know that many of my colleagues are in the throes of finals, grading, and graduation ceremonies. Like many of their students they are dreaming of days without deadlines ... if even for a few weeks. When you read this, I hope you're still enjoying a much-needed rest or pouring over The Paralegal Educator while sitting on a beach under an umbrella or better yet, with an umbrella sticking out of your beverage of choice. Meanwhile, at UC San Diego we’re on the quarter system and I’ll be teaching Legal Research to 30 students over the Summer! (If I have to listen to my sister, who is a middle school teacher, tell me one more time that she only has [fill in the blank with a number, it changes every day] more days until her two month Summer break, I may have to injure her.)

But, the question is would I give up teaching to go back to the grind of practicing law? And, like most of you, I would answer “No!” This is my career ... this is where my love of the law landed me and I’m so glad I’m here. I became an attorney in 1993 and I began teaching in paralegal programs in the late 1990’s. I loved the straightforward way paralegal education was conducted. I learned more those first few years of teaching than I did in all three years of law school. I became the Director of Legal Education at UC San Diego Extension in 2004. At the time I was primarily practicing Family Law and given the opportunity to do less Family law, I immediately accepted the job. I have been overseeing the ABA-approved Paralegal Certificate Program at UC San Diego Extension for over ten years, and it has been the most rewarding career choice I could have ever made.

AAFPE has been essential to my growth and skill has an educator. I come to the AAFPE conferences twice a year and present whenever asked, I read as much of the information on the listserv as I can, and I contact my fellow members when I need peer advice; only with all that support and education from this organization, can I then be the best for my students. About five years ago I was asked to fill the Director of Certificate Programs vacancy on the Board of Directors and at our last conference in Milwaukee, I became President-elect. I want you all to know that I do not take this honor and position lightly and I will strive to be the most committed President that I know how to be. I have also learned from some of the best.

As I approach the next few years in my AAFPE Presidential cycle, I hope to explore the changing Paralegal landscape and how those changes will affect us, as individual educators and as an organization dedicated to supporting quality non-lawyer education. Just in the last few years, we have all had to change our curriculums in our programs to reflect what I call the “E-world”: a new world made up of email, ESI, e-filing, and e-discovery. If your program has not adapted to the E-world by incorporating instruction in those e-words, you risk your graduates falling prey to the biggest E word of them all, Ethics. Because what happens when you’re a legal professional and not sufficiently skilled in all the e-words and how that might affect the client ... the M word happens – Malpractice. And of course, we know who gets blamed when that happens. Pretty soon, no one will be immune ... whether you’re heavily into litigation representation or doing transactional work, everything will be electronic.

Paralegal programs have had to adapt ... our litigation classes are very different than they were even two years ago. Potential students are continually asking me if my program includes e-discovery instruction. They probably have no idea what Discovery is, at that point, but they have seen the term e-discovery. Currently, there
are not enough legal professionals sufficiently skilled in the E words and if you are, you are in high demand. The future of the paralegal profession is tied to innovation and the lawyers are always going to expect the paralegal to know how to do the things they either do not want to have to learn (after 20 years of doing it one way) or that they were not taught in law school. Every Annual and Regional AAfPE conference usually has at least one or more sessions devoted to innovation and its effect on the practice and instruction of the law and our upcoming San Antonio conference is no exception. I encourage you to attend as many workshops and presentations as you can.

Part of the responsibilities of President-elect is overseeing membership. Growing our membership is important to strengthening our organization so that we can continue to offer fantastic conferences and support educators through our different benefits. There are many fantastic institutions out there offering quality legal education outside of the cloistered walls of law school. My goal is to reach out to those institutions that might not consider themselves a traditional paralegal program but that fit within our mission statement of supporting and promoting quality non-lawyer education while recognizing the need to increase and improve access to the legal system.

I look forward to talking with you all more about these things at the upcoming Annual Conference in San Antonio and serving as your President next year! Of course, I always welcome your emails and please contact me if you have any questions on membership or anything (I'm very well-rounded ;)).

*Have a fantastic Summer and see y'all in Texas – Yee-haw!*

Julia Dunlap Esq.
President-Elect
American Association for Paralegal Education
INTRODUCTION

Business Communications (BSNS 1603) is a general education, transferable course offered through the Business & Technology Division at Kankakee Community College (KCC, 2015, p. 34). This course is a graduation requirement in 29 different degree and certificate curricula (KCC, 2015). In a regular academic year, seven to eight sections of this course are offered, frequently serving over 200 students across these majors. In many of these programs, such as vocational degrees in welding or construction management, Business Communications is the only writing-intensive course stressing workplace communication these students will take. For other majors, such as career degrees in child care or paralegal studies, Business Communications is one of a series of writing-intensive courses leading to an occupational degree or workforce certificate.
While many of these students may have taken college-level English, either at KCC or other institutions, writing for academia differs from writing for business in terms of style, audience, and format. For instance, one of the eight Business Communications course exercises focuses on deductive writing, used when the recipient’s response is expected to be positive or neutral; the process involves first communicating the main point, followed by the details and a positive, forward-thinking close. Another exercise focuses on inductive writing, used when the recipient’s response is expected to be negative or when the writer’s goal is to persuade the recipient. The inductive process involves providing details and information leading up to the negative news, followed by a counterproposal or “silver lining” and a positive, forward-thinking close. However, the four faculty teaching multiple sections of Business Communications found that average- or college-ready level scores occurred only sporadically; further, multiple revisions to the assignments yielded only minimal increases in the final scores.

Several strategies were attempted in order to improve writing scores. These strategies included individualized coaching sessions with the instructor, referrals to the writing lab for tutoring assistance, and the implementation of Fundamentals of Writing (ENGL 1413) as a pre- or co-requisite. Fundamentals of Writing is a college preparation course, meaning that a student could be taking Business Communications with a co-requisite writing class that focuses on eleventh- and twelfth-grade writing competencies. However, none of these interventional strategies, either individually or combined, resulted in any measurable writing score improvement.

In late 2011, KCC established a relationship with the publisher of the BSNS 1603 textbook (Lehman & DuFrene, 2011), as this publisher launched the Write Experience® web application (hereinafter referred to as “AI”). The web application uses the IntelliMetric© artificial intelligence engine, an automated scoring technology that is used to score the Graduate Management Admissions Test® (GMAT®)’s analytical writing assessment component (McCann Associates, 2011, para. 1). The text publisher notes that IntelliMetric© is as accurate as an expertly trained human scorer. In controlled studies using a six-point scale, two experts independently reviewing writing samples agreed with each other within one scale point in approximately 95% of the samples. The level of agreement between IntelliMetric© and either of the two experts ranged between 97% and 99% (Vantage Learning, 2010, p. 7).

OVERVIEW OF AI

Thirteen individual assignments are currently available through the AI application (Cengage Learning, 2015), and the assignments are course-specific instead of textbook-specific. This allows students to develop and apply core competencies of deductive or inductive writing to their professions or majors, regardless of the instructor’s choice of textbook. The AI exercises map to writing outcomes in accounting, business communication, economics, organizational behavior, small business management, strategic management, and basic writing (McCann Associates, 2011, para. 2).

The AI application offers four tools to enhance students’ writing efficiency and productivity. These tools include:

1. **MY Tutor®,** which provides personalized, real-time coaching and writing suggestions to students as they develop their content;

2. **MY Editor®,** which provides explanations of mechanical errors and suggestions for correction of such errors;

3. **Performance reporting,** which provides a holistic score as well as breakout scores in five domains, including focus and meaning; content and development; organization; language use, voice, and style; and mechanics and conventions; and

4. **Revision planning,** which provides a customized plan for improving the written product (McCann Associates, 2011, para. 7).

The AI application also gives students the opportunity to publish drafts of assignments to the course instructor (Vantage Learning, 2011, p. 18) and permits the instructor to provide comments and feedback to the student (Vantage Learning, 2011, p. 16). Additionally, the application flags assignments as “non-scoreable” if the software detects that the assignment has been plagiarized. The AI application compares the submission to all other submissions from any other college or university where the AI application has been used and determines whether plagiarism has occurred (McCann Associates, 2011, para. 8). In addition, students may use the AI application to work on their own writing topics or personal assignments.
In a recent Vantage Learning whitepaper reviewing 7,000 written submissions from over 800 students between January 2011 and May 2011 (Edelblut & Hilliard, 2011), the following conclusions were presented:

- The greatest improvement in scores occurred within the first month of using the AI application, with improvement in scores leveling off during the fourth month of use (Edelblut & Hilliard, 2011, p. 7).

- Total score improvement between January and May 2011 ranged from 0.93 points for Content to 1.18 points on Language, Use, Voice, and Style, for a score increase of 42% to 48% (Edelblut & Hilliard, 2011, p. 7).

- An analysis of the average first submission versus average final submission scores reflected that most students submitted two to three revisions with an average improvement of 15.13% (Edelblut & Hilliard, 2011, p. 8). The inductive writing activity entitled, “Saving Money at the Office” offered the lowest increase in scores (from 3.69 to 3.88, an increase of 4.95%), while the deductive writing activity entitled, “Who Done It?” offered the highest increase in scores (from 3.04 to 4.02, an increase of 32.19%) (Edelblut & Hilliard, 2011, p. 8).

Additionally, Edelblut and Hilliard (2011) studied the results of students who submitted five or more responses using the AI application. Those findings reflected a score improvement of 1.05 to 1.22 points on that six-point scale, or an increase of 40.82% to 44.49% from first submission to final submission (p. 9). Similar findings were revealed among students who submitted 10 or more responses. Those findings reflected a score improvement of 1.37 to 1.59 points on a six-point scale, or an increase of 56.83% to 64.23% from first submission to final submission (p. 10).

Because Kankakee Community College was an early adopter of this artificial intelligence application, the author wished to determine whether comparable score improvement and college writing readiness as noted by Edelblut and Hilliard (2011) would occur among KCC Business Communications students completing a subset of the same exercises. While paralegals represented a small percentage of the enrollment in this course, it was believed that the data collected could be used to refine and improve upon best practices in the College’s ABA-approved paralegal curriculum.

**SETUP OF ACCOUNTS**

For this research, the author collaborated with three adjunct faculty teaching Business Communications to determine which AI assignments would be implemented during Spring Semester 2012. Of the thirteen writing activities available, three were used to complete the eight-assignment course grading requirement. These assignments included “Crisis at Canoe,” an inductive writing activity; “Saving Money at the Office” (the inductive activity resulting in the lowest score increase in Edelblut and Hilliard’s (2011) study); and “Who Done It?” (the deductive activity resulting in the highest score increase in Edelblut and Hilliard’s (2011) study). Additionally, students were introduced to the general setup and structure of the AI application by practicing an ungraded deductive activity using “Customer Complaint.” Finally, students were given the option to use the application’s “Letter of Interest” inductive activity to complete a fifth writing assignment during the semester which involved generating a cover letter to accompany a resume and job application.

The author set aside one full class period during the second week of the semester to set up students’ AI accounts, to test the web application, and to complete the deductive “Customer Complaint” practice exercise. Comments and feedback were provided via the application to each student enrolled in the course (a maximum of 30 students per section, for a maximum of two sections per 16-week semester). From the third through eighth week of the semester, students were assigned the three remaining assignments, one per week, using the same protocols for drafting, submission, and grading for paper assignments distributed by the author in class. A total of 2,090 initial and redrafted submissions were analyzed—nearly one-third of the submissions analyzed in the Vantage Learning whitepaper (Edelblut & Hilliard, 2011).

**INTEGRATION OF ARTIFICIAL INTELLIGENCE INTO BUSINESS COMMUNICATIONS**

As previously noted, all AI assignments are graded according to a five-part rubric and are additionally assigned a holistic score. All rubric components are graded on a scale of 1-6, with 0-4.0 identified as below proficiency, 4.1-5.0 identified as proficient, and 5.1-6.0 identified as advanced proficiency (Vantage Learning, 2011, p. 4).
Students demonstrating college-level proficiency normally score a 4 or above on the 1-6 scale (Vantage Learning, 2011, p. 4). The goal of assigning these three specific assignments was to raise students’ proficiency level to 4.0 or better, meaning that they were writing at a college level of proficiency. The five-part rubric is defined as follows (Vantage Learning, 2011, p. 12):

1. **Focus and Meaning:** Developing and maintaining a controlling idea, focusing on the purpose of the task and the audience, and completing the assignment.

2. **Content and Development:** Fully and innovatively developing ideas, including the use of specific details and validated, relevant information.

3. **Organization:** Demonstrating cohesive structure, using appropriate transitional tools, and writing with clarity.

4. **Language Use and Style:** Properly structuring sentences, applying a variety of sentence construction techniques, and choosing verbiage appropriate to the audience.

5. **Mechanics and Conventions:** Demonstrating appropriate use of the English language, including grammar, spelling, and punctuation.

**RESULTS**

Seven semesters of data (Spring Semester 2012 through Spring Semester 2015) were collected and analyzed. The three activities analyzed included the following:

- “Crisis at Canoe,” an inductive writing activity;
- “Saving Money at the Office,” an inductive writing activity that offered the lowest increase in scores according to Edelblut and Hilliard (2011); and
- “Who Done It?” a deductive writing activity that offered the highest increase in scores according to Edelblut and Hilliard (2011).

Figure 1 reflects the total improvement over a 16-week semester, regardless of number of submissions. Consistent with Edelblut and Hilliard’s (2011) findings, the greatest improvement in scores occurred during the first month of using the artificial intelligence application. The Business Communications course is 16 weeks in length, therefore, the author was unable to determine whether the scores leveled off during the fourth full month of use as Edelblut and Hilliard (2011) determined. Consistent increases approaching college proficiency among Business Communications students were seen across all five rubrics, with the exception of a slight dip (from 3.13 to 3.01) in Mechanics and Conventions.
Similarly, Edelblut and Hilliard’s (2011) study analyzed the average first versus final submissions, with an average improvement of 15.13% (p. 8). In their study, “Saving Money at the Office” offered the lowest increase in scores (from 3.69 to 3.88, an increase of 4.95%). “Who Done It?” offered the highest increase in scores (from 3.04 to 4.02, an increase of 32.19%) (Edelblut & Hilliard, 2011, p. 8).

Table 1 reflects improvement in Business Communications students’ first to final submission scores in these same two assignments and the “Crisis at Canoe” activity.

<table>
<thead>
<tr>
<th>Writing Prompt</th>
<th>First Submission Score</th>
<th>Final Submission Score</th>
<th>Difference in Scores</th>
<th>Percentage Increase/Decrease from First Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crisis at Canoe</td>
<td>2.638</td>
<td>3.021</td>
<td>0.383</td>
<td>14.51%</td>
</tr>
<tr>
<td>Saving Money at the Office</td>
<td>3.344</td>
<td>3.335</td>
<td>-0.009</td>
<td>-0.28%</td>
</tr>
<tr>
<td>Who Done It?</td>
<td>3.210</td>
<td>3.560</td>
<td>0.350</td>
<td>10.93%</td>
</tr>
</tbody>
</table>

Table 1. Improvement in First to Final Submission Scores

While Edelblut and Hilliard found that “Crisis at Canoe” scores ranged from 2.89 to 3.12, for a score improvement of .23 points (or an 8.04% increase over the first submission) (2011, p. 8), Business Communications students’ score differences and percentage increases were nearly double that finding. Their study also found that “Saving Money at the Office” yielded the lowest increase in scores approaching college proficiency (from 3.69 to 3.88, a difference of .18 points, for an increase of 4.95%) (Edelblut & Hilliard, 2011, p. 8). While “Saving Money at the Office” similarly yielded the least effective results of the Business Communications students’ three activities, the data also reflects that students’ scores dropped from 3.344 to 3.335, a decrease of .009 points, or .28%, and likely statistically insignificant. Finally, Business Communications students’ scores replicated Edelblut and Hilliard’s findings that “Who Done It” yielded the highest increase in scores (3.04 to 4.02, for a difference of .98 points, or 32.19%) (2011, p. 8), as compared to KCC students’ scores of 3.210 to 3.560, for an increase of 10.93%.

Edelblut and Hilliard’s (2011) study also analyzed the results of students who submitted five or more responses, documenting a score improvement of 1.05 to 1.22 points, or an increase of 40.82% to 44.49%, from first to final submission (p. 9). Table 2 reflects comparable data for Business Communications students who submitted five or more times on “Crisis at Canoe,” “Saving Money at the Office,” and “Who Done It?”

Students with 5+ Writing Submissions

<table>
<thead>
<tr>
<th>Writing Prompt</th>
<th>First Submission Score</th>
<th>Final Submission Score</th>
<th>Difference in Scores</th>
<th>Percentage Increase/Decrease from First Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crisis at Canoe</td>
<td>2.638</td>
<td>3.728</td>
<td>1.090</td>
<td>41.31%</td>
</tr>
<tr>
<td>Saving Money at the Office</td>
<td>3.344</td>
<td>3.760</td>
<td>0.416</td>
<td>12.44%</td>
</tr>
<tr>
<td>Who Done It?</td>
<td>3.210</td>
<td>4.039</td>
<td>0.829</td>
<td>25.83%</td>
</tr>
</tbody>
</table>

Table 2. Improvement in First to Final Submission Scores, Five or More Submissions

For Business Communications students, the increase across all three assignments was lower than Edelblut and Hilliard’s (2011) study of thirteen assignments. Business Communications scores ranged from .41 to 1.09 points, or an increase of 12.44% to 41.31%, from first to final submission. It should be noted that Business Communications students’ final submission average of nearly 4.04 in “Who Done It?” narrowly exceeded Edelblut and Hilliard’s (2011) final submission average of 4.02 and represented the first time that the average assignment score reflected college-ready writing ability among those students. Again, those same students may have been concurrently enrolled in Fundamentals of Writing, a pre- or co-requisite course that covers eleventh- and twelfth-grade writing competencies.

Finally, Edelblut and Hilliard (2011) studied the improvement in students’ first to final submission scores across thirteen different artificial intelligence assignments provided by the textbook publisher when ten or more submissions were uploaded. Their findings reflected a score improvement of 1.37 to 1.59 points on the six-point scale, or an increase of 56.83% to 64.23% from first to final submission (p. 10). Table 3 represents KCC Business Communications students’ improvement on first to final submission scores when they submitted ten or more times.
Table 3. Improvement in First to Final Submission Scores, Ten or More Submissions

<table>
<thead>
<tr>
<th>Writing Prompt</th>
<th>First Submission Score</th>
<th>Final Submission Score</th>
<th>Difference in Scores</th>
<th>Percentage Increase/Decrease from First Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crisis at Canoe</td>
<td>2.638</td>
<td>3.700</td>
<td>1.062</td>
<td>40.25%</td>
</tr>
<tr>
<td>Saving Money at the Office</td>
<td>3.344</td>
<td>3.130</td>
<td>-0.214</td>
<td>-6.40%</td>
</tr>
<tr>
<td>Who Done It?</td>
<td>3.210</td>
<td>3.908</td>
<td>0.698</td>
<td>21.8%</td>
</tr>
</tbody>
</table>

For Business Communications students, the score improvement across the three selected assignments was somewhat lower than Edelblut and Hilliard’s (2011) findings across all thirteen assignments. Their findings reflected score improvements ranging from 1.37 to 1.59 points, for an increase of 56.83% to 64.23% from the first to the final submission (p. 9). Business Communications students’ score differences ranged from -.21 to 1.06 points, or a range of -6.40% to 40.25%, from first to final submission. Interestingly, Business Communications students’ scores on “Crisis at Canoe” ranged from 2.64 to 3.7 points, for a score difference of 1.062, or a 40.25% increase, this far surpassed Edelblut and Hilliard’s (2011) average submission range of 2.89 to 3.12 points on this assignment, for a score difference of .23 points, or an 8.04% increase.

A comparable improvement was found with “Who Done It?” Edelblut and Hilliard (2011) determined a range of 3.04 to 4.02 points, for a score difference of .98 points, or an increase of 32.19% for this assignment. Business Communications students’ scores yielded a similar range of 3.210 to 3.908 points, for a difference of .698 points, or an increase of 21.8%. The sole contrast in scores occurred with “Saving Money at the Office,” in which Edelblut and Hilliard’s (2011) scores ranged from 3.69 to 3.88 points, for a score difference of .18 points, or a 4.95% increase. Business Communications students’ scores on this assignment instead reflected a dip in final submission scores and an actual decrease of 6.4% from the first submission. Additional research is necessary to determine more specifically the reasons for the score drop on this assignment and whether that dip is statistically significant.

CONCLUSIONS

The strength of a general education course in business communications is the opportunity to develop vocational- and career-specific writing skills. While instructor-led interventional strategies to enhance students’ inductive and deductive writing skills can and should be used whenever possible, the advent of artificial intelligence engines have provided empirical evidence that students’ college writing readiness can be significantly improved. Kankakee Community College’s small-scale study replicates the findings of Edelblut and Hilliard (2011) in the three assignments provided to Business Communications students, though “Saving Money at the Office” actually yielded a slight decrease in final submission scores. More research is needed to determine whether this decrease is statistically significant.

Twenty-first century students expect classroom instruction to be technologically innovative. Twenty-first century faculty can use such innovation to assess their students’ core business communications competencies and to make specific recommendations for improvement. Artificial intelligence applications promise to become an effective and validated tool to add innovation to the classroom and to assess and enhance college students’ writing competencies.

BIOGRAPHY

Kristine M. Condon is the Program Coordinator of the ABA-approved Paralegal/Legal Assistant Studies Program at Kankakee Community College, a program she established in 2001. She began her legal career as a deputy clerk to the Illinois Supreme Court as it established the first “paperless” office in the Illinois court system. She was the computer training director for a top-ten, Chicago-based law firm and a senior trainer for the American Medical Association. A graduate of Roosevelt University’s Lawyer’s Assistant Program, Dr. Condon holds a Bachelor of Arts degree, magna cum laude, from Illinois Wesleyan University; a Master of Education degree from Loyola University Chicago; and a Doctor of Education degree from National Louis University.

REFERENCES

REFERENCES (CONT.)


LEX Graduation Sash

AAfPE offers Lambda Epsilon Chi graduation sashes for inductees. These sashes are purple satin, have the LEX Greek letters, and display the honor society seal embroidered in gold. Also available are LEX banners. The material and design of the banner are the same as the sash.

The sashes are available at a cost of $30, and the banners are on sale for $130 (payable by credit card or check made payable to AAfPE). Payment is required with submission of order. Orders must be placed within two weeks prior to commencement ceremonies.

AAfPE covers standard mailing costs for orders placed within a two week delivery date. Express shipping costs for induction certificates, pins, sashes, and banners will be billed to the LEX chapter.
A Model for Teaching Legal Research through One Large Research Project

Legal research and legal writing classes are often taught through a series of individual and unrelated research and writing assignments throughout a semester. I find, however, that the better I am able to weave course content together into a single cohesive whole, the better engaged my students will be and the better that they will perform in my classes.

In my Legal Research and Legal Writing classes, I employ this principle by teaching through one large semester-long research and writing project. I have taught several sections of Legal Writing this way, recently finished my first semester teaching Legal Research this way, and wanted to share my reflections on teaching with this method with the community.

Benefits of Teaching through One Large Project

While I just completed my first semester teaching Legal Research through one large semester-long project, I have taught other courses this way in the past and I find that this approach keeps students engaged. I have solicited student input on this approach over the course of several semesters and have found that students generally appreciate this method of teaching. Specifically, students find teaching through a single project to be less tedious than teaching through many smaller projects. Working on a single large project helps students gain an appreciation for the amount of work that goes into researching even a relatively simple legal problem. Students are forced to continue to work hard over the course of the semester for fear of being left behind. And, working on a single project over the course of the semester gives students who might otherwise get left behind additional time to catch-up with the rest of the class.

I also find that requiring all of the students to work on the same semester-long project strikes an appropriate balance between student freedom and the need for professorial control. Having each student in the class work on the same research project (as opposed to having each student research a topic of their choosing): (i) allows the professor to be intimately familiar with the details of the cases and statutes that the students are using; (ii) increases the amount of feedback that the professor can give by allowing the professor the flexibility to give detailed feedback to the class collectively and,(iii) if structured properly, still requires the students to make many judgments about how to compose their work.

What I Mean by “Legal Research”

Before jumping into a discussion of how I taught Legal Research through one large project and how the course went, I want to pause to point out the goals of my Legal Research class.

When teaching Legal Research, I focus very heavily on teaching the students to closely review cases and statutes, to apply those sources to concrete legal problems, and to effectively
communicate their analyses in writing. I focus much less heavily on teaching research in the sense of searching for legal sources.

Many of our students are uncomfortable writing and need extra help with composition. And, I have a strong sense that extra time spent with our students working closely with cases and statutes and applying those sources to legal problems will help our students develop more traditional legal research skills in the long run. Students can’t search for puzzle pieces before they have a clear sense of how puzzles work.

That said, I also teach my students basic legal research skills—in the sense of finding relevant legal sources. I require my students to pull cases and statutes with citations, to do basic cite checking, and to use basic terms and connectors searches for cases.

Teaching Legal Research through One Large Project, a Model

Some of you may recall that, in late December 1984, Bernhard Goetz, the subway vigilante, shot four African American youths in a New York subway car when they asked him for five dollars. The youths were likely trying to rob Goetz; all were injured in the shooting and one was left paralyzed. In subsequent proceedings, Goetz unapologetically stated that he intended to kill the youths, claimed self defense, and was acquitted of all charges, except for an illegal weapons possession charge (though the paralyzed youth subsequently won a large civil judgment against Goetz).

To teach Legal Research through one large project, I required my students to write a research memorandum based on a hypothetical that was very similar to the subway vigilante case. The memo generally required the students to research three issues, to pull all of the relevant cases and statutes using citations, to do some independent research (that was documented in a research log), and to report their findings in writing. Specifically, the students did a draft of the background section of the memo, a draft and a re-write of all three substantive sections of the memo, and a final polished version of the memo.

Similar to Mr. Goetz’s case, our case involved a middle-aged white man shooting African American youths on a train when they approached him for money. Unlike Mr. Goetz, our protagonist, Mr. Bernie Geitz, killed two of his victims, was more apologetic and less aggressive about the shootings, and was charged with two counts of first degree murder—based on New York’s multiple murder aggravating factor for first degree murder.

Our fact pattern supposed that we (my students and I) would be defending Mr. Geitz in his murder prosecution, and the students prepared a memorandum preserving their research on three issues:

- What it means to “intentionally” kill someone in New York, how a jury assesses intent in New York, and whether there are lesser offenses than first degree murder that we should be considering in Mr Geitz’s case;
- The parameters of the justification (self defense) defense in New York; and
- The parameter of the extreme emotional disturbance defense in New York, particularly whether Mr. Geitz’s history of schizophrenia is relevant to that defense in New York.

For each of these three issues, I gave the students citations for the leading five or six cases on point and for the relevant statutes. The students were required to pull each of these sources from WestlawNext and to use each of these sources in their memos.

For each section of the memo—corresponding to each of these three issues—the students were also required to do a small amount of independent research. These independent research assignments were relatively simple and increased in difficulty over the course of the semester. For the first section of the memo, for example, the students had to research whether shooting someone causes them “serious physical injury.” Doing this research essentially only required the students to review the annotations to the definition of “serious physical injury” under the New York Penal Law for cases involving gunshot wounds, which wasn’t too tough because Westlaw had organized the annotations under the penal law definitions into subheadings like “Serious Physical Injury-Gun Shot Wounds.” Over the course of the semester, the independent research assignments became slightly more difficult. For the final, and most difficult independent research assignment, for example, the students had to try to find cases considering schizophrenia in the context of the extreme emotional disturbance defense to murder. Doing so required the students to find a database of New York cases and to do a search for the terms “schizophrenia” and “extreme emotional disturbance.”

As I mentioned above, when teaching Legal Research, I focus most heavily on teaching the students to pull from relevant legal sources to analyze legal problems and on teaching the effective communication of such analyses in writing. To ensure that the students could effectively complete the memo, we spent our class time together unpacking the research and
writing process. After discussing the basic statutory analysis of our problem and relating our research issues to that analysis, we spent our class time together: (i) discussing each of the statutes and cases that the students would need to draw from to analyze our problem, (ii) taking appropriate notes together, (iii) learning the most basic research—in the sense of finding relevant legal sources—techniques, (iv) outlining the analysis together, (v) doing some drafting together, (vi) doing some editing together, and, (vii) working on the legal citation formats that the students would use in their memos.

**Reflections**

Reflecting back on the semester, I think that many things went well and that other aspects of the course could have gone better.

On a very basic level, the course was successful. The majority of students can pull cases and statutes from WestlawNext using citations, can review those sources, and can apply what they’ve drawn from those sources to concrete legal problems.

I am also happy with my decision to spend as much time as possible working through the research and writing process together with the students—going over each legal source in detail with the students, taking effective notes with the students and outlining the writing assignments with the students. That extra time spent helping the students through the research and writing process paid off in terms of the quality of the assignments that the students turned in. Doing this extra work with the students was also an effective way to teach them to mine legal sources for relevant information. By the end of the semester, for example, before discussing the cases in class, students understood how the cases related to our problem, and could pick out the language of the cases that I thought was most relevant.

My biggest regret for the semester is the fact that we were always pressed for time. We spent much more time discussing the five or six cases and handful of statutes that I assigned for each research issue than I anticipated and we often had less time to do the other work that I wanted to do. I ended up spending less time teaching the students to do research—in the sense of locating relevant sources—than I anticipated, and, we spent very little time discussing secondary sources (though I assigned secondary sources including treatises and pattern jury instructions as part of the readings).

The next time I teach this course, I’ll need to ensure that we have enough time to use secondary sources and to do more independent research. Doing so will either require me to cut the number of cases I assign to the students or will require me to find a way to better motivate many of my students to read the cases before coming to class.

**Conclusion**

In the end, I am very happy with my decision to teach Legal Research through one large research project, and I plan to continue doing so going forward. I found that my students remained relatively well engaged over the course of the semester and that the majority of the students took something from the class. The majority of students can pull cases and statutes from WestlawNext using citations, can review those sources and can apply what they’ve drawn from those sources to concrete legal problems, and in my opinion, improved their writing abilities over the course of the semester.

**ENDNOTES**

1 Under the multiple murder aggravating factor for first degree murder in New York, the defendant only needs to kill one of the victims with “intent to kill.” The defendant can kill additional victims with “intent to cause serious physical injury” and still be guilty of first degree murder. N.Y. Penal Law § 125.27(1)(a)(viii).

2 It should be noted that, although I gave students a significant amount of help through the research and writing process, the students were still required to do a lot of work. Students were required to use all of the legal sources that I identified in their memo. To use these sources effectively, students had to read these sources at some point. Students also had to understand our problem and the legal sources enough to make detailed judgments about how to convert the notes and outlines that we did together into composed and polished drafts.

3 While I definitely need to increase the amount of independent research that I require students to do, I want to do so in a way that appropriately balances: (i) students’ need to independently explore legal resources and (ii) my need to preserve some control over what cases students are reading and discussing in their memos (and accordingly, the cases I need to read and to be familiar with). In connection with the independent research aspects of the memo, I planned to attempt to balance these interests in the following way, but didn’t have time to do so. I planned to give students roughly 45 minutes to an hour of class time to find relevant cases independently, and planned to come together as a class to briefly discuss the cases that were found, and to identify three to five relevant cases to be read by the whole class as homework before the next class. I planned to discuss these cases in the following class session. In that session, we would have discussed the relevance of the cases to our issue, mined the cases for useful information, cite checked the cases together, and discussed which cases would be used in our memo.
During their college years, some young adults begin dating and/or forming serious romantic relationships for the first time, while other students may already be married, in long-term relationships, living with a boyfriend or girlfriend, or co-parenting with another person. Despite the wide range of possible intimate partner relationships among college students, studies show that this population is highly susceptible to becoming a target of domestic violence. Specifically, according to the U.S. Department of Justice, women aged 16-24 experience the highest per capita rate of intimate partner violence in the United States.\(^1\)

**Intimate Partner Violence Defined**

Intimate partner violence is a serious, preventable public health problem that affects millions of Americans each year. It is defined as a repetitive pattern of behaviors to maintain power and control over an intimate partner.\(^2\) These behaviors may include the use of physical violence and intimidation (such as punching walls, slamming doors, breaking or throwing things, etc.), rape and sexual violence, emotional and verbal abuse, threats of harm and economic deprivation, among other coercive behaviors arousing fear in the victim. Recent studies show that the vast majority of intimate partner violence is committed against women (82%) compared to men (18%).\(^3\) This type of abuse can occur in both heterosexual and homosexual relationships.
Scope of the Problem on College Campuses

The following statistics describe the scope of intimate partner violence on college campuses, as reported by the National Coalition Against Domestic Violence.4

- 43% of dating college women report experiencing abusive behaviors from their partner.
- 60% of acquaintance rapes on college campuses occur in casual or steady dating relationships.
- 13% of college women report that they have been stalked, and of these, 42% were stalked by a boyfriend or ex-boyfriend.
- 25% of female students experience sexual assault over the course of their college career, and approximately 90% of victims know their assailant.
- Date rape among college students accounts for 35% of attempted rapes, 22.9% of threatened rapes, and 12.8% of completed rapes.

Obstacles to Getting Help: Mandy’s Story

Mandy was a bright and motivated college student in her early twenties who aspired to be an attorney one day.5 Raised in a dysfunctional household with an alcoholic father, she moved out of her parents’ home as a young teen and married her high school sweetheart. However, Mandy’s dream of romance abruptly ended when her husband began to emotionally and physically abuse her. As the violence escalated, Mandy’s grades in college deteriorated and she battled with depression and Posttraumatic Stress Disorder. One day, Mandy was at the campus library with her study group when her husband began to stalk her. Seeing that Mandy was in a co-ed study group, he became enraged with jealousy, storming into the library and ordering her to come home with him at once. Humiliated and afraid at the public spectacle, Mandy refused to leave the library. Her husband then took Mandy’s backpack and left, preventing her from finishing her homework assignment due later that day in class. Mandy immediately reported the stalking incident and theft to campus police, but they took no action, categorizing the incident as a “private domestic dispute.” Mandy became discouraged and decided not to report any other incidents to campus authorities. Further, given the lack of a family support system in place, Mandy had no one to turn to and became increasingly isolated, coping with fear and shame in her private world. Mandy eventually dropped out of college, unable to access outside help and resources to deal with her volatile relationship.

Mandy’s story illustrates some common obstacles that college students face in terms of accessing services that may assist them in escaping an abusive relationship. First, it is important to recognize that college campuses are not immune to incidents of intimate partner violence and, in fact, 57% of college students report having been in an abusive dating relationship that occurred on campus.6 Second, intimate partner violence is frequently misunderstood by college personnel who are not properly trained about the dynamics of power and control which are indicative of an abusive relationship. This is compounded by the fact that victims of intimate partner violence are traumatized and sometimes unable to articulate why the complained of behavior arouses fear or places them in danger. Third, some college students are far away from home for the first time or have limited family support structures in place, making them feel alone and isolated. This is especially true if students are from out of state or a foreign country or otherwise far away from their emotional support system. Fourth, intimate partner violence frequently affects the academic performance of victims in a negative way and, in extreme cases, may result in failing grades or dropping out. Finally, students may refuse to get help if they experience negative responses by campus personnel or face retaliation from their intimate partner for exposing the abuse, so it is important that we have a basic understanding of the problem in order to intervene in an appropriate fashion.

How We Can Help Students

One way we as college educators can help students is by obtaining in-depth training about intimate partner violence. This type of training is often available on campus or locally in the community from social service agencies, domestic violence organizations, district attorneys offices or law enforcement. One example is the annual conference hosted by the National Family Justice Center Alliance, offering three-day trainings with a focus on trauma-informed practices for educators and professionals in diverse fields, survivors, and other social change professionals. Scholarships are available to help defray conference and travel fees. Please note that some faculty and staff are considered mandated reporters for purposes of Title IX of the Civil Rights Act of 1964. As such, some of us may be required to participate in such trainings as a condition of employment in order to comply with federal and state laws. It is therefore advisable to check with the dean’s office or human resources department at your institution to get further information.
It is also imperative that educators are able to identify available campus resources, such as counseling services, support groups, food banks and medical clinics, and that we widely disseminate this information to students, as 38% of college students report not knowing how to get help on campus if they become a victim of dating abuse. Finally, if a student approaches one of us for help, we should be cautious not to use any language that blames the victim. In reality, there are many reasons why people stay in abusive relationships, such as fear, confusion, embarrassment, low self-esteem, financial constraints, cultural and religious reasons, language barriers, immigration status and other legitimate reasons. It is therefore advisable to listen to a student in a non-judgmental way, acknowledge that he or she is in a difficult and scary situation and explain that help is available. This includes help developing a safety plan, which is a personalized, practical plan that includes ways for victims to remain safe while in an abusive relationship and while they are planning to leave the abuser.

Resources

While we cannot rescue students in abusive relationships, we can certainly help connect them to resources to break free from the violence. There are a number of resources available to help college students facing intimate partner abuse. The National Domestic Violence Hotline offers free and anonymous assistance by highly trained, expert advocates through a 24-hour telephone hotline, including referrals to shelters, counseling and law enforcement. Further, Family Justice Centers located throughout the United States, local bar associations and legal aid programs frequently provide free resources to victims of abuse and their family members, such as pro bono legal assistance to obtain a divorce, or a restraining order to establish custody and supervised visitation. Finally, it is advisable that a student who has a restraining order records it with campus police as a safety precaution as well as carry a copy of the papers on his or her person at all times in order to readily enforce the court’s order if necessary.

BIOGRAPHY

Dovie Yoana King is an experienced public interest lawyer and adjunct professor at Miramar College, teaching bankruptcy law and employment law. Dovie is a member of the San Diego Domestic Violence Council. She is also a pro bono attorney at the Legal Aid Society of San Diego’s Domestic Violence Restraining Order Clinic, where she regularly assists battered men and women free of charge. Dovie earned her bachelor’s degree from Brown University and juris doctor from Northeastern University School of Law.

ENDNOTES


2An “intimate partner” is generally defined as someone who the victim is married to or formerly married to, dating or formerly in a dating relationship with, related to by blood, marriage or adoption (e.g., mother, father, in-laws, siblings, adult children), or living with or formerly living together with as members of a household. It can also include someone the victim has a child or children together with.

3Supra note 1.


5Mandy’s story, while inspired by real stories of college students facing intimate partner abuse, is fictitious. Any resemblance to real persons or events is purely coincidental.


7Supra note 6.

8The National Domestic Violence Hotline can be reached at 1-800-799-7233 (TTY: 1-800-787-3224) or on the Internet at www.thelhotline.org (visited on January 22, 2016).

The presence of service dogs throughout America has increased exponentially over the past two decades. Service dogs have become more prevalent since they first emerged in the United States beginning in 1928. It is (roughly) estimated that there could be upwards of more than 387,000 service dogs being used today for the millions of individuals afflicted with visible and invisible disabling conditions. Many students require the assistance of their service dog as they pursue advanced degrees. Accommodations for disabled students and their service dogs extend to the classroom as well as to on-campus housing.

Federal law regulates the use of service dogs in postsecondary schools primarily through the Americans with Disabilities Act, Section 504 of the Rehabilitation Act and the Fair Housing Act. We hope this piece will assist you and your students in understanding the use of service animals in the classroom, on campus and beyond.

**BASIC GUIDELINES REGARDING SERVICE DOGS**

There are some things educators need to know about the use of service animals. Service dogs are used to perform a task or function to assist a person with a disability.\(^2\) The task or function may be to alert, detect or assist. Service
dogs are permitted to go anywhere that the disabled person goes except in settings with “blanket policy” prohibitions. There are only two questions that can be asked of a disabled person using a service dog (if not obvious). One: “Is this a service animal?” Two: “What task or function does your dog perform?” Under the Americans with Disabilities Act (ADA), you cannot demand proof of a person’s disability, and there is no certification or registration required by law for service dogs. The Fair Housing Act (FHA) can require a limited amount of documentation to substantiate and evaluate the reasonable necessity of the use of a service dog. But, the FHA also broadens the scope of assistance to include emotional support dogs, which are not covered under the ADA. There are two factors that would allow a public entity to deny access of a service dog or ask the disabled handler to remove the service dog. One factor is if the service dog is not house broken. The other would be if the service dog displays hostile or aggressive behavior.

THE INCREASED PRESENCE OF SERVICE DOGS IN SCHOLASTIC VENUES

Many persons with disabilities pursue higher education. It is very likely that you will see at least one service dog on the campus of a postsecondary school, because of the growing necessity. Service dogs assist disabled students who suffer from a myriad of conditions including, but not limited to, seizure disorder, diabetes, severe allergies, autism, mobility impairments, or visual impairments. The ADA and Section 504 are the fundamental controlling laws for service dogs in an academic setting.

The Americans with Disabilities Act Amendments Act (ADAAA) of 2008 requires any public entity of the government under Title II to provide equal access to the benefit of services and programs provided by and through that public entity. In addition to the ADA, Section 504 of the Rehabilitation Act also mandates that “no qualified individual with a disability . . . shall be excluded from, denied the benefits of, or be subjected to discrimination” by any program or activity that receives federal financial assistance. State universities and colleges are therefore required to ensure that disabled students are provided equal access.

In primary and secondary education, the Individuals with Disabilities Education Act (IDEA) becomes the controlling law. IDEA, 20 U.S.C. § 1415(f), which provides procedural safeguards, imposes exhaustive administrative requirements that must be fulfilled before the ADA or Section 504 can be enforced.

THE PRESENCE OF SERVICE DOGS IN THE DORM

The Fair Housing Amendments Act of 1988, combined with the mandates of the ADA and Section 504, expressly prohibits discrimination against disabled persons. The requirements of the FHA are slightly different from the ADA because the FHA does permit the request for a limited amount of documentation to determine the reasonable necessity of an accommodation request. In addition, HUD has interpreted the FHA to include “assistance animals that are not specifically trained.” This allows students who may suffer from anxiety or depression to bring an emotional support dog with them to live in on-campus housing.

CONCLUSION

Service dogs are vital to students with disabilities. Discrimination against disabled persons who utilize service dogs is strictly prohibited under the Americans with Disabilities Act Amendments Act, Section 504 of the Rehabilitation Act and the Fair Housing Amendments Act. It is important to understand the laws that regulate service dogs in order to avoid discrimination against disabled students who use service dogs. It is in this way that everyone benefits from the use of these noble animals.

BIOGRAPHIES

Dr. Robert Diotalevi, Esq., LL.M., is the Founding Program Coordinator and Associate Professor of Legal Studies at Florida Gulf Coast University in Fort Myers, Florida. He has been a lawyer for 30 years. He possesses four degrees and has been internationally published. His email is bdiotale@fgcu.edu.

Ms. Judy L. (Winslow) Hoffman, RN, BS Legal Studies, MPA, is a 3L JD Candidate at Barry University School of Law in Orlando, Florida. She is currently the student president of Barry Law’s Legal Advocates for Citizens with Disabilities. Ms. Hoffman is a licensed RN since 1985 and worked until she was diagnosed in 2000 with latex allergy type one and four, and subsequently multiple chemical sensitivities. In 2011, Ms. Hoffman obtained a service dog, initially trained for latex detection, who also functions as a Medic-Alert. Her email is judy.hoffman@law.barry.edu.

ENDNOTES


4 Historically the term “service animals” included any animal, to include, but not limited to, dogs, monkeys, pigs, miniature horses or other animal demonstrated to aid a disabled person. As of 2010, the Department of Justice has proclaimed, effective March 12, 2011, that only “dogs” are recognized under Title II (public government entities) and Title III (general public accommodations) of the ADA.


6 “A public entity shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.” 28 C.F.R. § 35.136(f) (2015).

7 It should be noted that service dogs and therapy dogs are not the same. Therapy dogs are not as commonly used by persons with disabilities, but more so in a particular setting under specific guidelines and often for emotional support. Therapy dogs are generally for the benefit of more than one person and therefore generally do require some form of certification and training. Therapy dogs are not covered by the ADA, but are generally addressed through state legislation. See ADA National Network, Service Animals and Emotional Support Animals, Section III, https://adata.org/publication/service-animals-booklet.


9 ADA Title II, 42 U.S.C. §§ 12131-12165.


13 Fry v. Napoleon Cmty. Sch., 788 F.3d 622 (6th Cir. 2015).


15 42 U.S.C. § 3604(f)(3)(B), which states: “[F]or the purposes of this subsection, discrimination includes . . . a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.” Falin v. Condo. Ass’n of La Mer Estates, 2012 U.S. Dist. LEXIS 73453, 7 (S.D. Fla. May 28, 2012).

16 “[T]he determination of whether a particular accommodation is reasonable involves a very fact-specific inquiry and necessitates an examination of the particular circumstances. . . . Under the Fair Housing Act, plaintiffs have the burden of proving that a proposed accommodation is reasonable.” Peklun v. Tierra Del Mar Condo. Ass’n, 2015 U.S. Dist. LEXIS 163554, 22-23 (S.D. Fla. Dec 7, 2015); Bhogaita v. Altamonte Heights Condo. Ass’n, 765 F.3d 1277, 1287 (11th Cir. 2014) (quoting Jankowski Lee & Associates v. Cisneros, 91 F.3d 891, 895 (7th Cir. 1996) (“That it is ‘incumbent upon’ a skeptical defendant ‘to request documentation or open a dialogue’ rather than immediately refusing a requested accommodation[,] does not entitle a defendant to extraneous information. Generally, housing providers need only the information necessary to apprise them of the disability and the desire and possible need for an accommodation.”).


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In the United States, we have a long history of utilizing paralegals to assist attorneys with an array of substantive legal matters. Paralegals have provided legal assistance not only with pro bono matters but they have also been an invaluable instrument in providing access to justice for the poor. As a former practicing attorney for Legal Services, paralegals were invaluable members of my team. We provided quality legal representation to the poor and disenfranchised members of our community in family law matters. As a paralegal educator, our paralegal students at Miami Dade College have engaged in free legal clinics for matters such as domestic violence, immigration and special education law. In India, and in much of the developing and developed world, there is no career per se for paralegals. As such, there are opportunities for paralegal educators to identify global partners and engage in collaborative projects.

India is the world's largest democracy with the world's second-largest population. It is an emerging economy with a vast number of Indians living in poverty. Paralegals can be instrumental in increasing access to justice for Indians and the poor in other countries who otherwise would not have access to the legal system. This article will highlight the manner in which paralegal education is being shared with colleagues in India. By seeing how paralegal education will be introduced in India, the reader can learn how to create a new generation of formally trained paralegals who can increase access to justice for women, the rural poor, and members of the lower class or caste. A Fulbright Specialist Program grant has been awarded to Dr. Danixia Cuevas of Miami Dade College, one of the authors of this article, to carry out such a program this summer.

Paralegals may be the only resource for access to a cumbersome and costly justice system for the rural poor in India and many developing countries. The preamble of India's Constitution resolves to secure social, economic and political justice for all its citizens.1

Social justice is defined to include no discrimination against any citizen on grounds of caste, creed, color, religion, sex or place of birth. Article 14 of the Indian Constitution guarantees a right to
equality. As an American paralegal educator, there is a unique opportunity for faculty to improve access to justice in another part of the world, and in the process internationalize the curriculum, engage with global institutions and exchange scholarships.

The quality of legal education, number of courts, and high cost of litigation are factors behind poor access to justice. Globally, almost half of the world’s population lives on $2.50 daily, and 80% of the world’s population lives on less than $10.00 per day. According to the 2011 census, 68.84% of the total population of India resides in rural areas. 25.7% of people in rural areas are below the poverty line, and 13.7% are in urban areas. Major barriers to access to justice for Indians include poverty, illiteracy and long distances. That is why India needs trained people who can reach out to the poor, help them in getting justice and bring them out of poverty.

By 2022, it is estimated there will be nearly 600 million people in India between the ages of 15 and 59. That means India will have a workforce of around 600 million in another six years. This is often referred to as a demographic dividend for India because such a workforce can contribute toward economic development of the country. We cannot ignore the fact that the Indian workforce is among the world’s least skilled workforces. Only 3.5% of the Indian workforce has skills of any sort. This is what has raised concern for the government of India. It has established a target of training 400 million Indian workers to become skilled workers by 2020. Therefore, the authors are proposing to develop a system or program to train some of these people in providing access to justice. An Indian National Paralegal Program Training Institute can increase access to justice for the rural poor by increasing workforce development skills and the role of community colleges in increasing access to an affordable education for thousands of Indians.

According to the American Bar Association, a paralegal is a person qualified by education, training or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency, or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible.

Unlike in America, community paralegals are used in developing countries to provide access to justice for the poor who may live in remote villages with no access to attorneys or the legal system. They are trained assistants to attorneys who can go into the community and meet with the clients, assess their needs, serve as mediators or advocates and can assist an attorney with preparing all types of documents. Community paralegals live and reside in the same communities they serve. Often they are in the trenches moving through rural and remote areas addressing client needs and finding solutions to their legal and socio-economic problems.

Community paralegals do not give legal advice. They provide general legal information and may inform villagers of their legal rights. They may also act as mediators in local legal matters such as land rights, domestic violence, tribal matters etc. It is not uncommon to witness a community paralegal riding a bicycle into the village to host an educational session about a local rights issue. These can be informal sessions held in a hut, a school or in someone’s home. On a recent trip to India, I met two young attorneys who lead an NGO in Nepal, the Forum for Nation Building (FNB). FNB Nepal is a nonprofit organization established in March 2013 by youth of Nepal. It is an association of diversified youth who have been working in the different professions that has direct and indirect connections on nation building process. They provide training to community paralegals and law student volunteers to give post-earthquake legal assistance to rural Nepalese, and for another domestic violence education project. The paralegals who work for the NGO can trek up to five hours to reach the village where they are able to provide much-needed legal services. Without the intervention of these community paralegals, the local Nepalese would never be able to access the court system or meet with an attorney on these kinds of problems.

Similar to Nepal, India has a shortage of attorneys who can address legal needs of the poor. According to Prof. SK Deva Rao, “Paralegal education is an important tool and method to provide unmet legal needs of the people. It will improve the overall quality of professional legal education while expanding services for the poor. Paralegals can assist the community by providing legal advice, assistance, and promote the community dispute resolution.” Despite the acute need for paralegals in India, there is no formal paralegal education program.

There are a few developing countries that have started a community paralegal training system and are relying on it to improve access to justice. According to the Open Society Foundation, community paralegals can be hired by NGO’s and others to increase access to justice. For instance, in Sierra Leone in 2011, there were ten judges and 100 attorneys for a country of over three million people. With an acute need for legal services, a pilot project was created by this foundation to create training programs for community paralegals. Timaf for
Justice was co-founded by the Open Society Foundation and a Sierra Leonean, NGO to provide free legal services to the rural poor in Sierra Leone, and increase access to justice for this community. Timap for Justice employed community paralegals to provide free legal services to the rural poor. Some of the cases that the community paralegals worked on included “a man cheated by a corrupt local chief and a woman accused of being a witch.” The impact of access to justice cannot be overstated. Timap for Justice has been lauded internationally by organizations such as the World Bank, Transparency International, the International Crisis Group, and the UN Commission on the Legal Empowerment of the Poor.

Timap for Justice community paralegals utilize both their legal and non-legal skills to work with clients in land matters, domestic violence, matters relating to the inability of a client to access government services, corruption and others. They were successful in providing “legal and general advice, counseling and mediation, community education and litigation activities.” Daniel Sesay, a community paralegal employed by Timap for Justice in Sierra Leone, provides a powerful story about a domestic violence victim. While at home, a woman about 25 years old knocked on his door late one night. She had a swollen face and a bloody nose. She had just gone to the local police station to file a complaint against her husband for beating her and had been turned away. The paralegal accompanied her to the police station and advocated on her behalf, ensuring that the police took her complaint. He assisted her with finding secure housing for that evening until she could proceed with her case in court.

India can also utilize paralegals. State legal aid councils, law firms and non-governmental organizations can hire paralegals. NGOs that have a targeted population can utilize paralegals, send them into the community and provide more comprehensive, hands-on and effective assistance for those who cannot otherwise access the legal justice system. The National Legal Service Authority (NLSA) in India brought out a “Para Legal Volunteers Scheme” (PLVS) in 2009, which aimed at imparting legal training to selected volunteers from different walks of life. Many states have established a State Legal Service Authority (SLSA) and High Courts. Even at the district level, such legal aid authorities have been established.

India has not been able to provide access to justice to the whole population, and according to the World Justice Project Rule of Law Index, it ranks 59th out of 102 countries. The World Justice Project has a rule of law index that utilizes nine different factors in assessing how the rule of law is applied around the world. They measure such things as constraints on government factors, absence of corruption, order and security, fundamental rights, open government, regulatory enforcement, civil, criminal and informal injustice. There is a need to train people who become agents to provide access to justice. This is an opportune time when the needs of the nation can be taken together to emphasize skill development as well as access to justice for citizens. In the education sector, only Indira Gandhi National Open University runs a formal program for paralegals. Therefore, institutions and universities who can train people in this field need to be identified and assisted to create more programs. A paralegal educator from the United States is uniquely qualified to do this.

The proposed program includes launching a one-year or two-year paralegal degree program. Such a program would not require a college degree, and it would be an affordable skill development program. The low cost, short time frame and increased employability characteristics of such a program can be replicated with relative ease by vocational schools or within the community college structure.

Paralegal educators are invited to globalize their curriculum in a myriad of ways. Contact your office of International Education and find sister universities that may already have existing memoranda of understanding with your institution. Identify an overseas faculty member and create collaborative projects related to your substantive area of law, service learning or other areas of interest. Consider applying for a Fulbright award in either teaching, research or both. Create a study abroad program. Also, there are local resources that you can locate. For example, many cities have a local International Visitors Association that can arrange for global speakers to give presentations at your university.

Dr. Cuevas will return to India as a Fulbright Specialist during the summer of 2016 and will provide an in-depth training sponsored by the National Law University Delhi for law school professors and community college and vocational training faculty, as well as NGO participants regarding paralegal education and curriculum. Each attendee can return to his or her respective institution or NGO with a clear understanding of what a paralegal is, impact of paralegals on the legal system and how they can increase access to justice for thousands of people. As such, this program can be replicated nationally, and community paralegals will have a transformative impact on the lives of many. The training will enable participants to return to their home institutions and create paralegal programs that can educate young people, prepare them for careers as paralegals, and most importantly increase access to justice for the rural
poor whose legal needs can be served by the newly trained community paralegals who can service villages throughout India. This project highlights one of the myriad of ways that faculty members institutionalize their curriculum by finding a sister school or colleague to engage in substantive collaborative projects including the creation of paralegal education and curriculum in emerging countries such as India.

BIOGRAPHIES

Professor Danixia Cuevas, J.D. received both a Bachelor’s and J.D. degree from Rutgers University. She is presently a Professor at Miami Dade College (MDC) in Miami, Florida. She has engaged in numerous service learning projects including free legal clinics for Immigration, Special Education and Domestic Violence Law. Prof. Cuevas has presented at numerous national and an international conference in India regarding paralegal education, service learning, domestic violence and the death penalty and has previously written for The Paralegal Educator. Prof. Cuevas has received numerous awards including being recognized as a Fulbright Specialist in 2015 and will return to India in the summer of 2016 to train Indian faculty and administrators on paralegal education and curriculum.

Prof. (Dr.) Harpreet Kaur is a full time Professor at National Law University, Delhi (NLUD) and teaches Corporate Laws, Securities Regulations and Competition Laws. Presently she is serving as Chair Professor of Indian Studies on Rotating Chair established by Indian Institute of Cultural Affairs at Faculty of Law, Leibniz University, Hannover, Germany. She is also the research director for the Center for Corporate Law and Governance and Faculty In-charge of Diploma and Certificate course in Competition Policy and Law at NLUD. She has authored a text book on Business and Corporate Laws and co-authored textbooks on Jurisprudence, Interpretation of Statutes, Law of Torts and Labour and Industrial Laws. She has represented the university at many forums, conducted training programmes for corporate executives on Corporate Laws and participated regularly in international conferences. She has received Rashtriya Gaurav Award from International Friendship Society, New Delhi and is an alumnus of International Visitors Leadership Programme.

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4. Srikrishna Deva Rao, “Paralegal education in India: Problems and prospects” (former Registrar and faculty member, NLUD)


ENDNOTES


5Salve for the unskilled’, The Times of India, July 26, 2015.


7The Open Society Foundation was established by the philanthropist, George Soros. The mission statement is as follows, “The Open Society Foundations work to build vibrant and tolerant societies whose governments are accountable and open to the participation of all people.”https://www.opensocietyfoundations.org/about.


9http://www.fnbnepal.org


16The World Justice Project has a rule of law index that utilizes nine different factors in assessing how the rule of law is applied around the world. They measure such things as constraints on government factors, absence of corruption, order and security, fundamental rights, open government, regulatory enforcement, civil, criminal and informal injustice. http://worldjusticeproject.org/rule-of-law-index

17http://worldjusticeproject.org/rule-of-law-index
The main lecture hall at Rockland Community College was transformed into a modern day courtroom on November 20, 2015. The Mock Trial was a criminal case, based on a very real topic for students: sexual assault on a college campus. The sexual-assault-themed trial also served to further awareness of sexual harassment and sexual violence on college campuses.

The Paralegal Department at Rockland Community College organized the event from its inception to the pinnacle moment of the trial. Our venture began by posting flyers around the campus to promote the event and seek participants. Thirty students from various disciplines attended. These potential participants were given the Mock Trial scenario and the proposed schedule. For this event to be successful, a commitment was required from the students. They would need to fully immerse themselves into the characters they chose. They also had to attend ten sessions over the course of two months to learn the basics of trial advocacy. Fortunately, we did have many motivated and committed students sign up for the challenge, but we also had students drop out along the way. The remaining participants were the committed students who really wanted to participate in this extraordinary opportunity. They became the two prosecuting attorneys, the three defense attorneys, the six necessary witnesses, and the jury of seven. Our judges were of members of the legal community, members of our Advisory Board and our wonderful faculty.

The moment came when the court clerk called the room to order: “Court is now in session.” The students played their roles courageously and believably. Remarkably, they were able to transform themselves into attorneys giving opening statements, handling direct and cross-examinations, introducing evidence, utilizing objections, and understanding the ever-complicated hearsay rules.

Evidence was introduced. Objections were made. There were mistakes. Ultimately there was a verdict, and an acquittal. In the end, it was a rewarding experience for those who participated and those who came to watch. Since the trial was strategically located in the main lecture hall, many people walking by came in to take a peek. To their surprise, they found a courtroom with a trial being conducted. This was an added bonus in holding the event: exposure to other students outside of Paralegal Studies.

At the conclusion, the prosecution team members were awarded crystal paperweights engraved with the inscription “Mock Trial 2015.” They were the winners of the competition. All of the participants were presented with a “scale of justice” pin.

It was quite astonishing that in such a short period of time, and after an enormous amount of work, the students were able to perform to the level they did. Not only did they learn the law, they understood it. They put it into practice and they had fun doing it! If you are thinking of adding a mock trial to your program, go ahead, it’s worth it.

**BIOGRAPHY**

Patricia E. Szobonya, Assistant Professor and Chair of the Paralegal Department at Rockland Community College. She graduated from St. Francis College, Cum Laude, and an Honors Scholar, with a B.S. in Management and a minor in French. She graduated New York Law School in 1998 and passed the New York and New Jersey Bar in 1999. She is also admitted to practice in the U.S. District Court of New Jersey and the U.S. Southern District of New York Court. She maintains her practice as a general solo practitioner.
I use peer groups in my legal specialty courses. If you are like me, the thought of group work probably makes you cringe. For most of our students, group work is a source of great fear and frustration. I have never assigned a group project in any class. Peer groups are a tool to engage students in deeper critical thinking; a peer group is not a work group but rather a network of classmates the student relies on for questions about the class and for sharing ideas. In the legal profession, we often work with others to develop sound legal arguments; in class, the peer group replicates this environment.

PEER GROUP ORIGINS

The peer group concept is certainly not unique to me. I first encountered the idea several years ago at an educational symposium. The speaker was a faculty member in our campus nursing program. She explained how she used peer groups to teach students to reason through complex medical issues. The presentation reminded me of something from a critical thinking book I was reading and later developed into the foundation for my peer groups.

Author Stephen D. Brookfield discusses peer groups in his book *Teaching for Critical Thinking*. He describes learning in groups as one of the most meaningful ways to engage in critical thinking. Most students only surround themselves with friends, and these friends often mirror their own thoughts and beliefs. Peer groups connect the student with others who can think from all sides of an issue. In peer groups, students are more willing to develop their ideas. For whatever reason, students are just more apprehensive when developing ideas in teacher-led discussion. Data suggests that students will connect to their peers more deeply in these group discussions. Peer examples are more relevant to the student and not as threatening. The best method for structured learning in these peer groups is simple: listen – ask questions – offer new perspectives.

Brookfield goes on to provide structure on what critical group discussion looks like. The group must try to generate different perspectives while guarding against consensus-building. He recommends a structure where everyone has a chance to contribute – no one dominates the conversation, no one is in charge of the group – everyone engages in active listening.

APPLICATION TO COURSE

Brookfield provides ideas and structure for group learning, but I had to apply this to my classes in a practical way. My test course was Advanced Legal Writing. This is our capstone course, and for many years I have taught the class using a seminar format. It is not a lecture class, but a dialog about legal writing. The results from the first peer group class were dramatic. I saw immediate improvement in student assignments, but better still, there was less anxiety about class projects. Before peer groups, I received the normal frantic emails, but I also had in-class eruptions about research problems, issues and writing. After peer groups, students were more confident and organized but also comfortable discussing their assignments with their peers and me. An unexpected result of the peer group model was that I gained time in class to deal with students one-on-one. Before, class discussion took the entire class time and I would meet with
students after class or during my office hours. When we moved to the peer group model, during group meeting time I was able to circulate among the groups and field questions. My office hours were now a time for meetings about more involved questions.

**STEPS TO SUCCESS**

Over the past three years, I have refined the peer group model to be more effective. I will spare you the trial and error of the refinement process and explain how the peer group model works in my class today.

1. **Create Groups:** Before the initial class meeting, I separate the students into peer groups. The classes are 12-20 people, so assigning the groups does not take much time. Our campus learning management system has a group function. I use the system to randomly assign groups and then review the groups and move people if needed. I like to have a balance of people in each group – diversity of ideas, quiet/talkative, etc. If I am unfamiliar with a student, I discuss the student with my teaching colleagues to make certain the groups are balanced.

2. **Establish Expectations:** During the initial class meetings, introduce the peer group concept. Explain these are not work groups. These groups are designed to think together. Let the students meet their group members the first day and introduce themselves.

3. **Designate Group Time:** Groups must meet weekly. My class meets twice a week. We hold discussion during the first class meeting of the week, and the groups meet during the second class period.

4. **Use the Groups for Discussion:** Each week, one group is designated to lead our class discussion. The group members know they have to read well and may be relied on to discuss important concepts for the week. It does not mean the other groups cannot read or prepare for class, but it gives me a guaranteed group to speak for the week.

5. **Accountability Group:** Since this is Advanced Legal Writing, we write and research all semester. The groups have time to discuss their research within the group, and they hold each other accountable for deadlines. If someone in the group is struggling, the other members can help. If someone is falling behind, the group makes recommendations for getting back on track.

6. **Class Work:** Each week the groups also must work on an in-class activity together. This activity reinforces what we discussed in class. For example, it could be an assignment about grammar or citation. The groups work on the assignment, and then we come together as a full class to discuss their work.

**WHY IT WORKS**

The peer group concept works by stimulating critical thinking skills in my students. During a recent class discussion, a student responded to a question by saying her group members would disagree with her. That is exactly the point of the peer group. I do not want students to all agree. Students in the group should be looking at law differently and discussing, even arguing, the law. I do not want to produce robots – I want to produce thinkers! Getting at all sides of a problem is the hallmark of law. Students should be able to anticipate counter-arguments before they are made. The peer group helps the student do this. During research we have a tendency to develop blinders – only looking at our side. The peer group removes the blinders – group discussion leads to advocacy.

The students are also more willing to defend their positions in a small group setting than a large setting. I agree the student needs to be able to discuss information in front of a large group. But, in the learning phases, getting the students to contribute in a meaningful and thoughtful way is much easier in a small group setting. Even my quietest students are willing to talk with their group. I am always surprised how quickly the students develop advocacy skills when defending their position within their group.

I encourage you to try the peer group concept in your class. You will be amazed by the transformations in your class discussion and student work product.

**BIOGRAPHY**

Erin M. Engels, J.D., is the Director of Paralegal Studies at Indiana University/Purdue University – Indianapolis and is an Assistant Clinical Professor of Political Science. She has practiced law in Indiana for 16 years. She and her husband own a farm in rural Indiana where they raise dairy goats, chickens and their three children.

**REFERENCES**


**ENDNOTES**

2. *Id.* at p. 55.
3. *Id.* at p. 57.
4. *Id.*
5. *Id.* at p. 58.
6. *Id.* at p. 59.
7. *Id.* at p. 181.
8. *Id.* at p. 182.
I. INTRODUCTION

In 1991, the American Bar Association adopted the ABA Model Guidelines for the Utilization of Legal Assistant Services (the “Model Guidelines”). Thereafter, most states adopted similar guidelines or recommendations for attorneys with regard to working with paralegals. The Model Guidelines were updated in 2003 and again in 2012, which included a title change to reflect the more common usage of the term “paralegal” in place of “legal assistant” and incorporated significant legal and policy developments that had occurred since the last update.

The Model Guidelines and their state counterparts focus on attorney conduct to provide guidance to attorneys regarding the utilization of paralegal services. They do not address directly the conduct of paralegals. However, the Model Guidelines provide important information for paralegals as well as attorneys. This article provides an overview of the Model Guidelines and then focuses on perhaps the most challenging areas for paralegals, such as avoiding the unauthorized practice of law, conflicts of interest, and breaches of confidentiality.

II. MODEL GUIDELINES

Guideline 1: A lawyer is responsible for all of the professional actions of a paralegal performing services at the lawyer’s direction and should take reasonable measures to ensure that the paralegal’s conduct is consistent with the lawyer’s obligations under the rules of professional conduct of the jurisdiction in which the lawyer practices.
This guideline incorporates principles from all of the guidelines. It both recognizes the importance of the use of paralegals in providing legal services and affirms the role of the attorney in exercising independent professional judgment and assuming ultimate responsibility for all aspects of the representation. It also incorporates principles of agency law, reflecting the fact that attorneys are responsible for the actions and work product of paralegals and other non-attorneys they employ. To comply with this guideline, attorneys must give appropriate instruction to their paralegals and provide adequate supervision.

**Guideline 2:** Provided the lawyer maintains responsibility for the work product, a lawyer may delegate to a paralegal any task normally performed by the lawyer except those tasks proscribed to a nonlawyer by statute, court rule, administrative rule or regulation, controlling authority, the applicable rule of professional conduct of the jurisdiction in which the lawyer practices, or these Guidelines.

This guideline recognizes the fact that many tasks may be delegated to paralegals as long as they are properly supervised. It incorporates the requirement of Model Rule 5.5 that prohibits attorneys from assisting in the unauthorized practice of law. This guideline, along with Model Guideline 1, allows delegation to a properly trained and supervised paralegal of any task that is not specifically prohibited by the Model Guidelines or state law.

**Guideline 3:** A lawyer may not delegate to a paralegal: (a) responsibility for establishing an attorney-client relationship; (b) responsibility for establishing the amount of a fee to be charged for a legal service; or (c) responsibility for a legal opinion rendered to a client.

This guideline identifies specific tasks that are at the core of the attorney-client relationship and cannot be delegated. Other tasks that are often specifically prohibited in state guidelines or rules include appearing in court, taking a deposition, or signing pleadings.

**Guideline 4:** A lawyer is responsible for taking reasonable measures to ensure that clients, courts, and other lawyers are aware that a paralegal, whose services are utilized by the lawyer in performing legal services, is not licensed to practice law.

This guideline places an obligation upon the lawyer (and indirectly upon the paralegal) to make sure the paralegal’s status is clearly identified in all communications, as discussed in part III of this article.

**Guideline 5:** A lawyer may identify paralegals by name and title on the lawyer’s letterhead and on business cards identifying the lawyer’s firm.

This guideline specifically allows the paralegal’s use of business cards with the paralegal title clearly indicated and inclusion of paralegal names on law firm letterhead. This issue has been addressed in many state rules and ethics opinion, which often require a notation be included for any non-lawyer’s name appearing on law firm letterhead that the individual is not licensed to practice law. The same rule would apply to websites and other attorney promotional materials.

**Guideline 6:** A lawyer is responsible for taking reasonable measures to ensure that all client confidences are preserved by a paralegal.

This guideline reiterates the importance of protecting confidential client information and the attorney’s obligation to properly train and supervise paralegals to protect client confidences. Some best practices for doing so are provided in part IV of this article.

**Guideline 7:** A lawyer should take reasonable measures to prevent conflicts of interest resulting from a paralegal’s other employment or interests.

Best practices for attorneys and paralegals are provided in part V of this article.

**Guideline 8:** A lawyer may include a charge for work performed by a paralegal in setting a charge and/or billing for legal services.

Lawyers may bill clients for paralegal services at market rates rather than actual costs. However, courts will require the paralegal services to meet certain requirements with respect to the qualifications of the paralegal and the work performed.

**Guideline 9:** A lawyer may not split legal fees with a paralegal nor pay a paralegal for the referral of legal business. A lawyer may compensate a paralegal based on the quantity and quality of the paralegal’s work and the value of that work to a law practice, but the paralegal’s compensation may not be contingent, by advance agreement, upon the outcome of a particular case or class of cases.

Lawyers cannot compensate paralegals on a contingent-fee basis. Discretionary bonuses are allowed based on the overall financial success of the firm, not the outcome of a specific case. Paralegals can never be paid for referring clients or legal work.

**Guideline 10:** A lawyer who employs a paralegal should facilitate the paralegal’s participation in appropriate continuing education and pro bono public activities.
Continuing paralegal education enhances the profession and the quality of legal services. It is consistent with the lawyer’s obligation under Model Rule 1.1 to maintain professional competence. Allowing paralegals to perform pro bono work has similar benefits to the profession and the firm while at the same time allowing pro bono services to be performed more efficiently, in the same way the proper utilization of paralegals provides for more efficient and effective representation of the firm’s paying clients.12

III. UNAUTHORIZED PRACTICE OF LAW

The first five of the Model Guidelines address the issue of the unauthorized practice of law, specifically how attorneys working with paralegals are responsible for ensuring that their paralegals are not engaging in the unauthorized practice of law. The Model Guidelines do not define what constitutes the “practice of law.”13 That is left to the states, often defined by statute, disciplinary rule, and court interpretation. The Model Guidelines provide authoritative guidance on attorneys’ obligations to ensure they are not inadvertently assisting a paralegal in the unauthorized practice of law, which would violate Model Rule 5.5 and its state counterpart in the professional rules of most states.14

A. Appearing in Court

Model Guideline 2 allows an attorney to delegate any task normally performed by an attorney “except those tasks proscribed to a nonlawyer by statute, court rule, administrative rule or regulation, controlling authority, the applicable rule of professional conduct of the jurisdiction in which the lawyer practices, or these Guidelines.”15 Most, if not all, states prohibit paralegals or other non-attorneys from representing a client in court, although non-attorneys may appear in certain administrative hearings where allowed. Similarly, paralegals would be prohibited from taking depositions.16

B. Signing Pleadings

The Model Guidelines do not specifically address the issue of signing pleadings, although this issue would fall under the general guidance contained in Model Guideline 2 that allows lawyers to delegate tasks to paralegals except where prohibited by state or other law or the Model Guidelines themselves. Most states allow only attorneys to sign pleadings. This rule may be contained in ethics or procedural rules.17 If attorneys are the only ones authorized to sign pleadings, it follows that only attorneys may sign for the attorney of record by permission. That means a paralegal would not be allowed to sign his supervising attorney’s name, even by permission, and that would include the use of a signature stamp. Good practice would extend this notion to certificates of service, which are a part of the pleading as well.18 In fact, good practice would extend this prohibition to settlement agreements, advice letters, or any document giving legal advice. Of course, paralegals may sign other types of correspondence as long as their title is included.19

C. Giving Legal Advice

One of the three things Model Guideline 3 specifically prohibits the attorney from delegating to a paralegal is “responsibility for a legal opinion rendered to a client.”20 All states prohibit non-lawyers from giving legal advice, but determining what constitutes giving legal advice can be quite a challenge, especially at times when the determination must be made instantaneously in response to a client question. When a client asks a paralegal (or other non-attorney) a question, the paralegal should always ask herself the following three questions before answering:

1. Does the answer require the paralegal to utilize her legal knowledge or judgment?
2. Does the answer concern the client’s legal rights or responsibilities?
3. Will the client take some action as a result of the answer?21

If the answer to any of the questions is yes, the paralegal cannot answer the question, even if she knows the answer. The fact that the paralegal typically will know the answer and will want to be helpful is what makes it the biggest challenge. Instead, the paralegal must remind the client that she is not an attorney and cannot give legal advice. However, the paralegal can still be helpful and refer the question to the attorney, who may answer the question directly or relay an answer to the client through the paralegal. When the attorney relays the answer to the client, it is imperative that the paralegal not interpret or expand upon the answer. It is also very important to make a record of the exchange, which can be accomplished by a simple memo to the file.22

D. Communicating with Clients, Opposing Counsel or Unrepresented Parties, and the Court

Guideline 4 requires attorneys to make reasonable efforts to ensure that clients, courts, and other attorneys are aware of the paralegal’s status and that he is not licensed to practice law. Under Model Rule 1.4, attorneys have an obligation to 1) keep clients reasonably informed, 2) reasonably consult with clients about the means used to attain their objectives, and 3) promptly comply with reasonable client requests for information.23 This is the most common source of client complaints.24 Paralegals play a very important role in helping attorneys meet this obligation, keeping the supervising
attorney informed about communications received and relaying information to clients accurately and timely. In fact, paralegals are often the front line in communications, not only with clients but often with witnesses, opposing counsel or their employees, and with court personnel.

Although the obligation rests with the attorney to properly train and supervise, the paralegal can develop good practices to help avoid any confusion. Paralegals must always make the paralegal title clear in communications. Paralegals should always identify themselves by title; doing so when meeting someone in person or by phone should become second nature, especially with clients, witnesses, court personnel, and opposing counsel and their employees.

E. Using Business Cards and Letterhead

Guideline 5 specifically allows attorneys to include a paralegal’s name and title on business cards and law firm letterhead. However, some states may require a notation on firm letterhead that the individual is not licensed to practice law.

IV. CONFIDENTIALITY

Guideline 6 addresses the issue of maintaining the confidentiality of client information. The attorney’s duty of confidentiality is as fundamental to the attorney-client relationship as the attorney’s duty of loyalty. This goes beyond the attorney-client privilege. The attorney-client privilege is essentially an evidentiary principle that protects privileged communications from discovery or being admitted in court. The privilege extends to paralegals and other employees who may have confidential communications with a client, although only if the paralegal is performing a legal function.

The ethical obligation to protect client confidences is much broader than the attorney-client privilege. Whereas the attorney-client privilege only protects certain communications, the ethical duty of confidentiality protects “information relating to the representation of the client.” It includes all information and communications relating to a client, and sometimes even the client’s location and identity. It protects everything the attorney learns while investigating and developing the case. It protects information even if the lawyer is not yet retained and even if the initial contact is with the paralegal. And the duty continues indefinitely.

What are some best practices for attorneys and paralegals with respect to confidentiality? First, refrain from talking about clients. Avoid the temptation. Simply concealing names will not be enough. Treat anything you hear or learn as a result of your employment as confidential. Do not discuss clients or cases with anyone other than the client and members of your firm who are working on the case. Be particularly careful in office-sharing arrangements. And do not discuss confidential matters in public places.

If the first tip seemed a little paranoid, the second might be bordering on neurotic. Tip two is to take a very cautious and protective approach to dealing with confidential information – a belt and suspenders approach to avoid inadvertent disclosure. Paralegals working on discovery projects, and particularly document productions, should carefully follow instructions and always seek clarification for any unclear instructions. Do not send any discovery responses or documents that have not been reviewed by a supervising attorney. Another way to help avoid inadvertent disclosure of confidential information is to always double-check recipients on any correspondence before sending, especially for email communications. Finally, adopt a “clean desk, clean screen” approach to help prevent inadvertent disclosure. This is particularly important if your desk or computer screen is visible to others entering the office.

V. CONFLICTS OF INTEREST

Guideline 7 addresses the issue of paralegals creating a potential conflict of interest for the attorney. Obviously, conflicts of interest must be avoided because they interfere or create the perception of interference with the duties of loyalty and client confidentiality. Conflicts of interest can be created by representing parties whose interests conflict, serving as an intermediary between clients, engaging in business transactions with clients, accepting gifts from clients, and engaging in certain personal relationships with clients.

Although the Model Guidelines and Model Rules do not apply directly to paralegals, generally the same issues that could create conflicts for attorneys and possibly result in disqualification from representing a client could apply to paralegals as well, if appropriate measures are not taken. Typically, appropriate measures mean appropriate conflicts checking systems and effective screening measures in place when necessary.

A. Business Transactions with Clients

Business transactions with clients are not allowed unless the attorney can demonstrate that the transaction was objectively fair, the client consented in writing, and the client had an opportunity to consult other counsel. The attorney will be held to a high standard of conduct regarding the fairness of the transaction and compliance with the requirements of the ethics rule. Although the Model Rules do not address directly transactions or business relationships paralegals may have with clients, good practice would apply the same rules to paralegals. The important thing is that any potential conflicts be disclosed. When in doubt, paralegals should always discuss it with their supervising attorney.
B. Personal Relationships

Close family relationships with another attorney (such as a parent, child, sibling, or spouse) could create a conflict of interest. Generally, the client must give informed consent in any of these circumstances. This could be an issue for a paralegal, too, and means the paralegal should always notify the supervising attorney of any potential issues.

The same is true regarding sexual relations with clients. Model Rule 1.8(j) prohibits sexual relations with a client unless a consensual sexual relationship existed when the attorney-client relationship began. This applies regardless of consent or absence of prejudice to the client. Although this rule does not apply directly to paralegals, it should be treated the same.

C. Gifts from Clients

Model Rule 1.8(c) prohibits a lawyer from drafting a document for a client (unrelated to the lawyer) that gives the lawyer or the lawyer’s close relative a substantial gift. The attorney must insist that an independent lawyer draft any such document. Reasonable gifts, such as holiday gifts or tokens of appreciation, are allowed.

Gifts to paralegals can create conflicts of interest as well. Some states’ rules prohibit the drafting of a document that provides a gift to the attorney or the attorney’s employees.

In at least one case this has been interpreted to apply to a paralegal who was working for the attorney as an independent contractor.

D. Switching Firms

It is generally presumed that an attorney had access to confidential information for any case they worked on for a previous employer. Therefore, when the attorney changes to another firm that is now working on the opposite side of the same case, the new firm might be disqualified from the representation if appropriate screening measures are not in place. The same may apply to paralegals, although disqualification of the firm is seldom automatic. Some courts apply a balancing test to determine the risk of disclosure of confidential information. Other courts have held that a rebuttable presumption exists that the paralegal has shared confidential client information when the paralegal has switched to an opposing firm during ongoing litigation. The presumption may be rebutted by showing that the new firm cautioned the newly-hired paralegal not to disclose any information relating to the former employer’s representation, instructed the paralegal not to work on any matter on which she worked during the prior employment, without the former client’s consent.

Appropriate screening measures are not just a promise not to reveal confidential information. There must be a formal procedure within the firm, and it must be actually followed and effective. It should be noted that if an attorney is being screened, it may be necessary to also screen the paralegal who works closely with that attorney. The general advice for lawyers and paralegals is to pay particular attention to conflicts, check email notifications, and when in doubt, always notify the appropriate person. Few ethical breaches were ever created out of an abundance of caution.

VI. CONCLUSION AND INSTRUCTIONAL RESOURCES

The Model Guidelines and their state counterparts provide useful training tools for attorneys and paralegals. The comments to the Model Guidelines provide additional clarification and guidance, including citations to relevant authority in the Model Rules and state law. They provide a valuable resource that can be used to frame paralegal ethics instruction. This can be done in a variety of ways, depending on the instructor’s preferred approaches to teaching ethics.

An approach the author uses is to assign the Model Guidelines, as well as the Texas guidelines, as required reading. Then, in class, divide the class into groups and conduct an ethics competition by asking the class true-false questions based on scenarios formulated from the guidelines. The scenarios focus on the areas of confidentiality, conflicts of interest, and the unauthorized practice of law. The winning group can be awarded a token prize as additional motivation, but this approach seems to encourage a much more active dialogue and help eliminate the instructor’s somewhat uncomfortable role of simply lecturing on a list of prohibited activities.

BIOGRAPHY

Lynn Crossett is an Associate Professor of Political Science at Texas State University and the Director of the Legal Studies Program, a graduate-level program offering both a Master of Arts in Legal Studies Degree and a post-baccalaureate Paralegal Studies Certificate. He is a member of the Standing Committee on Paralegals of the American Bar Association and for the State Bar of Texas. He is the co-author of The Texas Paralegal (Cengage 2010) and a frequent writer and presenter on topics related to the paralegal profession and paralegal regulation.

ENDNOTES


2ABA MODEL GUIDELINES FOR THE UTILIZATION OF PARALEGAL SERVICES (2012).

Id.

Id.

Id.


Id.


Id.

Guideline 2, ABA Model Guidelines for the Utilization of Paralegal Services (2012).


Brittain & Hull, supra note 19, at 59.

See, e.g., Tex. R. Civ. P. 57 (“Every pleading of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, ...”).

See Tex. R. Civ. P. 21(g) (“The party or attorney of record shall certify to the court compliance with this rule in writing on the document to be filed or served.”).


Brittain & Hull, supra note 19.


Id.


Garwin, supra note 17, at 63.

Id. at 64.

Id. at 67-68.

Id. at 73-74; see also Brittain & Hull, supra note 19, at 61.

Garwin, supra note 17, at 74-75.

Brittain & Hull, supra note 19, at 62.

Garwin, supra note 17, at 81-82.

Guideline 7 Cmt., ABA Model Guidelines for the Utilization of Paralegal Services (2012).

Garwin, supra note 17, at 85 (citing Model Rules of Prof’l Conduct R. 1.8(a) (2013)).

Id.

Id. at 86.

Id. (citing Model Rules of Prof’l Conduct R. 1.7 (2013)).

Id. at 87 (citing Model Rules of Prof’l Conduct R. 1.8(j) (2013)).

Garwin, supra note 17, at 88.

Garwin, supra note 17, at 88-89.

Id. at 89 (citing In re Am. Home Prods. Corp., 985 S.W.2d 68 (Tex. 1998) (law firm was disqualified when it was unable to rebut the presumption that confidential information was disclosed by a paralegal who had worked on the opposing side of the litigation).

Phoenix v. Founders, 887 S.W.2d 831, 835 (Tex. 1994).

Garwin, supra note 17, at 89.

Garwin, supra note 17, at 89.

Phoenix v. Founders, supra note 17, at 91.
Today access to justice is denied to the poor, the working poor, and in many instances to the middle class. Access to justice is expensive, and the courthouse door is closed to far too many. At one time the Legal Services Corporation (LSC), the government funded legal aid service, was able to provide legal services in limited civil matters to the poor. However, as the number of poor has increased, the governmental support for legal services has been drastically reduced. As of 2009 there was only one attorney for every 6,415 low-income persons who met the LSC guidelines, while at the same time there was one attorney for every 429 people above the LSC threshold. Since the time of that finding, support for Legal Services has been cut even more. Federal financial support to Legal Services has been reduced by an additional 15% since 2012.

As stark as these numbers are, left out of the calculations are the untold number of working poor and lower-middle-income families who are simply priced out of the ability to seek justice. They do not have access to even the limited number of cases that Legal Aid can accept, and they are shut out of the Public Defender’s Office on any representation in a criminal matter short of a major crime. The choice between justice and food should not have to be made in twenty-first century America. Someone making minimum wage in the United States has a take-home salary from a 40-hour work week of $267.40. The average apartment rental in the United States is $1,099.00.

After buying food, transportation to work, utilities, and basic human necessities, hiring an attorney is out of the question. The LSC theoretically represents those under 125% of the federal poverty guideline. However, it estimates that 80% of the poor’s legal needs go unmet. Keep in mind, though, the minimum-wage-salary worker outlined above would be turned down for legal aid because her income exceeds 125% of poverty by about $250.00 per year.

Let us assume that the minimum-wage worker outlined above is a single mother who has not seen her two children in over six months. Her ex-husband has them and simply refuses to allow her access. If her parents can’t front her the money for a retainer, what is she to do? Perhaps she can get on the local bar association’s pro bono list and wait her turn, but odds are she does not know that one exists.

The solution to this problem lies with paralegals who can help close the gap between our current situation and the ideal so aptly expressed by the late Justice, Antonin Scalia. There is no perceptible reason why an independent paralegal, having graduated from an ABA-approved program or one that meets the standards of AAfPE, could not act as a legal concierge for those, like this single mother, who are shut out of the legal system. The paralegal could provide her with the necessary custody complaint forms, help her complete them, and explain...
the procedures to her. It is likely the client does not know where to file the documents, how to serve them, or how to get her plight in front of a judge. The paralegal would enable the parent to proceed pro se. The arguments supporting unauthorized practice of law statutes are all about protecting the citizenry from the harm that could be done to them by bad and inaccurate legal services. This is a laudatory goal; however, we do more harm by barring the courthouse door to so many. We can’t truly say that we are a nation of liberty and justice for all when so many are denied access to justice.

The authors of this paper spent many years representing indigent clients through Legal Aid. Much of what we did, Legal Aid no longer has the resources to provide. Many of these tasks from representation in child support cases and uncontested no-fault divorces could easily be handled by our paralegals. Frequently public schools require divorced or separated parents to provide a copy of a custody court order or written agreement. The parties have no need for a judicial determination of custody; however, the school demands it. But even though it is the school’s need, the schools do not pay for such legal items. A paralegal could easily draft such an agreement in these, and all uncontested situations.

Federal regulations allow paralegals to represent those seeking Social Security Disability or the related Supplemental Security Income. As we all know, Social Security is a fairly complicated area of the law. Certainly more complicated than child support or the cases heard in the minor judiciary across the country. In Pennsylvania, as an example, the judges in these courts are not required to be attorneys or to have the rigorous education we require of our paralegal graduates. Assume that our person above barely over 125% of poverty receives a minor speeding ticket. The ticket, with costs, is $150.00. That is a devastating amount for someone whose weekly take home income is $267.40. We have examples of people all across the nation who choose food over paying the fine and end up in jail. Paralegals are not allowed to represent these people. Yet, the judge does not have the legal education of a paralegal and she is deciding the case. The officer does not have the legal education of a paralegal and yet he is prosecuting the case. The paralegal would have the most legal education of anyone in the courtroom!

We are not protecting anyone by allowing the silliness of such a result to take place. Our citizens need access to the courtroom and paralegals are an underutilized resource that can provide that access to justice. Paralegals should be able to represent litigants in the minor judiciary. Pennsylvania’s District Justice jurisdiction is limited to civil amounts of less than $12,000.00, landlord-tenant cases, and summary offenses. All state’s have similar systems of minor judiciary.

Many states have a problem with people being denied justice because the system outprices their ability to pay. A good research topic would be to have your student’s research your state’s unlicensed practice of law statute, the jurisdiction of your minor judiciary, and the educational qualifications required to be a judge of the minor judiciary.

Representation is frequently denied to those seeking state-supported benefits. Another good discussion question for your students is to compare the difficulty and complication of Social Security Disability practice with the relative ease of representing the needy in SNAP/Food Stamp cases, Medicaid cases, and the denial of HUD applications. All of these are unmet needs for which the paralegal is more than qualified. Representation for Veteran Benefits and Veteran’s Health Care are two other areas where greater access to justice is needed and where paralegals can provide quality representation.

A handful of states have taken some of the shackles off of paralegals. Most notably the State of Washington which now allows Limited License Legal Technicians. However, even they need to expand the use of paralegals to allow actual representation before tribunals and the minor judiciary.

The medical community has moved forward with direct patient care provided by nurse practitioners. In Ontario Canada, paralegals have been providing exactly the type of representation that this paper advocates. The process and limitations of the successful expanded use of paralegals in Ontario establishes that we can do it here. This link provides all of the relevant information concerning their paralegal practice program: http://www.lsuc.on.ca/with.aspx?id=1064.

To a lesser extent the states of California and Washington have expanded the use of paralegals in an effort to increase access to justice. These efforts are a step in the right direction but are not as effective as the Ontario model and are more conservative than they need to be. As mentioned above, the State of Washington, by Supreme Court Order, has created a Limited License Legal Technician category allowing these technicians to provide limited legal services. Currently the LLLTs are limited to domestic relations actions. To the credit of the State of Washington, these technicians may give legal advice to clients. However, they cannot negotiate on behalf of a client, and they cannot represent that client in court.
To become licensed, the prospective technicians must have earned at least an Associate degree, have taken forty-five paralegal course credits from an ABA-approved program, and have taken three three-credit courses from the University of Washington School of Law. They then need to find an attorney who will employ them for no less than 3,000 hours. Once these steps have been completed, they may sit for an exam on domestic relations law. This program is too modest in what it allows Legal Technicians to do. The requirement that domestic relations courses be taken from a particular law school is most curious. The courses from the University of Washington School of Law can be taken via webinar. This is a process of paralegal education that fails to meet ABA guidelines for paralegal education. Licensed attorneys teaching face-to-face domestic relations classes at an ABA-approved paralegal program would provide a superior education to anything offered by webinar. Those who teach at ABA-approved paralegal programs are accustomed to instructing in the practical paralegal skills that Limited License Legal Technicians require.

In 1998, California created a class of document specialists who are allowed to prepare a variety of legal documents in a ministerial manner. One may qualify to be what California terms a Legal Document Assistant (LDA) in a variety of ways, including graduating from an ABA-approved paralegal program to being a high school graduate or possessor of a GED who works for at least two years in law-related work under the supervision of an attorney. LDAs have to register with the county clerk in every county in which they intend to do business and provide proof of bonding of at least twenty-five thousand dollars. Beginning in January of 2016, each LDAs must complete fifteen credits of continuing education per year, and yet they cannot give legal advice or provide needed representation as they are limited to ministerial document preparation.

Both of these initiatives fail to respond in any meaningful way to the denial of justice to so many of our fellow citizens, and do not open courthouse doors doors to those who cannot afford representation.

Neither of these initiatives allow for representation in small claims court, administrative cases, or minor criminal and civil matters. Any graduate of an ABA-approved program who took a course in family law can easily prepare a custody or a divorce complaint. They can most certainly provide representation at child support hearings where for the most part the hearing officer is not legally educated. Our graduates can provide quality representations to needy clients in all of the areas we are advocating.

On the federal side, we allow non-attorneys to represent Social Security Disability clients. As we all know, this is a much more complicated area of the law than anything we are advocating in this paper. The State of Washington itself allows non-legally educated judges to hear and decide cases, and yet it denies the right of a citizen to be represented by a better educated paralegal in front of that judge.7

The United States has a massive amount of unmet legal needs. We have an educated group of people who are willing and able to meet that need. It is a sad state of affairs when our lawmakers block such a logical remedy for such a tragic situation.

It is both necessary and appropriate that we expand the use of paralegals to get us closer to that ideal that Justice Scalia so aptly expressed.

BIOGRAPHIES
Frank Shepard holds a B.A in Political Science, an M.A in History, and a J.D.. He is the Director of Paralegal Studies Programs at Clarion University of Pennsylvania.

John Eichlin has a B.A in History and a J.D. in Law. He is an associate professor who teaches paralegal classes at Clarion University of Pennsylvania.

Both worked for a number of years for Legal Aid and remain licensed attorneys.

ENDNOTES
1Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-income Americans http://legalaidresearch.org/?p=1661
2Toward Equal Justice For All: Report of the Civil Legal Justice Coalition to the Pennsylvania State Senate Judiciary Committee, April 2014, p 13
3http://www.huffingtonpost.com/2014/09/24/minimum-wage-increase-numbers_n_5868848.html
5Pennsylvania requires 140 hours of instruction for minor judiciary judges once elected and 1,250 hours to be a cosmetologist.
642 Pa.C.S.A. § 1515
7http://www.judicialselection.us/judicial_selection/methods/limited_jurisdiction_courts.cfm?state=
Our responsibility as instructors of new paralegals goes beyond teaching substantive skills. We should also use our expertise to assist our students in creating resumes that will get them noticed by legal hiring managers. Career services can provide general guidance on resume formatting. However, legal instructors are best suited to offer insights into the legal industry.

As a legal recruiter for almost ten years, I have counseled numerous paralegals on how to draft resumes. This article draws on my experience by offering helpful resume tips instructors can share with students beginning their paralegal career.

1. Contact information

First, students should include their name, address, email, phone number at the top of their resume. When pertinent contact information is left out lawyers and others involved in the hiring process may be inclined to think applicants are hiding something. Students can avoid this impression by including ALL their contact information.

Second, email addresses should be professional. I recommend that students use their school email. Next, advise students not to include a picture on the resume. However, links to a professionally done LinkedIn profile or other professionally presented social media site are acceptable. Lastly, students should be instructed to answer the phone of the number included on their resume in a professional manner. Calls answered unprofessionally can kill their chances of getting an interview no matter how good the resume.

2. Objective

This section is not necessary for paralegals with relevant work experience. If a student has been working as a paralegal for several years and is applying to a paralegal position, the objective is obvious. Under these circumstances it is best left out. Instead students can use a professional profile similar the following:

Experienced legal professional offering extensive knowledge in all phases of litigation. Proven ability to establish solid working relationships with owners/partners, associates, staff, administrators, clients, and vendors. Adept in use of various litigation technology software, with comprehensive understanding of state and federal court deadlines, rules and legal terminology. Excellent online research skills and attention to detail.
On the other hand, entry-level paralegals should include a clear and concise objective statement. Instructors should advise students to refrain from statements that focus on what the firm can do for them. Instead the objective should state how their enthusiasm, skills and education will benefit the attorney’s practice. Here are a few examples of how to begin an entry-level paralegal resume:

Example One

LEGAL ASSISTANT | PARALEGAL

Self-motivated retail bank professional with exceptional organizational and interpersonal skills pursuing a career in the legal industry. Offering the following transferable skills: maintaining accurate records; handling multiple responsibilities, setting priorities, communicating clearly, responding positively to demanding situations; and maintaining client confidentiality. Irreproachable business ethics, honesty and integrity.

Example Two

PARALEGAL | LEGAL ASSISTANT

Contribute significant client services and problem solving skills gained in the hospitality industry to a career as a paralegal. Consistently recognized as a top performer, and for ability to learn new concepts quickly. Thorough hard-working, disciplined and reliable with a career commitment to becoming a paralegal.

Example Three

GOAL:

Apply superior time management, multi-tasking, and organizational skills gained through work experience and paralegal education in assisting attorneys to maximize profitability and efficiently manage cases.

3. Work History/Professional History/Work Experience:

This section is formatted in reverse chronological order. It should contain the name of the employer, city and state (not the entire address), and the title and month and year of employment. In other industries resumes that include only the years of employment are acceptable. However, attorneys are traditional and prefer applicants to be more transparent. Therefore, advise students to include the month and year. There is a big difference between someone who was employed from January 2014 – December 2015 and one who was employed December 2014 – January 2015.

Students with no legal experience can benefit most from our expertise to overcome this hurdle. Advise students to focus on their transferable skills. Transferable skills are attributes learned in a previous career that can be applied to a new one. Specifically, encourage students to focus on the attributes of successful paralegals such time management, organization, computer skills, communication, and resourcefulness. Each bullet point must indicate how they have demonstrated these skills in their previous careers. Here are some samples from entry-level paralegal resumes:

Sample One

- Led team of 5+ tellers in the accurate and efficient servicing of individual and small business bank transactions, loans and accounts.
- Maintained audit compliance and adhere to strict audit controls to consistently achieve high audit ratings for the branch.
- Investigated teller outages and report losses as required to appropriate individuals. Issue coaching/counseling to teller staff for controllable losses and outages.
- Trained tellers in bank policies and procedures including protecting customer privacy, security safeguards, reducing bank exposure to losses and identification guidelines.

Sample Two

- Assisted with proofreading and editing website content and other search engine tactics to improve site performance.
- Drafted notification emails to club members providing them information about upcoming events and special discounts to the restaurants.
This exercise benefits students in two ways. First, they must think critically about how their past work experience will benefit them in their future careers as paralegals. Second, it helps students prepare for interviews by creating a narrative explaining how their previous employment qualifies them for a career as a paralegal; a narrative they will ultimately share during an interview. We can assist our students in selecting the proper industry language and identifying the important skills that will get the attention of law firm hiring decision makers.

4. Community/Professional Affiliations:

Attorneys are typically very involved in the communities in which they practice. Therefore, encourage students to highlight their volunteerism. Causes that are dear to a student’s heart may also be ones that a law firm supports. This creates an immediate connection that the student can leverage to overcome a lack of paralegal experience.

Furthermore, local paralegal organizations are an excellent opportunity for students to demonstrate commitment to their new career. If possible, students should target organizations where they will be able to network with attorneys. Ideally, students can use these relationships to help their resumes get a more favorable review when submitted for a position.

5. Computers:

List all relevant computer software applications. However, students should refrain from including programs in which they are not proficient. Students who exaggerate their computer skills are quickly weeded out.

6. Language:

Language skills are highly marketable and must be included in a resume. Students should highlight their speaking, writing, and reading skills, and designate their level of proficiency in each area. According to the U.S. State Department, language proficiencies have specific definitions.¹ The resume should use the correct term to describe the student’s level of language skill.

7. General Formatting Considerations:

Here are a few other tips students may find helpful.

- Omit the phrase, “References available upon request.” It goes without saying that if asked the applicant will provide references.
- Reinforce to students that any errors in spelling or grammar can cost them the interview. This is especially true in the legal industry where a high premium is placed on writing and attention to detail.
- Limit resumes to no more than two (2) pages. If student has less than five (5) years of work experience, one page will suffice.

The more we can assist students in drafting a stronger resume, the greater the likelihood they will obtain gainful employment in their chosen career -- our ultimate goal as educators.

BIOGRAPHY

Keisha Hudson is the Chair and Lead Instructor of Atlanta Technical College’s Paralegal Studies program. She began her paralegal teaching career as an adjunct in 2010 and joined the school full-time in August 2014. She received her law degree from The University of Cincinnati College of Law and a BA in Communication Studies from Trenton State College (nka The College of New Jersey).

Keisha has been a featured speaker on legal job search techniques for organizations such as The Atlanta Chapter of the Association of Corporate Counsel, The Minority Corporate Counsel Association and The Georgia Association of Black Women Lawyers, the Georgia Association of Women Lawyers, the Gate City Bar Association Paralegal Section, the Atlanta Legal Recruitment Association and John Marshall Law School. She is also a co-founder of NewRock Legal Society supporting attorneys that live and work in Rockdale, Newton and Walton counties Georgia - www.newrocklegalsociety.org.

ENDNOTE


Introduction

There are many strategies and ideologies on the measurements which are deemed appropriate for the identification of high-potential (“HiPO”) talent. The prediction of HiPO talent has historically been deemed an introduction into a long-term talent relationship with employees (Silzer & Church, 2009). With this in mind, organizations must be cognizant of the overall culture of their businesses while aligning their talent strategies to meet the expectations of both the culture and daily operations of their organizations.
What is high-potential (HiPO) talent?

High-potential (HiPO) talent is considered talent in motion. It differs from potential in that potential is a latent quality whereas HiPO is forward moving. HiPO talent is considered the pulse of an organization and should be revered through these optics. Many organizations spend an insurmountable amount of time and resources grooming HiPO employees so that these employees can flourish within organizational ranks (Silzer & Dowell, 2010). Many organizations view HiPO talent and talent management as the heart of their best practices.

Here are six (6) tips to become a HiPO Paralegal:

1. Past Paralegal Performance: Past performance at previous paralegal jobs is not the only indicator to become HiPO, but it is the price of admission into the HiPO category. Consider how you can align your past performance and your future goals with that of your organization. Then, demonstrate this alignment through your diligence at work every day.

2. Join a Paralegal Association: Paralegals are considered valued members of the legal team; therefore, they should invest in their personal growth. It is important to become an active member of a paralegal association to network with other paralegals. This will allow you to stay informed on changes within the profession while building a network of counterparts to reach to as a resource. Paralegal associations are a ready source for personal and professional development due to the networking opportunities to the continuing legal education (“CLE”) courses. Lastly, there are also ways to participate in paralegal leadership through board appointments and chair positions. You will soon find that association membership has endless benefits.

3. Continuing Legal Education (“CLE”): Attorneys are required to stay abreast of changes and trends to the laws affecting their practice areas, as should dedicated paralegals. CLEs are also a great way to develop the necessary skills to change practice areas and develop a professional niche. CLEs are an investment in your career as well as yet another way to connect with other paralegals in your field and build your professional network.

4. Give Back: Two of the greatest forms of giving back are through mentoring and pro bono opportunities. Tenured paralegals should consider giving back through mentoring and entry-level paralegals should consider becoming a mentee. Paralegals should participate in pro bono activities. This is not only personally fulfilling, but it is a contribution to the development of a better society and legal community.

5. Get Certified: The value of paralegal certification has become a topic of debate in the legal services community and has continued to garner different perspectives for over a decade. However, the HiPO paralegals should seek voluntary certification to remain relevant and above industry standards. Voluntary certification demonstrates your dedication to the profession and distinguishes you from other paralegal candidates.

6. Become an Expert: One way for a paralegal to become indispensable is to become a subject-matter expert in their particular area of law. Finding a niche area and developing skills associated with it will create paralegals that are viewed as subject-matter experts. A solid tenure with deliberate forward-motion in a niche area is priceless.

As both a career paralegal and paralegal educator, I encourage my students to utilize these six steps to build a successful paralegal career. These tips not only assist with the building of a solid paralegal career but they also distinguish paralegals from others in their practice area. They have served as a roadmap for my career and I encourage paralegal students, entry-level paralegals, as well as tenured paralegals, to utilize these tips as a resource for their personal and professional development in the legal services arena.

BIOGRAPHY

Trina Nycol Brown has 23 years of combined paralegal, paralegal leadership and paralegal teaching experience. Mrs. Brown is currently a Paralegal Instructor at Brightwood College as well as a Senior Legal Specialist working in corporate and board governance at MoneyGram International. She holds a master’s degree in Paralegal Studies from The George Washington University and a bachelor’s degree in Organizational Dynamics from Immaculata University. Trina is a member of the Texas Bar College, an honor society chartered by the Supreme Court of Texas and she holds two paralegal certifications: American Alliance Certified Paralegal (AACP®) and Pennsylvania Certified Paralegal (Pa.C.P.).

REFERENCES


Welcome to “Ask the Omniscient Mentor” column. All members are encouraged to send questions to Carolyn Bekhor, Editor-in-Chief, cbekhor@laverne.edu. Carolyn will then forward them to the O.M and promises to protect your identity.

Dear O.M.,

Lately I have been dealing with students who have very poor writing and grammar skills. These students just want to get the project done and do not proof. No one has held them accountable at school or work. They are consistently making spelling, punctuation and word usage errors in their writing. When I remind them of the importance of writing skills, they argue they are not English majors. How can I get them to understand the importance of good writing skills in the legal profession?

Sincerely,
Discouraged in Denver

Dear Discouraged in Denver,

I have dealt with this issue. I have researched this issue and found that nationwide teaching precise writing skills is a struggle. Improving our students writing skills is a continually frustrating and daunting task. Our profession requires superior writing skills and proofing is essential. Research has established that the writing skills of an attorney, or his staff, will make or break his case. We must instill in our students that poor use of the English language and ignoring the rules of the court can result in serious legal consequences for their clients and their employers.

Case law is laden with examples of reprimands, fee reductions and case dismissals based upon counsels’ inability to write precise complaints, briefs and motions. Many appellate court judges have voiced in their opinions the need to write well while scolding attorneys. Some of the most common problem areas and case law are included in this article.

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<thead>
<tr>
<th>Writing Error</th>
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<th>Penalty</th>
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<tr>
<td>Verbosity, failure to comply with Fed. R. Civ. P. Rule 8(a)(2)</td>
<td>Corcoran v. Yorty, 347 F.2d 222 (9th Cir. 1965).</td>
<td>Corcoran was dismissed by the 9th Circuit court and held “[a] complaint that violates Rule 8 of the Federal Rules of Civil Procedure may be dismissed when it is “so verbose, confused and redundant that its true substance, if any, is well disguised.” (222) This decision was affirmed by both the Appellate court and the Supreme Court after multiple denials to have the matter reviewed.</td>
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<tr>
<td>Mitchell v. City of Colorado Springs, 194 F. App’x. 497 (10th Cir. 2006).</td>
<td>Mitchell was dismissed after the Second Amended Complaint was found to be in violation of Federal Rule of Civil Procedure 8. The Opinion stated, “Plaintiff’s factual assertions remain rambling and incoherent. The claims section, which [is] clearly delineated as containing eight claims for relief, fail[s] to tie in the eleven and a half pages of random factual bases relative that [precede] it and separately either contain[s] no apparent references to any factual bases relative to each title or [consists of] conclusory allegations that may or may not be relevant to the claim designated. Defendants are left with no notice – and certainly no fair notice – of the claims against which they must defend.” (499)</td>
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<td><strong>Pappas v. Bank of America Corp.</strong> 309 F. App’x. 536 (2d Cir. 2009).</td>
<td>The Second Circuit affirmed the Southern District, District Court of New York’s dismissal and denial of an attempt for a third amended complaint stating that although this was an exceptionally complex issue, Pappas, with their “unjustifiably verbose pleadings,” contributed more than their share of the proceedings “extraordinary cost and burden.” (539)</td>
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<td><strong>Massey v. Peabody Coal Co.,</strong> 387 F.App’x. 344 (4th Cir. 2010).</td>
<td>In <strong>Massey,</strong> the U.S. Court of Appeals addressed the duty of an Administrative Law Judge to include a statement relating to his findings and conclusions, and any basis or reasons within the record pursuant to 5 U.S.C. § 557(c)(3). The Court of Appeals ruled this did not provide Administrative Judges “with a duty of long-windedness, nor requires them to assume that we cannot grasp the obvious connotations of everyday language.” (351) The Court of Appeals required that the writing be concise.</td>
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<td><strong>McKenna v. Philadelphia,</strong> 582 F.3d 447 (3d Cir. 2009).</td>
<td>McKenna’s award for fees was cut from $181,340 to $27,178.75 because of excess billing for unnecessary fees related to repetitiveness. All Courts hold a responsibility to exclude any hours deemed excessive, redundant or otherwise unnecessary when awarding attorneys fees.</td>
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<td><strong>United States v. Lockheed-Martin Corp.</strong> 328 F.3d 374 (7th Cir. 2003).</td>
<td>Joseph Garst, attorney for Plaintiff, was provided with one final attempt to plead fraud with particularity in a fourth amended complaint, which consisted of 23 single spaced pages and 99 attachments. Judge Esterbrook stated that the fourth complaint, which was more concise, was “loaded with so many acronyms and cross-references to the third amended complaint, plus its attachments, that no one could understand it without juggling multiple documents.” (376-77) The case was dismissed with prejudice for Mr. Garst’s inability or unwillingness to conform his pleadings to Rule 8 and 9. The 7th Circuit Court stated that the numerous uses of Acronyms required an individual to do research just to understand what the acronyms referenced. In some instances, the Court of Appeals never did understand what Mr. Garst was referring to. (376-77).</td>
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<td><strong>Citation &amp; Authority</strong></td>
<td>This case was dismissed and the opinion stated that “a complaint may be so poorly composed as to be functionally illegible. This is not to say that a complaint needs to resemble a winning entry in an essay contest.” (234).</td>
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<td><strong>In re Shepperson,</strong> 674 A.2d 1273 (Vt. 1996).</td>
<td>Attorney, Carlyle Shepperdson continually submitted briefs “that were generally incomprehensible, made arguments without explaining the claimed legal errors, presented no substantiated legal structure to the arguments, and devoted large portions of the narrative to irrelevant philosophical rhetoric. The briefs contained numerous citation errors that made identification of the cases difficult, cited cases for irrelevant or incomprehensible reasons, made legal arguments without citation to authority, and inaccurately represented the law contained in the cited cases.” (636) Judge Ernest Gibson noted that in one brief, nearly 90 pages long, Mr. Shepperdson, “fail[ed] to raise a legitimate legal issue or cite a single authority in support of his arguments.” (636) Mr. Shepperdson was suspended indefinitely, ordered to take a 6-month tutorial program designed to improve his skills and provide a writing sample to the Professional Conduct Board proving he was fit to practice law. Mr. Shepperdson appealed the decision of the Professional Conduct Board; the Supreme Court of Vermont affirmed.</td>
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<td>Grammar and Spelling Errors</td>
<td><strong>In re Hawkins</strong>, 502 N.W.2d 770 (Minn. 1993).</td>
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<td>Attorney Patrick Hawkins was publicly reprimanded by the Office of Lawyers Professional Responsibility for unprofessional conduct and ordered to pay court costs after repeatedly filing documents the court considered “unintelligible” because of poor spelling and writing skills. The Office of Lawyers Professional Responsibility required the attorney attend legal writing courses and stated “[p]ublic confidence in the legal system is shaken...when a lawyer’s correspondence and legal documents are so filled with [these] errors that they are virtually incomprehensible.” (771).</td>
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<th>Nault v. Evangelical Lutheran Good Samaritan Foundation</th>
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<td>(This case was never published, but a Google search retrieved the entire Order)</td>
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<td>U.S. District Court Judge Gregory Presnell denied a motion to dismiss by Nault without prejudice, saying it was “riddled with unprofessional grammatical and typographical errors that nearly render the entire motion incomprehensible.” (Debra Weiss, 1) The Judge attached a copy of the motion to his order, complete with his red markings pointing out the errors and required Nault to review the Judge’s corrections. Although this case was not published, a Google search will provide the entire Order which was published by several local news sources.</td>
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We need to hold our students accountable for their writing skills. We need to instill in them the advice of Mark E. Wokcik, of John Marshall Law School, Chicago, Ill., “sometimes you don’t get extra pages, even if it is a matter of life and death. Learn to write concisely, in plain language. And edit your work. You should never have to abandon a viable legal argument because you use too many works elsewhere in your brief.” (1)

We must require students to write with precision and provide them many opportunities to perfect organizational skills during their education. The following strategies may be helpful: (1) write an outline before drafting; (2) summarize your position in the introduction and conclusion of your document; (3) consider using a miniature table of contents or topic headings when your document exceeds three or four pages. Headings act like a skeleton to hold your body of work together and break up the text of a document, and can serve as an index to help readers find important information. (Christy Hall Benson, CLA, 87).

Students should enter the work force with the understanding that their writing will not only have to comply with the local Court rules and citing rules, but good legal writing will comply with all rules of grammar. Documents should contain complete sentences, have subjects and verbs that agree with one another and contain properly placed modifiers. They should be void of spelling and punctuation errors. They should be concise and on point. Legal authority should be current, properly cited and accessible. Each document should be proofed several times and if possible by different people.

In our program we have increased the number of points allotted for proofing on all work product assignments in each legal specialty course. Good Luck.

- O.M. and Amanda Nelson

The O.M. has had family medical issues and this article was written by Amanda C. Nelson, ACP. Amanda has ten years of experience as a private practice paralegal and as an educational paralegal for our program. In her spare time, she has served as President, President-Elect, Secretary, 2nd Vice President and NALA Liaison for Legal Assistants of Wyoming, our NALA Affiliate. She received their Making a Difference Award in 2013. Amanda has four children under 10, and raises chickens, ducks and pigs. Thank you, Amanda.

**REFERENCES**


• Kathryn L. Myers, of Saint Mary-of-the-Woods College, Indiana, will be taking her Ethics Bowl team to the national competition in Reston, VA, where they will compete with 35 other teams from across the nation. Ethics Bowl is a competition that starts on the regional level. Teams compete using cases designed by the Association for Practical and Professional Ethics. They placed second in the region (out of 27 teams) to receive a bid.

• Linda Wendling, Program Director at the High Point campus and Chair of the Legal Studies Program for South University, North Carolina, is currently finishing her LL.M. degree in Environmental Law with a concentration in Climate Change at Vermont Law School (VLS). She has recently been selected to engage in an international service learning project. Linda will be a “Non-Governmental Observer Delegate” at the annual Conference of Parties (COP) of the United Nations Framework Convention on Climate Change (UNFCCC) in Paris this December. The Climate Change Conference has been in the headlines and will hopefully result in a new “Paris Protocol” to replace the Kyoto Agreement and reduce global greenhouse gas emissions. While onsite at the COP, VLS delegation members attend official sessions and side events, follow negotiation issues, and blog about their observations and analyses on the official VLS “Substantial & Sustained” site. A vital component of the project is to engage in service learning by supporting a least developed country (LDC) delegation in the COP negotiations through pre-Conference briefing memos, COP session note taking, and daily briefings.

• Prof. Danixia Cuevas of Miami Dade College, a former Fulbright scholar to India, was recently selected as a Fulbright Specialist. She will pursue short-term Fulbright project opportunities in Asia, Africa or Latin America. Prof. Cuevas co-wrote a paper along with her Indian colleague, Dr. Harpreet Kaur which was accepted to a prestigious international conference, the Global Access to Justice Conference, which will be held in Kerala, India in January 2016. She will travel to India to deliver her paper proposing the creation of India’s first ever National Paralegal Training Institute. Dr. Kaur and she are working to establish this National Paralegal Training Institute which will be headquartered in New Delhi, India. Well trained paralegals can increase access to justice for many of the rural poor and those who otherwise cannot access the justice system within India.

• On The Homefront: Christopher Cunningham, Program Director at Columbus Technical College in Columbus, Georgia, and his wife welcomed a baby girl to their home last month. Congratulations to Christopher and his wife.

• Karen Silverberg announced that the Paralegal Program at Tarrant County College in Hurst, Texas received its initial ABA Approval at the annual meeting of the ABA House of Delegates in August, 2015. In addition, 32+ members of their Student Paralegal Association have been trained to work for the Texas Lawyers for the Texas Veterans Clinics and have donated over 400 hours of work this calendar year.

• Robyn Ice announced that Tulane University will be opening another Paralegal Studies Program at their Madison, Mississippi Campus in January 2016. Tulane’s original Paralegal Studies Program, based in New Orleans, was first approved by the ABA Standing Committee on Paralegals in 1981.
• Cynthia Traina Donnes, Tulane University, has written a book called Practical Law Office Management (4th Ed.) and it will available through Cengage (ISBN-10: 1305577922 /ISBN-13: 9781305577923). It focuses on technological advances that are changing the practice of law, including the day-to-day law office management topics of 13 needed tasks and skills. It is also accompanied by Clio’s Boutique Plan cloud-based software (with in-depth tutorials and hands-on exercises) which is coordinated with Mind Tap package for use with the text.

• Carl Morrison, adjunct faculty member with Tulsa Community College’s Paralegal Program, was elected as the president of NALS. In addition, with Michael Speck, Carl also wrote a two-part article for Paralegal Today, entitled Working as a Paralegal Instructor.

• Michael Speck of Tulsa Community College will be assuming the role as Chairperson of the Oklahoma Bar Association’s Access to Justice Committee in the spring of this year and will be guiding their activities.

• Mary Lowe recently had eight interactive lessons, specifically written for paralegal students, published on the CALI national website. They can be found under her name, or the topic “Legal Studies” for those on-line instructors who use the LessonLink feature of the program.

• Carol Olson announced her retirement after thirty years with the Paralegal Studies Program at El Centro College in Dallas, Texas. While she is still in the process of adjusting to retirement, she will never forget the many friendships and memories she has made with this group. She also doesn’t want to be forgotten and wanted everyone to know that her new retirement email is colson@dcccd.edu. Congratulations, Carol on your many years of service to this group!

San Antonio, widely recognized as a top travel destination, appeals to new and returning visitors every year. With a burgeoning restaurant scene, historic restorations, and a raft of new construction, San Antonio is reinventing itself, becoming a multifaceted metropolis well worth exploring!
Call For Nominations!

It’s hard to believe but it is almost time for another great AAfPE Annual Conference! October will be here before you know it!

In addition to having an opportunity to reconnect with friends in San Antonio, it is also the time to elect some new Officers, Directors and an ABA Representative to continue the work of our great association! The open positions this year are:

**Board Positions**
- President-Elect
- Director, Certificate Programs
- Director, South Central Region

**Non-Board Position**
- ABA Representative – Certificate Programs

All nominations and candidate statements are due no later than July 15, 2016.

**Selection Timetable:**
- **July 15:** Deadline to receive nominations and candidate statements.
- **September:** Election slate distributed to AAfPE membership and published in *The Sidebar* and *The Paralegal Educator*—(pending publication deadlines).
- **Sept 27:** Individual Proxy Ballots due.
- **Oct 12 – 15:** AAfPE Institutional members elect officers and directors at the Annual Conference in San Antonio, TX.

Regardless of how long you have been a part of AAfPE or involved in paralegal education, I encourage you to consider running for a position on the board. Here is your opportunity to not only help lead AAfPE, but to contribute and be part of important decision-making processes, that impact paralegal education and the profession as a whole. Please don’t hesitate to contact me. I will be happy to answer any questions about serving on the board, or what each position entails. I look forward to seeing you in October!

**Nominations for Honorary Members:**

Each year, up to two persons who have provided outstanding service to AAfPE, but are no longer involved in paralegal education, are conferred with honorary lifetime membership. A nominee must have two letters of recommendation from two different AAfPE member institutions. If you are interested in nominating someone for this achievement, please mail and/or email (pelyons1@yahoo.com) your letters of recommendation, on institution letterhead, by **August 1st** to:

**AAfPE**
c/o Patricia Lyons, AAfPE Immediate Past President
222 S. Westmonte Dr., Suite 101
Altamonte Springs, FL 32714

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*BY PATRICIA LYONS - AAfPE Immediate Past President and Nominations Chairperson*
CYBER IDOL ONLINE TEACHING COMPETITION
MILWAUKEE STYLE

Cyber Idol Online Teaching Competition was expanded in 2015 to include showcasing any technology bells and whistles used in online or on ground classes. The new guidelines are to show one or two special things in a class (online, hybrid, or on ground) including but not limited to virtual fieldtrips, games, group projects, interviews or any other technology used to enhance student learning and ensure the objectives of the class are being met. As always we thank Pearson and Gary Bauer for generously sponsoring this teaching competition with award money worth $500.00.

The first place winner was Beth R. Pless, the Paralegal Program Co-Director at Northeast Wisconsin Technical College in Wisconsin. Beth gave a dynamic presentation showing how she uses Voki the virtual client as a fun way for students to practice gleaning information from clients by listening to them. She also demonstrated her use of GoAnimate-d Announcements to keep students engaged in hybrid classes with fun video announcements. The last thing she showcased was KaHoot-ers, a software that serves up fun exam review games that work well in hybrid and in-person classrooms. In fact, Beth gave the audience an “exam” to see how much we knew about her hometown of Milwaukee so we all got to try out that application and it did make learning fun!

The second place runner-up was Halye Sugarman, Paralegal Studies Program Coordinator, Middlesex Community College in Bedford, Massachusetts. The third runner-up and winner of the rising star award was Cynthia Traina Donnes, adjunct faculty at Tulane University School of Continuing Studies in Harahan, Louisiana.

The audience judged these contestants on the following criteria:
- Meaningful technology tools like animation, video and pictures are used to facilitate learning
- The learning objective is clear
- The technology tool achieves the learning objective
- The use of technology encourages critical thinking and problem solving
- The use of technology enhances the class and engages the learner

The presenters and the audience had fun and we all learned a thing or two. You should think about participating this year in San Antonio. You could win $400.00 for first place; $100.00 for second place; and the rising star award for third place! We hope to see you there.

Everyone is a winner at Cyber Idol!

This issue edited by Doris Rachles, South University, Savannah, GA.
Evernote is my electronic brain. It is a multi-functional digital tool that serves as my primary note taking app; my storage archive for articles, photos, and posts; my to-do list; my digitized collection of business cards; my reminders; and so much more. I can type text right into a note, or use a photo as a note, or attach a pdf to a note. I use it for professional and personal reasons, and it's so valuable to me that I have moved from the free to the paid version. All of the functions listed below are available on the free version of Evernote.

How do I love Evernote in the classroom? Let me count three ways.

1. Evernote is available on every platform that I am on. It is available on as a desktop application for both Mac and PC, in the cloud, and as an app on my iPhone and iPad (also on Android). All of the notes I make automatically sync on every platform I use, and I can search by title, text within the note, or tags I create for each note. This ability to share every note I make on whatever device I am using makes Evernote supremely useful. If I make a note on my desktop at home, I can show it in the cloud in the classroom without having to do any advance prep. It’s just there.

2. Evernote has a extremely useful web browser add-on, called the Evernote Web Clipper. This allows you to save an article or website - not just the URL - within your Evernote account, so that even if the website should vanish, you still have all the information. Evernote has a Web Clipper extension for Firefox, Chrome, Safari, Internet Explorer, and Opera.

Evernote also has a function that allows you to share that clipped article or webpage with specific people. This is particularly valuable for me when I see a news article that would be good for my students. By using the Web Clipper to save the whole article into Evernote, I will always have a copy for my students to see, even if the website shuts down, or all the original URLs are broken when the website moves to a new naming convention.

3. Evernote allows you to attach a specific reminder to each individual note, which generates an email reminder right to your inbox. I collect intellectual property articles all year long even though I only teach it in spring semester. I can attach a reminder to an article I clip in July to pop up in December when I am prepping the IP course website, instead of having to remember if I found something and where it is.

See the next page for a sample screen from my Evernote on the web, showing my IP Copyright notebook, which has 49 notes in it.
Evernote has been going strong since 2008, but if you are concerned about stability, the desktop version of Evernote has a copy of all the information, so even if the Evernote website should go away, your local copy is safe. You can also export your notes as .html or as a web archive.

I have over 3400 notes in Evernote (including the personal as well as the professional, but that’s another article) as I have been using it since 2009. It would be impossible to keep all this information in my head. Organizing it all in Evernote provides me with a one stop shop for everything I want to remember. It is a terrific application and one I highly recommend.

YOU CAN WIN $400.00 or $100.00! 
Do you teach an online or hybrid class or another type of alternative delivery class? Then, enter the Alternative Delivery & Technology Committee

We’ll see you in San Antonio — Fall 2016 AAfPE Conference!

Contact Doris Rachles - drachles@southuniversity.edu or Donna Schoebel - Dschoebel@law.capital.edu
ePortfolios are all the rage right now. Most of us agree work portfolios have many benefits. Students can highlight their legal drafting skills for their instructors or for prospective employers. Graduates can proudly show potential employers they have experience preparing many documents in different subject areas. Now, with an ePortfolio, paralegal graduates can show employers they both know how to draft documents and they are tech-savvy.

ePortfolios can include a student’s education, experiences and aspirations in a format more exciting than a paper resume (although the students should include their resumes). Students can emphasize their paralegal internship experience to show they have been a team member in a legal setting. An ePortfolio can also highlight their honors and awards, including digital badges they receive in paralegal courses. (Information on digital badges may come in a future article in Bytes.) You can also give students an award for best ePortfolio.

Students have a chance to get creative with ePortfolios. They can include dynamic videos and pictures that help set them apart from others attempting to get the same job. A reflections page can give students the opportunity to contemplate what their education has meant to them and how it has impacted those around them including their fellow students, members of the paralegal field, their college and community. A good article on what to include in a portfolio can be found here: “Want to Create an Awesome Portfolio?” [Link](http://www.manifestyourpotential.com/work/take_up_life_work/8_get_hired/how_to_create_awesome_work_portfolio.htm).

There are many free and paid sites where students can create their ePortfolios. A comprehensive look at these sites and more benefits of an ePortfolio are found in a 2014 article on the EPAC Wiki: [Link](http://epac.pbworks.com/w/page/12559686/Evolving%20List%C2%A0of%C2%A0ePortfolio-related%20Tools).

Here are a few featured sites:

- **DIGICATION** – A paid service - [Link](https://support.digication.com/home)
- **GOOGLE SITES** – Free – [Link](https://sites.google.com/)
- **FOLIO SPACES** – Free 2 GB – [Link](https://www.foliospaces.org/)
- **PATHBRITE** – Free Version - [Link](https://pathbrite.com/#home-top)
- **PORTFOLIOGEN** – Free Version - [Link](http://www.portfoliogen.com/)
- **WEEBLY** - Free - [Link](http://www.weebly.com/)
- **WEBNODE** – Free website builder - [Link](http://us.webnode.com/)

When you finish helping your students create ePortfolios, the next step can be creating your own! Who knows when you will have the opportunity to show off your accomplishments.

**E-PORTFOLIOS: ALL THE RAGE!**

By Doris Rachles, South University, Savannah, GA

**AAfPE Alternative Delivery and Technology Committee Members**

Loretta Calvert, Susan Jaworowski, Doris Rachles, Donna Schoebel, Sheryne Southard & Halye Sugarman
One challenge in teaching online courses is how to best convey critical material to students, beyond their assigned readings. Even though students learn best through hands-on activity, the need to lecture, that is – impart critical information to students – still exists. How can one do that online? This article discusses the online tool, Screencast-O-Matic, a cost-effective and user-friendly website that allows you to store recordings of your voiceover of your computer screen or use a web camera to make videos of yourself.

What is Screencast-O-Matic? Screencast-O-Matic is a free or fee-based program that allows you to make audio and video recordings of your computer screen. You then save the video file for students to access by one of three methods: (1) saving the video to your computer; (2) uploading the video to Screencast-O-Matic (www.screencastomatic.com); or (3) uploading the video to YouTube.

The free version grants you access to the basics: the ability to create free videos up to fifteen minutes long, and save them to their website, your computer or YouTube. You may record unlimited videos and there is no limit as to their availability. For a small fee ($15/year or $29/three years – plus the first year free!), you are granted access to the Pro Version, which provides you the ability to make longer videos; draw and zoom; and utilize enhanced editing features.

How do you use Screencast-O-Matic? Screencast-O-Matic is user-friendly. You must create an account on www.screencastomatic.com and launch the recorder to begin. Have ready on your computer screen the image you want to record – a PowerPoint, PDF document, website or any other image. Using a headset, click “record.” You can record the screen only, or add a webcam recording or both. As you record, you can move the mouse over the page to highlight certain text or material.

Screencast-O-Matic has worked well for me to record over PowerPoint presentations, but also to show handouts, as I would in class. For example, in Introduction to Law, students must learn the parts of a written case decision, including the headnotes, the reporter and the critical aspects of the case itself, such as issue and holding. In a face time class, I distribute a copy of the case, and we would read it together during class time. Screencast-O-Matic allows me to put an image of the case on my computer screen and then record a voice over it, using the mouse to highlight and identify parts of the case decision.

Finishing and uploading the video is easy. When the recording is complete, pause the video, and you will be prompted for options for saving it: upload to Screencast-O-Matic or YouTube, or choose to save the file to your computer. If you choose to save to Screencast-O-Matic’s website, the program will finish uploading and provide you with a link that you can embed into your course. You also have the option of creating a Screencast-O-Matic create a “channel” to store your videos in an organized fashion.

Are there any disadvantages? Of course! No technology is perfect, and on occasion a student has emailed me that the video was not readable. The best advice to ensure students are using the most current version of Java in order for the videos to run properly.

The free version is limited to just fifteen minutes of record time. Therefore, for longer presentations, you must record more than one session and embed each link separately. The free version also has limited editing ability; you can back up and fix a mistake by recording over yourself, but once the video is complete, no editing can take place. Remember, however, that the free version allows videos of just 15 minutes at a time, so it’s easy to just start a video if you make a mistake.
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