

RPA On The Record

Newsletter of the Richmond Paralegal Association
An Affiliate Association of the National Association of Legal Assistants, Inc.

April 15, 2011

Upcoming Events

April 27 – Brown Bag Luncheon

May 2 – Law Day

June 22 – Brown Bag Luncheon

July 26 – Dinner Meeting

July 27-30 – NALA Convention

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President's Message – How Current Are You?

I am often asked questions about education and certification, and with so many programs to choose from, making that life changing decision can be very difficult. Here in the Greater Richmond Area, we are very fortunate to have several options from which to choose. Whether one school is better than another depends entirely on the person being taught. Of course, the higher the degree level, the more education you will receive and in all actuality, a 4 year degree is going to have more to offer than a 2 year degree. For me, as I am sure it is with many others, time and money dictated what type of degree I chose to pursue. I quickly discovered however, that in order stay up to date with my peers, I was going to need continuing education on a regular basis.

Becoming a certified paralegal was one of the best career decisions I have ever made. Starting that process made me realize that I wasn't as current as I should have been. I took the exam in 2001 and have never looked back. The certification requires 50 hours of continuing legal education and having that requirement gives me not only an avenue for advancement, but more choices for the advancement of my career.

Even if you are not certified, staying current is beneficial to you, your career and the firm/clients you do work for. RPA has many opportunities to stay current, join us at the one of our upcoming luncheons; dinner meetings or seminars and get updated!



Teresa A. Clark, CP
President

Teresa is a Sr. Litigation Paralegal at Sands Anderson, PC



RICHMOND PARALEGAL ASSOCIATION

April Brown Bag Lunch Meeting

April 27, 2011

12:00 – 1:00 p.m.

- Speaker:** **Monica McCaroll, Esquire**
Williams Mullen
e-Discovery and Information Governance Team
- Topic:** **Cooperation in e-Discovery: Is it working?**
- Place:** **McGuireWoods, LLP, Frances Hayes Room,**
One James Center, 901 E. Cary Street, Richmond,
- Lunch:** **Sponsored by Williams Mullen**



**RESERVATIONS MUST BE RECEIVED
BY FRIDAY, April 22, 2011**

YOUR ADVANCE RESERVATION IS IMPERATIVE.

Please forward your reservation:

Dana Bruce – phone: 782-5278; email: dana.bruce@suntrust.com
SunTrust Bank, Legal Division
919 E. Main Street, 13th Floor
Richmond, VA 23219

It is Springtime, a Time for New Personal and Professional Growth.
By Kitty Bice, CP

Kitty Bice, CP is the Secretary of the Richmond Paralegal Association 2011. She is the Paralegal Coordinator and Sr. Litigation Paralegal at Sands Anderson PC. She received her NALA Certification in 2000.

It is time to freshen up your skills, clean out the old ways of doing things, and bring color and new life to your resumé.

How long have you been a paralegal? How long have you been with the same employer? What areas of law do you most work? Have you seen changes in your field? Are you concerned about the security of your job? How does your salary compare to other paralegals in the industry? Are you doing all you can to stay up-to-date in your field?

With the ever changing landscape of the law and constantly evolving world of technology, a paralegal's, at the top of her/his game, options are unlimited. Freelance or Virtual paralegals have filled the void for paralegals who do not wish the work full-time, paralegals who have found themselves without jobs due to changes in the economy, and employers who have cut back due to the recession. With the technological options available, face-to-face meetings and access to paper documents are no longer needed. How has technology changed your job?

E-discovery is replacing boxes and boxes of paper that paralegals spend hours, days, or months reviewing, summarizing and indexing. Now, hundreds of thousands of documents can be reviewed, sorted, searched, and produced in a fraction of the time. Are you aware of the Courts' expectations of the parties' use of e-discovery in cases? What have you done to keep up?

Rules change, cases of first impression are decided every day, advancements in medicine, environmental issues, economic challenges, and the invention of new products and services create new issues before the Courts. The world is not standing still, and neither can you. When was the last time you attended a CLE, a seminar, participated in a webinar, either in your field or another? Do you read the Virginia Lawyers' Weekly, Facts & Findings, or other legal or professional periodicals?

If your area of expertise is only one area of law? If you lost your job today are you limited in possibilities? What have you done to expand your knowledge in other areas of law? What have you done to network with others in your profession? Are you involved in community or professional organizations?

The paralegal's role is being redefined with the changes in law, the needs of society, and the technology revolution. Are you changing or are you stagnant? Do you enjoy your job? After all, you spend more waking hours at work than anywhere else. Are you utilized to your fullest potential? Do you feel respected and appreciated? What have you done to freshen up your career?

I challenge you to move out of your comfort zone; buy a new outfit or briefcase to make you feel more confident and/or project professionalism; update your resumé; take every opportunity to learn something new through webinars, seminars, classes, reading, etc.; be assertive with your employer and offer ideas and show them your value to the client; join professional or community organizations to offer your skills and/or meet new people; and/or get your degree, certification or advanced certification.

Consider these questions and apply those that are applicable to you. Polish yourself up or even reinvent yourself.

Membership Report
By
Jayna M. Kiracofe

Total number of members for the Richmond Paralegal Association, as of April, 2011, is 98. Members, don't let this be your last Newsletter, IF you haven't sent in your renewal there is still time. Send a renewal form and check made payable to RPA, PO Box 384, Richmond, VA 23218.

Membership questions?

Contact Jayna.Kiracofe@richmondparalegals.org

We appreciate our sponsors and recommed their services



Newsletter Editor's Message:



Hello fellow members. I would like to introduce myself. My name is Kamaran Gay, and I am the Newsletter Editor for the Richmond Paralegal Association. I just recently relocated to the Richmond area from Jacksonville, Florida. Before I moved, I was the Newsletter Editor and Parliamentarian for the Northeast Florida Paralegal Association. I am excited about working on RPA On the Record, and if you have any suggestions, articles, or ideas, please send them my way, Kamaran.Gay@richmondparalegals.org.

Sincerely,

Kamaran Gay



RICHMOND PARALEGAL ASSOCIATION
 June Brown Bag Lunch Meeting
 Wednesday, June 22, 2011
 12:00 – 1:00 p.m.

Speakers: Emily Wingfield, Deputy Clerk
 Vanessa Copeland, eFile Communications Lead



Topic: SCC eFile – Convenience For You and Your Clients
Place: McGuireWoods, LLP, Frances Hayes Room,
 One James Center, 901 E. Cary Street, Richmond,
Lunch: Sponsored by Superior Document Services



**RESERVATIONS MUST BE RECEIVED
 BY Friday, June 17, 2011**

YOUR ADVANCE RESERVATION IS IMPERATIVE

Please forward your reservation:
 Dana Bruce – phone: 782-5278; email: dana.bruce@suntrust.com
 919 E. Main Street, 13th Floor
 Richmond, VA 23219

**RICHMOND PARALEGAL ASSOCIATION
TREASURER'S REPORT**

By Michael Yager

JANUARY 2011

Date	Event	Expenses	Income	Balance
01/03/2011	Deposit		\$580.00	\$8,159.02
01/03/2011	Downtown Direc [courier of books for audit] check #1081	\$10.00		\$8,149.02
01/15/2011	T. Clark, RPA Board Retreat Breakfast check #1082	\$114.96		\$8,034.06
01/15/2011	D. Stauss, Reimbursement VAPA, check #1083	\$75.00		\$7,959.06
01/15/2011	R. Clark, RPA Board Meeting Supplies, check #1084	\$40.09		\$7,918.97
01/15/2011	Peggy Walker, Name Tag expense, check #1085	\$14.59		\$7,904.38
01/21/2011	Deposit		\$1,795.00	\$9,699.38
01/21/2011	Interest (.27 from 11/30 - .28 from 12/31)		.55	\$9,699.93
01/15/2011	Sam Miller's Retreat Luncheon, check #1086	\$425.00		\$9,274.93

FEBRUARY 2011

Date	Event	Expenses	Income	Balance
02/23/2011	Deposit		\$935.00	\$10,209.93
02/25/2011	Deposit		\$1,720.00	\$11,929.93
02/25/2011	State Corporation Commission	\$35.00		\$11,894.93
				\$11,894.93

MARCH 2011

Date	Event	Expenses	Income	Balance
03/01/2011	Board Meeting Expense, #1089	\$41.27		\$1,1853.66
03/01/2011	RPA Door Prizes, #1090	\$35.00		\$11,818.66
03/05/2011	Spring Seminar Expenses, U of R, #1091	\$38.36		\$11,780.30
03/23/2011	Deposit		\$2,195.00	\$13,975.30
03/05/2011	J. Kiracofe, photocopy expense, Spring Seminar, U of R, #1092	\$ 7.00		\$13,968.30
03/25/2011	Restaurant Associates, RPA dinner, #1093	\$624.93		\$13,343.37



36th Annual NALA Convention & Exhibition Dallas/Plano Marriott at Legacy Town Center

Scenic parks and ponds surround this resort-like hotel just 19 miles from downtown Dallas. Upscale shopping, entertainment, and dining are within walking distance, and a complimentary shuttle goes to other attractions within a three-mile radius. Guest rooms are "wired" for business and feature flexible workspace, freshly appointed bathrooms, and luxurious bedding. Other amenities include an outdoor pool, hot tub, fitness center, the Copper Bottom Grille restaurant, and Chaddick's lounge. Covered self-parking is free for guests.

The 2011 Convention Program

This is NALA's first "All Institute" convention and will feature seven institutes:

- Corporate
- Essential Skills
- Estate Planning/ Administration
- Social Security Litigation/Technology
- Personal Injury
- Real Estate

The special NALA guest room rate of \$119/day is available three days before and three days after the meeting dates. Contact the Dallas/Plano Marriott directly at (800) 228-9290 or (972) 473-6444. (Be sure to invoke the special NALA rates.) Reservations must be made by Tuesday, July 5, 2011 for the special rates to apply.

July 27-30, 2011

Check the NALA website for costs and registration information – www.nala.org

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Why Attorneys Continue to Fail at E-Discovery

By

Michael Yager, M.A.



Michael Yager, MA, is Director of E-Discovery for Spotts Fain, PC, in Richmond, VA. He has been in the legal field for nearly two decades and has a Master's Degree from the College of William and Mary, Williamsburg, VA. He has been a part of the E-Discovery field and practice in some way, shape, or form for the last 8 years.

The results of a study by three King & Spalding lawyers published in the *Duke Law Journal* were the subject of a summary posted to the ABA's *Law News Now* site on January 13, 2011. Having begun in this profession nearly two decades ago as a traditional (no E-Discovery involved) litigation paralegal, and having experienced my own (often resentful) evolution into my current role as Director of E-Discovery for Spotts Fain, PC in Richmond, Virginia, I continue to marvel at the failure of many attorneys to mirror the legal life cycle that propelled me to where I am today.

The article delineates the findings of the King & Spalding study most succinctly. "Sanction motions and sanction awards for e-discovery violations have been trending ever-upward for the last 10 years and have now reached historic highs." The ABA article, by Debra Cassens Weiss, continues to add body to the observation with specific examples that "...the negligence cases were based on the lawyers' failure to turn over materials in a timely manner. The gross negligence cases involved failure to advise clients to preserve evidence, failure to supervise a client search for responsive information, and failure to produce a critical document." The King & Spalding lawyers observed that "[l]awyer sanctions for intentional or bad-faith conduct "typically resulted from multiple egregious failures to oversee the client's preservation, search, and production efforts, followed by misrepresentations to the court over an extended period of time."

I marvel because I have worked with attorneys for nearly twenty years. I typically regard them as highly intelligent, capable of impressive cognitive analysis, and with IQs above the societal norm. I regard myself as possessing the opposite of these qualities (and despite my graduate degree from the College of William & Mary, an impressive slate of cognitive tests over the years substantiate my observation that while I may be smart, I am truly not "intelligent"). And yet, I get the E-Discovery message that federal courts nationwide have been sending out. I am incredulous as to why many of the more intelligent and accomplished attorneys who populate my profession do not. The *Sedona Conference* compilation of the growing list of hundreds and hundreds of sanction cases nationwide seems to provide some foundation for my incredulity. I gave the matter some very serious thought, and have arrived at three major categories, mindsets if you will, of attorneys who fail to respond to the E-Discovery evolution in the practice of law. I share them in this article with the intent of perhaps providing a context of attorney self-analysis and, hopefully, efforts to avoid falling into any one of them.

1. The "E-Discovery is not real law" mindset. Perhaps the most dangerous of all, this mindset is found among a great number of old schoolers (most in my age group), who view E-Discovery as an uncomfortable phase that will pass. Further, it is not the "real" practice of law. I have seen this mindset at work when E-

Discovery was fairly new on the scene and there were a few attorneys who took great interest in the field. I witnessed them removed to the outside of the “real practice of law” club. I saw senior partners scorn them, the symbols of something not understood, but certainly not a part of *their* practice of law. It was not a part of law school (at that time), never had been a part of their practice, and their successful records seemed to indicate that it was not a necessary part of law. And, on top of it all, E-Discovery consists of components that seem to belong within the framework of the IT Department, not in the courtroom.

2. The “Non-Lawyers have no business telling me anything” mindset. Because of the unique nature of E-Discovery, originally coming from an area populated by (is there any other way to say it?) geeks rather than attorneys, there has been an understandable, adverse reaction to a non-lawyer telling a lawyer anything about the practice of law. At the advent of E-Discovery with an initial paucity of attorneys conversant in its language, a good deal of E-Discovery communication would come from non-attorneys. Attorneys plagued by this mindset view themselves as doctors do in the operating room. With scalpel in hand of the surgeon standing over the patient in the operating room, the nurse that dares opine “that’s not quite the place to cut” has seen her final day as an employee at that hospital. Attorneys with this mindset have a similar reaction to non-attorneys daring to “tread where angels fear to go,” the hallowed practice of law. In most of the large firms which have managed complex cases with E-Discovery issues, there are attorneys designated as E-Discovery specialists as well as Directors of E-Discovery. But in firms without such attorneys, there can be a resistance to working with a non-attorney. There is a failure to understand the uniquely hybrid nature of this part of the practice, when Judges state that best practices with Electronically Stored Information (ESI) must be met but, by and large, those best practices are determined by an industry dominated by ESI experts without law degrees. It has been refreshing to see the growing number of attorneys enter this area of the law, but there are not enough to go around. And Judges have made the ESI industry a part of the practice of law.

3. The “I know E-Discovery is important, but I am too embarrassed to admit to my client and my colleagues that I feel lost” mindset. This is by far the easiest of the three to remedy, as its basis is not in a professional bias as are the former two. A client comes to the attorney viewing him or her as an expert capable of representing its interest. If the case is characterized by any ESI complexity whatsoever, these attorneys find themselves in the embarrassing situation of being unable to work competently in the area. This is a situation that attorneys in this mindset category avoid. Perhaps being seen as one of the most successful attorneys at the firm, with a great practice record, this attorney is not going to dent the armor of the illusion of success with every facet of a case. Feeling competent with the law, their practice of it, their record of success, their reputation, and their ability to “lawyer” themselves out of any fix, this mindset attorney avoids ESI issues like the proverbial ostrich with head in sand. If a problem in this sticky ESI field emerges, they are supremely confident that their personal charm, history of success, and ability to overcome will prevail. They will never have to deal with the embarrassment. I feel certain that most attorneys on the pages of federal sanction decisions have felt this way, up until the moment of sanction.

There have now been thousands of articles written, hundreds of federal decisions published, other hundreds of conferences held on E-Discovery. It is obvious that E-Discovery is important to the practice of law, that failure to practice it competently can have devastating results for attorneys and their law firms, and that it is more than just a passing phase; it is here to stay. Further, what was once an exclusive club where non-attorneys were not permitted, membership is more of a diverse entity. Attorneys must embrace this new reality. Those attorneys afflicted with the above mindsets who do not take proactive steps to break free of them run the risk of finding themselves and their firm on the next cover of the ABA Journal, following in the unenviable footsteps of the Qualcomm attorneys who recently had the honor.



THE BAR ASSOCIATION
OF THE CITY OF RICHMOND

Neil MacBride, U.S. Attorney for the Eastern District of Virginia will be the featured speaker at The Richmond Bar Association's Annual Law Day Luncheon



Additional information about Mr. MacBride can be found
http://www.richmondbar.org/news_aprimay_2011.pdf

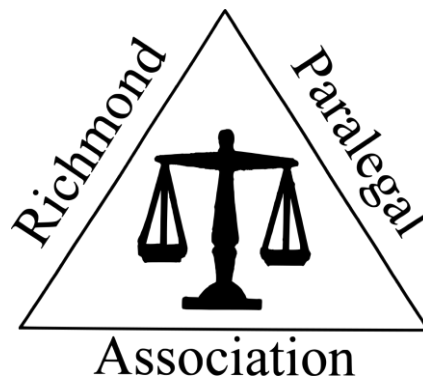
When: Monday May 2, 2011 at 12:30 p.m.

**Where: Omni Hotel,
100 South 12th Street, (12th & Cary Street), Richmond**

Cost: \$25.00

**Please forward your reservation to:
Dana Bruce, SunTrust Bank
919 E. Main Street, 13th Floor
Richmond, VA 23219**

dana.bruce@suntrust.com



Reservations must be received by: Tuesday, April 24th 2011

LinkedIn for Your Career

By: Donna Strauss



Donna Strauss has twelve years experience as a corporate paralegal with Genworth Financial. She earned her AAS degree in paralegal studies from J. Sargeant Reynolds Community College and is currently enrolled at the University of Richmond. Donna serves as RPA's 2011 NALA Liaison and is chair of RPA's Technology Committee.

It is easy to become so engrossed in advancing in your job that you lack the online skills to advance in your career. Unfortunately in this day and age, our jobs are not guaranteed and can be taken from us in an instant, but no one can take our careers away. Your career encompasses your skills, abilities, education, and passion. But it doesn't stop there. In order to advance in your career, you must always learn, connect, and network. Without professional networking, you risk losing valuable resources that could potentially help you in your profession.

Online networking seems so cold and informal; it seems like a waste of time. Why bother setting up a professional online presence when you have 500 friends on Facebook? Most everyone by now knows what Facebook is used for – from posting pictures of last night's party to posting your activities and your child's successes. You share your daily life with 500 of your closest "friends." However, with LinkedIn, your purpose is to showcase your professional reputation.

LinkedIn is a professional online tool where you upload your resume and include your education, awards received, organizations in which you are a member, and publications you may have written. You can also include a list of books you are reading (or want to read) along with other personal interests such as writing, wine, gardening, etc. Listing your interests helps to create relationships with your professional contacts and enables you to learn what you may have in common.

To get started, first create your free Profile. From there, add your Connections through the People Search tool. You begin with your friends and co-workers (if you wish). You have the ability to view your Connections' connections and you may even decide to invite them to join your network. You will begin to receive invitations to connect from others as well. Over time, your Connections list will grow.

Another important area to focus on is Groups. RPA has a Group on LinkedIn (search "Richmond Paralegal Association") in which you can join, along with other paralegal organizations. This is where you can share ideas, articles, give or get advice on different topics, find job opportunities, and even grow your network. Remember to be active in Group discussions and answer questions within the Groups you have joined. This will help to build your online reputation and create name recognition in your area of expertise.

In addition to searching for People and Groups, you can Search for Companies and Jobs. With a Company Search, you can find out who in your network may be working for a particular company. You can also Follow the Company to get updates on their news and job listings as soon as they are posted.

As you build your strong professional network, remember that this is an important part of your career. Even if you have been in the same job for ten years and plan on retiring from the firm/company, there is value to expanding your network. Through your Groups and Connections, you will meet new people with similar interests who could eventually become an asset to your career.

I hope to connect with you on LinkedIn. Feel free to search for me and add me to your network.

UPCOMING EVENTS

APRIL

Wednesday, April 27, 2011

Brown Bag Lunch 12:00 – 1:00

Location: McGuireWoods, Frances Hayes Room, 2nd Floor, One James Center, Richmond

RSVP: by April 22, 2011 to Dana Bruce at 782-5278 or dana.bruce@suntrust.com

Speaker: Monica McCaroll, Esquire

Topic: Cooperation in e-Discovery: Is it working?

Sponsors: WilliamsMullen – Lunch will be provided

MAY

Monday, May 2, 2011

Law Day Richmond Bar Association

Location: Omni Hotel

RSVP: by April 24, 2011 to Dana Bruce at 782-5278 or dana.bruce@suntrust.com

Speaker: Neil MacBride, US Attorney Eastern District of Virginia

Topic: TBA

Cost: \$25

JUNE

Tuesday, June 21, 2011

Executive Board Meeting

Location: TBA

Time: TBA

Wednesday, June 22, 2011

Brown Bag Luncheon 12:00-1:00

Location: McGuireWoods, Frances Hayes Room, 2nd Floor, One James Center, Richmond

RSVP: by June 17, 2011 to Dana Bruce at 782-5278 or dana.bruce@suntrust.com

Speakers: Emily Wingfield, Deputy Clerk of the Commission
and

Vanessa Copeland, SCC e-file Communications Lead

Topic: SCC e-file: Convenience for You and Your Clients

Sponsors: Superior Document Services (Lunch will be provided)

JULY

Tuesday, July 26, 2011

Dinner Meeting

Location: Suntrust Bank, 24th Floor

Speaker: John Erbach, Esquire

Topic: What Law Clerks Really Do

July 27-30, 2011

36th NALA Convention

Location: Dallas, TX

2011 Executive Board and Committee Chairs

Executive Board:

President - [Teresa Clark, CP](#)

1st Vice President (*Education*) - Vacant

2nd Vice President (*Membership*) - Vacant

Treasurer - [Michael Yager](#)

Secretary - [Kitty Bice](#)

Director (through 2013) - [Katherine Lloyd](#)

Director (through 2011) - [Jayna Kiracofe](#)

Director (through 2011) - [Sheila Kennedy](#)

Director (through 2011) - [Sharon R. Gulliksen, CP](#)

Director (*through 2013*) - Vacant

Parliamentarian - [Shirley Barwick](#)

NALA Liaison - [Donna Strauss](#)

Committee Chairs:

Audit – Sharon Gulliksen, CP

Bylaws Review – Shirley Barwick

CLA Study Group Program – Vacant

Education – Vacant

Job Bank – Kitty Bice, Secretary

Marketing/Public Relations – Vacant

Membership – Jayna Kiracofe; Sheila Kennedy

Mentoring – Teresa A. Clark, CP, President

Newsletter – Kamaran Gay

Nominations – Vacant

Paralegal Week Reception – Vacant

Pro Bono – Vacant

Professional Development - Teresa A. Clark, CP, President

Richmond Bar Liaison – Katherine Lloyd

Speakers Bureau – Jayna Kiracofe; Sheila Kennedy; Teresa Clark

Technology – Donna Strauss

VAPA Delegate – Amy Vaughan