



NCPA



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National Association
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Forum

North Carolina Paralegal Association, Inc. Fall 2007



noun [C]; *fôr-əm*
an occasion or a place for talking about a matter of public interest



THE KEY TO TRIAL PREPARATION

In this issue

Battle Plan for Success

Dear Client

Mentoring: Furthering the Success of Our Profession



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Subscriptions: \$30 for one year (four issues).
Address correspondence to NCPA at the Contact
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Submissions: To submit materials for publication,
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Advertising: For advertising and rate information
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Publication Notice: The NCPA FORUM is the official
publication of the North Carolina Paralegal Asso-
ciation, Inc., PO Box 36264, Charlotte, NC 28236-
6264. Our publication is devoted to informing
and educating the paralegal profession.

Editorial Policy: Opinions expressed in articles and
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President's Message

Kaye H. Summers, CLA, NCCP



As they say in New Orleans, "Laissez Les Bon Temps Rouler" (let the good times roll). From July 10th through the 14th, the good times rolled in New Orleans for paralegals from all over the country as they met in New Orleans to attend the 32nd Annual NALA Convention. This was my first NALA Convention, and it was truly an experience. The education sessions that I attended were very informative. There were two excellent general sessions that recharged my batteries and boosted my enthusiasm for my career as a paralegal. I returned home with a lot of new ideas. The highlight of my first convention, however, was meeting paralegals from all over the nation. There was free time every evening to get together for networking. We enjoyed the many wonderful restaurants and experienced the nightlife, both of which New Orleans is known for.

NCPA was well represented again this year. Cindy Frye, ACP, NCCP, NALA Liaison, attended and helped me with our table during the affiliates' exhibition on Friday morning. Our table was visited by many paralegals who were interested in North Carolina's state certification program. We shared a table with Allison Foster, NCCP, who was there to represent the Metrolina Paralegal Association.

The NALA President's award is one that is given every year to recognize significant achievements by a member or members of NALA who have been leaders in the paralegal profession, and who have a record of establishing programs which promote the professional standards among paralegals. This year the President's Award was given to Theresa (Terry) Irvin, CLA and Mary E. Willard, CLAS, both active and outstanding members of NCPA. It was an honor to be at the convention and see Terry and Mary receive their awards. It was obvious by the comments made that North Carolina is really respected among the NALA Board and members. Congratulations to Terry and Mary for their award, it is well deserved!

Our mid-year seminar and CLA review course is just around the corner and plans are well underway for what looks to be another exciting, informative and fun event. I encourage all of you to come to Boone and attend the seminar or review course. It will be a great opportunity to recharge your batteries. See you there!

Chairman's Message

Beverly G. King, NCCP



GREETINGS!!!

I hope everyone had a wonderful summer full of fun and relaxation. As usual, my summer was very busy. I attended my dad's yearly family reunion in the North Carolina mountains over the July 4th holiday. I also spent a day at the zoo with my best friend and my two godsons (who are 4 and 2). My dad, sister and I spent some time fishing on beautiful Lake Norman. We caught more turtles than fish, but we had a great time together.

As I write this message, I am looking forward to having a real vacation during Labor Day. Over the past few years I have used my "vacation" time for CLE, visiting my sister at Western Carolina University and doing marching band activities with North Lincoln High School. However, I am really excited about getting away to the beach for a few days.

As Autumn approaches, the District Directors begin attempting to schedule and hold Meet and Greets for the Districts. If you have any suggestions on where and when a Meet and Greet can be held, or if you have a speaker or topic for a Meet and Greet, please contact your District Director. We appreciate and value your input!

I hope that everyone is doing well. Please enjoy this edition of the FORUM. As always, the FORUM staff has put a lot of time and effort into this issue and has done a wonderful job.

Thank you to all Board and Executive Committee members for all of your hard work these past months. You are all doing a great job and it is a pleasure serving with every single one of you.

Best wishes to all! ♦



Editor's Court

Laura C. Braswell, NCCP



"I know that there will be days when being a paralegal will be frustrating." This was a line from the essay that won me the first place scholarship in NCPA's "I have chosen to be a paralegal ..." student scholarship contest in 2002. I did not realize at that point how true those words would ring. We all have days and sometimes weeks when nothing goes as planned. One of my favorite quotes reads, "Life is what happens when you are busy making other plans." However, we are all fortunate to be part of an association that provides us with an abundance of support to aid us with our professional woes.

In this issue of the FORUM, the article Mentoring: Furthering the Success of Our Profession, discusses the importance of guiding "new" paralegals and paralegal students through the many paths of our profession. Also inside the pages of this issue, the article Dear Client: How to draft effective opinion letters, details the step-by-step process of preparing a legal opinion letter. In Battle Plan for Success, we are given important tips on preparing a trial "war room" and becoming a well-organized trial paralegal.

Some NCPA members may be familiar with the State Bar's Lawyers Assistance Program or the Bar Association's BarCARES program. These programs offer various types of confidential assistance to attorneys and law students, including assistance with emotional situations, substance abuse, and other types of issues which may negatively affect lawyers. NCPA member Blanche Berkowitz, NCCP discusses the importance of these programs and how paralegals can help their attorneys.

Were you unable to attend NALA's annual convention in New Orleans this year? Please make sure to read the NALA Liaison's Report as she shares her experience in New Orleans.

As always, I encourage you to submit your ideas, items of interest and articles for use in a future issue of the FORUM. If it is interesting to you, it is interesting to the entire NCPA membership! ♦

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*Are you ready to respond to the
Call to Action? Stay tuned for the*

*Winter 2007 issue
of the FORUM.*



Second Vice President's Report Membership

Brenda Mareski, CP



The current membership breakdown as of July 26, 2007 is as follows:

General members:	356
Associate members:	32
Student members:	76
Sustaining Members:	2
Affiliate members:	4
Educational Program members:	2
Total	471

Dear NCPA Members:

I have been serving as Second Vice President/Membership Chair since March 2005, and will be completing my service in March 2008. I am actively seeking candidates to take this position. Ask yourself:

- Are you a General member in good standing, with active membership for at least one year?
- Would you like to be more involved in NCPA?
- Can you commit to serving for a minimum one-year term?
- Do you perform your volunteer obligations with the same sense of purpose that you bring to your career?
- Are networking, career advancement, and developing relationships with other like-minded people important to you?

If you answered yes to these questions, then Membership Chair might be the position for you! The Membership Chair is responsible for promoting membership within NCPA, reviewing new member applications, performing the annual Renewal process, answering member (and potential member) questions, and working with the other NCPA Board and Executive Committee officers and committee chairs to ensure that NCPA runs smoothly and professionally. In my nearly three-year tenure, this has become one of the most rewarding positions I have held within NCPA, and I hope to find someone equally interested in serving NCPA.

So if you would like to know more, please feel free to give me a call at 704.387.7605 (days), 704.968.0913 (evenings), or send me an email to bmareski@carolina.rr.com. I look forward to hearing from you!

As we do in each edition, NCPA would like to acknowledge our newest (G)eneral, (A)ssociate, and (S)tudent members joining from April 23 - July 9, 2007:

Chandra I. Babson, Rockingham, NC (S)	Janice I. Davies, CLA, Raleigh, NC (G)	Lisa S. Kearns, Winston-Salem, NC (S)
Melinda M. Bloodworth, Raleigh, NC (A)	Vickie Davis, Candler, NC (S)	Lisa G. Kirchhof, Durham, NC (G)
Nicole A. Briggs, Huntersville, NC (S)	Hope Dodson, Elon, NC (G)	Gail L. Leppla, Raleigh, NC (G)
Staci L. Brogan, Raleigh, NC (G)	Rob Foerster, Charlotte, NC (S)	Susie G. Martin, Charlotte, NC (A)
Maria J. Brown, Durham, NC (S)	Michael S. Gordon, Charlotte, NC (G)	Margaret K. Mayes, Charlotte, NC (S)
Robin Champion, NCSB/CP, Cary, NC (G)	Diane C. Hanley, Durham, NC (G)	Scott W. Rhoney, Raleigh, NC (S)
Shannon S. Champion, Charlotte, NC (G)	Elaine S. Holley, Burlington, NC (G)	Jacqueline M. Thurman, Charlotte, NC (G)
Lisa D. Childress, Morganton, NC (S)	Michelle R. Hotchkiss, Concord, NC (S)	Shelby G. Tyson, NCCP, Durham, NC (G)
Melissa A. Clayton, Sylva, NC (G)	Janeene C. Humphrey, Charlotte, NC (A)	Patricia L. Yount, NCCP, Granite Falls, NC (G)
Ann W. Dandison, NCSB/CP, Salisbury, NC (G)	Alea N. Jenkins, Wilmington, NC (S)	

Of course, we also acknowledge our Sustaining, Affiliate and Educational Program members, with whose support NCPA is able to provide our members with the quality services that you enjoy. We thank these members and ask that you show your support whenever possible.

Sustaining Members

Document Technologies, Inc.
(www.dtiglobal.com)

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(www.4ncRecords.com)

Affiliate Members

Alamance County Paralegal Association

Cumberland County Paralegal Association
(http://www.ccpara.com/)

Guilford Paralegal Association
(www.guilfordparalegalassociation.org/)

Research Triangle Paralegal Association
(www.rtpanc.org/)

Educational Program Members

Caldwell Community College and Technical Institute
(http://www.ccti.edu)

Guilford Technical Community College
(http://www.gtcc.edu)

Feel free to contact me at any time if you have questions about membership in NCPA.

Brenda Mareski, CP, Second Vice President, Membership, 704.387.7605, bmareski@carolina.rr.com ♦

Battle Plan for Success

Creating a four-star war room

By Ursula Furi-Perry, JD

As seen in the July/August 2007 issue of Legal Assistant Today. Copyright 2007 James Publishing, Inc. Reprinted courtesy of Legal Assistant Today magazine. For subscription information call (800) 394-2626, or visit www.legalassistanttoday.com.

In the middle of an important trial, there is nothing more essential and helpful than organization and preparedness. For experienced trial attorneys and their paralegals, that translates into setting up a “war room” — an orderly, central location to keep trial materials and files.

An organized war room makes for an efficient place to access case documents and provides a safe haven for all files associated with a case. “I can have every piece of evidence known to man and it does nothing if I don’t have them organized in a war room,” said Julie D. Hunt, litigation paralegal at Saladino Oakes & Schaaf in Paducah, Ky., who was chosen as the 2006 Paralegal of the Year by the American Association for Justice (formerly the Association of Trial Lawyers of America).

At many law firms, the war room is the legal assistant’s responsibility. “The paralegal is the go-to person for documents, pleadings, discovery status questions and the like, so it’s a logical progression that paralegals would be the case ‘librarians,’ so to speak, for their war rooms,” said Janet M. Powell, a litigation project manager at Ogletree Deakins Nash Smoak & Stewart in Miami, a national labor and employment law firm exclusively representing management. Savvy and prepared paralegals are the key to setting up, organizing and maintaining a successful war room.

Planning Your War Room

A well thought-out war room means thorough planning — and a lot of it. “No two groups of attorneys will do things the same way, and no two trials are alike,” explained Ann Price, litigation case manager at Patton Boggs in Washington, D.C. “You have to be flexible. I have always planned far in advance and therefore had a minimum of problems.” While some things can be corrected if a challenge pops up, issues such as insufficient space, lack of communication methods and inadequate technology are hard to address in the middle of trial. “You don’t want a lot of workmen in your war room once your trial materials are in place,” Price said. “You must anticipate any problem that can come up and work ahead of time to resolve it before it becomes an issue.”

Also, consider war room costs to your client. While some trials warrant an elaborate war room setup, other cases might require something smaller, prompting you to organize your materials on a single table or shelf.

Space planning is one of the most important considerations in preparing to set up a war room. “Most folks don’t give themselves enough room or don’t arrange things so that [they] can get to [them] easily. If the room is cramped, it will be difficult to function there even if the materials are well organized,” Powell said.

Consider whether the war room will be in a high-traffic area, causing distraction and disturbances. In addition, plan for any heating or air-conditioning concerns, lighting and the necessity of renting shelving, seating or equipment. Depending on your client’s needs, take into consideration electronic capabilities, such as phone lines, wireless Internet connections, security, speed and reliability.

Think about accessibility and security. Are all members of your trial team able to access the files in the room? Will you need to provide extra sets of keys to your colleagues?

You should account for plenty of office supplies and other necessities. Price said one of the greatest challenges in establishing a war room is “making sure you brought everything you need [or] think you will need, and that you bring sufficient supplies or have a steady supply stream available.” Hunt worked on one case where she and an assistant created a brand new office in their war room on location, complete with a label maker, office supplies and even a wireless printer — only to find they forgot to bring printer paper. Fortunately, this was quickly remedied by a friendly visit to the clerk’s office.

Finally, don’t underestimate the necessity of an enjoyable work environment. “You should find the surroundings pleasant and more than adequate or you will go crazy,” Price said. “You will know it’s a comfortable, workable space if you find the associates working on the case in the war room,” Powell said, adding that she also brings a CD player and a few CDs from home, and keeps contact information for nearby restaurants handy as well. And of course, on-site coffee availability is always a plus.

Setting up Shop

Paralegals typically set up the furniture and office machinery first in a war room. Think about conference or work tables, adequate seating and sufficient shelving — especially for those often full and heavy boxes where trial files are stored. “Try to purchase inexpensive metal shelving with [three to five] shelves so you can still stack the boxes, but only have to handle one box at a time,” Powell said. For easy access, Hunt said she sets up a conference table to hold her color-coded trial files.

Next, think technology. “If your case documents are contained in a searchable database, a decision will need to be made [as to] whether to include a station in which an individual can search for documents electronically,” said Laurie Sanguinetti, senior litigation paralegal at Dechert in Palo Alto, Calif., who mostly works on patent litigation matters. Printers, e-mail access, scanners and any pertinent software programs should be set up as part of the war room computer station. Make sure computer files are easily accessible and appropriately labeled on the desktop. Also, think about other technical and electrical equipment, such as a copier and shredder.

Battle Plan for Success continued...

Consider how you will transport your technology and how you will physically secure it on-site. Check the location for sufficient outlets and figure out whether you will need to bring surge protectors. Make sure the war room has a suitable and efficient Internet connection, and check in advance whether the trial team will be able to access office files remotely. "The one thing I find curious that is often overlooked is a phone," Sanguinetti said. A speaker phone might also come in handy. Hunt said she sets up equipment that is necessary to go over any trial exhibits and demonstratives, such as screens and projectors.

Don't forget contact information. "I have [a] desktop icon for my case telephone book," Powell said. "It has the contact data for everyone and everything associated with my case." Powell splits her book into various categories — including court information, trial team members, witnesses and opposing counsel's contacts — and lists full contact information, work schedules and any notes on availability or special commitments.

Once the war room is set up, make sure every member of your trial team is aware of its location and how files are organized. "If you have a large case, give a tour of the room when it is pulled together so everyone can see where everything is," Powell said. "Ask for feedback from the trial team [and] keep an open mind and implement their suggestions if everyone agrees."

Organizational Secrets

"The most important thing is that the room has to work; there must [be] a sense of control and organization, and everything must be easily accessible," Powell said. "If your war room is disorganized, it creates visual and mental chaos and confusion, which might translate in the minds of your trial team that the paralegal is confused. Clients walking into your war room should feel that they are getting their money's worth." A disorganized war room might mean an unnecessary waste of time and your client's money, unhappy attorneys and even the possibility of losing important files and materials.

Though methods of organization might vary by attorney, paralegal or case, "a war room is most functional when the materials are organized by party," Sanguinetti said. "You can go one step further and organize by source within the parties." Sanguinetti calls her organizational system the "library approach," marking each document, box, binder and file with a tracking number to easily identify the document's location. "Each item is then placed on a War Room Tracking Inventory (WTI), which functions as an index of case materials," Sanguinetti added. "Keeping copies of the WTI handy in the war room allows attorneys a way to quickly find an item without scanning over a multitude of shelves."

Color-coding different types of items also works. Neatly label file folders and clearly mark trial notebooks, Powell said. It makes sense to have the most frequently accessed documents in a location that is most easily accessible.

"You will always need to organize different types of cases differently, but you will still have basic groups of documents in any type of case including pleadings, discovery materials, exhibits, witness files, research files [and] trial motions," Price said. She Bates-numbers every document and double- or even triple-checks each number before the files leave the firm for the war

room. Price also said it pays to keep materials in at least two places. "I like to organize both hard copies and computer copies on CDs and [in] separate folders," she explained. "Sometimes it's quicker to find the document electronically, but most attorneys, particularly in trial, like the comfort of the familiar hard copy that they can easily highlight [or] mark up."

Because it's imperative that the paralegal in charge of the war room be familiar with the contents of each file, it might be necessary to rearrange those files' contents, even if that means extra work. "Many trial paralegals tear down and reassemble files when they put their war rooms together so they are sure they know everything in the file," Powell said. "Some might be reluctant to take that step, but the five secretaries and five other attorneys who have worked on that file are no longer responsible for its organization and finding things — you are. Bite the bullet and do it."

Finally, it's essential to organize any materials that need to be kept out of the war room or trial. "Once I take one of our original files and have removed everything I need into the trial file, I will put a rubber band around [the office file]," Hunt said. "No one is allowed to remove that rubber band without discussion and once we are headed into the courtroom, everything with a rubber band on it stays out but nearby."

Out-of-Towners: Setting up the War Room on Location

Special planning considerations arise if you are setting up a war room on location, outside of your firm's offices. Trials can mean traveling, sometimes across state lines, prompting the trial team to organize materials in foreign territory. Your war room might wind up being a secure room in co-counsel's offices or in the hotel where you are staying.

When setting up the war room on location, Price said the first issue is figuring out how to get each document safely to its destination. Plan out transportation logistics. Will you ship your documents to the location ahead of time, rent a truck and drive them or carry them with you when you travel by plane? In any case, Price said scanning the documents onto CDs that you will take in your carry-on bag is essential. Organize and label all documents at your firm before you leave, Powell said. It might also make sense to leave extra copies of essential documents at a "home base" in case something is lost or damaged during transit.

As for taking trial files in to the courtroom, Hunt recommends clipping case boxes or Bindertek to make transportation a cinch. (Binderteks are two-ring notebooks in different colors with tabbed dividers; there also are cases with clips on the back that attach to a two-wheel roller for easy transport of the notebooks.)

Cost presents another challenge when choosing an off-site war room location. "Cost considerations will no doubt determine your choice of location for the war room. Just go into it knowing there will be advantages and disadvantages to any type of situation you will encounter and be ready for them," Price said. "The best paralegal is the one who is flexible and has a plan A, plan B and plan C for every contingency."

Also, pay attention to the war room's proximity to the court-

continued on next page

Battle Plan for Success continued...

house, your offices (or your opponent's) and any other pertinent location. "It's also important that [the war room] not be the same location as the sleeping quarters, since you [might] have some members sleeping while others are working," Price said.

If the war room must be set up in a hotel room, you might have to take extra precautions, including arrangements for emptying the trash and shredding documents to make sure the hotel staff doesn't have access to trial materials. On the other hand, "If you are in a local counsel's office, you have to worry about others coming in and taking your supplies and moving your documents around in an area where they normally would have access," Price added.

When possible, visit the war room location ahead of time and check with your trial team members to see if they have any requests or special expectations. Powell, for example, recalls one trial where the original war room setup didn't meet the attorney's expectations because he felt the space was too confined, which left Powell scrambling for a backup.

"When we all got to the trial city (several hours from our home office) the head attorney didn't like the location another person had made the arrangements for and suddenly decided that he liked somewhere else better — and that was where we were going," Powell said. As a result, she spent considerable time on the phone tracking down furniture and office machine vendors.

To avoid a repeat, Powell said she secures a layout of the space so she can get approval from the attorney ahead of time, and she spends time scoping out vendors and resources on location before leaving for trial. Some of the vendors she recommends having at your fingertips are:

- a high-volume copying service;
- a service for additional demonstrative exhibit preparation;
- a local staffing agency;
- local eateries;
- the closest 24-hour pharmacy; and
- the closest, fastest dry cleaner.

Maintenance Is the Key to Trial Sanity

You could have the most well-planned and organized war room on the block, but it will all be for naught if you don't take special care to maintain its integrity, safety and organization.

For starters, pay continued attention to space. One of the greatest challenges that can arise with a war room is running out of space for your files. "It can be hard sometimes to gauge the volume of case materials you are going to wind up with as discovery progresses. What was once considered a small matter document-wise can change to a huge one with a single document production received by an opposing party," Sanguinetti said. "You must then make judgment calls as to whether you should relocate your entire war room to a larger area, move certain materials into storage or split materials into multiple war rooms."

Staying organized is another must. "Attorneys are often stressed and focused on a single issue at trial. It's the paralegal's duty to keep a big picture approach, and part of that is to keep the war room organized," Price said. A disorganized war room quickly can become an unpleasant place to work, especially with trial team members taking documents out of the war room to work on them elsewhere — those documents can become lost

or unavailable for the next person who needs to use them, Price added.

To keep order, paralegals in charge of the war room need to make certain that documents are filed in their proper places. "It's imperative that the documents used are put back into place so they can be found quickly the next time they are needed," Price said. "I recommend that the paralegal keep an eye out for clutter, papers left out ... and make it a priority to refile these as soon as possible."

Hunt has a color-coding and numbering system for the notebooks, and due to this she can quickly tell if a trial book is missing. "Normally, the trial attorney will not remove items from the trial books, but will ask for his [or her] own copies if he [or she] needs something, and those copies are clearly stamped with [the attorney's] initials so I know [they have] not been removed from the trial book," she said.

Sanguinetti said she discusses the war room with the team as it's being set up to help keep it organized and intact. "I usually try to explain to the team ... that the materials in the war room are for community use, and if they want to borrow something, to let myself or another paralegal on the team know. We then note on the WTI who has the materials in question."

One thing that Powell keeps in mind is that she is there to support the attorneys. "Realistically, everyone is under intense pressure to perform, and my survival instinct on [maintenance] is to remember that I am there to support my people," she said. Recognizing that, Powell added, "one thing that has been helpful is that we have PDFs of most of the important documentation filed in our firm's document management system. Often, the attorneys don't even need the physical files to print out a copy of a motion, order, report or other exhibit. It's just easier to pull it up on the system at their desks and hit 'print.'"

Safety also becomes an issue with war room maintenance.

Experienced litigation paralegals agree that a simple lock on the door is sufficient protection, as long as keys are only provided to authorized trial team members. Alternatively, Sanguinetti said having a team member or other "war room librarian" on location to guard the documents might also work.

"I once had to set up a war room in the hospitality suite of a hotel," Powell said. "The doors had locks, of course, but it was such a large case that various attorneys and some of the experts needed to have access during the days when the rest of us were in court. We had a secretary with us and then had another person who was hired to assist with all the logistics that we more or less just stationed in and around that area to keep an eye on everything." Powell also keeps the security desk's contact information taped to her phone.

With plenty of planning, organization and thorough maintenance, paralegals can make sure their war rooms provide accessibility, security and efficiency to the entire trial team. "Litigation paralegals should be familiar with setting up [a war room] because we are the ones who most often field questions from attorneys who are trying to locate a piece of information they know they saw but can't remember where," Sanguinetti explained. "If a war room is properly set up and maintained, a person will be able to locate whatever he or she needs quickly and efficiently."



CALL TO ACTION: NOMINATIONS AND ELECTIONS

The Value of Service

You have heard the old expression “What goes around, comes around.” If you value NCPA for the service it provides you, here is your chance to make the same meaningful contribution to the lives and careers of other paralegals. Consider serving as an officer or director in the 2008-2009 membership year. Not only will it give you insight into the workings of NCPA, but it will improve your leadership skills, broaden your network of important contacts and you might just have a lot of fun, too!

Do you think you may be interested, but are not sure what these duties entail? Briefly, these are the duties of the Officers. Please refer to your Membership Directory to find references to the Bylaws and Standing Rules.

- President: Represents the needs and concerns of the membership before the Board of Directors, supervises the work of other Officers and Committee Chairmen, and keeps the membership advised. [See Bylaws Article VIII.1. and Standing Rule VIII.A.1.]
- First Vice President: Responsible for planning seminars, workshops and other educational events and is the Chairman of the Education Committee. [See Bylaws Article VIII.2. and Standing Rule VIII.A.2.]
- Second Vice President: Is the Chairman of the Membership Committee and is responsible for the compilation of the Membership Directory. [See Bylaws Article VIII.3. and Standing Rule VIII.A.3.]
- Secretary: Responsible for keeping a permanent record of all meetings of the membership. [See Bylaws Article VIII.4. and Standing Rule VIII.A.4.]
- Treasurer: Responsible for the deposit of funds and makes disbursements as provided for in the budget; is the Chairman of the Finance Committee and prepares the budget for the ensuing fiscal year to be approved by the Board of Directors. [See Bylaws Article VIII.5. and Standing Rule VIII.A.5.]
- NALA Liaison: Is a NALA member who is familiar with the NALA Bylaws and Standing Rules, represents NCPA at the NALA Annual Meeting of Affiliated Associations and makes quarterly reports to NALA concerning NCPA's activities; coordinates with the CLA Review Course Subcommittee Chair on planning and presentation of CLA Review Course. [See Bylaws Article VIII.6. and Standing Rule VIII.A.7.]
- Parliamentarian: Attends all membership meetings and gives opinions on parliamentary procedure and interprets NCPA's Bylaws and Standing Rules; is the Chairman of the Bylaws and Standing Rules Committee. [See Bylaws Article VIII.7. and Standing Rule VIII.A.6.]

If you have any questions about any position, Officer or Director, please do not hesitate to contact Nominations & Elections Committee Chair Catrina P. Mitchell at catrina.mitchell@durhamnc.gov or contact one of the current NCPA Officers or Directors. Their names can be found on the NCPA website: www.ncparalegal.org. Rest your pointer on “About NCPA” on the left to see a drop-down menu for “Board of Directors” or “Officers and Executive Committee.” The inside back cover of this issue of the NCPA Forum also provides contact information.

Dear Client

How to draft effective opinion letters

By Christy Hall Benson, CLA

As seen in the July/August 2007 issue of Legal Assistant Today. Copyright 2007 James Publishing, Inc. Reprinted courtesy of Legal Assistant Today magazine. For subscription information call (800) 394-2626, or visit www.legalassistanttoday.com.

As a student in paralegal school, I learned and practiced how to write legal documents such as pleadings, discovery, legal memoranda and appellate briefs. While writing legal correspondence was briefly discussed in the classroom, I didn't realize until I began working as a paralegal how much time I would spend writing legal letters.

As my writing skills continued to develop, I was called on to write more substantive correspondence, including opinion letters and demand letters. These types of letters go beyond normal business correspondence and require skills not necessarily learned in the classroom. This column is the first of a two-part series in writing advanced legal correspondence and will focus on writing opinion letters.

Author's note: The guidelines that follow are intended to apply to the drafting of general opinion letters and are not meant to refer to "closing opinions." Closing opinions are complex letters delivered at the closing of many business transactions by the attorney for the company to the other party (e.g., the lender, investor, purchaser). In a closing opinion, counsel provides the recipient with its legal opinion on various matters the recipient has asked it to address, including legal proceedings against the company. For more information on this type of letter, see the American Bar Association's "Guidelines for the Preparation of Closing Opinions" (*The Business Lawyer*, Vol. 57, Feb. 2002).

What Is an Opinion Letter?

An opinion letter provides both information and legal advice. It tells the reader how the law applies to a specific set of facts. Frequently, a client will ask an attorney for a legal opinion on a particular issue that requires a substantive amount of research before the opinion can be given.

For example, your hospital client might ask for an opinion as to the enforcement of a potential physician employee's non-competition agreement. Or, as another example, a client might want a legal opinion as to whether he or she would be successful in recovering damages against an ex-employer in a possible discrimination case in violation of federal Equal Employment Opportunity laws.

Although your attorney might give his or her opinion on the subject matter to the client verbally first, a written opinion letter usually will be sent as a follow-up. Opinion letters typically are long and are "expressions of professional judgment regarding the legal matters addressed, and are not guarantees that a court will reach any particular result" ("Legal Opinion Principles," *The Business Lawyer*, Vol. 53, May 1998).

Because opinion letters contain legal advice upon which a client can rely, you should only draft the letter for an attorney's

review and signature. Under no circumstances should a paralegal sign the letter, which could be considered as giving legal advice and the unauthorized practice of law. Although what constitutes the "practice of law" is governed by state law, "no state permits paralegals to ... give legal advice to clients" (American Bar Association Model Guidelines for the Utilization of Paralegal Services, Comment to Guideline 2).

Organization

Before you begin drafting an opinion letter, check with your attorney to see if the firm has a standard way of structuring it. The following is an outline of how opinion letters are typically organized:

Introduction. This paragraph identifies the question or questions to be answered in the letter and typically includes the context in which the client raised the question.

On April 20, 2007, you retained this firm to advise ABC Company as to the legalities of purchasing DEF Inc., either by an asset purchase or stock purchase transaction.

Language in this section informs the client that the opinions expressed are intended solely for the client's own use and are dependent on the facts given in the letter and the laws of the particular state (or federal laws, if applicable) in effect on the date the letter is written. The inclusion of this language is important because without it the client can potentially misconstrue the advice given or apply it to a different set of facts. For this reason, an opinion letter should clearly state the facts as they were given by the client and understood by the attorney.

This letter and its contents are intended for the sole benefit of the recipient and apply only to the facts you furnished and as are outlined in this letter and the laws of the state of _____ in effect as of the date the letter is written.

Facts. This section provides background information and outlines the key facts relative to the questions being answered by the opinion letter. Careful attention should be paid to this section to make sure all facts are correctly stated. The client should be requested to closely review this section and notify the attorney immediately if any facts are misstated. Different facts might change the opinions in the letter. If particular facts are unknown, that should be stated as well.

If any facts in this letter are missing or are incorrect, please notify me immediately. Any change to the facts or presentation of new facts may change the opinions as stated in this letter.

Fact gathering is an area where paralegals can provide invaluable assistance to attorneys. Paralegals can discuss the facts with the client and document them clearly in the file, which will help when it is time to draft the opinion letter.

continued on next page

Dear Client continued...

Answer. Next, the letter should contain a brief answer to the question or questions being raised. By placing the answer near the beginning of the letter the client will not have to read through a detailed explanation to learn the answer to his or her question. This paragraph is typically short and should be written in clear and concise language. The answer is determined based on legal research and analysis of the facts. In some law firms, a complex legal memorandum is written before the opinion letter. This is a document that usually is kept in the file and contains more extensive legal research and analysis than what is given in the letter. Paralegals often assist in doing the legal research and drafting the legal memorandum as well.

Explanation. This section of the letter is the most detailed and explains how the laws apply to the questions being raised and how the laws apply specifically to the client's fact pattern. If the letter will respond to multiple issues, remember to discuss them in the order in which they are outlined in the introduction. The explanation should be complete and written in a manner that the client can understand, as the client is generally a layperson.

One good way to find out if your letter is clear and understandable is to test the reading level of the letter. Microsoft Word has built-in features to test a document's readability called the "Flesch Reading Ease" and the "Flesch-Kincaid Grade Level." The Reading Ease score rates text on a 100-point scale; the higher the score, the easier it is to understand the document. According to the Readability Score guidelines in the Word help section on its Web site, for most standard documents, you should aim for a score between 60 and 70 (see <http://office.microsoft.com/en-us/word/HP051863181033.aspx> for more information). The Grade Level indicator rates text on a U.S. school grade level. For example, a score of 9.0 means that a ninth grader can understand the document.

According to the same Web site mentioned above, you should aim for a score of approximately 7.0 to 8.0 for most documents. These statistics will appear after spell-checking your letter if the feature is activated in Word as follows: First click "Options" on the "Tools" menu, and then click the "Spelling & Grammar" tab. Next, select the "Check grammar with spelling" check box. Choose the "Show readability statistics" check box

and then click "OK." On the "Standard" toolbar, click "Spelling and Grammar."

Also, if your client is a layperson, don't leave out any important legal information just because your client might be unfamiliar with the law. However, when you do include the information, try to avoid legalese and keep legal quotations and citations to a minimum. An exception to this rule is when your client is familiar with the law and legal writing. For example, a letter could be more detailed if you are writing to a client who is in-house counsel at a company requesting a legal opinion from your firm, which is serving as outside counsel.

Conclusion. This paragraph is similar to other business correspondence and should include any instructions to the client if necessary. For example, if your client is requesting an opinion on the possibility of filing a lawsuit, your letter might ask the client to advise as soon as possible if he or she wishes the firm to proceed with the filing of litigation as outlined in the letter. The client's ability to file the lawsuit might be affected by a ticking statute of limitations, and if so, this should be stated as well. Follow-up by the client isn't always necessary. For instance, your client who serves as in-house legal counsel for XYZ Company might need a one-time opinion letter for the company's outside auditors. However, in every opinion letter, the client should be advised to contact the attorney if he or she has any questions regarding the opinions outlined in the letter.

A Note on Letters

It should go without saying that your opinion letters should be impeccably written and free from spelling, grammar and research errors. Since opinion letters typically are long, it's a good idea to number your pages consecutively. Include the following in a header at the top of each page:

- client name;
- date; and
- page number.

It's helpful to use headings when writing each particular section of the opinion letter. Simple organization will aid in the reader's understanding of the legal opinions. Finally, don't be afraid to acquire new skills and take on the challenge of drafting an opinion letter. You and your attorney might just be glad you did. ♦

Increased Court Costs

Please note that effective August 1, 2007, the following court costs were increased:

Civil Magistrate Court Filing Fee	\$ 75.00
Civil District Court Filing Fee	\$ 89.00
Civil Superior Court Filing Fee	\$109.00
Criminal District Court Filing Fee	\$115.00
Criminal Superior Court Filing Fee	\$140.00
Arrest Or Service Of Criminal Process Fee	\$ 5.00
Civil Revocation Fee	\$100.00
Criminal Record Check Fee	\$ 15.00
Failure To Appear Fee	\$100.00

Is Your Attorney In Need Of Assistance?

By **Blanche S. Berkowitz, NCGP**

On Saturday, July 21, 2007, District IV held a Meet and Learn in Greensboro featuring Towanda Garner of the NC State Bar's Lawyers Assistance Program ("LAP") as the guest speaker. The LAP is a service of the North Carolina State Bar, which provides **confidential** assistance to North Carolina lawyers to help them identify and address problems with alcoholism, other drug addictions and mental health disorders. The LAP believes that as paralegals, working in close proximity with attorneys, we can help with outreach to lawyers who need help. Ms. Garner was very informative about the program and we exchanged many ideas about getting information out to our members and all paralegals, with some future possible speaking opportunities at an NCPA event.

After this meeting, I gave much thought to how important it is as paralegals to be able to make a recommendation to a **CONFIDENTIAL** source when a lawyer is noticeably in need of emotional support and professional outside help, without putting our jobs in jeopardy. This issue became more poignant when on Tuesday, July 24, 2007, the Greensboro *News & Record* featured a front page article entitled, "**Lawyers Seek Ways to Relieve Job Stress,**" regarding the fact that lawyers have, or have had, the highest incidence of mental health problems of 105 professions in the nation and that the incidence of stress-related illness grew from 22 percent of N.C. lawyers in 1990 to 26.2 percent in 2002. This article ultimately informed about the establishment of the BarCARES program sponsored by the North Carolina Bar Association for its members. If you care to read the article, the link is:

www.news-record.com/apps/pbcs.dll/article?AID=/20070724/NEWSREC0101/70723026/-1/NEWSREC0201

I would like to elaborate about these two programs as presented on their websites in order to encourage you to consider your options when faced with this serious situation and to take action without hesitation.

The NC State Bar, Lawyers Assistance Program

The LAP has two committees of volunteer peer counselors - PALS and FRIENDS. The LAP has the following three purposes: (1) to protect the public by assisting lawyers and judges who are professionally impaired by reason of substance abuse, addiction, or debilitating mental conditions; (2) to assist impaired lawyers and judges in recovery; and (3) to educate lawyers and judges concerning the causes and remedies for such impairments. The LAP provides confidential help to North Carolina lawyers, judges and law students. To achieve these purposes, the LAP is designed to help lawyers find a way to address a wide range of health and personal issues, including most commonly: alcohol/drug abuse, stress/burnout, depression, anxiety, compulsivity disorders of all kinds including those involving food, sex, gambling, and the Internet. The LAP trains and supports peer counselor volunteers, and it provides assessments, referrals, interventions, education, advocacy, and peer support services.

The program is authorized by rules of the North Carolina State Bar which established its governance under a separate

Board with rules which assure the **confidentiality** of the program. The LAP is governed by a nine member Board consisting of three Bar Councilors, three experts in the fields of addiction and mental health, and three lawyer volunteers. The LAP is directed by three full-time professionals: W. Donald (Don) Carroll Jr., LAP Director, Edmund (Ed) F. Ward III, LAP Assistant Director, and Towanda C. Garner, Piedmont LAP Coordinator. In addition, both programs use a number of lawyer volunteers who have personal experience or training in addiction and/or mental health issues and are trained in **confidentiality** and how to provide peer assistance.

If you call to seek help for yourself, your inquiry is **confidential**. If you call as the spouse, child, or friend of a lawyer whom you suspect may have an alcohol, drug or mental health problem, and needs help, your communication is also treated **confidentially** and never related to the lawyer for whom you are seeking help without your permission. All inquiries, questions and conferences are privileged and held in the strictest confidence. Under Rule 1.6 of the Rules of Professional Conduct of the North Carolina State Bar, the attorney/client privilege is applied to communications between a lawyer seeking assistance with the LAP. In order to assure this high degree of trust and **confidence**, the LAP is, by rule of the State Bar, which has been approved by order of the North Carolina Supreme Court, entirely separate from any ethics or disciplinary committee of the State Bar.

For more information on Ms. Garner and the LAP please check out: www.nclap.org.

BarCARES (A subsidiary of the NC Bar Association)

BarCARES is a confidential, short-term intervention program provided cost-free to members of judicial district and local bar groups, as well as students, faculty and staff of law schools which have "opted in." The program is there to help attorneys and students (and their immediate family members) by providing confidential assistance and brief, solution-oriented counseling. It includes three free counseling sessions each year. Only the program user, their counselor and those the user chooses to tell will know about their BarCARES use.

BarCARES is designed to offer no-cost assistance in dealing with problems that might be causing distress and can be used to help with: Personal Issues such as crisis intervention, depression/anxiety, substance abuse (drug or alcohol) and financial concerns; Family Issues such as marriage/relationships, children/adolescents, parenting/family conflict; Work Issues such as professional stressors, case-related stress and conflict resolution; and Student coaching on stress/time management. BarCARES of NC, Inc. contracts with Human Resource Consultants, P.A. (HRC) of Chapel Hill and Raleigh to administer the program (<http://hrc-pa.com/>). HRC is a first-class provider of a broad range of psychiatric, psychological, social work and career counseling services throughout North Carolina. The counselors are licensed professionals, bound by the confidentiality requirements of their profession.

continued on next page

Is Your Attorney In Need Of Assistance continued...

Neither BarCARES of NC, Inc., the NC Bar Association, nor any other group involved have access to names or other identifying information about any program user.

The BarCARES program is made possible by BarCARES of NC, Inc., the North Carolina Bar Association, the North Carolina Bar Foundation Endowment, Lawyers Insurance Agency, as well as the bar groups and law schools that "opted into" the program. BarCARES, which stands for Confidential Attorney Resource and Enrichment Services, began as an idea of the NC Bar Association's Quality of Life Committee in the early 1990's following an NCBA-sponsored survey that showed many stress factors for attorneys (and their families).

BarCARES services are currently available to members/students of the following bar groups and law schools: 1st, 5th, 10th, 12th and 18th Judicial District Bars; Alamance, Craven, Durham, Forsyth and Orange County Bars; as well as Campbell University, UNC Charlotte, Elon University, NC Central University, and Wake Forest University Law Schools. (The UNC Law School BarCARES program will be operational in the fall.)

To learn more about BarCARES services, or how your bar group can establish a program, call HRC at 1-800-640-0735 or visit www.nccbar.org/about/barCARES/index.aspx. ♦

Mentoring: Furthering the Success of Our Profession

By Stephanie Elliott-Park, NCCP

We are all in different levels of experience in our professional careers, and for those of us that have been practicing for a while, it's easy to forget the earlier years of "cutting our teeth." Recently, I was asked to think about how effective mentoring could be for current paralegal students and recent graduates. It is easy to get so involved in the day to day practice of our profession and to not realize how much knowledge and skill goes into what we do every day. Many experienced paralegals networked and interconnected and this plays out in e-mails, telephone conversations, conversations between attorneys, judges, court personnel, and vendors, and in other manners.

We also see each other at closings, mediations, court appearances, and paralegal meetings and functions.

For someone who is brand new to the profession, whether as a recent graduate or a paralegal who has moved to a new city, being new and alone in a job can be daunting. Moreover, there is a wealth of knowledge that experienced paralegals possess by way of years of experience, which recent graduates simply have not yet gained. If recent graduates are fortunate to have good co-workers who are patient and willing to help, as I once had, then half the battle is already won. However, sometimes there is not anyone to help them. What next?

Mentoring can be done on a variety of levels. Helping new paralegals is the best way to ensure that our profession moves in the right direction. We can offer our assistance in many ways. There is a lot of information that students may not receive in their programs, such as how law firms work, how to navigate the court system, how a law firm is structured, who to call for vendor services, and many other important items. Experienced paralegal can take this information for granted and do not realize that it

is used on a daily basis. However, it can be overwhelming for a new paralegal to be asked for something and not know where to locate it.

I often tell my students that I networked quite successfully for a number of years, before realizing what I was actually doing. I rely heavily on the network and support system that I have built and it not only helps me, but it also helps my attorney. In the world of technology that we now live in, we have new resources every day that make our work more efficient. However, the human element will never leave the practice of law. My mom used to tell me as a child to "leave things better than I found them." The same could be said for our profession. Mentoring the newer generation of paralegals is our way of making a commitment to our profession that will profoundly impact us now and those who will walk in our shoes in the future.

How can you mentor?

Help new employees in your office: Offer your assistance when someone new is hired. Help them get their "footing" and give them helpful tips and information that will support their new job. Take them to lunch and become the person they can rely on when questions arise.

Volunteer your time to a paralegal program: Contact a local paralegal program and volunteer to be a mentor. Paralegal students are like sponges. They are very receptive to new ideas and especially to seasoned paralegals who can help them.

Check with paralegal organizations: Check with local and national paralegal organizations and ask if they have a mentoring program. If they do not have a mentoring program, be proactive and start one. There could be existing new members that could benefit from your guidance. ♦

NALA Liaison's Report

Cindy Frye, ACP, NCCP

The Sheraton New Orleans, bordering the French Quarter, was the location of the 32nd annual National Association of Legal Assistants ("NALA") convention and education workshops.

In the midst of jazz, the taste of beignets, the aroma of Cajun and Creole cuisine, streetcars, casinos, steamboats, high rises, hurricane revitalization, construction, and horse-drawn carriages, NALA provided a professional educational event for approximately 325 attendees, which included three institutes, three educational tracks, and the new LEAP program.

The opening reception with the apropos title "Show Us Your Wits" was hosted by the Louisiana State Paralegal Association, and a good time was had by all!

The colorful Mardi Gras style reception flowed with beads, masques, wine, and tokens. Now I understand why they call it the "Big Easy"! Old friends connected and new bonds were formed. NCPA members conversed with other organization representatives to get fresh ideas.

The keynote address was humorous. "What the Senior Partner Doesn't Know" was presented by Marta-Ann Schnabel, President of the Louisiana State Bar Association. She provided much insight into what it was like to satisfy clients even though New Orleans was buried in water after Katrina.

The educational presentations were professional and well attended and a favorite of many was the A La Carte track, "Lessons from Katrina," which inspired many to go home and ask their state representatives about their city's disaster plan.

NCPA's exhibitor table was shared with Charlotte's Metrolina Paralegal Association. In my opinion, we had the best looking

table there! Our president, Kaye Summers also represented NCPA at the convention. Kaye's craftsmanship on NCPA's storyboard really stood out. NCPA's table was busy and received many compliments. The theme was "From the Mountains to the Sea." Check out the picture in this issue of the FORUM!



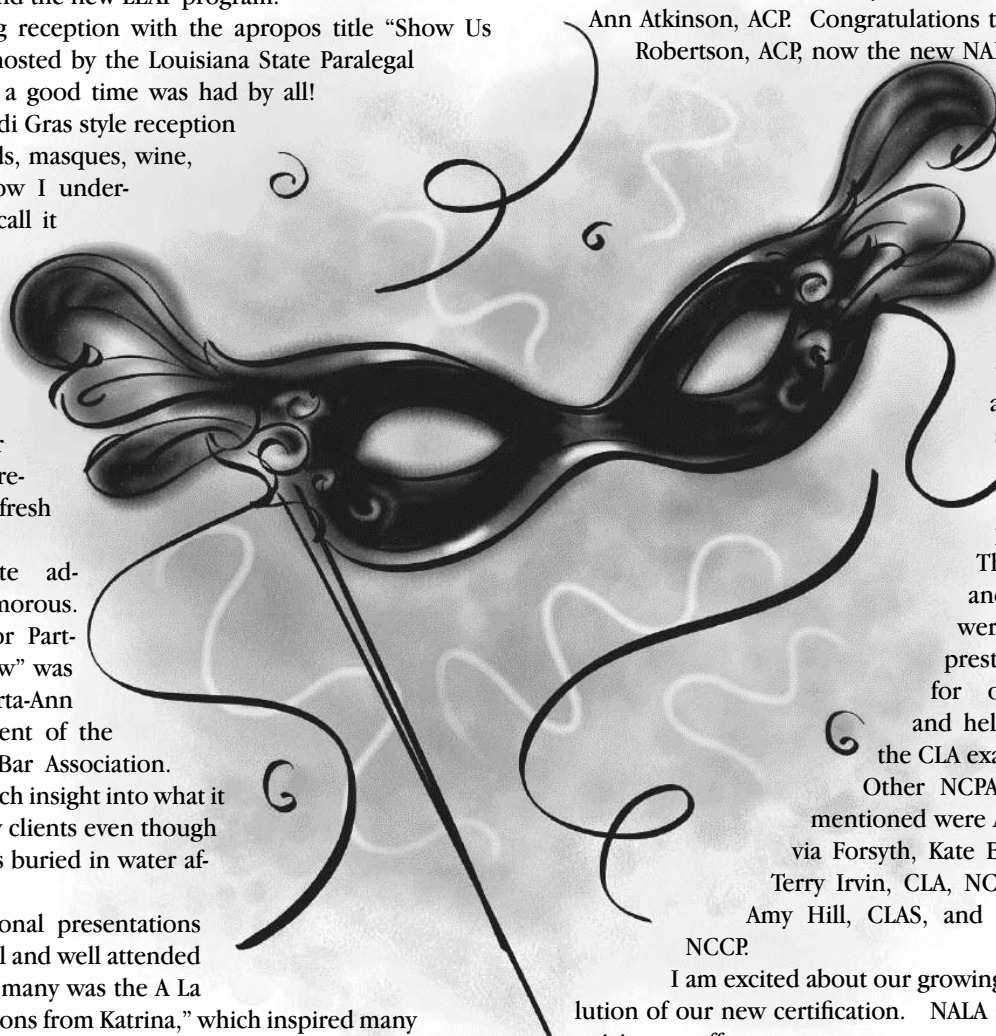
New NALA officers for 2007-2008 are President Tita Brewster, ACP; First Vice President Linda Wolf, ACP; Second Vice President Karen McGee, ACP; Secretary Sharon Werner, ACP; and Treasurer Ann Atkinson, ACP. Congratulations to NCPA member Sharon Robertson, ACP, now the new NALA Affiliated Associations

Director. Dorothe J. Howell, ACP from Baltimore, MD was elected as the NALA Region 2 Director.

NALA's closing reception included the installation of the NALA Board of Directors for the 2007-08 fiscal year, and also honored outstanding members and their achievements. It was an honor to be present when NCPA's Theresa Irvin, CLA, NCCP and Mary Willard, CLAS were co-awarded NALA's prestigious President's Award for outstanding mentoring, and helping others prepare for the CLA examination.

Other NCPA attendees not already mentioned were Allison Foster, NCCP, Sylvia Forsyth, Kate Boyd, Melissa Gillen, CP, Terry Irvin, CLA, NCCP, Mary Willard, CLAS, Amy Hill, CLAS, and Regina Newsome, CLA, NCCP.

I am excited about our growing profession and the evolution of our new certification. NALA and NCPA are constantly striving to offer more programs to promote the paralegal profession. It pays to stay current and involved because times are changing! We look forward to seeing you in Boone at NCPA's Mid-Year Seminar and CLA Review Course. ♦



NCPA would like to congratulate the following members who have been certified by the North Carolina Board of Paralegal Certification as of July 31, 2007:

Shelia L. Alexander	Michelle D. Digsby	Laura Cloninger Hughes	Diane N. Morgan	Cheryl P. Smith
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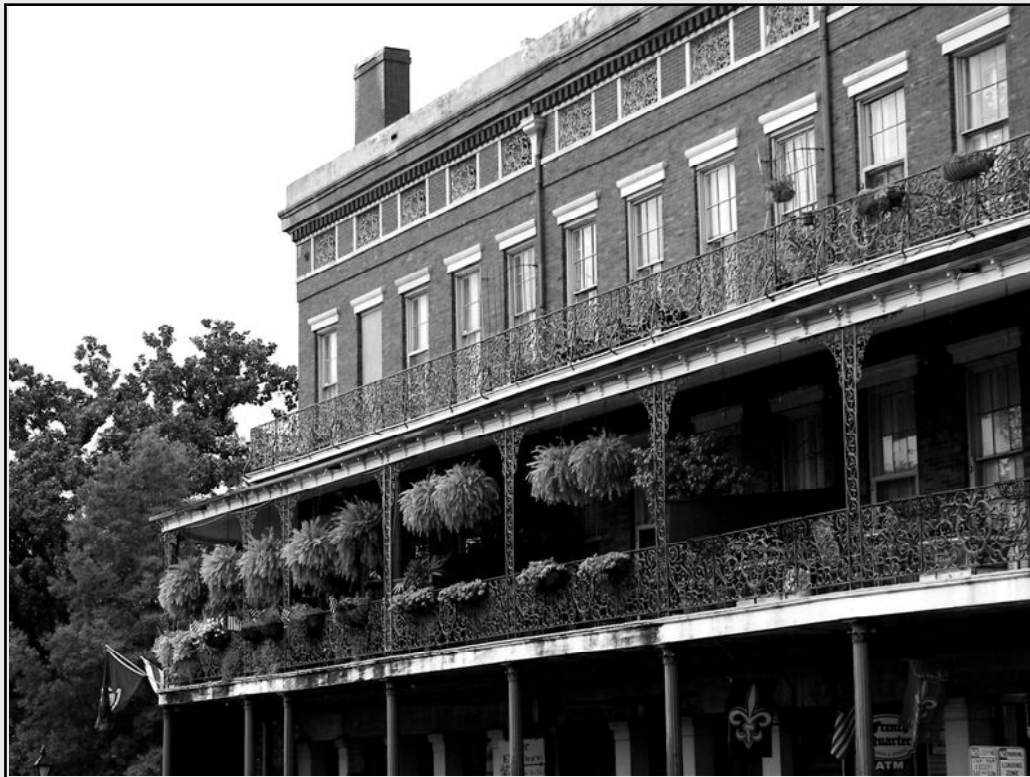
Memories from the 2007 NALA Annual Convention in New Orleans, LA



*NCPA President Kaye H. Summers, CLA, NCCP and
NALA Liaison Cindy Frye, ACP, NCCP at the NCPA Booth*



*Terry Irvin, CLA, NCCP and Mary Willard, CLAS
receive the prestigious President's Award*



A gorgeous view of New Orleans



Café Du Monde is a Hurricane Katrina survivor



Another gorgeous view of New Orleans



NCPA President Kaye H. Summers, CLA, NCCP tours New Orleans with other NALA Affiliate members

Calling All Members!

“People who ask our advice almost never take it. Yet we should never refuse to give it, upon request, for it often helps us to see our own way more clearly.” --Brendan Francis

Please consider contributing to the next edition of the *NCPA Forum*. Not only do we want our association's publication to be informative and innovative for each and every member, we also want it to include helpful hints and sound advice from our main resources, our members. We are looking for all types of articles that relate to the paralegal community. Anything of interest to you will most likely be of interest to other paralegals across the state. Let your voice be heard in the *NCPA Forum*. Please submit all articles in Word format to selliott-park@gastonlegal.com. You may also e-mail your comments, suggestions and possible article contributors to us as well.



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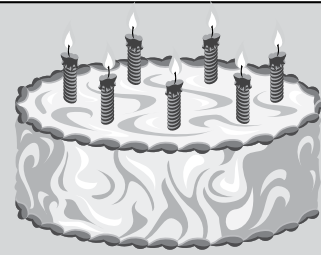
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*NCPA wishes the
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October

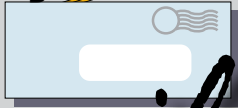
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Simone C. Walton-Cato
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Melanie J. Deal
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Ann C. Marshall, NCCP

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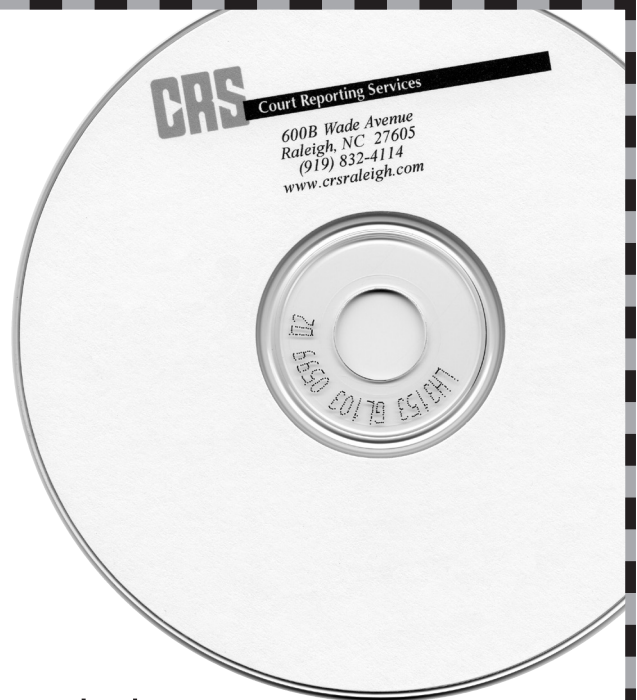
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