Introduction to the Paralegal Division

By: Conni J. Hebert, ACP®

The purpose of the Paralegal Division of the State Bar of Nevada is to enhance paralegals’ participation in the administration of justice, professional responsibility and public service in cooperation with the State Bar of Nevada. We are the first statewide organization of working, attorney supervised paralegals in the state of Nevada. The Paralegal Division is now an affiliate of the National Association of Legal Assistants-Paralegals (NALA) and National Federation of Paralegal Associations (NFPA).

Attorneys in both private practice and in government-funded programs have increased use of paralegals based on their belief that the use of paralegals results in cost-effective delivery of legal services. Membership in the Paralegal Division shows commitment to excellence, quality and professionalism. Attorneys encourage their paralegals to attain and maintain membership in the Paralegal Division of the State Bar of Nevada as a mark of their professionalism.

- **CLE** – continuing legal education courses and seminars geared towards paralegals, offered by the State Bar of Nevada to paralegal members at a reduced rate.
- **Networking** – interaction with other working paralegals in the State of Nevada via monthly meetings, conferences, and social events.
- **FastCase** – an online legal research system available FREE to active attorney and paralegal members of the State Bar of Nevada.
- **Pro Bono** – pro bono opportunities with Legal Aid Center of Southern Nevada, Nevada Legal Services, neighboring state bar associations, and other organizations in need of legal assistance.

**What Is a Paralegal?**

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

SETTING THE RECORD STRAIGHT

By: Conni J. Hebert, ACP®

It is important to distinguish between a paralegal certificate and certification. There is a difference and at some point, if you are declaring yourself “certified” when you only have a certificate, trouble is coming. This is guaranteed. Confusing the two terms is saying that you don’t know your profession.

**Paralegal Certificate** — If you have completed a paralegal education program from a school, college or university for which you have been awarded a certificate in paralegal studies, you could say you are certificated. This is different from being certified. Some colleges offer a certificate of completion upon graduation from a paralegal program, some even offer a degree in paralegal studies. In Nevada, for example, the College of Southern Nevada (CSN), Northwest Career College, University of Nevada, Las Vegas (UNLV), and University of Nevada-Reno (UNR), all offer fantastic paralegal certificate and degree programs. However, a paralegal certificate of completion from a college does not give one “certified paralegal” credentials. A formal, college education in paralegal studies, however, does prepare you for a career as an entry-level paralegal and provides you with the tools to be successful in the legal field.

**ABA Approved** — Some college paralegal programs are approved by the American Bar Association (ABA). Those paralegal programs are called “ABA-approved” and means that the college’s paralegal program satisfies the rigorous standards set forth by the ABA. The paralegal program at Truckee Meadows Community College (TMCC) in Reno, Nevada, is an ABA-approved program and is, in fact, the only ABA-approved paralegal program in Nevada. Completion of an “ABA-approved” paralegal program does not mean the graduating paralegal is certified or “ABA-certified.” Certification, as the ABA itself notes, is “a process by which a non-governmental agency or association grants recognition to an individual who has met certain predetermined qualifications... The American Bar Association does not certify Paralegals...” There are currently 267 ABA-approved college paralegal programs in the United States.

**Certified Paralegal** — Certification is a voluntary credentialing process by a non-governmental, private professional association. National certification exams are offered by three national paralegal professional organizations: the National Association of Legal Assistants-Paralegals (NALA), the National Federation of Paralegal Associations (NFPA), and NALS...the association for legal professionals. If you have successfully passed a national paralegal certification exam, you are certified. This confers a credential which you put after your name, such as Jane Doe, CP®. Paralegals that pass a national certification exam demonstrate their excellence in their field and their commitment to the profession. Maintaining that credential requires ongoing Continuing Legal Education (“CLE”). By definition, a “certified paralegal” is a paralegal that has completed a voluntary process by which NALA, NFPA, or NALS conducts an extensive exam of paralegals after verifying the paralegal’s qualifications. In addition to national paralegal certification, some states also offer state-specific voluntary certification programs. North Carolina, Florida, Ohio, and Texas, for example, offer state certification for qualified paralegals. This is a voluntary certification that paralegals can obtain. Nevada does not regulate, license, or certify paralegals.

The NALA certified paralegal mark, CP®, is a certification registered with the U.S. Patent and Trademark Office (No. 2864940). The NFPA registered paralegal mark, RP®, is a certification duly registered with the U.S. Patent and Trademark Office (No. 2397396). The use of these marks is permitted only by those who have met and maintained national certification standards. Any unauthorized use of the credential is forbidden. In *Peel v. Attorney Registration and Disciplinary Committee of Illinois*, 110 S.Ct. 2281 (1990), the U.S. Supreme Court addressed the issue concerning utilization of professional credentials awarded by private organizations.

It is unethical to represent yourself as a certified paralegal when you are not. Claiming credentials such as certification to which you are not entitled is highly risky as employers and others may easily verify your claims. In Nevada, a paralegal’s certification may be verified via the State Bar of Nevada–Paralegal Division webpage; visit www.nvbar.org/member-services-3895/sections/paralegal-division/ to confirm a Nevada paralegal’s credentials. If any of your credentials are found to be false, you may not just get fired or lose out on a job opportunity, your reputation will be tarnished. After all, if you would...
misrepresent your credentials, you might very well fib about something else. You cannot pick and choose which ethical rules to follow. You are either ethical or not. Part of being a professional is always being ethical. Paralegals who seek certification, through a national or state certification program, take charge of their professional and career development, and demonstrate a commitment to professional growth that rivals that of any profession.

Firms and organizations that employ paralegals with CP®, ACP®, RP®, or PP credentials can be confident that their interests are being well served.

Conni J. Hebert, ACP® is the Chair of the State Bar of Nevada —Paralegal Division. She received her Certified Paralegal credential in 2011 and the Advanced Certified Paralegal credential, specializing in Discovery, in 2012.

**PRO BONO CORNER**

**VOLUNTEER OPPORTUNITIES FOR NON-LAWYERS**

Legal Aid Center of Southern Nevada provides training and support to volunteers who are willing to become Educational Surrogate Parents for children with disabilities, ensuring that their schools are meeting their disability-related needs. For information on upcoming training sessions, please email surrogates@lacsn.org.

Nevada Legal Services
You do not have to be an attorney to volunteer with Nevada Legal Services. NLS welcomes law students, paralegals and community volunteers working as intake personnel, office runners, secretarial support, and reception support. For more information, please visit the website www.nslaw.net.

**Project Real**
Project REAL educates K-12 students about the principles of democracy, law and the responsibilities of citizenship. Paralegal volunteers are provided training and paired with a teacher, and then help students learn 200 Nevada laws as a Play By the Rules Volunteer. For more information email sking@projectrealnv.org.

**CASA**
As a child’s volunteer advocate, the CASA volunteer’s goal is to help secure a safe and permanent home for their CASA child. CASA volunteers closely monitor the situation, advocate for services, and help guide the CASA child through what is a very confusing period of time in their life. The CASA volunteer is a crucial source of emotional support for the CASA child. To become a CASA volunteer please visit www.casalasvegas.org.

**American Bar Association’s Policy Encouraging Paralegal Pro Bono Service**
The ABA Standing Committee on Paralegals has long promoted paralegal participation in pro bono work through its Model Guidelines for the Utilization of Paralegal Services which states that lawyers should facilitate legal assistant participation in pro bono activities.

**Record**
cont’d. from page 2

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MEET THE BOARD

Conni J. Hebert, ACP® - Chair
Conni Hebert, ACP, is a litigation paralegal at Brownstein Hyatt Farber Schreck, LLP, with over 23 years of experience. Conni served active duty in the U.S. Air Force and is a Desert Shield and Desert Storm veteran having received the National Defense Service Medal and the U.S. Air Force Achievement Medal for her contributions to the Gulf War mission. She earned her associates degree in Paralegal Studies, an ABA-approved program, from the American Institute in Phoenix in 1993, graduating with cum laude honors. She is Westlaw Certified, Westlaw Next Certified, and has earned the LexisNexis Paralegal Certificate of Mastery. Conni is originally from Texas and has worked as a paralegal in Texas, Arizona, California, and Nevada. Conni currently serves on her firm's Pro Bono Committee, Paralegal Advisory Committee, and Technology & E-Discovery Committee. Conni is a Certified Paralegal (CP) and in 2011 earned the Advanced Certified Paralegal (ACP) credential, specializing in Discovery, from the National Association of Legal Assistants (NALA). She is also a Notary Public.

Sheila Miller, RP® - Board Member, Southern District
Sheila Miller, MBA, PACE® Registered Paralegal has an array of legal background deriving from civil litigation with finance exposure during her tenure at the MGM Grand Hotel while serving as the legal manager of in-house legal collection division. Sheila is a veteran paralegal with more than 17 years of legal experience. She obtained the nationally recognized designation as a Registered Paralegal in 2009 issued by the National Federation of Paralegal Association, earned an Associate of Science degree in Paralegal Studies in San Diego, Bachelor of Science in Business, and a Master of Business Administration from the University of Phoenix.

Daniel Maul - Board Member, Southern District
Daniel Maul is a litigation paralegal and case manager at Durham Jones & Pinegar, P.C., with more than 10 years of experience throughout all stages of litigation. Daniel earned his Associates of Applied Science in Paralegal Studies from the College of Southern Nevada in 2005, graduating with honors. He also earned his Bachelor of Science in Business Administration from the University of Nevada, Las Vegas, in 2010. Daniel was born and raised in Las Vegas and has a strong desire to provide access to justice to the Las Vegas community. Since February 2012, Daniel has volunteered countless hours as an Educational Surrogate Parent through the Legal Aid Center of Southern Nevada. As an Educational Surrogate Parent, he advocates for the educational needs on behalf of disadvantaged students. For his dedication and efforts, Daniel was presented with the 2015 Volunteer Surrogate Award by Nevada Supreme Court Justice Kristina Pickering in December 2015.

Anna Buchner, CP® - Board Member, Northern District
Anna Buchner, CP, is the paralegal and office administrator at NPRI Center for Justice and Constitutional Litigation. She earned her associates degree in Paralegal Studies, an ABA-approved program, from Truckee Meadows Community College and obtained her Certified Paralegal designation in 2015 from the National Association of Legal Assistants-Paralegals (NALA). Anna has worked in the legal field for 20 years and has worked in constitutional law, insurance defense, and social security disability. She has served as an executive board member with the Sierra Nevada Association of Paralegals and is a member of the Truckee Meadows Paralegal Student Advisory Board. Anna was a presenter at the NALA Convention in 2013 and was a recipient of the NALA Affiliate Award the same year. She has been asked to speak at paralegal classes and in the community in reference to the paralegal profession.

Lynda Traves, CP® - Board Member, Northern District
Lynda Traves, CP, is a legal researcher for the Bureau of Consumer Protection, Attorney General of Nevada. She has worked in the legal and human resources field for 20 years. Lynda’s past legal experience includes working for the provincial government in Alberta, Canada, an asbestos defense attorney in California, and a criminal defense attorney in Nevada. She started with the State of Nevada at NHP in 2013, and in 2014 she transferred to Public and Behavioral Health in the Human Resources Department. Lynda belongs to many volunteer organizations, including Reno Little Theatre. She also volunteers her time with the Reno Core Project and Burning Man, managing a sub-department within gate perimeter and exodus that handles transportation of the department’s 700 volunteers to their work locations. Lynda also manages the human resources component of the gate department.
State Bar of Nevada, Paralegal Division

Learn more about the Paralegal Division online at:
www.nvbar.org/member-services-3895/sections/paralegal-division/

Paralegal Associations

National:
National Association of Legal Assistants-Paralegals (NALA)
www.nala.org

National Federation of Paralegal Associations (NFPA)
www.paralegals.org

NALS... the association of legal professionals (NALS)
https://www.nals.org/

State:
State Bar of Nevada – Paralegal Division (SB-PD)
www.nvbar.org/member-services-3895/sections/paralegal-division/

County:
Clark County Bar Association (CCBA)
www.clarkcountybar.org

Washoe County Bar Assoc. (WCBA)
www.wcbar.org

City/Metro:
Las Vegas Valley Paralegal Association (LVVPA)
www.lvvpa.org

Sierra Nevada Paralegal Assoc. (SNAP)
www.snapreno.com

Upcoming Events

CONFERENCES / SEMINARS:

• NALA Annual Conference & Expo
  WHEN: July 13-15, 2016
  WHERE: Las Vegas, NV

• NALS Annual Education Conference
  WHEN: October 6-8, 2016
  WHERE: Murfreesboro, TN

• AAFPE Annual Conference
  WHERE: San Antonio, TX

• NFPA Annual Convention
  WHEN: October 20-23, 2016
  WHERE: Burlington, VT

SOCIAL EVENTS:

Las Vegas “Meet & Greet”
The Paralegal Division is hosting a Meet & Greet for paralegals in
the Las Vegas area. All paralegals are welcome to attend!

• Meet Board members
• Connect with local paralegals
• Bring your business cards for a business card exchange
• Enjoy free appetizers and a cash bar
• Members & non-members are welcome

WHEN: 5:30-7:30 p.m. Friday, Sept. 9
WHERE: Pizza Rock, 201 N. 3rd St., Las Vegas, NV 89101

— Guest Vendor: The Vegas Mobile Notary
— Special Guest: Connie Valentine, LVVPA President
— Please RSVP to Conni Hebert: chebert@bhfs.com
— Reservations are requested but not required
— Please join us!
NEVADA LAW ON SQUATTERS
Sponsored by the Clark County Bar Association and Stephen Smith, Esq.
WHEN: August 26, 2016, Noon to 1:30 p.m. (pizza lunch included!)
WHERE: Depo International, Mock Trial Courtroom, 703 S. 8th Street, Las Vegas, NV 89101
SPEAKER: Justice of the Peace Melissa Saragosa, Las Vegas Justice Court
To attend this seminar, register with CCBA at www.clarkcountybar.org

PROPER UTILIZATION OF PARALEGALS
Sponsored by the National Association of Legal Assistants-Paralegals
WHEN: August 26, 2016, 1:00 p.m. (CT)
WHERE: webinar at www.nala.org
SPEAKER: Elizabeth H. Nellis, ACP
COST: $39 for NALA members / $59 for nonmembers
To attend this seminar, register with NALA at www.nala.org

ENHANCING YOUR TRIAL PRESENTATION
Sponsored by the National Association of Legal Assistants-Paralegals
WHEN: August 30, 2016, Noon (CT)
WHERE: webinar at www.nala.org
SPEAKER: Julian Perez
COST: $39 for NALA members / $59 for nonmembers
To attend this seminar, register with NALA at www.nala.org

UPDATE ON AND IMPACT OF THE FEDERAL RULE CHANGES
Sponsored by the State Bar of Nevada — Litigation Section
WHEN: September 8, 2016, Noon to 1:00 p.m.
WHERE: State Bar of Nevada, 3100 W. Charleston Blvd, Ste 100, Las Vegas, NV 89102
To attend this seminar, register with the State Bar of Nevada at www.nvbar.org

CONTEMPT IN A NUTSHELL
Sponsored by the Clark County Bar Association and Stephen Smith, Esq.
WHEN: September 30, 2016, 1:00 p.m. to 3:15 p.m.
WHERE: Depo International, Mock Trial Courtroom, 703 S. 8th Street, Las Vegas, NV 89101
SPEAKER: Judge David Hardy, Second Judicial District Court
To attend this seminar, register with CCBA at www.clarkcountybar.org

BASICS OF FAMILY LAW
Sponsored by the State Bar of Nevada and Legal Aid Center of Southern Nevada
WHEN: November 3, 2016, 9:00 a.m. to 12:15 p.m.
WHERE: State Bar of Nevada, 3100 W. Charleston Blvd, Ste 100, Las Vegas, NV 89102
SPEAKERS:
- Judge T. Arthur Ritchie, Family Court, Dept. H;
- Ed Kainen, Esq., Kainen Law Group; and
- Susan Noyce, Esq., Legal Aid Center of Southern Nevada.
To attend this seminar, register with the State Bar of Nevada at www.nvbar.org

ETHICAL CONCERNS & SOCIAL MEDIA FOR LAWYERS IN NEVADA
Sponsored by the Clark County Bar Association and Stephen Smith, Esq.
WHEN: December 1, 2016, 1:00 p.m. to 3:15 p.m.
WHERE: Depo International, Mock Trial Courtroom, 703 S. 8th Street, Las Vegas, NV 89101
SPEAKER: Christine Guerci-Nyhus
To attend this seminar, register with CCBA at www.clarkcountybar.org
**LEGISLATIVE UPDATE**

**PARALEGAL LICENSING & REGULATION**

Licensing, a mandatory form of regulation, is how a governmental authority controls certain professions. There is no single authority in the United States which oversees the paralegal profession. Also, at the time of this writing, no state has paralegal licensure. As an extension of the attorney, the paralegal’s work falls under the attorney’s license. However, that doesn’t mean paralegals have no oversight or responsibility; as with all other legal professionals, paralegals are still required to adhere to the same codes of ethics and rules of professional conduct as their attorneys.

**WASHINGTONT** — Effective September 1, 2012, Washington State has the Limited License Legal Technicians (LLLT) program and other states are considering similar programs. Washington is the first state in the country to offer an affordable legal support option to help meet the needs of those unable to afford the services of an attorney. Limited License Legal Technicians (LLLT) are trained and licensed to advise and assist people going through divorce, child custody and other family-law matters in Washington. For more information on the LLLT program, visit [www.wsba.org/licensing-and-lawyer-conduct/limited-licenses/legal-technicians](http://www.wsba.org/licensing-and-lawyer-conduct/limited-licenses/legal-technicians).

**CALIFORNIA** — The California legislature enacted regulatory provisions for paralegals under CA Business and Professions Code §6450-6456. It outlines rules and regulations as well as standards of education that all California paralegals must meet. California legislation (AB 1761) makes it unlawful for persons to identify themselves as paralegals unless they meet certain requirements. Assembly Bill 1761 was introduced as a way for consumers to protect themselves from untrained, unqualified individuals who promoted themselves as “paralegals” and then provided poor services. The Assembly Bill was codified in Business and Professions Code §6450-6456 effective January 1, 2001 and defines the qualifications and functions of paralegals practicing in California.

In California, supervising attorneys can jeopardize legal fees and breach ethical obligations if they do not take the necessary steps to ensure that paralegals employed at their law firm or corporation are qualified under CA Business and Professions Code §6450-6456. Although the only ways to enforce the code is by means of civil action or violation penalties, all it takes is a savvy client or opposing counsel to start questioning processes and work product before paralegal competency and legal fees are called into question. Although decisions surrounding CA Business and Professions Code §6450-6456 are inconsistent and a bit older, the fact remains that legal fees can be threatened if a law firm or corporation ignores the requirements of the statute. For more information on CA Business and Professions Code, visit [www.leginfo.ca.gov/cgi-bin/displaycode?section=bpc&group=06001-07000&file=6450-6456](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=bpc&group=06001-07000&file=6450-6456).

Ethical and competency obligations are not just for counsel. Supervising attorneys, paralegals and other non-attorney professionals have a responsibility to present their qualifications accurately or they run the risk of exposing their firms, corporations and clients to ethical violations and lost revenue due to reduced or unrecoverable legal fees.

“The Washington State is now the first state to allow alternative business structures, whereby non-lawyers are authorized to share fees with lawyers and have ownership interests in law firms via the recently approved Limited License Legal Technician Rules of Professional Conduct.”

Sands McKinley blog, “On the Future of Law”

“LLLT Paves the Way for ABS in WA,” March 27, 2015
AMENDMENTS TO THE
U.S. DISTRICT COURT, DISTRICT OF NEVADA
LOCAL CIVIL RULES

EFFECTIVE MAY 1, 2016

Summarized by Joy A. Jones, CP

The federal courts are revising their rules, starting with the 12/01/2015 changes to the Federal Rules of Civil Procedure. [All date calculations include all calendar days. Do not skip weekends or holidays for short deadlines.] Below is a very brief overview of the District of Nevada’s changes to its Local Civil Rules. For details, go to the LVVPA.org website to read the full Summary of Amendments or to the Court’s website.

Part IA – Introduction – applies to ALL cases ............................................... cited as LR # or LR IA #
Part IB – U.S. Magistrate Judges ................................................................. cited as LR # or LR IB #
Part IC – Electronic Case Filing – applies to ALL cases ............................. cited as LR # or LR IC #
Part II – Civil Practice – rule numbers = Fed. R. Civ. P. ............................ cited as LR #
Part III – Patent Practice ............................................................................. cited as LPR #
Part IV – Criminal Practice – rule numbers = Fed. R. Crim. P. ................. cited as LCR #
Part V – Rules Applicable in Special Proceedings and Appeals ............... cited as LSR #

Generally, the rules were restyled to make them easier to understand, to use consistent terminology throughout, and to incorporate Special Orders 108 & 109 into the rules.

Improve efficiency and reduce expense of litigations by involving parties
- Parties must certify they considered cost/time-saving methods
- Parties must sign off on any substitution of counsel
- Encouraged use of magistrate judges throughout the case
- Limit discovery
- Certificate of Interested Parties must be filed WITH first appearance
- Several rules regarding motions were added or amended to reduce the court’s backlog—
  including a reduction of page limits
- Enforcement of extension deadlines (21 days before expiration)
- New rule regarding removed actions and treatment of motions or requests pending in state
  court at time of removal.

Increased courtesy and professionalism are required
- To court and each other – same in and out of court
- New requirements for attorneys admitted in NV but w/o NV office
- Immediately file & serve notification of change of contact info.
- Advise courtroom administrator if Motion for OST is filed
- Notify court if you plan to present electronic evidence at trial that the jury can use
  in deliberations.
- Attorneys may follow up with court after 90 days of fully briefed motion
- Proposed orders must be served on all for approval prior to filing with court
- Sanctions for failure to comply with these rules
Meet & confer
° in person, by phone, or by video conference
° before any motion is filed or dispute raised
° certify occurred at certain stages
° Stipulations must be in writing and signed by all

Helpful information is now a requirement
° date motion was filed or hearing date when requesting an extension
° include order language at end of Stipulation / Unopposed motion

Documents must be easier to read:
° Specific margins and formats, including the first page:
  ⇒ Double-spaced, line #’d 1-28 (max.)
  ⇒ Handwriting: legible & one side of pg.
  ⇒ text size 12 font or larger
  ⇒ Quotes over 50 words indented and single-spaced
  ⇒ All pages must be #’d consecutively
  ⇒ Margins: min. 1 inch on all four sides
  ⇒ Searchable PDF, except exhibits and attachments
  ⇒ Filing attorney must list email address and name of party represented

° use “ECF No. #” to refer to documents already on file with the court
° exhibits require cover sheets, pagination, and description of document in footer
° References to exhibits require reference to specific page of exhibit

Electronic Case Filing – no more searching for Special Orders 108 & 109.
° Searchable PDF required.
° Max size per doc. is 10 MB [per clerk June 2016].
° Exhibits/attachments MUST be attached as separate files and identified.
° An index to the exhibits is required; file as separate attachment.
° Motion covering 2 reasons must be filed TWICE - under each event type.
° Responses, replies, declarations, etc. MUST be linked to doc. to which responding/related.
  - See rule for hearing-related documents and submission of proposed orders.
° Unless presiding judge orders otherwise, MUST provide paper copy of CM-ECF stamped e-filed documents over 50 pages long; must tab the exhibits.

Joy A. Jones is a paralegal in the Intellectual Property Department at Lewis Roca Rothgerber Christie LLP. Email her at jjones@lrrc.com.
Launch your career as a paralegal as legal employers are turning to an increasing number of paralegals, also known as legal assistants, to meet their growing client needs. Successful law firms know that using qualified paralegals helps them deliver better service and more value while increasing their profits. Now more than ever, the paralegal is a necessary component in the successful and profitable delivery of legal services. Paralegals help law firms improve their client service, lower client costs and improve their bottom line. A paralegal's substantive legal work (i.e., not clerical work) may be billed directly to the client just as an attorney's work is billed. The ABA (American Bar Association) Model Guidelines for the Utilization of Paralegal Services provides lawyers with useful and authoritative guidance in working with paralegals.

Paralegal jobs are projected to increase 17% through 2022.

Source: U.S. Bureau of Labor Statistics

PARALEGAL FEES

In Missouri v. Jenkins, 491 U.S. 274 (1989), the United States Supreme Court held that in setting a reasonable attorney’s fee under 28 U.S.C. § 1988, a legal fee may include a charge for paralegal services at “market rates” rather than “actual cost” to the attorneys. In its opinion, the Court stated that, in setting recoverable attorney fees, it starts from “the self-evident proposition that the ‘reasonable attorney’s fee’ provided for by statute should compensate the work of paralegals, as well as that of attorneys.” Id. at 286. This statement should resolve any question concerning the propriety of setting a charge for legal services based on work performed by a paralegal. See also, Alaska Rules of Civil Procedure Rule 79; Florida Statutes Title VI, Civil Practice & Procedure, 57.104; North Carolina Guideline 8; Comment to NALA Guideline 5; Michigan Guideline 6. The Jenkins decision has been followed by several cases upholding paralegal fees at market rates. See, Richlin Sec. Serv. Co. v. Chertoff, 553 U.S. 571 (2008); United States v. Claro, 579 F.3d 452 (5th Cir. 2009) and Nadarajah v. Holder, 569 F.3d 906 (9th Cir. 2009). In addition to approving paralegal time, the Supreme Court effectively encouraged the use of paralegals for the cost-effective delivery of services.

FAST FACTS

- Paralegals, or legal assistants, perform the same tasks as an attorney except for appearing in court, submitting signed documents to a court, and providing direct legal advice to clients.
- Law offices use paralegals to improve their profitability and deliver legal services to the public.
- There are various definitions of what constitutes the work of paralegals. The common thread is that a legal assistant works under the supervision of an attorney and performs substantive legal work.

Missouri v. Jenkins

- Recovery of “reasonable attorney’s fees” means a reasonable fee for the attorney’s work product.
- “Reasonable” is historically driven by the marketplace.
- If the local marketplace standard allows for separate paralegal billing, then it is recoverable.
TOP 5 PARALEGAL BLOGS

The Estrin Report blog was created for professionals working in the paralegal field. Posts cover topics including current trends in the field, helpful tips and guest blogger features.

The Paralegal Society — https://theparalegalsociety.wordpress.com/
The Paralegal Society is a forum dedicated to educate, motivate and inspire paralegals to engage in the pursuit of excellence for all paralegalkind.

The Paralegal Voice — http://legaltalknetwork.com/podcasts/paralegal-voice/
The Paralegal Voice covers the latest issues and trends in the world of paralegals and legal assistants. Host Vicki Voisin, also known as the Paralegal Mentor, invites leading paralegals and legal professionals to discuss a range of topics from career tips and tactics to writing skills and hiring trends. The Paralegal Voice is a comprehensive educational resource for paralegals at any level of experience.

The Paralegal Mentor — http://www.paralegalmentorblog.com/
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 legal professionals reach their full potential. She publishes a bi-weekly ezine titled Strategies for Paralegals Seeking Excellence.

Pamela the Paralegal — http://www.pamelatheparalegal.com/
Pamela runs her own virtual paralegal business and writes about helpful topics like advice for getting your first paralegal job to pursuing a Master of Science of Law degree.

INTERESTED IN LEARNING MORE ABOUT THE PARALEGAL DIVISION?
CONTACT CHAIR:
CONNIE HEBERT, ACP®
FOR MORE INFORMATION:
CHEBERT@BHFS.COM

Paralegal Division Members:
Keep your contact information updated to continue to receive complimentary issues of The Paralegal Journal

Subscribe to our monthly Paralegal Bulletin.
Email chebert@bhfs.com with your info.
PRACTICE TIPS: E-DISCOVERY

Paralegal QUICK TIP
In addition to keeping up with changing laws and technology, you should retrieve as much information as you can from outside sources before serving a discovery request on the opposing party. Take screenshots of the adverse parties’ social media accounts in case they try to evade e-discovery by deleting the relevant information. This enables you to preserve the data as well as catch them in the deletion itself. Also, if your adverse party is an organization, request their “Electronic Data Retention Policy.” Many organizations do not have such a policy, which will be in your favor.

RECENT E-DISCOVERY CASE SUMMARIES

- **SANCTIONS IMPLEMENTED AFTER PARTY FAILS TO PRESERVE EMAILS**

- **COURT RIDES ON RELEVANCY, ALLOWING PARTY TO BE RAILED BY REQUESTS**
  *AMTRAK V. GUY M. TURNER, INC.*, NO. 4:15-CV-68-BO, 2016 U.S. DIST. LEXIS 61073 (E.D.N.C. MAY 9, 2016)

- **DISCOVERY REQUEST FOUND NOT PROPORTIONAL; DEPARTMENT STORE RELIEVED FROM PRODUCTION**
  *DOUGLAS V. KOHL’S DEPT STORES, INC.*, 2016 U.S. DIST. LEXIS 54782 (M.D. FLA. APR. 25, 2016)

- **PARTY’S FAILURE TO PRODUCE SOME FACEBOOK DATA RESULTS IN COMPELLED DISCOVERY OF ALL SOCIAL MEDIA DATA**
  *RHONE V. SCHNEIDER NAT’L CARRIERS, INC.*, 2016 U.S. DIST. LEXIS 53346 (E.D. MO. APR. 21, 2016)

- **PARTY’S FAILURE TO SPECIFY OBJECTION IN REFUSING DISCOVERY REQUEST RESULTS IN COMPELLED DISCOVERY**
  *HELLER’S GAS, INC. V. INT’L INS. CO. OF HANNOVER LTD.*, 2016 U.S. DIST. LEXIS 71069 (M.D. PA. JUNE 1, 2016)

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What is Electronic Discovery?

E-discovery, short for electronic discovery, is the process by which litigants find (i.e. discover) and produce documents stored in electronic form in response to litigation, corporate investigations, or regulatory inquiries.

The Role of a Paralegal in E-Discovery

Specific paralegal tasks will vary from job to job; however, a paralegal might perform the following e-discovery tasks:

- Evaluate a client’s electronically stored information (ESI)
- Assist in creating client ESI preservation policies
- Serve on e-discovery teams
- Ensure compliance with the federal rules regarding ESI
- Inform clients of e-discovery policies
- Draft and communicate litigation hold procedures
- Use technology to manage discovery
- Assist in the collection, processing, review, analysis and production of ESI
- Serve as a liaison between the legal team, IT personnel, vendors and records management personnel

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Electronic Discovery Reference Model

Discovery is expensive and can account for 20-50% of civil case discovery, or approximately $200-$250 million annually. The actual cost of e-Discovery is hard to pinpoint, but it could be significant, especially as more cases involve electronically stored information. Paralegals that understand the e-Discovery process can keep costs low and help avoid expensive discovery mistakes. Clients are less willing today to pay for expensive, outdated processes. Embrace legal technology and e-Discovery best practices to keep clients happy.