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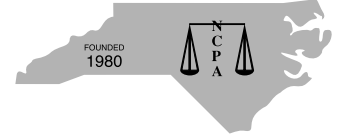


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Winter 2012

North Carolina Paralegal Association, Inc.

# Forum



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

## NCPA'S 2012 PARALEGAL UTILIZATION AND COMPENSATION



## RESULTS

NCPA'S 2012 PARALEGAL UTILIZATION AND  
COMPENSATION SURVEY RESULTS

### IN THIS ISSUE...

- Meredith Pollette ACP Scholarship Competition Winner
- Ethics Tip: Consider the 5 C's
- NCPA Nominations and Elections



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## President's Message

Stephanie B. Elliott, NCCP



It's my favorite time of the year- the chaos and quiet of Thanksgiving, Christmas and the New Year. It reminds me to stop, take a breath, and look around me. There is so much going on at this time of the year that I truly have to evaluate and decide what I can and can not do.

Parties, violin performances for my son and me, church choral and hand-bell performances, not to mention the end of the year responsibilities I have at work. The list is as long as December! It's also the time of the year I think about how I want to start the new year. For many people, January is always a time of "resolutions". We all do it, right? We want to find a new job, lose weight and get fit, de-shamble our lives.

I'm one of those folks that likes to make resolutions. I think of short and long term goals that I would like to accomplish. Little things like trying to fit one more run into my week, or arriving to work 30 minutes earlier several days a week to work in peace before the phones are turned on. Some resolutions are much easier to keep. Last year, I even made a resolution NOT to make any new resolutions! The whole point of resolutions is to find ways to improve ourselves, our habits, our relationships. Making short and long term goals is a great way to push yourself to accomplish your dreams.

**Many people look forward to the new year for a new start on old habits.**

*~ Author Unknown*

I'd like to encourage each of you to take a look at NCPA. What does your membership mean to you? Can you see the ways it has helped you in your job? If not, then it's time to turn that around and make your membership work for you. There are places big and small where your assistance is needed. Is your District active? Do you know anyone in your District? Do you attend Meet and Greets? If the answer is no to any of these questions, then find out who your District Director is, and offer

your assistance. Make plans to attend any events your District offers. Do you regularly attend the Annual Meeting and Seminar? If not, make a resolution to attend this year. If cost is an issue, ask a fellow member or even a co-worker to go with you to split the cost. Attending the educational events at Annual is great, but do you attend and/or participate in the Annual Meeting? The Annual Meeting is a great way to understand what NCPA does, and how it's run. What you'll find is a dedicated small group of people who care very much for NCPA's success and growth... and who need you. If you are interested in any leadership positions, please email me, Patti Clapper, or any of the members of the Board. We can help you find the perfect fit!

The first of the year will bring new plans and new events for us. Check the website and your inbox for information on our state-wide Service Project day. Jennifer Eason, our Pro-Bono Chair, has been hard at work planning events we can all participate in. Make plans to attend and give back to your community. The Annual Meeting and Seminar will be held April 4-6<sup>th</sup> in Wrightsville Beach. Information will be on the website after the first of the year. The speakers and events are being planned now, so mark your calendars and make a resolution to attend.

Let's join together and make this an outstanding year for the North Carolina Paralegal Association. I'm ready....Are you?

**Be at War with your Vices,  
at Peace with your Neighbors,  
and let every New-Year find you a better Man.**

*~ Quoted in Benjamin Franklin's  
1755 Poor Richard's Almanac, December*

Happy Holidays to you and yours!

*Stephanie B. Elliott, NCCP*

President



# Chairman's Message

Patricia F. Clapper, ACP, NCCP



As you may know, it's the time of year when NCPA seeks nominations and declarations for Officers and Directors for next year.

At Annual 2013, we will be nominating District Directors for our EVEN numbered districts. We are also seeking to fill Districts I and VII by appointment. If you have not done so, please visit our website for more information about the election and nomination process. As Chairman of the Board, it is also my job to serve as Director for any districts without a director (At Large Director). Since I am in Wake County, it is difficult for me to serve some of the open districts. I would really like to have all the Director slots filled by March 2013 so even if you have the slightest interest, please email me.

If you are interested in an Officer or Committee position, please visit the "about us" section of our website to see what the duties of each position are and email President Stephanie Elliott.

We have positions to meet whatever time commitment you have, whether large or small. NCPA is only as strong as its members, Directors, Officers and Committee Chairs. Again, even if you have the slightest interest in serving, please email Stephanie or me.

See everyone at the beach in April for Annual 2013!

*Patricia F. Clapper, ACP, NCCP*

NCPA Chairman of the Board & At Large Director



This issue of the FORUM represents the completion of my third year as Senior Editor. I hope all of you have found the past twelve issues to be interesting and informative, and I hope you have enjoyed reading them as much as I've enjoyed putting them together for you. And as my third year comes to a

## Editor's Court

Brandon L. Ruth, NCSB/CP

close I would once again like to thank the many members of NCPA who put in extra time pulling together articles, writing

columns, doing research, working with advertisers, and lots of other untold little tasks that help put each issue of the FORUM together. If it wasn't for all of you, I'd have very little to do. Or I would have a ton to do, guess it depends on your outlook. I would also like to give special mention to Melissa Clayton, NCCP for her tireless efforts in working with many authors, bloggers, twitterers (tweeters? twits? whatever) and everyone else she deals with each issue to bring you a broad range of informational and helpful articles.

We continue to get positive reviews from our readers and advertisers regarding all facets of the FORUM, so we're going

to keep it up! Readers still love traveling in the Time Machine, and sometimes the nuggets we uncover are still relevant and important to us today. In fact, due to the success and popularity of the Time Machine, in 2013 we're going to bring back another piece of FORUM history - called Paralegal Pride. Started when the FORUM was put together under the watchful eye of our own Brenda Mareski, ACP, Paralegal Pride was a place to let readers and members know of the successes of individual members and their impact on the greater legal and paralegal society. So if you have some good news about yourself or any member, please let us know and we will be happy to give that person or persons a place of honor in a future issue!

As always, please pay special attention to the Calendar of Events, because with membership this large, there is bound to be something going on that interests each and every one of you, and we love to see our members getting involved. And don't ever hesitate to contact Melissa and let her know where she can find new and different articles you would like to see in future editions of the FORUM. We hope you enjoy this edition of NCPA's FORUM and please know that your feedback and/or comments are always welcome.

Regards,

*Brandon L. Ruth, NCSB/CP*





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# Second Vice President's Report Membership

Beverly K. Moore, NCCP

The current membership breakdown as of November 26, 2012 is as follows:

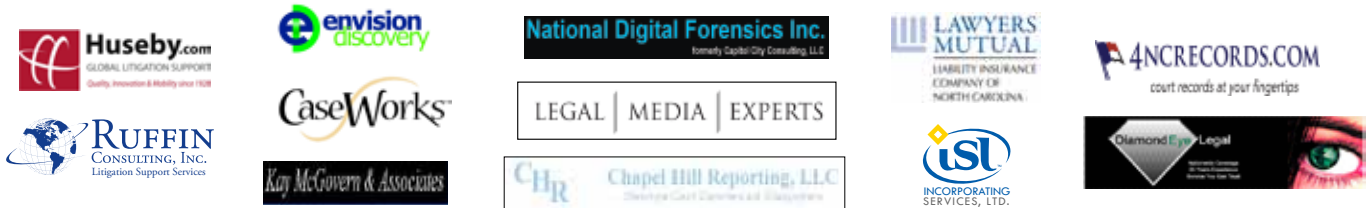
General members:	259
Associate members:	57
Student members:	102
Sustaining Members:	10
Affiliate members:	3
Educational Program members:	3
Total	434

We would like to acknowledge our newest (G)eneral, (A)ssociate, and (S)tudent members joining from May 31, 2012 - Aug. 31, 2012.

Lana Alexander, Denver, NC (G)	Janette K. Medlin, Raleigh, NC (G)
Shannon Barbee, Matthews, NC (A)	Alexis T. Miller, Greensboro, NC (S)
Lauren E. Black, Lexington, NC (S)	Joseph J. Richards, Raleigh, NC (S)
Minnie S. Cameron, Winson-Salem, NC (A)	Natia Charissess Ridges, Raleigh, NC (S)
Edris Charise Davis, Charlotte, NC (S)	Lee Sears, Raleigh, NC (G)
Sharon S. Gittin, Durham, NC (S)	Norman R. Shepherd, Charlotte, NC (S)
Kathleen Goins, Reidsville, NC (S)	Karon Lee Stevenson, Charlotte, NC (S)
Rachel Leigh Jessup, Greensboro, NC (S)	Tiffany Weavil-Cook, Winston-Salem, NC (S)
Dick Lockwood, Greensboro, NC (S)	

NCPA is proud to recognize the following Sustaining members:

4NC Records, CaseWorks, Chapel Hill Court Reporting, Huseby, Inc., Incorporating Services, Ltd., Kay McGovern & Associates, Lawyers Mutual Liability Insurance of NC, Legal Media Experts, LLC, National Digital Forensics, Inc., and Ruffin Consulting, Inc.



NCPA would also like to recognize our Affiliate and Educational Program members:

Alamance County Paralegal Association, Caldwell Community College and Technical Institute, Carteret Community College Paralegal Technology Program, Cumberland County Paralegal Association, Guilford Paralegal Association, and Guilford Technical Community College.

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

*Beverly K. Moore, NCCP*

Second Vice President, Membership Chair

## ETHICS TIP: CONSIDER THE



Vicki Voisin, ACP

When you consider ethics issues, there are five areas you must pay attention to...and each begins with the letter 'C'.

Ethics are covered by the American Bar Association's Model Rules of Professional Conduct ([www.abanet.org](http://www.abanet.org)) and also by your state's Model rules. For purposes of this article, I will refer to the ABA's Model Rules.

**1. Conflicts:** Model Rules 1.7-1.11 refer to conflicts of interest that attorneys may encounter. Here are some tips to avoid conflicts:

Have a system in place to check conflicts. This should include both former and current clients.

Who's the client? Be sure it is clear whom the firm is representing. Is it the husband, the wife, or the husband and the wife? Is it the insurance company or the insured? The corporation or a corporate employee?

Never use information you have gathered during the representation of a client to later sue that client.

Pay attention to new hires, both attorneys and support staff. If they have a conflict, the firm may avoid disqualification by obtaining waivers from opposing parties and by screening the employee from contact with the matter.

**2. Confidentiality:** Model Rule 1.6 refers to the duty to keep all information related to the representation of a client confidential.

Never discuss client matters with anyone outside the office. This includes billing information and factual situations...even if you don't mention the client's name. 'Outside the office' includes the hallway, elevator, rest rooms, courthouse hallways, restaurants, parties and seminars.

Be careful when you're using electronics. Conversations on a cell phone have an expectation of privacy but only when the parties take steps to keep the conversation private. Keep careful watch over your laptop...if it's stolen, a wealth of data could be lost or compromised.

Emails and faxes also have an expectation of privacy but you should always have the client's permission (preferably in writing) before communicating this way. Be sure the client is available to receive the email or the fax so that the communication is not intercepted by a third party.

There are some exceptions to the confidentiality rule: to prevent the client from killing or seriously harming someone; to prevent the client from committing a crime; to bring or defend a claim against a client. In each of these situations, the attorney may disclose only information essential to the matter.

**3. Cash.** Model Rule 1.15 covers the duty to protect the client's property. Know your state's rules regarding this duty as it varies from state to state.

The client's funds cannot be commingled with the firm's funds.

The firm can't 'borrow' from the client's funds, even with the intention of repaying the money before anyone finds out.

The client's money may be transferred to the firm's business account only at such time as the fees are earned.

Every firm must maintain a separate trust account which is also referred as an IOLTA account. (IOLTA = Interest on Lawyer Trust Accounts)

There are strict rules for reconciling the trust account and also for persons who are allowed to handle the account. Again, check your state's rules for more information.

**4. Competence.** Model Rule 1.1 refers to the duty of the attorney to possess the legal knowledge and expertise to handle the client's issues.

Have the resources and the time to handle the client's case, including properly trained staff and the necessary equipment.

Be sure to attend appropriate continuing education events.

Manage time effectively so that deadlines are met.

Assess staff workload regularly to be sure work is getting done.

Delegate work according to ability.

**5. Communications.** Model Rule 1.4 covers the duty to adequately and appropriately communicate with clients.

Be sure clients understand that the attorney is not always available for immediate response and provide alternative personnel for the client to use to relay messages.

The so-called "Blackberry Culture" has clients expecting attorneys to be available 24/7 and to respond immediately. Explain to clients that their issues are important and that they will receive a response once the matter has been given the careful consideration it deserves.

While the attorney may delegate much client contact to paralegals, the attorney is obligated to maintain a direct relationship with the client.

Clients must be kept reasonably informed of the status of the case and provided with enough information to make decisions.

Withdrawal from a case requires special steps. The client must be informed and, in most instances, the client's file must be made available upon request.



*Ethics Tip - continued*

**One last rule:** Model Rule 5.3 refers to the lawyer's duty with regard to nonlawyer assistants:

(a) a partner, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer;

(b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and

(c) a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:

(1) the lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or (2) the lawyer is a partner or has comparable managerial authority in the law firm in which the person is employed, or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

Your challenge: Familiarize yourself with the ABA's Model Rules of Professional Conduct, as well as the rules that have been adopted by your state. The ABA also has Guidelines for the Utilization of Paralegal Services that can be reviewed at [www.abanet.org](http://www.abanet.org).

The attorney's ethical obligations are your obligations, too, and you should thoroughly understand the all-important 5 C's: Conflicts, Confidentiality, Cash, Competence and Communication. In the end, though, trust your instincts: if an action doesn't feel right or ethical, it probably isn't. Every state bar association maintains an ethics hot line. Call yours if you have questions.

=====

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Do you want to use this article in your newsletter, ezine or Web site? You can so long as you include this entire blurb with it: Vicki Voisin, "The Paralegal Mentor", delivers simple strategies for paralegals and other professionals to create success and satisfaction by achieving goals and determining the direction they will take their careers. Vicki spotlights resources, organizational tips, ethics issues, and other areas of continuing education to help paralegals and others reach their full potential. She publishes a weekly ezine titled Paralegal Strategies and co-hosts The Paralegal Voice, a monthly podcast produced by Legal Talk Network. More information is available at [www.paralegalmentor.com](http://www.paralegalmentor.com).



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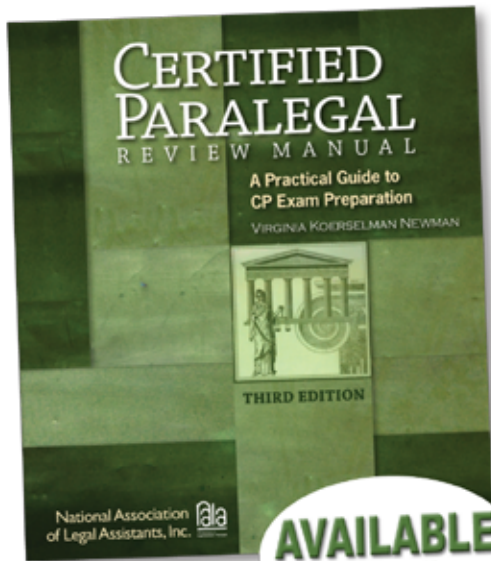
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# CALENDAR OF EVENTS

## 2012

### DECEMBER

*December 10, 2012*

Late Application Deadline to register for January 2013 NALA CLA/CP Exam (\$25 late filing fee)

*December 19, 2012*

Declaration of Candidacy for Office Due

## 2013

### JANUARY

*January 1-31, 2013*

Testing window for NALA CLA/CP Exam

*January 7, 2012*

Recommendations for District Directors Due

*January 31, 2013*

Student Scholarship Essays due

### FEBRUARY

*February 1, 2013*

Pay your annual Membership dues!

*February 1, 2013*

Registration deadline for September 2013 NCCP Exam (Tentative)

### MARCH

*March 22-24, 2012*

NCPA's 28<sup>th</sup> Annual seminar in Atlantic Beach, NC

### APRIL

*April 1, 2013*

Deadline to register for May 2013 NALA CLA Exam

*April 4-6, 2013*

Annual Meeting - Holiday Inn at Wrightsville Beach

*April 24, 2013*

NCCP Examination (Tentative)

### MAY

*May 1-31, 2013*

Testing window for NALA CLA/CP Exam



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# Meredith Pollette ACP Scholarship Competition 2012 Winner

## I am pursuing the ACP designation because...

Elizabeth R. Vance, Certified Paralegal  
NCCP Member

As a paralegal with over 15 years experience, nine of which have been in family law, I was just beginning to feel like an experience paralegal. I felt confident when answering questions from less experienced paralegals, I had learned to anticipate the types of documents and exhibits my attorney would need for a case, and I felt confident enough to teach an exam review course. All these signs had me thinking I was at the top of my game. However, at about this same time, I realized that the bulk of my professional learning and growth could be behind me unless I made an effort to continue my education and update my skills. Over the years, I had graduated from a paralegal certificate program, earned the CP designation from the National Association of Legal Assistants, and earned the North Carolina State Bar Board of Paralegal Certification "NCCP" designation. However, I realized that newer paralegals had an advantage over me - not necessarily that they were younger, but that they were still learning, growing, and exploring their particular areas of practice. Suddenly, I did not feel like such an expert anymore. I had done what I never wanted to do - I had quit learning, growing, and exploring. Specifically, I had gotten comfortable knowing what I had already learned, and had not made an effort to be challenged in some time.

While my past experience is invaluable and hard-won, it is not enough to carry me into a future that is sure to be changing continually and always challenging. My paralegal experience is almost entirely in criminal and family law at the state court level, so I believe that I know these areas well. However, so many areas of law are interrelated that becoming too focused on a narrow area of law can be detrimental. While specialization is valuable to our employers and to our clients, it can also be a disadvantage to these same people and even to ourselves. Have I become so focused on family law that I have forgotten how to conduct discovery in different type of civil matter? Do I know the state rules of court sufficiently well, but I have become really "rusty" with the federal rules on which our state rules are modeled? The answer to these questions, I fear is "yes".

I believe that pursuing the Advanced Paralegal Certification will draw me out of my small, cosy comfort zone and challenge me to expand my knowledge and understanding in a related practice area. For example, if I choose to pursue the ACP designation in Discovery, I will have the chance to build on both my civil and criminal law experience while expanding the depth and breadth of my knowledge of the discovery process

in both areas of law. I will not be focusing solely on family law procedures in North Carolina, but will be able to learn more about all types of litigation and all facets of discovery. The ACP designation combines the importance of a particular skill set with a broader understanding of multiple practice areas. I believe I will increase my knowledge and expand my appreciation for the paralegal profession. Pursuing the designation will build on my past experience and paralegal education while pushing me to explore new areas of the law.

When I have an opportunity to speak with new paralegals or paralegal students, I always encourage them to take advantage of every educational opportunity they possibly can. I have spoken with members of the North Carolina Paralegal Association and the National Association of Legal Assistants, all of whom strongly encouraged me to pursue the ACP designation. At some point, I realized that I was giving and receiving the same advice -- continuing education is a valuable and essential tool to professional and personal growth and receiving, and to pursue the ACP designation.

While preparing the presentation for the review course I mentioned earlier in this composition, I was reminded how much I enjoyed learning new things, studying, and taking courses. While this may not be a common set of interest, I do believe that they are essential interest for a paralegal. Both substantive and procedural laws are frequently changing, so it is essential that we paralegals keep learning, growing, and exploring, whether in our own practice areas or in others. I do, however, believe that I need to be the best that I can be. I can do this by pursuing the ACP designation and engaging in an ongoing process of learning and

building my practical experience base.

Just in combination of education and experience I have earned so far is valuable and unique, I believe that the Advanced Paralegal Certification course of study is a valuable opportunity and unique, in that it combines a curriculum with daily practical applications, so that, when the course is completed, I have not just learned theories and concepts, but I will have learned how to apply them to practical situation in my career. I look forward to a path of study that will enable me to learn book-based knowledge while applying it in the most practical setting of all -- my workplace. I expect the curriculum and the time commitment to be challenging, and yet I look forward to the opportunity to be challenged. I will not be the best I can be until I undertake additional learning and new experiences, and pursuing the ACP designation will allow me to do that.

---

*"Draw me out  
of my small, cosy  
comfort zone and  
challenge me."*

---



## Volunteers Wanted

Districts I and VII need Directors! District Directors are responsible for the promotion of NCPA and it's activities throughout the District, including the recruitment of new members and the development of min-seminars or other educational events within the District.

- District I includes the counties of Beaufort, Brunswick, Carteret, Craven, Dare, Hyde, Jones, Lenoir, New Hanover, Onslow, Pamlico, Pender, Tyrell and Washington
- District VII includes the counties of Buncombe, Cherokee, Clay, Graham, haywood, Henderson, Jackson, Macon, Madison, Swain and Transylvania

If interested, please contact Patti Clapper, Chairman of the Board, at [lglduck@aol.com](mailto:lglduck@aol.com).



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# Who's Doing the Filing?

By Vicki Voisin, ACP

**There is a saying that goes like this:** If you want to know if the person you are hiring is truthful, ask if they like to file. If the answer is 'Yes!' do not hire them because they are lying. NO ONE likes to file! Unfortunately, like it or not, filing accurately and regularly is crucial in our business.

**A filing system is really a finding system.** This is your method for storing information today and finding it quickly and easily tomorrow.

**Searching for a misplaced document or file is not only a waste of time and energy, it is also a waste of money.** Assuming you work 48 weeks in a year and spend just five minutes of each hour of an eight-hour workday looking for lost documents or files, you will waste 160 hours per year. Using a billing rate of \$95 per hour (insert yours here), the annual loss is \$15,200. Usually this search involves several people and it delays getting your work done, so the cost increases proportionately. You also lose credibility and appear unprepared when you do not have information at your fingertips.

**A good filing system can remedy all of this.** Here are some tips to help you create a system that will minimize the time you spend (waste) looking for lost files and documents.

**Begin by making some decisions.** First decide who is responsible for the filing. This may be delegated to one or more employees or it may be that the person doing the work on the file is responsible for putting their work away and cleaning up any loose ends. Unless this is clear, papers will be thrown haphazardly into the file, if they make it there at all, creating a continuing nightmare. Second, decide when the filing will be done. Again, doing this as you do your work is really the most efficient. If that cannot happen, establish a policy that filing is to be done by the end of every day or at the beginning of the next. Do not allow papers to disappear into a filing tray, never to surface again.

**Establish a filing system that is easy and flexible.** Your mantra should be 'store it where you can retrieve it...file it where you can easily access it.' Visualize how you use files and set up a system that is both flexible and matches your situation. This system should include a policy on where the files will be stored (a central area or in the office of the person working on the file?) with an explicit rule that the floor is not a filing cabinet. Also, how do you want the files set up in the first place? How will the documents be put in the file? What kind of file folder will be used? How do you want them labeled? Even if all the filing is done perfectly, if the label is not visible, you will not be able to find the file.

**Remember that bloated files are a waste of money and**

**space.** Statistics reflect that you will only refer to about 20% of what you file. The remaining 80% just takes up space. Generally waaaaaay too much paper is being filed in the first place. Aim to keep your files lean and mean. Do not save anything you will not need. Condense and purge whatever you can before filing. You do not need five copies of the same document. Before you put papers away, ask these questions:

- Is this relevant?
- Will I need this again?
- Can I get this again if I need it?
- What are the consequences of getting rid of this?
- What is the worst case scenario if I don't have this?

**Depending on the answers to your questions, you may be able to get rid of the paper altogether.**

Are you done? Move it out! Do the math: if you keep adding files to the filing cabinet and never move any out, the cabinet will soon be overflowing. When you are done with a matter, move the file to closed storage immediately. This is the only way to make room for new files. If more comes in than goes out, you have a problem. Your file drawers should have a minimum of two inches of free space or it will be too difficult to

put anything away. Where will the files go? on your desk, on the floor...and the piles mount.

**What about those files on your desk?** A vertical step file organizer is your solution to the piles of files on the corner of your desk (or on the floor!) that become part of the landscape and soon forgotten. When the files are upright, they are easier to see and easier to locate.

**Your challenge: Visualize your office: consider the flow of work and the best location for your files.** Then design a policy for setting up the files, doing the actual filing, and moving the closed files to storage. This policy will include who will actually do the work, when they will do it, and how it will be done. Be very clear and concise. Remember that this is a lot like home: if everyone understands their responsibilities, does their fair share and picks up after themselves, the problem will be solved.

=====

© 2012 Vicki Voisin, Inc. Do you want to use this article in your newsletter, ezine or Web site? You can, so long as you include this entire blurb with it: Vicki Voisin, "The Paralegal Mentor", delivers simple strategies for paralegals and other professionals to create success and satisfaction by setting goals and determining the direction they will take their careers. Vicki spotlights resources, organizational tips, ethics issues, and other areas of continuing education to help paralegals and others reach their full potential. She is the co-author of *The Professional Paralegal: A Guide to Finding a Job and Career*

Success. Vicki publishes *Paralegal Strategies*, a weekly e-newsletter for paralegals, and hosts *The Paralegal Voice*, a monthly podcast produced by Legal Talk Network. More information is available at <http://www.paralegalmentor.com> where subscribers receive Vicki's 151 Tips for Your Career Success.



# NOMINATIONS AND ELECTIONS

## Now is the Time to Offer Your Service

Each of us is given certain talents and abilities that we can use for the good of others. Now is the time for each of us to consider using those abilities for the good of NCPA and its members. Please consider serving as an NCPA officer or director in the 2013-

2014 membership year. As you contemplate this decision, think about the special abilities you may have to share and the leadership opportunities afforded each of us to further the paralegal profession in North Carolina and beyond.

Following this article, you will find a “Declaration of Candidacy for Office” form and a “Recommendation for District Director” form for some districts. If you are interested in becoming more involved in NCPA, or if you know of someone you believe would be good for the organization, please complete the appropriate form and return it to the address listed on the form. The deadline for returning the “Declaration of Candidacy for Office” form is **December 19, 2012**, and the deadline for returning the “Recommendation for District Director” form is **January 7, 2013**.

For your convenience, listed below is a short description of the duties for each office. Please refer to the NCPA website, under

“About NCPA”, if you wish to further explore the duties of an officer or director.

President:	Represents needs and concerns of the membership before the Board of Directors; supervises the work of other Officers and Committee Chairs; and keeps the membership advised. [See Bylaws Article VIII.1. and Standing Rule VIII.A.1.]
First Vice President:	Responsible for the planning of seminars, workshops, and other educational events; serves as Education Committee Chair. [See Bylaws Article VIII.2. and Standing Rule VIII.A.2.]
Second Vice President:	Serves as Membership Committee Chair; responsible for 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:	Serves as Finance Committee Chair; prepares budget for the ensuing fiscal year to be approved by the Board of Directors; responsible for the deposit of funds as well as all disbursements as provided for in the budget. [See Bylaws Article VIII.5. and Standing Rule VIII.A.5.]
NALA Liaison:	A NALA member who is familiar with NALA Bylaws and Standing Rules, this officer 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:	Serves as Bylaws and Standing Rules Committee Chair; attends all membership meetings to give opinions on parliamentary procedure and interpret NCPA’s Bylaws and Standing Rules. [See Bylaws Article VIII.7. and Standing Rule VIII.A.6.]

For those district members who are electing new District Directors, a “Recommendation for District Director” form follows this article. Each District Director, as a member of the NCPA Board of Directors, is responsible for the promotion of NCPA within his or her own district, including recruitment of new members and assisting with development of educational events within each district. [See Standing Rule IX.C.5.] This position gives the District Director a great chance to network with other paralegals in a specific geographic district and it affords the opportunity to find out how other areas in North Carolina are educating and promoting paralegals in their districts. The completed “Recommendation for District Director” form must be returned by **January 7, 2013**.

If you have any questions about any officer or director position, please contact Nominations & Elections Committee Chair Anita Watts Wing, NCCP at [anitawattswing@gmail.com](mailto:anitawattswing@gmail.com), or [info@ncparalegal.org](mailto:info@ncparalegal.org), or contact one of the current NCPA officers or directors. Names and email addresses of officers and directors can be found on the NCPA website at [www.ncparalegal.org](http://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.”



**DECLARATION OF CANDIDACY FOR THE OFFICE OF**

\_\_\_\_\_  
**OF  
NORTH CAROLINA PARALEGAL ASSOCIATION,  
INC.  
2013-2014**

The undersigned hereby declares that he/she is actively employed as a Paralegal or Legal Assistant; is legally competent to enter into contracts; and is currently a General Member in good standing of North Carolina Paralegal Association, Inc., and has been so for at least one (1) year.

Qualifications for Office:

Having read and understood Articles VII and VIII of the Bylaws of the North Carolina Paralegal Association, Inc. pertaining to officers, I hereby declare myself a candidate for the office of \_\_\_\_\_, subject to election at the 2013 Annual Meeting of the Corporation.

Date: \_\_\_\_\_

\_\_\_\_\_  
(Print/Type Your Name)

\_\_\_\_\_  
(Sign Your Name)

Candidate's Address and Telephone Number:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

Send to: Anita Watts Wing, NCCP  
NCPA Nominations and Elections Chair  
North Carolina Paralegal Association, Inc.  
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**RECOMMENDATION FOR DISTRICT  
DIRECTOR FOR DISTRICT \_\_\_ OF  
NORTH CAROLINA PARALEGAL  
ASSOCIATION, INC.**

Pursuant to the provisions of ARTICLE IX.3 and .5 of the Bylaws of North Carolina Paralegal Association, Inc. and Section IX.C of the Standing Rules, the position of District Directors for District II, IV, VI, and VIII (two-year term position), will be elected by the members of their respective regions and announced at the 2013 Annual Meeting.

If you are a member of District II, IV, VI, or VIII and wish to nominate a candidate for the Directorship of your District, please complete the following form and mail it, together with a letter from your nominee expressing his/her interest in the position and a copy of the nominee's resume, in accordance with the following instructions.

***DEADLINE FOR RECEIPT BY ELECTIONS CHAIR IS JANUARY 7, 2013***

Send to: Anita Watts Wing, NCCP  
NCPA Nominations and Elections Chair  
North Carolina Paralegal Association,  
Inc. Post Office Box 36264  
Charlotte, NC 28236-6264  
[info@ncparalegal.org](mailto:info@ncparalegal.org)

FROM: \_\_\_\_\_  
(Print/Type Your Name)

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

With his/her permission, I hereby recommend for election to the Board of Directors of North Carolina Paralegal Association, Inc. as Director of District \_\_\_\_, subject to the provisions of Article IX of the Bylaws:

\_\_\_\_\_  
(Print/Type Name of NOMINEE)

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Employment: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

This will certify that I am a member in good standing and that my nominee is a General Member in good standing of North Carolina Paralegal Association, Inc., and has been so for at least one year as of this day, is employed as a paralegal, and is a permanent resident of the State of North Carolina.

Dated: \_\_\_\_\_  
\_\_\_\_\_  
(Signature of Nominator)

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NCPA IS ON THE MOVE!

**STANDING RULES OF  
NORTH CAROLINA PARALEGAL ASSOCIATION, INC.**

**XIII. ELECTION OF OFFICERS:**

A. Qualifications and method of election are set forth in detail in Article VII of the Bylaws. B. Each candidate shall have the opportunity to campaign for his/her position as follows:

1. Each candidate shall have the opportunity to make a speech at the annual meeting for no more than two minutes and three minutes for questions and answers from the floor.
2. That by way of *NCPA FORUM* all candidates shall have the opportunity to notify all members of the Association that they are currently seeking an office. This shall be done by publishing the slate of candidates in the appropriate issue of *NCPA FORUM*. Each candidate may submit for publication in *NCPA FORUM* a photo and a statement not to exceed 750 words. No candidate shall be allowed to place an advertisement in *NCPA FORUM*, whether paid for individually or paid for by another individual, privately or publicly donated. Candidates shall be allowed to receive the current mailing labels for the membership (at the current cost to NCPA) so that they may send a separate mailing to the membership regarding their qualifications and other personal information. *[amended 1/10/1998]*
3. A copy of all of the above mentioned rules shall be attached to the call for candidates that is to be issued to the membership by December 5.

**Mark your calendar now for  
North Carolina Paralegal Association, Inc's  
33rd ANNUAL SEMINAR AND MEETING  
April 4, 2013 -April 6, 2012**



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February 15, 2013, on our website, [www.ncparalegal.org](http://www.ncparalegal.org)

# ATTENTION PARALEGAL STUDENTS – NCPA STUDENT SCHOLARSHIP ESSAY CONTEST!!!

**SPONSORED BY  
NORTH CAROLINA PARALEGAL ASSOCIATION, INC.**

The North Carolina Paralegal Association, Inc. (“NCPA”) will be sponsoring its annual Student Scholarship Essay Contest opening October 1, 2012. Any paralegal student enrolled in an accredited North Carolina paralegal educational program is eligible. An essay competition will be the basis of the scholarship.

Essay Topic: “I have chosen to be a paralegal...”

**Essay Requirements:** The essays must be typed, double spaced, and on letter sized paper. They may not exceed two pages in length. Please be aware that spelling, grammar and punctuation will be taken into consideration, so please review your work before submitting. The essays will be judged anonymously, so do not reference your name or your paralegal program within the body of the essay.

Awards**:	First Place:	\$400.00
	Second Place:	\$300.00
	Third Place:	\$200.00
	Fourth Place:	\$100.00

In addition to the scholarship, all awards include one free student registration to NCPA’s 32nd Annual Seminar and Meeting to be held April 2013.

Send your typewritten essays by January 1, 2013 to:

Charlotte A. Ward, CLA, NCCP  
Student/School Relations Chair  
info@ncparalegal.org  
PO Box 36264  
Charlotte, NC 28236-6264

Please contact Charlotte A. Ward at (919) 906-1822 with any questions.

\*\*All award scholarship checks will be made payable to the winners’ educational facility

# NCPA'S 2012 PARALEGAL UTILIZATION AND COMPENSATION



Judy F. Reins, CLA, NCCP – Survey Chair

Thank you to everyone who participated in the NCPA 2012 Paralegal Utilization and Compensation Survey. The results are in! The survey took place from July 1, 2012 through August 26, 2012 with a total of 155 participants.

There has been a decrease with each succeeding survey since 2008 as follows: 441 participants in 2008; 223 participants in 2010; and 155 participants in 2012. This is a disappointment for me since I have chaired both the 2010 and 2012 surveys. However, upon reflection, this may be due to the time of year that the survey was given; i.e., summer.

My apologies, but that was the only time that worked with my busy schedule. It has been suggested that the next Survey Chair conduct the survey in the early winter months when people may be more available. That will also give NCPA a chance at the Annual seminar to announce that the survey is open.

Below is a synopsis of some of our findings from the 2012 survey, including a few notes on the 2008 and 2010 surveys. The full 2012 survey results, including charts, will be available soon on the NCPA website. I will send an e-mail to the membership when the entire survey has been posted.

(Please note that percentages will not always be given because there are several questions where a single respondent could have chosen multiple answers.)

## Respondents/Region

The respondents are 1.4% male and 98.6% female. The largest age group is the 51-55 category at 28.7%, and the second largest age group is 41-45 at 13.8%. The top five counties of employment are: Guilford (19.6%); Wake (18.95%); Mecklenburg (15.68%); Durham (8.5%) and Forsyth (5.88%). Guilford County ranked only 9.34% in 2010, so that is a fairly sizable increase.

## Education/Certification

The percentage of paralegals holding a general Bachelor's degree is 49.02%. The percentage of respondents with specific legal education or training are as follows: 33.99% have an Associate's degree from a paralegal program; 28.76% have a paralegal certificate; and 14.38% received on-the-job training. A total of 72.73% of respondents are North Carolina Certified Paralegals (NCCP).

(Please note that the NCCP certification is not given by NCPA but is administered by the North Carolina State Bar Board of Paralegal Certification ([www.nccertifiedparalegal.org](http://www.nccertifiedparalegal.org)). You do not need to have this certification to be a member of NCPA.)

A total of 20.13% of respondents have earned the Certified Legal Assistant (CLA) or Certified Paralegal (CP) designation through the National Association of Legal Assistants (NALA). Of

*Survey Results- continued on next page*

*Survey Results- continued*

that number, another 6.4% hold the Certified Legal Assistant Specialist (CLAS) designation as well as 4% who hold the Advanced Paralegal Certification (ACP – not APC).

The 2012 survey added a new question asking how many paralegals have passed either the Paralegal Core Competency Exam (PCCE) or the Paralegal Advanced Competency Exam (PACE) given through the National Federation of Paralegal Associations Inc., and the response to both was zero. From my individual research, there are several states throughout the U.S. which seem to be hot spots for these two exams, including: California, Connecticut, Florida, Georgia, Illinois, Indiana, Minnesota, Ohio, and Pennsylvania.

**Employment**

The largest group of respondents (37.06%) found their job through networking; 19.58% through the Internet; 11.88% through the newspaper; and 11.19% through an employment agency. The highest number of respondents (55.41%) work for private firms, and an equal 16.22% work for corporations as well as in federal or state government.

Over half of respondents at 65.03% said there are 5 or less paralegals working in their office (compared to 56.6% in 2010). A total of 51.75% reported that there are 5 or less support staff. It is interesting to note that in 2010, 40.6% of paralegals were provided with some type of secretarial support (compared to only 25.7% in 2012). This is not surprising considering our current economic situation.

The top five areas of law that paralegals work in are: 1) general litigation; 2) civil; 3) corporate; 4) contract; and 5) estate, probate, and trust. The top five duties performed are: 1) drafting correspondence; 2) documentation preparation, drafting, and/or review; 3) word processing; 4) legal, medical, or general research; and 5) file maintenance. (Percentages are not given because a single respondent could have chosen multiple answers.)

A total of 25.17% of paralegals responded that they participate in pro bono work. This is a slight decrease from 32.6% in 2010. The 2008 survey results showed that over 80% of respondents did not participate in pro bono work. Pro bono work is not only beneficial to the recipient, but it can also be enriching to the provider. If you have never offered your services gratis, please consider it since there are more people than ever that need help in this tight economy.

**Travel**

A total of 54.8% do not travel at all; 41.78% travel occasionally; and only 3.42 travel frequently. Of the respondents that do travel, the majority (71.43%) travel within North Carolina; 5.71

travel throughout the Southeast; and 22.86 travel throughout the United States. Of those that travel, most are reimbursed for mileage, meals, transportation, and lodging.

**Compensation/Benefits**

A total of 13.7% of respondents fell within a salary range of \$70,000 and above. That seems like a high percentage in a dwindling economy. It may be possible that some employers are keeping their most productive employees, working them harder, and paying them more while letting others go. In 2010, only 7.8% fell in the \$70,000 and above category. The highest two categories in 2010, both equaling 13.05%, were the \$45,500 to \$49,999 and the \$50,000 to \$54,999 ranges.

The next four top salary ranges for 2012 are as follows: 1 and 2) an equal total of 12.33% fell within a salary range of 35,000 to 39,999 as well as the 45,000 to 49,999 range; 3) 11.65% fell in the 30,000 to 34,999 salary range; and 4) 10.96% fell in the 40,000 to 44,999 salary range.

Over half of respondents are classified as non-exempt (67.4%), and most are compensated with money and/or time off. These results are similar to both 2008 and 2010.

The 2008 survey showed that almost 80% received a bonus. The 2010 survey showed a reduced number of 68.7% receiving a bonus. For 2012, the number receiving a bonus has decreased yet again to only 59.86% – not at all surprising in our pinched economy.

Almost half of respondents (48.82%) bill for their time. The top three billable dollar-per-hour ranges are: 1) 32.79% bill in the \$101 to \$125 range; 2 and 3) an equal 21.31% bill in both the \$126 to \$150 range as well as the \$50 to \$75 range. Only 15.15% are required to bill a specific number of hours, and of that percentage, the highest number of required hours fell in the 1251 – 1500 range at 35%.

The top five areas of benefits received in whole or in part by participants are: 1) medical insurance; 2) life insurance; 3) 401(k) or IRA; 4) dental insurance; and 5) vision insurance. Between 60 and 70% of respondents are also reimbursed for association memberships and seminars. That percentage is generally encouraging considering the economy, but it is likely that employers are cutting down on the number of association memberships and seminars they will pay for.

A total of 27.03% said they plan to look for a new job in the paralegal profession in the next twelve months. The top five reasons why and the corresponding percentages are as follows: 1) 52.63% feel their pay is too low; 2) 39.47% are not challenged; 3) 23.68% state that their contributions are not recognized; 4) 21.05% are unhappy with their employer; and 5) 15.79% feel a general loss of job security. (As noted under the Employment

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*The percentage  
of paralegals  
holding a general  
Bachelor's degree  
is 49.02%.*

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*Survey Results- continued*

category, 37.06% of respondents found their current jobs through networking, which shows how important it is to attend seminars and maintain at least one or two association memberships.)

**Technology**

This was an important new category added to the 2012 survey, which I hope proves to be both enlightening and educational. A total of 62.59% of respondents reported that their office has Information Technology (IT) or Information Systems (IS) support, and 70.3% reported that their IT/IS department offers training. 67.13% of employers have their own internal intranet website.

I felt it was very important to find out how many employers are keeping backups of electronic files in an off-site location, such as a disaster recovery building or via an Internet cloud software, such as Carbonite or Mozy. A total of 64.38% responded yes; 10.96% responded no; 4.11% said no, but considering it; and 20.55% did not know. If you don't know, ask. My guess is that most employers have some type of backup, but it is important to consider keeping the backup in an off-site location or via the Internet. I suspect if we lived in a tornado or flood zone, more employers would re-think this.

Another crucial area is that of metadata. Do you know what it is? If not, you need to do some research and educate both yourself and your employers if they are not using metadata software. This software will strip identifying information and all draft versions from electronic documents before you send these files via e-mail. This is vitally important if you are making continual revisions to documents through redlining. A total of 34.03% responded that their offices were using metadata software; 29.85% responded no; 4.17% said no, but considering it; and 31.94% said they did not know.

In this computer age, metadata software is a must have item. You certainly do not want the opposing side to see all your drafts! It is of utmost importance in a legal business environment to maintain confidentiality as well as maintaining clients.

A total of 10.71% responded that their employer is using digital forensic analysis to recover evidence from electronic documents for use in e-Discovery; 59.29% said no; 3.57% said no, but considering it; and 26.43% said they did not know. If you work in a large litigation department and do not use this tool, you may want to do some research and consider using it on an as-needed basis.

The top five types of case management software are: 1) Summation; 2) Time Matters; 3) Practice Master; 4) Amicus Attorney; and 5) Needles. 43.47% reported that they did not know if their office used a case management software program.

The two most popular document management software programs are Hummingbird DM/PC DOCS and Worldox. A small handful are using HotDocs. A total of 62.86% responded that they did not know if their office was using a document

management software program.

The top two timekeeping programs used are TABS or Tabs3 and Timeslips. There were several that responded to a handful of other programs. A total of 40.25% said they did not know if their office was using a timekeeping software program.

In keeping with prior years, a high percentage of 77.93% said they have access to research tools such as Westlaw and Lexis, and 56.91% said their employers offer training for these programs.

I was a bit discouraged at the high number of respondents that were not sure about what software programs or technology their employers are using. Networking with other professionals and researching what is available will help keep you informed. There are too many tools available for us not to be taking advantage of at least some of them - even in a challenging economy.

**Association Memberships**

A total of 80.52% of survey participants responded that they are members of The North Carolina Paralegal Association. Since this survey was conducted by NCPA, I chose to break out that membership separately from other paralegal associations.

Excluding NCPA, the top five paralegal association memberships are: 1) North Carolina Bar Association's Paralegal Division; 2) National Association of Legal Assistants; 3) Guilford County Paralegal Association; 4) MetroLina Paralegal Association; and 5) the North Carolina Notary Public Association. (Note: In 2008, the Raleigh-Wake Paralegal Association fell within the top five. There has been a drop in both 2010 and 2012 for this group.)

Those are the highlights of NCPA's 2012 Paralegal Utilization and Compensation Survey. As mentioned above, the full results will be posted on our website soon. We are grateful for your participation but hope to see that improve for the next survey. For those of you that responded with an interest in volunteering with NCPA, someone will be contacting you soon.

In closing, I would like to thank Brenda Mareski, NCPA's Technology Chair, for her help in general, and specifically for creating the charts that you will see when the results are posted on our website. They will likely be easier to read than this article.

If you have any comments or feedback, please contact: [info@ncparalegal.org](mailto:info@ncparalegal.org).

Respectfully Submitted,

*Judy F. Reins, CLS, NCCP*

Judy F. Reins, CLS, NCCP  
2010 and 2012 Survey Chair

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### NORTH CAROLINA PARALEGAL ASSOCIATION



## Mentoring Program

The purpose of the NCPA Mentoring Program is to develop and promote the career development and professionalism of future paralegals. The Program invites senior paralegals to share their knowledge of the profession and their area(s) of expertise with junior paralegals and students enrolled in a Paralegal Program in the State of North Carolina. NCPA strongly believes that it is vitally important that seasoned paralegals help foster the growth of its newer members as a means to meet the needs of our ever growing profession and to set the standard for the future.

If you are interested in either being a Mentor or Mentee, please contact the Mentoring Program Chair Kaye Summers at [kaye@pwkl.com](mailto:kaye@pwkl.com) or 919-682-9691.

Your mentor/mentee relationship will contribute to the success and retention of new paralegals and the learning of the profession!



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OR you may update this and other personal information on your own by logging onto the NCPA website and modifying your profile.

## NCPA Wishes the Following Members a Very Happy Birthday!

*If your birthday is not listed correctly, please edit your profile on our website ([www.ncparalegal.org](http://www.ncparalegal.org)) to make sure we have the correct month!*

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Christine B. Arnsberger  
Ruth Avellan  
Jennifer Kay Boyce  
Deborah Faith Burch  
Virginia M. Burrows  
Michelle L. Ceely  
Lori L. Charnoplosky  
Patti Clapper  
Jill B. Clark  
Ann W. Dandison  
George Hall  
Susan M. Higginson  
Lynn B Hughes  
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Richard A Kinsey  
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Angie Larson  
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Norma Morris  
Eric Steven Neal  
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Kimberly Dawn Shepard  
Teri Howard Strom  
Joan E. Such  
Kaye H. Summers  
Grace Ward

### January

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Henrik Kurt Andresen  
Kimberly C. Braswell  
Angele C. Brown  
Rachel M. Clarke  
Andrew Cohalan  
Roberta P. Glover  
Ruth H. Goodman  
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Dorleen Harrington  
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Kimberly O. Profitt  
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Gina Y. Surratt  
Chasity Nakita Thompson  
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Caroline A. Vogel  
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Gina K. Warakois  
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Mary L. Beegle  
Gladys Bethea  
Patsy Anne Blackburn  
Teresa H. Blackburn  
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James Boyles  
Carolyn Wilson Bunker  
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# NCPA TIME MACHINE

In this edition of the Time Machine we're going to go back and look at some happenings from prior Winter issues of the FORUM.

First up is Winter 2004, and a look at our "Ethics Corner" concerning the handling and destruction of client files, an issue that we all deal with almost every day in our profession. Back then Mary Joyce-Wheeler, CLA and Past President of the Greensboro Paralegal Association, broke down the Rules of Professional Conduct for the readers. It's a good reminder to double check today's rules and make sure we're all handling files properly.

*Time Machine & Ethics Corner 2004-continued on next page*

*Ethics Corner 2004*

North Carolina Paralegal Association, Inc. Winter 2004

## Ethics Corner

### CORPORATE ETHICS

#### The Maintenance and Destruction of Client Files

by Mary Joyce-Wheeler, CLA



After a case has been settled, dismissed, or an attorney withdraws from record, do you hear, "Who gets the originals?" or "How long do we maintain the client's file?" I frequently hear these questions. Following are a few general rules to follow:

The original file belongs to the client and the attorney has a fiduciary duty to safeguard the property of the client. A client's file should be maintained in a secure location to protect the confidentiality of the material. See Rule 4 and 10.1 of the Rules of Professional Conduct. If the client's file has been closed, the attorney may destroy the file only with the client's consent. Without the client's consent, the closed file must be retained for a minimum of six years after the conclusion of representation. "Six years is the required minimum period for retaining a closed file because this retention period is consistent with the retention period for records of client property...of course, the statute of limitations may require the retention of a closed file for more than six years." RPC 209.

If a file is closed but six years have not elapsed since the conclusion of the representation, the attorney or the attorney's legal assistant should notify and advise the client that the attorney intends to destroy the file. If the client indicates that he/she wants to retrieve the file, the client must be given a reasonable period of time to do so. If the client fails to retrieve the file after notification, the attorney should review the file and retain any items that belong to the client or "contain information useful in the assertion or defense of the client's position in a matter for which the statute of limitations has not expired." See RPC 16 (emphasis added).

After the expiration of six years from the conclusion of representation, the attorney is not required to notify the client that the file will be destroyed; however, many attorneys contact the client as a courtesy. As earlier mentioned, the file should be purged of any client possessions. These items should be returned to the client or secured in a place until the client is able to retrieve them or until the items are deemed abandoned and escheat to the state under Chapter 116B of the N.C. General Statutes. It is also important that the attorney or the attorney's legal assistant maintain a record of all destroyed client files.

In a situation where an attorney withdraws from a case, the attorney is required to deliver to the client all papers and property which the client is entitled pursuant to Rule 2.8(a)(2) of

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# NCPA TIME MACHINE continued

## Ethics Corner 2004- continued

Winter 2004

North Carolina Paralegal Association, Inc.

### Ethics Corner

the Rules of Professional Conduct. In addition, "a lawyer must provide a former client with originals or copies of anything in the file which would be helpful to the new lawyer but that the discharged lawyer's notes made for his own future reference and study and similar things not representing a completed work product need not be turned over." See CPR 3 (emphasis added).

There are a few ethic opinions that deal with the disposition of the files of a deceased lawyer. If an attorney is appointed by the court as conservator of the deceased attorney's files, the appointed attorney should take note of the confidential information as cited in the Rules of Professional Conduct and should avoid simply transferring a case to another attorney without the client's consent. The storage of the deceased attorney's files in a secure location would be appropriate. The appointed conservator should comply with the direction of the court and follow his personal conscience and sense of professional responsibility in making every effort to see that the deceased attorney's files are dealt with appropriately. See RPC 16.

As a final note, the legal assistant should always consult with his/her supervising attorney in regard to the closing procedures utilized by the attorney and/or the respective law firm and as required by the Rules of Professional Conduct.

Mary Joyce-Wheeler, CLA, is an Executive Assistant for the Reidsville Police Department. She received her paralegal training at Davidson Community College where she earned an associate's degree with honors. She received her business training at Rockingham Community College where she earned an associate's degree. Ms. Joyce-Wheeler has served as the President of the Greensboro Paralegal Association and is a member of the North Carolina Paralegal Association and the North Carolina Bar Association's Legal Assistants Division.

*If the client's file has been closed, the attorney may destroy the file only with the client's consent.*

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Second is a rundown of the happenings from Winter 1988 and the 4<sup>th</sup> Annual Mid-Year Seminar - "Were You There?" gives a review to those of us who weren't fortunate enough to be part of the 137 registrants that hit the Hilton in Wilmington and heard from well-respected attorneys like James Nelson, Mallam Maynard, Stephen Beaman and David Fillippeli.

Finally, from Winter 1994, a bittersweet Chairman's Message from our own Camille Stell, CLAS, who wrote to let us know she was taking a position as a Risk Management Paralegal with

### Winter 1988

## The Chairman's Message

By Camille Stell, CLAS



*"...with the coming of fall, I decided to embark on a new adventure..."*

will be done through seminars throughout the state, office visits and through publications. Maybe I will run into some of you through my travels. If any of you are interested in having an office visit or want information about seminars in your area, please give me a call. My new address is P.O. Box 1929, Cary, North Carolina 27512-1929, telephone number-919/677-8900 (extension 132) or toll free - 800/662-8843. Our office is located in the new North Carolina Bar Association building. This is a beautiful facility and if you are visiting the Bar Center, please come up and say hello.

During the month of October, the Raleigh-Wake Paralegal Association celebrated their 15th anniversary. Congratulations! The installation banquet was like a family reunion, seeing old friends and making new ones. These are the rewards of association involvement, the marking of milestones such as RWPA's 15th anniversary and the friendships made along the way. I hope some of you who have hesitated to serve on a committee or run for office or director will use the forms in this issue of the FORUM and get involved. The rewards are great!

It seemed quite appropriate with the coming of fall (and a new school year) that I decided to embark on a new adventure. Having worked for ten years with the same wonderful law firm, Young Moore Henderson & Alvis, I decided it was time for a change. An incredible opportunity became available at Lawyers Mutual Liability Insurance Company of North Carolina (their name is longer than a law firm!) and I will be working as a paralegal in the Risk Management Department. I will also be assisting the Claims Department. My work in the Risk Management Department will include educating attorneys and their staff about practical ways to avoid malpractice. This work

NCPA FORUM

# NCPA TIME MACHINE continued

Lawyers Mutual. Here we are 18 years later, and Camille's smiling face can be seen toward the back of this issue as the Director of Client Services for Lawyers Mutual. I don't know about you, but that kinda sounds like the first installment of Paralegal Pride!

As always, we hope you enjoy the Time Machine, and if you have any memories from issues back you would like us to revisit, contact me anytime at [brandonlruth@gmail.com](mailto:brandonlruth@gmail.com).

Winter 1994

NCPA's Fourth Mid-Year Practical Skills Seminar  
Saturday, September 24, 1988, The Wilmington Hilton  
WERE YOU THERE?

If you were among the 137 registrants, you already know what a dynamic continuing legal education weekend took place. The first most exciting fact was that our event had attracted the highest number of registrants ever for the Mid-Year Seminar. Those of us who participated in the planning of this Seminar were hopeful we would have up to 100; so, you can imagine the satisfactory feelings we were experiencing by the time President Camille Stell opened the event with welcoming remarks and announcements.

Of particular interest was the fact that 44 of the registrants were paralegal students. A lot of them expressed their appreciation for the reduced \$10 registration fee (excluding manuscript). They also seemed very impressed with the work of our Association and wanted to know how they could become involved.

All of the attendants were highly receptive of our Seminar speakers. We were able to offer six topics, each of which was well presented. The following is but a brief summary.

**James L. Nelson, Esquire**, a sole practitioner from Wilmington, spoke on "Personal Injury Litigation - the Plaintiff's Side." He highlighted various ways paralegals are effectively utilized in personal injury litigation, from the initial client interview to the discovery process to the courtroom. Mr. Nelson presented this topic in such a way that it was real interesting and inspired us to stay to hear the remaining speakers at our Seminar.

"Surveying Your Problems and Meeting Your Bounds" was our next topic with **Mallam J. Maynard, Esquire**, of the Legal Services of the Lower Cape Fear, Wilmington. Mr. Maynard covered the basics of title examinations before addressing real estate problems, particularly those relating to surveys and descriptions. He also expressed his personal interest in land loss problems in North Carolina.

Two concurrent sessions were offered after lunch. **Stephen L. Beaman, Esquire**, of Beaman & King, P.A., Wilson, talked to us about "Bankruptcy Basics for Paralegals." Mr. Beaman included information on Chapters 7, 11, 12, and 13, distinguishing their differences. His presentation also outlined the duties of a debtor and of a trustee.

The other concurrent session was "Fundamentals of Legal Research," which was presented by **David J. Filippelli, Esquire**, of White & Allen, P.A., Kinston. Mr. Filippelli enlightened us on shepardizing and instructed us on research tools. We noticed he was surrounded by several attendants following his presentation.

## 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 [mel\\_clayton79@yahoo.com](mailto:mel_clayton79@yahoo.com). You may also e-mail your comments, suggestions and possible article contributors to us as well.

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