

THE PARALEGAL *Educator*

American Association for Paralegal Education

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WINTER 2012



BRIDGING THE MULTI-GENERATIONAL GAP

See article on page 13

CAROLINA ACADEMIC PRESS 2012

RESOURCES FOR PARALEGALS

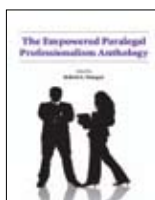
The Empowered Paralegal Professionalism Anthology

NEW!

Robert E. Mongue, University of Mississippi, editor

2011, 370 pp, ISBN 978-1-59460-821-6, \$40.00

This book takes a comprehensive approach to paralegal professionalism and the paralegal professional, discussing topics such as: establishing a professional identity, regulation, certification and licensing, paralegal associations, paralegals from the perspective of the courts, paralegal utilization.



"This important book addresses issues that either are or should be at the forefront of every discussion of the paralegal professional today." — Toni Marsh, *Esquire*, Director, George Washington University Paralegal Studies Programs

Speak Spanish Now for Law Offices

FORTHCOMING
LATE 2011!

A Customized Learning Approach for Legal Professionals

Brian K. Jones, Cape Fear Community College

Forthcoming Late 2011, ISBN 978-1-59460-863-6
Includes supplemental audio CD

This text has been designed to promote communication in Spanish for legal professionals, with primary focus on the functions of paralegals/legal assistants. Upon successfully mastering the phrases in the text, readers will be able to manage situations they commonly encounter on a daily basis, give instructions and commands, ascertain personal information, and interact with Spanish-speaking persons in a culturally appropriate manner.

Trust Drafting for Paralegals

FORTHCOMING
LATE 2011!

Stephen Haas, National Paralegal College

Forthcoming Late 2011, 328 pp, ISBN 978-1-59460-925-1
Teacher's Manual

An ideal companion to a course in drafting trusts or estate planning, this book offers practical advice and sample provisions. The text does not delve deeply into the theory behind the applicable rules and does not exhaustively analyze the relevant statutes and cases. Instead, it's designed to give the student a working understanding of the issues most likely to come up in real life.

Business Law and Organizations for Paralegals

FORTHCOMING LATE SPRING
2012!

Emily Lynch Morissette, University of San Diego

Forthcoming Late Spring 2012, 400 approx. pp, ISBN: 978-1-59460-884-1, Teacher's Manual

This text covers the knowledge students need to form business organizations, while adding a comprehensive section on intellectual property. (Intellectual property is one of the fastest growing segments of our economy.) It also covers basic investing and explanations for how the country found itself in its current economic predicament.

Core Grammar for Lawyers

Ruth Ann McKinney, University of NC School of Law
Katie Rose Guest Pryal, University of NC School of Law

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Faculty can learn more about *Core Grammar for Lawyers* and request courtesy access at this link:
www.cap-press.com/coregrammar/faculty.php

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NEW!

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Neal R. Bevans, Western Piedmont Community College

2011, 262 pp, ISBN 978-1-59460-837-7, \$35.00
Teacher's Manual

Unfortunately, when readers look for a text to explain consumer-related issues, they are too often confronted with case books that have more application to law school curricula than to a college-level course. This book fills the need for a well-written text on consumer law and consumer protection.



Reading Medical Records

FORTHCOMING LATE SPRING
2012!

Stanley McQuade, Campbell University School of Law

Forthcoming Late Spring 2012, 300 pp approx., ISBN: 978-1-61163-109-8, Teacher's Manual

This book is designed to help legal professionals work with, and understand, medical records. It is the fruit of more than 20 years working with lawyers, paralegals, and other compensation professionals in seminars and classrooms and is very readable and effective. No prior knowledge of medicine or medical practice is required.

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DEADLINES: January 31 and July 31.

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

Articles may be of any length although, generally, submissions should not exceed 1,000 words. The article should be submitted with an appropriate title, the author's biography (3-5 sentences) at the end of the article, and with a recent photo (.jpg at 300 dpi only). Articles should be submitted in Microsoft Word®. It is preferred that articles be double-spaced, 12-point Times New Roman, and follow the conventions of good English. Please spell and grammar-check articles before submission. Publication and editing of submissions are within the purview of the Editors, President, and Executive Director. The opinions expressed in The Paralegal Educator are those of the authors and are not necessarily those of AAFPE.

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FACTS & FINDINGS

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For Paralegal Instructors and Program Directors

Facts & Findings is the paralegal magazine esteemed by the legal profession and regarded as a helpful resource by other professions as well. Articles are provided by paralegals, educators, and attorneys as well as judges and those in other professions who address the needs and interests of paralegals.

Thanks for visiting our booth at the annual AAFPE conference in Maryland! We enjoyed visiting with you and remind you to contact our headquarters to learn more about new NALA benefits for your students.



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AAfPE 2012 Calendar

February 15

Educator articles due for spring issue

February 16-18

Board of Directors Meeting
Savannah, GA

February 29

LEX scholarship applications due

March 22-23

South Central Regional Conference
New Orleans, LA

March 30-31

North Central Regional Conference
Grand Rapids, MI

March 30-31

Southeast Regional Conference
Memphis, TN

April 13-14

Northeast Regional Conference
Philadelphia, PA

April 20-21

Pacific Regional Conference
Park City, UT

May 31

Honorary Member nominations due

June 15-16

Board of Directors Meeting
San Diego, CA

July 1

Board nominations/candidate statements due

July 31

Educator articles due for fall issue

August 1

National Conference travel scholarship applications due

October 8-10

Board of Directors Meeting
Savannah, GA

October 10-13

31st Annual Conference
Savannah, GA

Honorary Membership in AAfPE

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

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

AAfPE

c/o Scott Hauert, AAfPE President

19 Mantua Road

Mount Royal, NJ 08061

info@aafpe.org

Writing for *The Paralegal Educator*

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

If you are thinking "yes" to any part of that, then it is time to put your ideas on paper. Write an article for AAfPE's national peer-reviewed journal, *The Paralegal Educator*.

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

If you have any questions or would like more information, please contact Editor-in-Chief Janet Olejar at jolejar@tacomacc.edu or 253.566.5053





MESSAGE FROM THE PRESIDENT

Future-thinking Membership: Redux

At the annual conference in Baltimore we began a collective exploration of what qualities, characteristics, and values AAFPE's criteria for Institutional (voting) membership might reflect if we were to change from what it currently consists of: (1) ABA-approved, or, (2) programs that are in "substantial compliance" with the ABA's Guidelines. See AAFPE Bylaw 2.1.

In prior articles and in my conversations with many of you, I have explained the inherent challenges with our current criteria, the most significant of which is the virtual impossibility of consistently determining what constitutes "substantial compliance" with another organization's standards. See *The Paralegal Educator* (Fall 2010) and *Sidebar* (Spring 2011).

The Board heard from many of you on this important and complicated issue. The overwhelming and most consistent feedback we received was that members recognize the need for AAFPE to have self-articulated membership criteria. What we also heard was that more time, consideration, member input, and opportunity for discussion is also needed. Therefore, at the direction of those present at the business meeting, the matter was referred back to committee for further consideration.

In order to provide multiple opportunities for the broadest input, the dialogue on Institutional membership criteria will occur over the next few months in several venues. First, the online forums will be operational the beginning of the new year. There will be a dedicated thread in the forums where we can discuss the issue. The forums will allow us to capture the valuable input of members in one place. Second, there will be an open forum at each of the regional conferences this spring dedicated to this issue. The open forums will provide a valuable opportunity for face-to-face dialogue. Third, in late spring, a draft of proposed standards for Institutional membership, based on the input gathered, will be circulated to the membership for further input.

At its June meeting, the Board will consider all the input received and, if consensus can be reached, the Board will recommend a final proposal to submit for the memberships' consideration at the annual business meeting in Savannah. In Savannah, dedicated open forums will be conducted for additional discussion on any proposal to come before the membership at the business meeting. Also, more time will be allotted for the business meeting so that there is ample time for comment and debate. It is my hope that with the inclusive process outlined above, any final concerns can be addressed at open forums in Savannah and that those concerns can be integrated by consensus via a floor amendment at the business meeting.

AAFPE has several excellent position statements that the membership has previously adopted. As we contemplate potential criteria for Institutional membership, I encourage you to review these statements. Any new proposals should either be consistent with, or may need to explicitly supersede, the frameworks in those position statements. You can find all of AAFPE's current position statements at www.aafpe.org under "About AAFPE." ■



Storytelling As A Teaching Technique

The material in the following article is adapted from materials presented by Laura Alfano, Lynn D. Lisk and Sharon Ammen at AAfPE's 2010 National Conference under the title "Acting Out."

One of the most valuable teaching aids available to those of us who teach paralegal students is storytelling. Our students have listened to and told stories for their entire lives. Storytelling is built into the very fabric of our society and has been used for thousands of years to convey information, wisdom, understanding, and values. Thirty-five thousand year old cave drawings exist demonstrating that from the earliest of times, storytelling has been an integral part of humanity's collective experience. Of course, one of the absolute best things about storytelling is that it is available to all teachers at all times free of charge. All it takes is some life experience, a little imagination, and a willingness to "act out" in front of your students. Numerous articles exist that examine and document the value of storytelling in teaching;¹ this article is intended to provide practical tips and ideas to paralegal educators on how to incorporate stories into their classroom presentations.

Storytelling reaches out to students across socio-economic, ethnic, and cultural boundaries.² It addresses multiple learning styles and allows students to experience course content through eyes other than their own. Stories provide points of reference for students as they labor to understand concepts and the application of those concepts in a variety of settings and situations. A good story will grab and keep the attention of that bored student in the back of the classroom and she or he will remember it when preparing an assignment or studying for an exam. Best of all, attorneys (who make up the bulk of paralegal educators) are trained in storytelling. Any seasoned litigator will tell you that a primary goal at trial is to tell the jury the story of his or her client and have them identify and agree with the client's point of view in the matter. In fact, failing to present your case to the jury in story format is a surefire way to ensure you lose the trial. "[L]awyers who want to become effective communicators must understand stories are at the heart of how people



think, learn, exchange ideas, and struggle to understand the world around them."³ Just as the juries want to hear the story of the case they must decide, your students want to hear the story of the material they need to know and use as paralegals.

How then can we become better storytellers? This article seeks to answer the question by presenting practical advice on three storytelling issues: (1) Where do we get stories? (2) How do we organize stories? (3) How do we tell stories?

First, where do we get our stories? Sources for stories are numerous, but the absolute best source is your own experience. Having been through something yourself gives you an insight and understanding of the event that is unparalleled. I can relate to my students the information they need about proper service of process from a few court cases and the Rules of Civil Procedure. However, I can demonstrate the application of the information in a way they will not easily forget when I tell the story of how I used a private process server to "ambush" guests of the Oprah show.⁴ Telling my students about my experience in a four-day federal civil rights trial where we obtained nominal damages and a large punitive award does more to explain to students how the concept

of nominal damages actually works and its importance than any textbook explanation. When it comes to getting stories to use in your teaching, the first place to turn is your own experience. You should consider your topic, then think back over your own personal experiences and see if you can find one useful for explaining the topic.

Additionally, when the students hear a story about what happened to you, it “humanizes” you to the students. They know you are not just a “talking head,” but also a real person who has dealt with and experienced the very things they are asked to understand. I tell stories about client intake interviews (like the guy who was afraid the office was bugged by the “illuminati” who were after him); client claims and defenses (“I was cooking meth so I could sell it and raise enough money to pay for drug rehab”); and client testimony (“I can’t lie to you jury people like I did my lawyer, I had no business being on the road that night”). All these and many more of my experiences while practicing law illustrate concepts in class. Moreover, I know they are effective due to feedback on my faculty evaluations each semester.⁵

The next place you should turn to when looking for a story is friends, family, and professional colleagues. You have developed a rapport with these people. You have heard their stories and your knowledge of them as a person makes it easy to get their “take” on an experience they have related to you. You can easily describe their experiences to your students and make it as interesting as one of your own stories because you know at least one of the people involved. I love to sit around at my state and local bar meetings with attorney friends of mine and listen to their “war stories.” Lawyers in general love to relate the tales of their experiences, especially the humorous ones. One of my favorites is from a friend who had a client get arrested in the courtroom while on trial for drug possession when a bag of marijuana fell out of his pocket as he stood up when the court went into recess.

Another great source for story material is news stories. I follow the news closely in order to learn about court decisions and other legal matters that I can turn into an example for my class to consider. Newspapers, radio, and TV broadcasts, magazines such as *Time*, *Newsweek*, etc. are all excellent sources of stories and material you can use to build a story. My classes have had extended discussions about O.J. Simpson’s multiple cases, the McDonald’s “hot coffee” case, the Westboro Baptist Church case, the list goes on. Using newsworthy cases

and situations that the students are likely to have heard about helps bring the issues to life for the students. It also helps them understand what is actually happening in the world around them and how the law relates to their everyday experiences.

Additional sources for stories are movies, television shows, and books (fiction and non-fiction). One of my favorite assignments in my criminal law class is having the students watch “Bonnie and Clyde” and draft the prosecutor’s information charging Bonnie and Clyde with every crime they commit in the course of the film. Movies, T.V. shows, and books make great sources of stories you can use to invoke discussion and examination of issues by students even without having the students watch the movie/show or read the book. I have used more than one scenario presented in an episode of “Boston Legal,” “The Practice” or a John Grisham novel to start a discussion or illustrate an issue. When it comes to movies though, I cannot recommend Kent D. Kauffman’s book, “Movie Guide for Legal Studies”⁶ highly enough. With a synopsis of over 90 movies involving lawyers and the legal process and discussion and assignment ideas for each, it is a reference work that no paralegal educator should be without.

Finally, no listing of story sources would be complete without mentioning the Internet. Two of my favorite sources for material on the web are www.lawhaha.com and www.newsoftheweird.com. Lawhaha.com in particular is a great site. It was created and is continuously updated by University of Memphis law professor, Andrew J. McClurg. Professor McClurg has been collecting unusual and funny stories involving the law and lawyers for many years now and he has put together a huge listing of them—often with quotes from the actual people involved. Blogs such as “Lowering the Bar,” “Above the Bar,” and the many paralegal blogs that describe real events from the paralegal’s point of view are also readily available and chock full of stories and experiences you can relate to students.

The next topic revolves around the organization of stories. Once you have a good story, you will want to make sure that you keep it for future use. It is far too easy to think of something or see something and say to yourself “that would be a great story to use for _____” and then forget the story when it comes time to teach _____.

A good idea is to jot it down in some form, even a note that says “Client story about cooking meth to pay for rehab” is enough if it will jog your memory sufficiently to tell the story. Once this is done, you need to decide how you will organize your stories, by course (Torts, Criminal Law, Bankruptcy, etc.) or by topic (Cross-examination, voir dire, client interviews, etc.). I organize mine by topic first recognizing that sometimes a story will fit in more than one topic or class. This way, whenever I am teaching a specific topic, no matter what class it is in, I can go check to see if I have any good stories on that topic for use.

Once a story is used in a particular class, I tend to keep a copy of it with the materials for that class as well as maintain it in my topics file. While each person has their own method of organizing materials they use for teaching purposes, I have found this method to be the most effective in allowing almost instant access to a story covering just about any topic I want to discuss with my students. It also helps ensure that when I teach the same class again in future semesters, I know exactly what content has been delivered in the past and needs to be delivered again, tweaked, updated or modified. In addition, my collection of stories continues to grow and differing stories on the same topic area are collected, giving me more options and flexibility when it comes time to teach the topic. I can therefore pick a story on a topic that is a better “fit” for the class or group involved.

The last topic, and the one that affects our students the most, is how to tell a story. It does not matter how well a story you have might explain a concept or illustrate its practical application, if you cannot tell that story in a way the students understand and relate to. The whole point of storytelling is to get the students’ attention and have them focus on an idea or concept.

When telling a story, there are two considerations that must be kept in mind in order to ensure the story “works.” First, you need to be clear *why* you are telling the story; to entertain, illustrate a very specific point, generally inform, stimulate discussion, persuade, etc. Secondly, you must clearly identify *who* your audience is; identify their age, maturity level, experience level, expectations, desires, interests, understanding of the material, etc. It is only after you are clear on the “why” and the “who” of your storytelling that you can focus on the actual method (or “how”) of the story’s delivery.

1. Why? You should always be very clear why you are telling your students a story. In fact, I recommend in most cases that you tell the students why you are going to tell them a story before you tell it and you should certainly do so after you have told it. By articulating why you are telling a story, you force yourself to consider the reason for the story and tailor the story to fit that purpose rather than tell a story whose purpose is unclear. Additionally, you are telling the students what it is you want them to get out of the story and understand. If the students know what they are supposed to learn from the story, they will tune in to watch for it. Further, it is easier to verify that it had the desired effect and served the intended purpose upon completion. For example, when I tell my students about my civil rights trial in which I got only nominal damages but a large punitive award for my client, I explain to the students beforehand what the general difference is between compensatory, punitive, and nominal damages. I then tell them something like, “Now, let me tell you about an actual case I worked on and let’s see if you can figure out what type of damages I received for my client in the case.” Then I tell the story of my client, his minor injury (a scrape) and how the jury gave us two damage awards, one for only one dollar (\$1.00) and the other for fifty-thousand dollars (\$50,000.00).

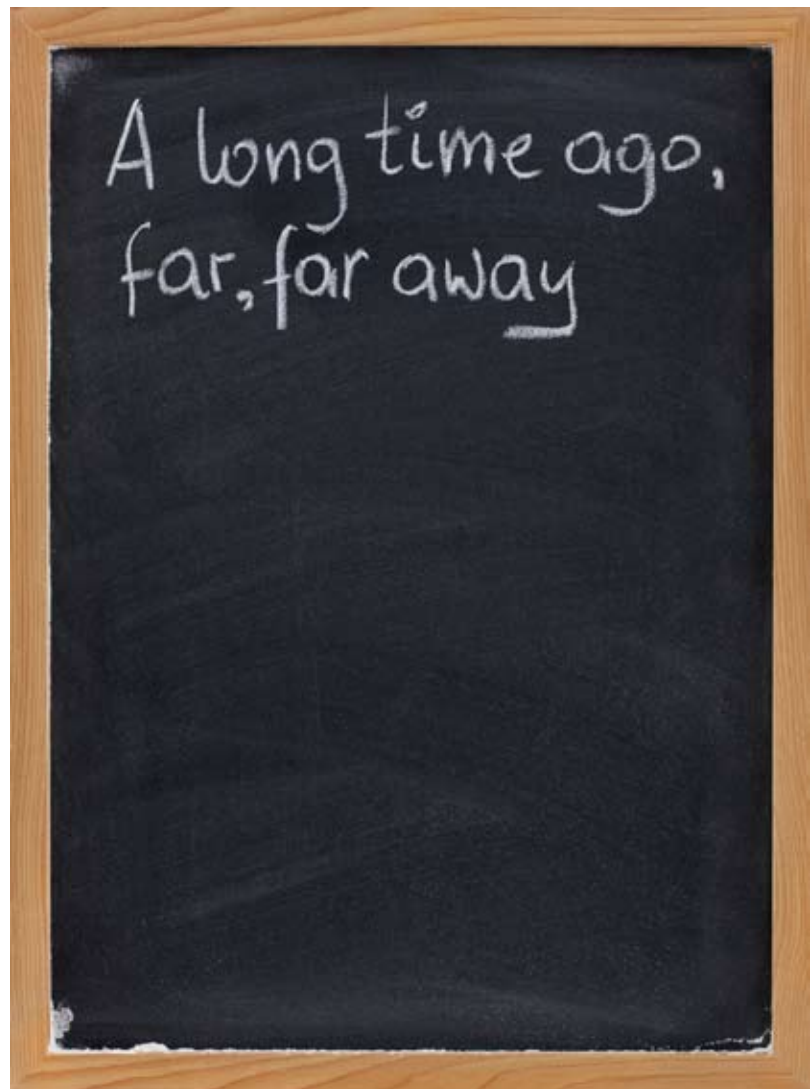
Before I tell my students the story of the case, I have already keyed them into the concept being taught (types of damages awarded in civil cases) and pulled them into listening to the story so they can determine what types of damages are being awarded in a specific situation. After the story is over, I can ask a few questions and gauge how well the students understand the differing types of damages available in a civil case based on how well they can articulate and discuss the types of damages available and awarded in the case I told them about.

2. Who? Most of us have a generally good idea about who our students are: their backgrounds, age, experience, etc. In my “Introduction to Law” class each semester, I require each student to stand and introduce himself or herself to the class and tell us all a little about himself or herself. It helps to break the ice, but more than that, it gives *me* information about the students in my class that will help me gauge the manner in which I present materials and tell stories over the course of the semester. Obviously, we will treat a classroom full of 18-year-old, freshly-graduated high school students very differently than a class of 24-year-old practicing paralegals working on a post-graduate certificate. My night classes tend

to have a large number of non-traditional students who are in their 30s and 40s coming out of a manufacturing background. I can say and do things with them that wouldn't work with my day class full of traditional students simply because of the extreme differences in life experiences between the two groups.

A 40-year-old probably remembers enough about Bill Clinton and Monica Lewinsky that a discussion of the legal and ethical issues does not have to go into as much factual detail about what transpired before launching into the discussion of the actual issues. On the other hand, a group of 19-year-old students who were small children when that was the only thing that was on the nightly news will need more information about the matter in order to discuss the issues in the proper context. A group of former factory workers will have an experience base that makes explaining sexual harassment in the work place much easier to do than it will be with a group of freshmen who have little, if any, work experience. Remember as you prepare a story who the audience for your story will be. The actual *how* of storytelling will be significantly impacted by the *who* that the story is being used to benefit.

Once you are clear on the "why" and the "who", you are ready to decide how to deliver your story and in fact, which story you may want to deliver or whether you even need or want to tell a story about a particular topic. There are many ways to tell a story. I can act it out (solo or with others). I can read it, do a dramatic reading, or have someone else read it. I can use video or audio or I can use pictures, comic strips, and the like. I do not really like to read a story to my students unless it is very short, as reading long stories will put them to sleep in no time. Likewise, while having a student read a story aloud can sometimes be effective, it needs to be a short story and one that is easy to read so the student doesn't stumble around the wording or concepts involved. In my experience a straight audio recording doesn't really work well most of the time for the simple reason people tend to be visual learners and they want to see what it is that is being discussed. There are, of course exceptions; George Carlin's "Seven Dirty Words" routine, for example, is a good way to stimulate a discussion on First Amendment free speech rights and the power of government to censor media outlets. However, I find that the use of video clips, comic strips, and acting things out are usually the best methods of story delivery.



When it comes to video clips, they are what they are. Unless you have the equipment and skill needed to produce your own movies, you will have to take what you can get from YouTube and the like or via the use of commercial products that you or the students must pay for. There are many good ones available; it just takes a bit of searching sometimes to locate one that deals with a specific topic.

Commercially produced comic strips such as "Non-Sequitur," "Pearls Before Swine," "Dilbert," and the like can provide a wealth of material for use. However, unless you want to take the time to draw your own comics (and even stick figures will work if you do this; you do not need to be a Bill Waterson or Gary Larson), you are again limited to telling only the stories that the comics present. There is also, just as with videos, the possible difficulty in locating a comic that deals with your particular topic. Three comic

strips I have found to be particularly useful as they have, over the years, presented a wide variety of legal topics suitable for use are “Bloom County,” “The Far Side,” and “Non-Sequitur.” Bloom County in particular has as one of its main characters an attorney named Steve Dallas and his legal secretary, Opus the Penguin. I have close to 30 Bloom County cartoons I use in my Introduction to Law class each semester. The Far Side strip also frequently featured courtroom scenes where witnesses were being questioned (typically in a very bizarre fashion).

Non-Sequitur still appears in the papers and often pokes direct fun at lawyers and the law. A comic collection is actually quite easy to build if you just take the time to look at the comics in your local newspaper every day and clip the ones you see might be useful. I can easily find two or three new strips to add to my collection every month just by doing this.

Finally, there is acting out the story yourself. Use your imagination. You do not have to be a classically-trained Shakespearean actor to make a story come alive for your students and you do not need to worry about what your students will think of you (I promise, they’ll love it). In my experience, acting out a story for students is one the most effective, if not the most effective, way to tell your students a story. When a “performance” is going on live, right now, it is easy to grab and hold your students’ attention and keep them focused on the topic at hand. Just use the following simple guidelines and you too can be a great storyteller by acting out your examples for students.

1) Change your voice to fit the characters of a story—use a “girl” voice or a “guy” voice to indicate who is who. Play the part of the drunk by deliberately slurring your words. Act angry by actually yelling. Use a small, “tiny” voice to play the part of a child or someone being intimidated in some way. In other words, think how the people in your story should sound as they speak and imitate that.

2) Change the way you are facing—as you change from one character in a story to another, look in a different direction to indicate to the students that a different person is speaking. When acting out a conversation, always look to the left for one person and to the right for the other; do not just turn your head, stand up and turn your entire body. Look up to indicate speaking to a tall person or down to speak to a short one.

3) Use the appropriate body language—a drunken person should be portrayed as unsteady on their feet; sway a little bit as you play that role. A cop would be bending over as he looked in the window of a car at a traffic stop, so you should do the same as you play that part. Stand up straight with your shoulders back and boom out commands if playing the part of a military drill instructor.

4) Use self-depreciation—students like to know their teachers are human too. Play the part of the criminal, the victim, the idiot client or the tortfeasor. Do not be afraid to look silly, the students will love you for it. I have played the part of a drunk carrying a loaded Uzi submachine so many times I can’t count them all.

5) Involve the students—name students and use them in the story. A common story I use involves one student driving down the road and failing to see the light has changed because they were leaning up to snort some cocaine off the dashboard. As a result he or she collides with another student who, although he or she had a green light, was texting someone, changing radio stations, lighting a cigarette and taking a slug from a bottle of whiskey. Make sure you also involve the right student and cast them in your story appropriately. Use the nice, sweet girl that everyone likes and who everyone knows would never do any such thing as the texting, smoking, drinking person in the story. Cast the star of the football team as the person snorting cocaine and running the red light. If you mix up the perceived personalities of the people with the roles you cast them in, the class will enjoy your story even more. I tell all my students at the start of a semester that by the end of the semester they will likely have been shot, stabbed, arrested, drunk, stoned, sued, and victimized in one or more of my stories.

6) Use celebrities as your cast—students are current on pop culture and you should be too. Use the celebrities they are familiar with as characters in your story. Consider casting them in roles different from their typical role as well. Let Jack Nicholson be the little old man who was robbed by the evil, Uzi-toting Betty White.

7) Use stereotypes and common assumptions—stereotypes about lawyers, courts, judges, etc. are all too easy to come by in popular culture, use them to your advantage. Talk about the Dewey, Cheatum & Howe law firm. Explain how the lawyer was working very hard to make sure he got everything owed his client.

8) Exaggerate circumstances—instead of getting arrested for DWI after an officer saw her cross the center line and blow a 0.09 at the station, describe the person as blowing a 0.67 after she drove through the middle of the mall and ignited her own breath while lighting a cigar while she spoke to the mall cop who approached her as she parked her car at the foot of the escalator.

9) Use metaphor and analogy—relate concepts to things familiar to your audience. Do not say, “he was drunk” and leave it at that. Say, “He was as drunk as Professor Smith’s lecture on Keynesian economic theory is boring.”

10) Use irony—I’ve already mentioned in this article my former client who said he was cooking crystal meth so he could sell it and pay for drug rehab. As long as the irony is not too subtle, your students will appreciate it and it can be used effectively to illustrate an idea or point.

11) Use props—you don’t have to go crazy buying or making mock-ups of things, but a cheap squirt gun from the dollar store spray painted black makes a great prop for use in class. Roll up a magazine and you have a club, a straw, a breathalyzer or megaphone. Use your imagination.

In summary, storytelling is one of the most effective teaching tools we paralegal educators have at our disposal. It costs very little, if anything, to engage in effective storytelling and it is useful in explaining and informing your students about any topic you desire. It is a method of teaching and learning your students are already used to and use themselves. The only real limit on the use of storytelling for teachers is the imagination of the teacher involved. There are numerous sources from which to obtain stories, the best source being the teacher’s own experiences. However, friends, acquaintances, movies, books, magazines, even the Internet are all valuable resources you can draw on for stories. Once gathered, stories are easily organized for use in teaching various courses and concepts. Finally, once a teacher has identified why he or she wants to tell a story and the audience to whom the story will be delivered, the methods available to present the story are numerous, from videos, comic strips, and reading aloud to the method most likely to grab and hold your student’s attention: actually acting things out for them. ■

ENDNOTES

¹ See, Ruth Davidhizar, *Storytelling as a Teaching Technique*, 28 Nurse Educator 217 (2003); Michele R. Davidson, *A Phenomenological Evaluation: Using Storytelling as a Primary Teaching Method*, 4 Nurse Education in Practice 184 (2004) and Richard Ackerman & Patricia Maslin-Ostrowski, *Developing Case Stories: An Analysis of the Case Method of Instruction and Storytelling in Teaching Educational Administration*. Paper presented at the Annual Meeting of the American Educational Research Association (San Francisco, CA, April 18-22, 1995).

² See generally, Thomas Grisham, *Metaphor, Poetry, Storytelling and Cross-Cultural Leadership*, 44 Management Decision 486 (2006).

³ Jim McElhaney, *McElhaney on Litigation-That’s a Good One*, A.B.A.J., April 2011, at 22.

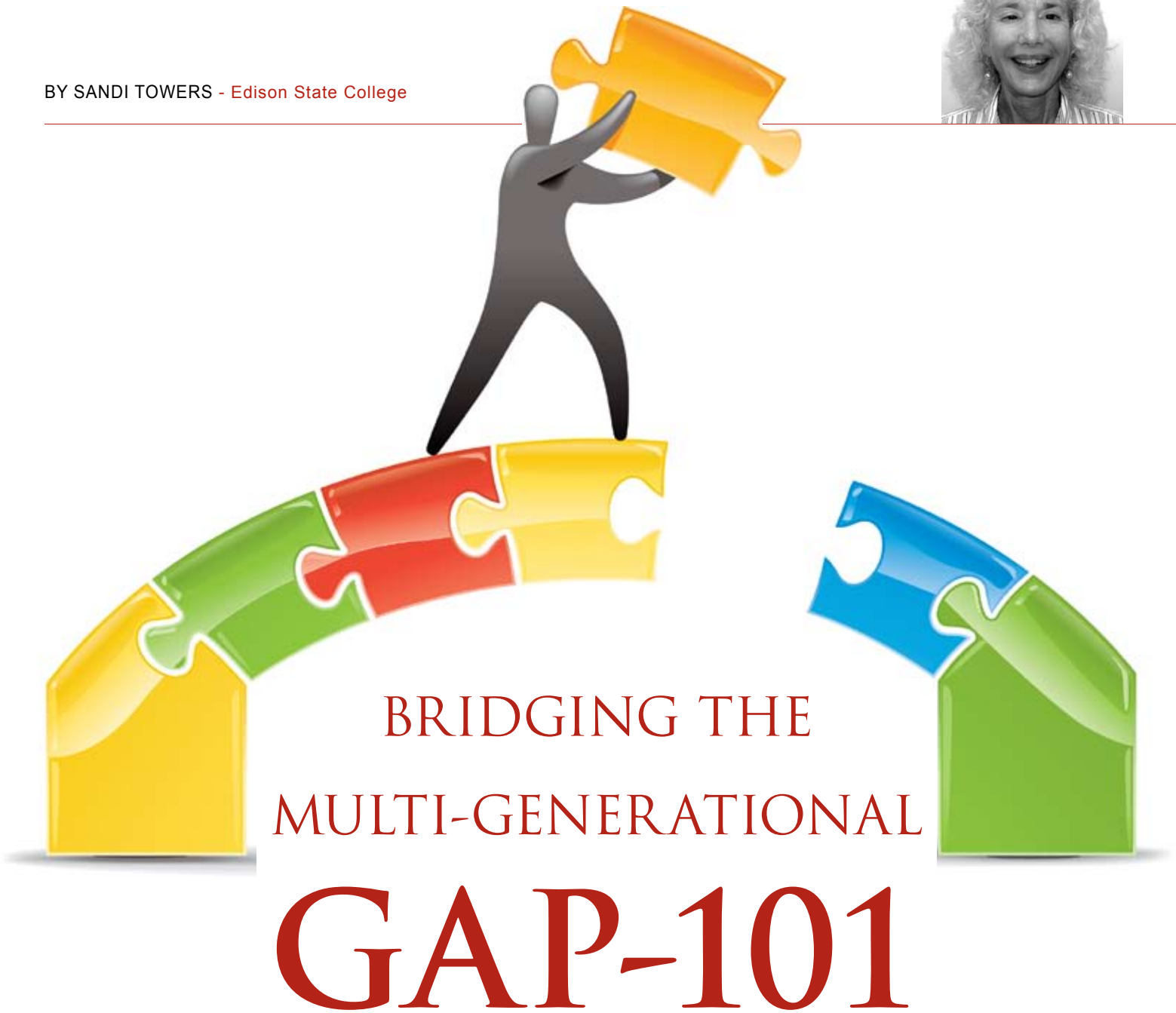
⁴ See, <http://abcnews.go.com/International/story?id=81558&page=1> and <http://cdnedge.bbc.co.uk/1/hi/uk/1149590.stm>.

⁵ “I love the way he tells about his experiences because it makes the material easier the [sic] learn when youyouyouyou can connect it with something.” Anonymous Student, Fall 2007 Faculty Evaluation. “His ‘real life’ experience brings the subject to life through his stories and examples, and leads to a better grasp of the subject.” Anonymous Student, Spring 2009 Faculty Evaluation. Similar statements by students appear in every faculty evaluation since I began teaching in 2004.

⁶ Prentice Hall 2006, ISBN-10: 0132197626, ISBN-13: 978-0132197625.

BIOGRAPHY

Lynn Lisk graduated from Ouachita Baptist University with a B.A. in Speech & Drama in 1983 and from the University of Arkansas at Little Rock’s Bowen School of Law with his J.D. in 1990. He has worked as a Law Clerk for Arkansas Supreme Court Justice David Newbern and the Chairman of the Arkansas Workers Compensation Commission, James Daniel. While in private practice, his primary focus was litigation of personal injury, civil rights and criminal cases. In 2004, he gave up the practice of law to become the director of the Paralegal Program at the University of Arkansas – Fort Smith; the first paralegal program in the state of Arkansas to receive ABA approval.



BRIDGING THE MULTI-GENERATIONAL GAP-101

“What do you mean I can’t text during class?”

“I worked hard to pay for my education. If you let us out early you are ‘stealing’ my money.”

We can’t wait for the start of our new classes to see our student demographics. If we are lucky a majority will be of one generation. Thus, with powers in numbers, we can tailor our teaching style for that semester accordingly.

The real challenges happen when we have five students from the Millennial Generation, eight from Generation X, and the rest are Baby Boomers, returning to school after a twenty-five year hiatus.

How can we, as instructors, bridge the generation gap and assure ourselves we are fostering relevancy and critical-thinking skills in our multi-generational student populations?

One way to unify a class is to begin each session with a current law-related news topic. For example, a subject that dominated my recent class discussions was the U.S. Supreme Court case of *Wal-Mart Stores, Inc. v. Dukes et al*, 564 U.S.____ (2011) decided June 20, 2011. This case addressed the issue of current or former employees of Wal-Mart, seeking judgment against the company for injunctive and declaratory relief, punitive damages, and back-pay, on behalf of themselves and a nationwide class of some 1.5 million female employees. The plaintiffs alleged that Wal-Mart discriminated against women in violation of Title VII of the Civil Rights Act of 1964.

The 5-4 court decision questioned the merits of class-action suits against a company such as Wal-Mart. Justice Scalia stated in the majority opinion that the Wal-Mart women “have little in common but their sex and this lawsuit.” This decision led the class into a heated discussion and was the perfect segue to reinforce previous class lectures on class-action suits, writs of certiorari, and corporate ethics.

Of course the most vocal students will start the debate, but how then do you get the rest of the class contributing to the discussion?

To accomplish this, I ask the class if they know any specific facts about the topic in question. Each generation will have their own thoughts, memories, and opinions, and they are not shy about expressing their unique views of the issue once encouraged to do so.

In summary, I have found that five to ten minutes of discussion time in class is invaluable in bringing together students in a multi-generational environment. These discussions:

- Connect and energize the students each class period.
- Lend themselves to students learning from each other in a “monitored” environment.
- Lead to more attention to the other material that needs to be presented in class.
- May lead to a new way of viewing an event from the eyes of a diverse student population.

So next time you face generation gaps in your classroom, know that I have found these tools to be most effective. ■

BIOGRAPHY

Sandi Towers, J.D. is a professor of law and academic advisor at Edison State College in Fort Myers, Florida. The classes she teaches include Hospitality Law; Business Law; Torts; Wills, Trusts, and Probate; Criminal Law; and Real Estate Law. She is the author of “The Essentials of Florida Real Estate Law,” Carolina Academic Press; “Media and Entertainment Law,” Delmar/Cengage Learning. In her latest book, “Then There’s Tomorrow,” she begins to tell the story of her life. She received her Juris Doctor from Western State University in Fullerton, California.





HELP AT YOUR FINGERTIPS:

The Educational Resource

LIBRARY

How many times have we as educators wished for a starting point, maybe a syllabus or a set of practical assignments, to use in a course we just started teaching? Or, maybe you'd like to freshen up a course you've taught fifty times with some online discussion starters or new exam questions. Or, for you program coordinators, is the idea of doing focus groups interesting, but daunting, and wouldn't it be nice if there was a place you could go to find practical material to get you started in this area? Well, in case you haven't heard, the Educational Resource Library, or ERL, was created for just these types of situations!

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

The ERL was spearheaded by Diane Pevar and Laurel Vietzen, both of whom spent countless hours populating the ERL with helpful content. Since October 2010, I have had the opportunity to work closely with my co-committee member, Dora Dye, and to serve as chair of the Education

Committee as we continue to build the ERL. Working on this committee has also afforded me the chance to meet new people from across the country, many of whom have graciously given permission for their material to be posted on the ERL.

So, when you have a chance, please explore the ERL. Go to www.aafpe.org, click on "Members Only," and enter your Username (your email address) and Password (from AAFPE). If there is content you'd like to see added, please let us know. Or, if you have something to add, please send it to Mara Mooney (maramooney@clayton.edu) or Dora Dye (ddye@ccsf.edu). Contributors retain all copyright and author privileges to their own material. The ERL should only get bigger and better as time passes and more AAFPE members help it grow. It's exciting to think of the invaluable resource we are building for each other and for future generations of paralegal educators. ■

BIOGRAPHY

Ms. Mooney is a graduate of Lafayette College (B.A., cum laude, Government & Law; Phi Beta Kappa) and Emory University School of Law (Notes & Comments Editor, Emory Law Journal; Dean's Fellow in Legal Research and Writing). She is the author of the textbook, "Fundamentals of Georgia Real Estate Law." Prior to joining the faculty at Clayton State University, she practiced commercial real estate law with the multinational firm, Alston & Bird, in Atlanta, GA.



MESSAGE FROM THE PRESIDENT-ELECT

Calling All Volunteers!

My memories of my first AAFPE conference are akin to a trip to the state fair. There was excitement at the daily scheduled events, awe at the exhibitors, surprise at the death-defying feats of seasoned program directors, and the thrill of meeting other committed educators. Sometimes I didn't know where to look because so much was going on! I do fondly remember the business meeting. Sitting in the back, ruefully thinking, "I could do that someday." What an amazing and humbling ride to this point.

Today, I have the opportunity to assist AAFPE and add to an already amazing bounty of resources and contacts. However, I suspect there are many other people in our organization who have something important to contribute to our group. Maybe this will be the year you either are a reviewer or writer for *The Paralegal Educator* magazine. You could decide this is the year to serve on a committee, chair a committee, even run for a board position. As my colleagues know, I am a one-woman show at my community college. I have yet to uncover the ability to teleport, see through objects, or manipulate the weather. My students might think I am "super" but I owe some of that to knowledge and opportunities I've had through my AAFPE membership. By making that small investment in membership dues, I can be as intriguing as a tightrope walker when teaching torts, contracts, or procedure.

So . . . step right up, one and all, to our amazing AAFPE organization. ■

Membership Report

AAfPE is pleased to welcome the following new members since the last report in the spring edition of *The Paralegal Educator*.

Individual Membership

Marni Kae Brown, Gainesville State College, Gainesville, GA
Elizabeth Cavanaugh, Cal State University East Bay, Hayward, CA
Wm. Bruce Davis, University of Cincinnati, Clermont, Batavia, OH
David Fuller, Coastline Community College, Seal Beach, CA

Noel Garcia, New York City College of Technology, New York City, NY

Judy Gunnarson, Hamline University, St. Paul, MN

Dovie Yoana King, San Diego Miramar College, National City, CA

Margaret Phillips, Daemen College, Amherst, NY

Adam Pincus, South University, Savannah, GA

Jeffrey Watts, Lonestar College - North Harris, Houston, TX

Associate

Heald College, Salinas, CA

Johnson Community College, Smithfield, NC

Affiliate

Virginia College Online Division Kylie Wheelis, Birmingham, AL

Sustaining

The Law Society of Upper Canada, Toronto, Canada

Reinstatement Institutional

Florida State College at Jacksonville/Kent Campus, Jacksonville, FL

Upgraded to Institutional based on ABA Approval

West Los Angeles College, Los Angeles, CA

John F. Kennedy University, Pleasant Hill, CA

Wilbur Wright College, Chicago, IL

Orangeburg-Calhoun Technical College, Orangeburg, SC

Amarillo College, Amarillo, TX

Change of Membership from Affiliate to Institutional

Herzing University, Atlanta, GA



ACCESS TO JUSTICE IN CANADA: Finding a Significant Role for Paralegals

The Canadian leaders in our legal profession continue to voice their concern that access to justice for low and middle-income citizens is in danger because the cost of justice is too high. The province of British Columbia is different from any of the

other provinces, where health care takes up more of the already limited budgets, so the amount of money left to run the attorney-general's ministry has forced the minister to make painful choices. The impact can be readily seen in the increasing delay in getting cases to trial.

In many of her public speeches, Supreme Court of Canada Chief Justice Beverly McLachlin has reminded the profession that an average three-day trial is equivalent to \$60,000, which is what a middle-income Canadian earns in a year. She has continued to exhort the stakeholders to work together, noting that the problem is complex and requires a multi-pronged approach to finding solutions.

Legal aid organizations continue to grapple with finding ways to meet the growing public appetite for its services. Notwithstanding the continued budgetary cutbacks and the challenge to find lawyers to volunteer, particularly in rural areas, the pressure to maintain the level of service is unrelenting. Like many jurisdictions, lawyers bear the load in staffing pro-bono legal clinics, for they see it as part of their obligation to the public.

This essay describes what British Columbia's paralegals are doing to help improve access to justice.

Is there a better way for legal aid clinics to operate?

The answer may lie in a modest experiment that the Law Courts Center's Canadian Paralegal Institute launched: the *Amici Curiae* Pro Bono Paralegal Program. *Amici Curiae*, which literally means *friends of the court*, is a group of like-minded volunteer paralegals who want to improve access to justice by using their skills in drafting pleadings and chamber applications. The plan is to have a maximum of four paralegals, with each helping one client. Each session is one hour long, with one lawyer on duty to supervise these four paralegals. Thus by leveraging one lawyer with four paralegals, they would be able to also save three hours worth of lawyers' time which can be diverted to giving legal advice instead.

Getting it done

The privately-run institute negotiated with British Columbia's Ministry of the Attorney General to allow *Amici Curiae* to not only operate in its Vancouver premises for free but to make use of their staff to book the appointments. Further, the institute negotiated with Access Pro Bono B.C., a non-profit organization of volunteer lawyers to provide a duty counsel to supervise the paralegals.

Like most jurisdictions, the majority of practices are made up of small firms in British Columbia. Anticipating the likelihood that the volunteers will come from these firms, the issue of future conflicts had to be addressed. A failure to do so would likely prevent the lawyers from allowing their paralegals to serve with *Amici Curiae* because there exists a possibility that the parties to these pro bono cases might end up being clients at some point in the future.

Canadian lawyers are regulated by their respective provincial law society. In British Columbia, the law society is presently looking to expand what lawyer-supervised paralegals can do. Presently, paralegals are not allowed to provide legal advice, give undertakings or fiduciary promises, and do not have the right to appear in courts. Those who provide these services risk action from the law society for unauthorized practice of law.

The absence of a formal status notwithstanding, on December 9, 2009, the institute sought to get the permission of the law society's ethics committee. It was a crucial hurdle that needed to be resolved as there were no protocols available to handle how to go about the conflict checks for the paralegal volunteers and what protection would be afforded them should a conflict occur in the future. By August 2010, the ethics committee, in recognizing the potential of *Amici Curiae*, granted its volunteers the same protection they give lawyers who do pro-bono work, provided that they follow the same precautionary protocols that the lawyers use. In doing so, pro bono paralegals are now able to continue to act for another client adverse in interest to the client who is obtaining or has obtained limited legal services, and to act in the future for another client adverse in interest to the client who is obtaining or has obtained limited legal services.

With this significant breakthrough, things moved fairly quickly after that; the institute and its partners decided to provide a pilot program for a year. In British Columbia, the Rules of Court for civil and family matters were separated on July 1, 2010. For the purposes of the pilot project, *Amici Curiae* limited itself to civil matters only. The program would operate on Tuesday after work as most volunteers would be able to do this only after hours. Adopting the framework of unbundled legal services, the partners agreed that only those clients who had received written legal advice would be seen by a paralegal where the lawyer has identified a need to complete court forms or interlocutory applications. At the conclusion of the one hour session, the work must have been reviewed by the duty counsel before the document is given to the client.

On finding volunteer paralegals

Getting the first group of forty paralegals was relatively easy, perhaps because many feel that they have a moral and professional obligation to the public. *"For most of them, they have long wanted to use their professional skills to contribute to society. But we need more volunteers,"* says Pat Terlecki a very seasoned paralegal. As *Amici*

Curiae's general manager, her task includes ensuring that the paralegals are qualified and have a strong working knowledge of the recently enacted Civil Rules of Court. The volunteers are also required to have at least five years of paralegal litigation experience.

Paralegal Merrilee Hudson enjoys helping people *"with my knowledge and education of law. These people would otherwise not have access to the assistance of someone with a legal background for completing legal documents that do not necessarily have to be drafted by a lawyer. Also, the fee - for both sides - is priceless."*

Paralegal Charlene Andrew was especially glad to hear about *Amici Curiae*. *"Many years ago, I wanted to volunteer to help the downtown eastside people but was turned away as I wasn't a lawyer. Now I can!"*

Paralegal Dominique Marcotte is a proud member, and she sees it as an opportunity to assist clients in what is usually one of the most trying times of their lives. *Amici Curiae* provides a service not previously provided to people that cannot otherwise afford or obtain it.

The British Columbian government and judiciary step up

British Columbia Court of Appeal Chief Justice Lance Finch in his March 8, 2011 speech gave his support: *"I welcome the creation of the Paralegal Pro Bono Program and Access Pro Bono's partnership with the Law Courts Center in its evening Pro Bono Paralegal Program at the Vancouver Justice Access Centre. The Program is unique in Canada in engaging paralegals as primary pro-bono legal service providers who work under the supervision of a lawyer to provide assistance to those who would otherwise find themselves with no help at all."*

Last September 30, 2010, former Attorney General Michael De Jong, QC, commended those who perform pro-bono work: *"It is a crucial component of increasing access to justice. Thank you for the assistance you provide to these clients."* Deputy Attorney General David Loukidelis, QC, also recognized the longstanding and considerable role paralegals played in the justice system: *"Through your work, you help to improve access to the legal information and support clients' needs."*



Amici Curiae sets up shop

On February 8, 2011 at 6 p.m., four volunteer paralegals were on hand at the ministry's Vancouver Justice Access Centre to begin its project, including Dominique Marcotte, who agreed to volunteer at 5 p.m. to help with two emergency clients. Each session has generally required two paralegals; since September, the program typically has had three if not four paralegals attending.

Pat Terlecki continues to orchestrate the schedule and to respond to other provinces that have taken a keen interest in *Amici Curiae*. Like clockwork, she ensures that paralegals receive the roster of clients by Friday afternoon to allow them time to perform their conflict checks, and as often as necessary, to call her back-up volunteers in time for the Tuesday evening session. Each week Karen Macmillan operates the triage department ensuring that all the volunteers deliver a consistent level of service. They have both worked hard to fine-tune the operations and to have it operate as efficiently as possible.

To help improve clients' experiences, Pat and Karen have designed detailed practice area-specific intake forms to help the booking agent remind the client what documents they need to bring. And in an effort to minimize client frustration, *Amici Curiae* paralegals will soon be providing checklists to their clients at the end of their session. These checklists will spell out what steps need to be taken and when.

Building from its initial efforts to introduce paralegals to the public during Law Week last April 16, 2011, *Amici Curiae* is once again pitching its tent as part of Access Pro Bono BC's Advice-a-thon day on September 10, 2011 in the downtown eastside. This may be Charlene's opportunity to finally contribute her paralegal skills to the community.

As it looks to improving its services, Karen has launched a mentoring program for junior paralegals who have expressed an interest in volunteering; Dominique has organized a study group for its volunteers to make sure that everyone is proficient in a demonstrable way in tenancy, foreclosures and employment matters.

Lessons learnt thus far

As Amici Curiae passed its eighth month, the volunteers paused to celebrate after having helped their 1,050th client. It was also a good time to reflect on a keynote speech last June 23, 2011 by Quebec Court of Appeal Chief Justice Michel Robert as he reminded the delegates that in order for access to justice to flourish, there is a need to be flexible.

And that is exactly what the *Amici Curiae* partnership has done to get the project this far. The Vancouver Justice Access Centre, led by its manager Michael Rittinger, has been very accommodating to the many requests to fine-tune the sessions and Access Pro Bono BC, led by Allan Parker, QC, has provided us with a steady supply of lawyer volunteers.

The pilot project has been very instructive on two fronts: the profession and the public. In the absence of a definition of “paralegal” from the Law Society of British Columbia, there was a need to define what paralegals can and cannot do. The practical solution was to define them as lawyer-supervised, trained professionals who draft legal documents but do not provide legal advice or give undertakings. *Amici Curiae*’s definition will no doubt change, but there is a strong ongoing need to educate the members of the profession, its stakeholders, and the public.

The pro-bono paralegal services program has been synonymous with professional excellence. To date, every client who has asked to be served has been helped; this has been achieved by ensuring that there are volunteers on-call to cover last minute cancellations. And while a good portion of the volunteers are specialists in specific practice areas and notwithstanding their being senior practitioners, their willingness to go back to the classroom to learn new areas of law has impressed the stakeholders in the profession.

A client’s feeling of helplessness is very apparent; the uncertainty of law and its procedures exacerbates this exasperation.

There are two exceptional and seemingly opposite traits that paralegals possess: empathy and efficiency. The volunteers exhibit warmth and kindness when they listen to the clients. Meanwhile, they know that the hour is ticking, so by using their knowledge and time management skills, they find a way to take the task at hand to try to finish what is possible.

Quo vadis Amici Curiae?

Having to carefully balance the complex fiscal challenges against the need to preserve justice, the leaders of the profession around the world continue to look for effective ways to increase access to justice.

Pro se litigants will continue to rise in numbers most likely for economic reasons and they will be comfortable with unbundled legal services. As disruptive technologies continue their assault to lower the barriers to access, clients will be better positioned to select a provider (and not necessarily a lawyer) based on what they exactly want and at the time of their choosing.

The evolution of the delivery of legal services will affect the delivery of pro-bono services. *Amici Curiae* intends to be at the forefront by exploring its potential as a multi-pronged model of how paralegalism and partnerships can be a meaningful solution in providing pro-bono work. It will continue to delve into how best to manage its operations to provide its clients the best experience possible, by using technology to prepare documents and to act as a portal to assist clients in far-flung hamlets in British Columbia.

For *Amici Curiae*, the best is yet to come. ■

BIOGRAPHY

Dom has been the executive director of the Law Courts Center for 18 years. He sat on the Legal Office Assistant Program at Camosun College and Vancouver Community College. Dom is a member of the American Association for Paralegal Educators, American Continuing Legal Educators Association, American Association of Collegiate Registrars and Admissions Officers, BC Paralegal Association, National Association of Legal Assistants, Vancouver Association of Law Librarians and the Victoria Legal Staff Association.



NFPA's Paralegal CORE Competency Exam (PCC) Is Closer To Reality!

The National Federation of Paralegal Associations (NFPA) announced in 2010 that it was partnering with Professional Examination Service (PES) to create an entry-level paralegal exam. Since that time, many hours have been devoted by NFPA and AAFPE members, PES staff, and others in the legal field, to create the criteria for this new exam.

The NFPA exam development committee, under the direction of the NFPA Vice President and Director of Paralegal Certification, began meeting in December 2009 charged with the task of developing the criteria to sit for the exam. They were also to reach out to other paralegals, paralegal educators, paralegal administrators, attorneys, and judges in order to create a task force that would be charged with determining the delineation of skills and knowledge (Job Analysis), creating the domains, and assigning rubrics for the exam. A task force (Job Analysis Task Force or JATF) was formed in December 2009 and met numerous times during 2010. The JATF members devoted many hours to job analysis, reviewing and discussing the domains, and the areas of general and substantive knowledge that should be included on the exam. The JATF then was asked to contact educators and colleagues outside the group to share paralegal program core competencies, requirements, electives, syllabi, and other information that could be used to develop and verify the job analysis and the areas of knowledge to be tested. It was important that a broad spectrum of paralegal programs offer feedback about their programs, learning objectives, and outcomes. The JATF and PES staff carefully considered the number of graduates each program had annually to ensure that both large and small programs were considered. This group also made sure that programs from across the U.S. were included so that the test would not be biased or affected by unique regional demographic characteristics.



Once the responses, syllabi, and surveys were received (11 schools submitted curricula, syllabi, and outcomes), the PES staff carefully reviewed the results and used the information to rank those skills and knowledge to be tested and to create the initial domains. The JATF then reviewed and discussed PES' findings; they worked to create the delineation of basic tasks, knowledge, and skills that a paralegal should be required to have early in their paralegal career. The group then began the arduous task of itemizing those specific skills and tasks under the domains and categories; categories such as ethics, legal research, legal writing and communication, primary and secondary law, and substantive areas of law such as contracts, criminal, torts, family law, and probate/estates. [Note: to learn more about the domains, areas of knowledge, and substantive legal areas that will be tested, go to the NFPA website and review the candidate handbook for more specific information, as this is not an all-inclusive list.]

A survey was sent to AAFPE educators asking whether the delineation was indeed accurate and matched what is being taught in the majority of paralegal programs. We were very excited about the great response as PES received 66 responses to the survey. Thank you AAFPE members!

A group of experienced paralegals were then tasked with item writing. PES created a software program whereby the paralegals in this group could enter their items into the test-bank database. The items were then assigned for review by other paralegals both in the item writing group and by others outside the item writing group. The reviewers could make recommendations about changes to the question and/or answers and offer suggestions to the item writer. The item writer would then go back and edit the questions based on the comments. Each item also needed to have a reference to the domain rubric under which it would be placed on the exam and a reference to a textbook, statute, rule of law, or

other resource. PES staff also reviewed all questions to make sure that they conformed to standard test-writing criteria as well as grammatical correctness. This was an entire education in and of itself! There is much to be learned about the proper way to write a test question.

Once the test questions were created a team of paralegals, most of whom are PACE Registered Paralegals (RP), met with two staff members of PES in their New York office, where two full days were spent reviewing all of the questions submitted for the test bank. At the conclusion of the two days the group had over 800 questions which could be included in the bank – enough for three separate tests if needed! The number of questions in the bank will also allow for questions to be pulled to be used for a study manual and practice test. Part of the item-writing process was to not only review the actual question one final time, but to also verify that the rubrics were still accurate and that the resource was accurately provided. All test questions have been validated using accepted psychometric rating scales.

At the conclusion of the item-writing review, the delineation was reviewed a final time to ensure that all areas had test questions related to those areas. PES staff reviewed this information and reported that there were several specific areas about which there were no questions. They also compared this information to the results of final survey results as referenced above. The JATF had one final conference call on March 25, 2011, to review the survey results, the delineation, and make a final determination as to the percentage of test questions that would appear in each domain of the exam. The JATF has also reviewed the final Job Analysis to validate the reliability and accuracy of those knowledge and skills required for competent practice.

PES was pleased to report during this last call that the exam is on track. The online application process began on April 1 for those who wished to participate in the pilot “pencil and paper” test which was given on June 11, 2011 at numerous locations around the country.

The Paralegal CORE Competency Exam (PCC) will test the basic skills, competency, and knowledge of a paralegal with five or less years of experience and/or those graduating from a program that meets the NFPA definition of a paralegal education program, is an ABA-approved paralegal program, or is in compliance with AAFPE’s paralegal program requirements. Additionally, passing of the PCC Exam may eventually allow more experienced paralegals who have not previously met the eligibility requirements of the Paralegal Advanced Competency Exam (PACE) to apply for that exam.

The designation the paralegal will earn after having passed the exam is CORE Registered Paralegal – CRP. Much like PACE, the exam consists of multiple choice questions – 125 on the PCC exam – and can be taken during a two and one-half hour period. Once the pilot exam has been completed and scores verified, the application process will be available online and the exam will be taken via computer. NFPA is very excited that the application for the PCC Exam will be online and hopes to move forward with having the PACE application available through the online process as well in the near future.

For more information about the eligibility requirements to sit for the PCC Exam and test specifications, go to www.paralegals.org and click on *Candidate Handbook*. The NFPA website also provides information on the application process, study references, domains, areas of knowledge, and much more.

NFPA would like to thank AAFPE and its members for their support and dedication during the exam development process. Numerous AAFPE members participated on the task force, many of whom provided information and syllabi, completed surveys that were critical in determining and confirming that the domains and rubrics were accurate, and still others have offered their schools’ facilities as testing sites for the pilot exam. To say that NFPA could not have done it without this support is simply an understatement.

Please contact Suellen Honeychuck, RP, Vice President and Director of Paralegal Certification if you have any questions or for more information. New and updated information will also be available on the NFPA website as it becomes available. “Talking points” or FAQs are available also. NFPA is very excited about this new exam and hopes that AAFPE members will encourage their students to learn more about sitting for the PCCE. ■

BIOGRAPHY

Dianna L. Noyes, RP®, M.S. graduated from California State University, Sacramento with a Bachelor of Arts in Criminal Justice. She received her paralegal certificate in 1992 through the University of California, Davis Legal Assistant Certificate program; and completed her M.S. degree in Legal Studies and Public Policy from California University, Pennsylvania in 2006. Ms. Noyes has worked for 19 years as a paralegal in the areas of family law, probate and estate planning, business and social security. In 2002, Ms. Noyes sat for and passed the Paralegal Advanced Competency Exam. She has served in numerous capacities on the Board of the Sacramento Valley Paralegal Association (SVPA), as their Representative to NFPA® for several terms, and is a lifetime member of SVPA. She served two terms on the NFPA Board as President and as Director – Region I.



Using the Web to Recruit New Students

Most people get their information from the Internet these days, including your prospective students. Creating and maintaining an effective paralegal website can be inexpensive, simple and fun or expensive, complicated, and overwhelming. This article will primarily focus on the former.

I am really not that computer savvy myself, and I certainly don't consider myself a web developer. When it comes to HTML, meta-tags, sitemaps, and other technicalities, I am clueless. I tell you this because you do not need to become an expert in web technology to improve your site. You will likely need the help of your school's Web Master, who is hopefully in-house and cooperative, but even that is not necessary if you are willing to learn. I am very lucky to have an excellent web specialist here at my college. I am sure he is tired of my questions and updates by now, but I try to offer to take him to lunch every semester for his incredible patience and diligence.

If you have to learn a Content Management System, which is a program that allows you to make changes to your website yourself, you can probably learn the basics in a few hours without any prior web-building experience. Your school likely has a policy or program for doing this, so be sure to check with the powers-that-be about resources available to you. Of course, if you take on the task of managing the site, then *you* will have complete control over - and responsibility for - all of the content on the

site. Hopefully you have an expert to help you with the technicalities, so you can focus on the content.

Two questions need to be answered when creating a website to attract new students:

1. How do I get prospective students to my site?
2. Once they are there, what do they need to know?

How to Get Prospective Students to Your Site - Search Engine Optimization

Prospective students are most likely to find your site through a search engine (most likely Google). Understanding the basics of how search engines work will help you create a site that search engines promote when certain key words are searched. The goal of search engine optimization is to make it easier for search engines to crawl, index, and understand your content.

When someone searches the web for "paralegal" in your geographic area, your program's website should show up in the top "organic" results. Organic results are the links provided by the search engine's web-crawlers based on the content of the site and relevance to the search terms. "Search engine optimization" entails including certain content on your site to get the site noticed by the web crawlers and ranked high in the top links suggested by the search engine. In the following section on "Elements of a Good Paralegal Program Site," I will outline content that will make your site more web-crawler-friendly.

Other links at the top of the page and in the right-hand margin are “sponsored” links for which a company pays the search engine a certain amount of money (usually pennies, sometimes dollars) every time someone clicks on the link. This is how Google manages to make billions of dollars every year while never charging its users a penny. If you have a marketing budget for the program, consider using it to generate traffic to your program’s website. A Google AdWords campaign can significantly spike the number of visitors to your site, which should lead to more students. You can explore the many options of Google’s online advertising campaign at www.adwords.google.com.

Whether you advertise online or not, a free service provided by Google, called Analytics, allows you to measure such concrete details as how many people visited the site, how many of those visitors are unique visitors, how the user came to the site, what keywords are being used in search engines to find the paralegal website, how long a user is staying on a given page or on the entire site, what links they clicked on, and when they left the site. Using this information, you can determine which areas of the site are popular and which areas of the site do not get traffic, allowing you to streamline the website to create a better user experience. It is a powerful marketing tool that can help you improve your site’s functionality. I highly recommend checking it out: www.google.com/analytics. I also recommend not getting too involved with the traffic reports as you could end up like me and spend hours and hours analyzing (and over-analyzing) the incredible amount of data provided.

Once They Are There, What Visitors Need to Know - Elements of a Good Paralegal Program Site

Once you have the basic information on your website, you can get creative and start enhancing it. You don’t have to do all of this at once. I try to focus on one upgrade at a time. It has been fun to watch the site grow and the traffic increase.

Here are a few suggestions for including content that would make your website useful to prospective students:

1. Contact Information for Program Director, Advisors, Financial Aid, and the Registrar

Obviously you want to make your site as informative to prospective students as possible, so think about the process of applying to your school and provide links to your school’s resources.

2. Degree Requirements or a link to Curriculum in College Catalog

You will significantly cut down the time you spend advising students and prospective students about degree requirements if you can direct them to your site before they come speak with you.

3. Course Sequencing (Fall/Spring/Summer)

Provide a degree checklist for students based on which semester courses are usually offered so they can plan their course of study and prepare for graduation.

4. Course Descriptions

Give a brief overview of the courses and their learning objectives. Studying the law can be fascinating, so highlighting the content of the courses might entice someone to pursue a legal education.

5. Course Syllabi

It is now state law in Texas that we must have our syllabus published before the first day of class with the class schedule for the semester. The earlier you can post the syllabus, the better, as students are increasingly trying to find textbooks online at discounted rates before the class starts.

6. Professors’ Curriculum Vitas/Biographies

Show off your talented faculty by posting their curriculum vitae, resume or biography. Provide professional pictures of them, too. I am in the process of having our student Photography Club take pictures of our adjuncts while they are teaching to put on the site with their CVs. Also consider including a list of the classes they teach.

7. Information on Paralegal Profession

Give prospective students an idea of what the paralegal profession entails. What is a paralegal? What are the typical duties performed? What is the Unauthorized Practice of Law? What professional and student organizations are available for paralegals and paralegal students?

8. News About Program

Include links to news about the program or the profession. I have found that when the student newspaper does a story on the program, e.g., when my Family Law class participated in a Legal Aid Pro Se Divorce Clinic, interest in the program spikes. Get the program’s name out there by volunteering in the community or hosting a speaker on Constitution Day (September 17) or Paralegal Day (October 23 in Texas). Creating buzz around campus will lead to more interest in the program.

Recognize awards received and leadership positions taken by students, graduates, and faculty with a blurb on your site. I publicize on the site students who have received scholarships, Paralegal Major of the Year, Pro Bono awards, Phi Theta Kappa honorees, and new job placements within the legal field.

Include a section to cover the history of the program, which might include such matters as American Bar Association approval, curriculum changes, or new faculty.

I email an annual "Paralegal Studies News Flash" to a distribution list I created with area high school counselors, attorneys and other legal professionals, and I put a link to that on our site, as well. I also send this to all students, faculty, and staff at my college. I had our marketing/public relations department help me design a sharp-looking e-mail.

9. Testimonials

I recently uploaded links to YouTube video interviews of myself, students, and successful graduates discussing the program and the profession. I am lucky in that we have a PBS affiliate on campus and I was able to use their professional studio for these interviews, but it could be done with a simple video camera. You might consider collaborating with your Radio/Television/Film department, if you have one, to have their students do this for you as a project.

If you don't have the resources available to do videos, take photos of current students and graduates with quotes about the students' experiences with the program. Again, you may be able to find Photography students to help with this.

10. Request Information Form

Have visitors to the site fill out their contact information and submit any questions they have to the program coordinator. I have been doing this for 6 months and I have had over 200 prospective students request to be contacted for more information. I send information about the program based on their selected preferred method of contact (phone, email, mail). I have set up an automatic response to those who elect to be contacted by email.

I run a report at the beginning of each semester to determine how many of the prospective students actually enrolled in LGLA classes. If they have not signed up, I follow up with a phone call to see if they need my assistance getting started.

11. Integrating Facebook

I have been resisting it, but the benefits are too great not to start a Facebook page for your Paralegal Studies program. Let's face it, our students (and most of us) are on there everyday, so it is an easy and effective communication tool.

Beware! You have to pay careful attention to what is posted on there and it is a daily duty to keep up with it appropriately. I am trying to convince myself it is only five minutes a day. If you happen to take a look at my site (www.actx.edu/paralegal), you will notice I have not yet convinced myself to take on yet another daily five-minute task.

12. Links

- Department of Labor's Bureau of Labor Statistics Paralegal Report: <http://www.bls.gov/oco/ocos114.htm#employ>
- American Bar Association's Paralegal Committee: <http://www.americanbar.org/groups/paralegals.html>
- National Association of Legal Assistants: <http://www.nala.org/>
- National Federation of Paralegal Associations: <http://www.paralegals.org/>
- AAFPE (www.aafpe.org)
- State Bar
- Local Paralegal Groups
- Legal News
- Update a blog with interesting legal news

CONCLUSION

Once you have your site how you like it, sit back and watch your classes fill up. I have seen enrollment in my program more than quadruple in less than 3 years after redoing my website. It works. Just think about where you are going to research something you want to learn more about. I predict it will be a search engine on the Internet. That is exactly what your prospective students are going to do. If you have any questions about how to approach this important endeavor, feel free to contact me via email at bamoseley@actx.edu. If you check out my site (www.actx.edu/paralegal), you will notice I haven't gotten around to doing everything I suggest, but I intend to continually update and improve it as I find time. ■

BIOGRAPHY

Bruce Moseley has been Paralegal Studies Program Coordinator at Amarillo College since January 2009. Prior to teaching full-time, he practiced primarily intellectual property law and commercial litigation. He graduated from St. Mary's University School of Law in San Antonio, Texas in 2007. For the past two years he has been named Legal Aid of Northwest Texas' Pro Bono Attorney of the Year.



RECRUITING AND RETAINING *“Non-Traditional”* PARALEGAL STUDENTS

Introduction

With students having more options for their college education, college faculty has often struggled with the issues of student recruitment and retention. This writing contains some of the methods that I have found helpful in my struggles with these issues.

Non-Traditional Student Defined

The U.S. Department of Education’s National Center for Education Statistics (NCES) defines a non-traditional student as one who delays enrollment (does not enter postsecondary education in the same calendar year that he or she finished high school), attends part time for at least part of the academic year, works full time (35 hours or more per week) while enrolled, and is considered financially independent for purposes of determining eligibility for financial aid. Non-traditional students also tend to have dependents other than a spouse (usually children, but sometimes others), is a single parent (either not married or married but separated and has dependents) or does not have a high school diploma (completed high school with a GED or other high school completion certificate or did not finish high school). (Nontraditional Undergraduates/Definitions and Data)

Non-Traditional Paralegal Student Defined

According to LawCrossing and the Bureau of Labor Statistics, in 2005, 13.7% of paralegals were men. In 2004, the percentage was barely 11%. (Male Paralegals: Is There Really a Glass Elevator?)

During the spring 2011 semester, males made up approximately 11.6% of Wharton County Jr. College’s Paralegal Studies Program’s student body.

Given these statistics, one could infer that male students would be considered non-traditional paralegal students.

What Are Some Effective Tools For Recruiting Non-Traditional Paralegal Students

Some tools that I have found to be effective in recruiting non-traditional paralegal students include establishing a working relationship with my local Work Source or legal staffing agencies, contacting my local bar and paralegal associations regarding my program, and forming a “law” based student service organization, which is open to all student majors.

I have also found it helpful to use flexible course scheduling as many of my non-traditional students have work and family obligations. One tool that I have found to be very effective in recruiting male paralegal students is to advertise the point that many paralegal studies programs prepare students for law school. I have also used social media like Facebook as a means of “connecting with” and recruiting non-traditional students. It may be effective to create a departmental Facebook page to highlight some of the successes of departmental students and graduates. Many would be surprised to know that non-traditional

students like traditional students are using social media on a constant basis. One often overlooked recruiting tool is your college alumni. Many alumni seek to periodically update or change their skill set, so don't forget to reach out to them with information about your program.

Finally, it is a great and useful idea to reach out to political science and government students, many of whom tend to be males, and stress to them the benefits and opportunities available to paralegals.

How Do We Retain Non-Traditional Paralegal Students

Once we get these non-traditional students to enroll in our programs, we cannot stop there. We must actively engage them and retain them. Some ways to accomplish this include bringing in guest speakers with whom non-traditional paralegal students can relate and actively involving non-traditional students in peer-learning groups with traditional students. Also, it is essential to provide non-traditional students with more flexible internship and/or job placement options as many of these students have work and family obligations.

I have noticed that many older non-traditional students feel intimidated by technology. However, because good technological skills are a must for a well educated paralegal, we temper technology with traditional learning tools. It never hurts to sometimes use the old "blackboard" as opposed to the Smart Board.

Because female students tend to heavily outnumber our male students, I have found it useful to provide references and literature that emphasize and focus on male paralegals. Another way to make non-traditional students feel more comfortable in a college setting is to use practical assignments to which non-traditional students can relate, e.g., use of Brady Bunch episodes for family law issues and/or sporting events for contracts law or tort law issues.

Finally, I suggest that you work with your college's continuing education department for enrichment classes as the current recession has caused many non-traditional students to enhance their skills and seek career changes.

Why We Care About Non-Traditional Students

According to the National Center for Educational Statistics, from 1999-2000 73% of undergraduate students displayed one or more of the "non-traditional student" characteristics

referenced in section one of this paper. With the current recession, this number has risen and may continue to do so.

Interestingly, many of our programs are comprised primarily of non-traditional students. The average age of a Wharton County Jr. College paralegal studies student is a 30-year-old female.

Non-traditional students often bring a variety of work and "life" experiences that benefit the student body and program, and non-traditional students tend to be hard workers and high academic achievers.

CONCLUSION

Because the trait of the "typical" college student is evolving, college faculty needs to find more effective tools aimed at recruiting and retaining these non-traditional college students. Because the majority of paralegal students tend to be females, special attention needs to be aimed at recruiting and retaining more male paralegal students. ■

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BIOGRAPHY

Erma Hart, J.D. has been a Wharton County Jr. College faculty member since 2004. In 2006, she became the Paralegal Studies Program Director. She received her B.B.A. at Prairie View A&M University and her J.D. from Texas Southern University. Ms. Hart is licensed to practice law in Texas and has practiced in Fort Bend, Harris, and Matagorda Counties. She is a member of the State Bar of Texas, Zeta Phi Beta Sorority Inc., and sits on the advisory board of Fort Bend Lawyers Care.



Preparing Paralegal Students for Immediate Productivity:

A step by step approach using Bloom's Taxonomy



Professors must prepare paralegal students to be practice ready. Often they wonder what the best approach to teaching is. Bloom's Taxonomy may be the answer. Students graduate and go to work for various entities and law firms that face recessions, require efficient use of resources, and want results. So, students must be more prepared than normal in this economic environment. Many students preparing for work through internships stress the connectivity of what they should learn at school for a job. Professors understand the need to adopt a logical, step-by-step approach to teaching law and paralegal basics. Employers prefer to hire paralegals who know legal fundamentals and standard office procedures, and who require minimum additional training. Bloom's taxonomy offers a six-step teaching approach to help achieve this result.¹

Benjamin Bloom and other educational experts conducted studies that integrated, among other things, the cognitive and affective domains.² Their goal was to define a teaching method that was systematic, based on prior learning, and demanded increasingly more sophisticated thinking and reasoning skills. This article covers the cognitive domain. My next article will cover the affective domain. Within the cognitive domain, Dr. Bloom and the educational experts found there are six steps to follow: knowledge, comprehension, application, analysis, synthesis, and evaluation.³

Knowledge: In this first step, Dr. Bloom opines that knowledge of the subject matter is essential. Applying his taxonomy to our paralegal classroom, students should be required to remember the elements of a cause of action.⁴ What are the elements of Negligence or what are the elements of a particular crime? Students use note cards and are required to recite the elements in class and group work. Application of the elements to real life factual situations generates the case's issues. The elements/law alone, without application to the facts is not productive or illustrative. The next step in the learning process is comprehension. It requires the cognitive ability to understand meaning.



Comprehension: Students must think and use the different legal theories demonstrating understanding. According to Dr. Bloom, it is essential that students demonstrate how the elements of a cause of action apply to a specific fact situation.⁵ To demonstrate comprehension, students could be asked to explain a complicated legal theory in their own words or to be asked to relate the elements to the actual facts of a case. Why is the legal theory of Negligence so important to our society? This is a way to ask a student to express comprehension. A professor then knows where to begin to teach and the student benefits by retaining and understanding the legal concept. When the student becomes employed, the law firm benefits because the practicing paralegal already has the applicable knowledge. The following step is the process of application.

Application: Once the student knows and comprehends legal theories, Dr. Bloom suggests the student must learn to select the correct theory to solve a problem.⁶ For example, a teacher could use the distinction between the common law of contracts, which governs contract services, and the Uniform Commercial Code, which governs contracts for the sale of goods. The results of a contract involving the sale of a car governed by the UCC may be very different than applying the common law of contracts. Using the sale of a car in a fact pattern requires the student to illustrate the

application of appropriate contract law. Knowing how to correctly apply legal theories, a paralegal employed by a law firm would not waste time by researching theories that do not apply.

That saves time and money. Analysis requires the sequential break down of information such as making comparisons and it is the next step.

Analysis: According to Dr. Bloom, this step involves critical thinking skills where students must demonstrate comparisons and organize information.⁷ To facilitate this process, the paralegal must be familiar with the Issue, Reasoning, Analysis, and Conclusion (IRAC). Students may be asked to brief cases or write legal memos using the logical framework of IRAC. This can be done by giving the students a writing assignment with a fact pattern asking to analyze, compare, and differentiate the facts of a case and the selected legal theory. Paralegals must learn critical thinking skills using logic and reasoning. I suggest that the professor use his/her own legal memo to provide a paralegal student with a good example of analysis. The result of learning to analyze and write are skills that are invaluable to any paralegal employed in any capacity. This process leads to the synthesis process of many different theories.

Synthesis: Here, the student is asked to create after having mastered the prior four steps of Dr. Bloom's Taxonomy. Dr. Bloom tells us that synthesis requires taking the logic and reasons of different legal theories to create a new one.⁸ For example, a student could be asked to draft a business policy using the theory of Negligence or draft articles of incorporation using the Model Business Corporations Act. The result is that paralegals can think and write "out of the box." In many appellate legal briefs, paralegals are asked to use the testimony of a trial to develop a particular legal theory. In writing such a brief, the paralegal may be asked to extend legal principles to new applications. An example of this would be to write about the enforceability of contracts on the Internet using common law contract principles. Dr. Bloom's approach can help refine, among other things, the success or the depth of a paralegal's practice by enhancing the way students think and write. Finally, the law professor must evaluate the results.

Evaluation: This is where the teacher makes an assessment of the knowledge accrued. This is critical to the Bloom approach. The teacher has planned and executed a wide range of teaching strategies: now it is time to test if the student really learned the material.⁹ On an exam, students are asked to assess information, evaluate options, make judgments, or defend a position. The evaluation of choices provides a student with the opportunity to demonstrate the prior five steps offered by Dr. Bloom. Test results offer important feedback and insights about the effectiveness of the teaching strategies. The result is that students have an opportunity to show what has been learned employing the prior five steps. Teachers may make adjustments when assessments show results that are not at the level expected. Dr. Bloom's approach can be used as a benchmark for grading as well.

CONCLUSION

The Bloom structure represents the thoroughness of teaching. By using the Bloom structure, paralegal teachers benefit because of the logic and clarity of the objectives of the learning process. Paralegals will develop solid practice skills. Law firms, banks, insurance companies and government agencies, among other business entities, will also benefit because they will hire a student prepared to effectively contribute to the practice. ■



ENDNOTES

¹ "Teaching Tips, Bloom's Learning Domain," Worksheet Library, Article available at www.worksheetlibrary.com/teachingtips/bloomslearningdomains.html (last visited April 5, 2011)

² Clark, Donald, "Bloom's Taxonomy of Learning Domains, The Three Types of Learning," (July 6, 2010) Article available at <http://www.nwlink.com/~donclark/hrd/bloom.html> (last visited April 4, 2011)

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

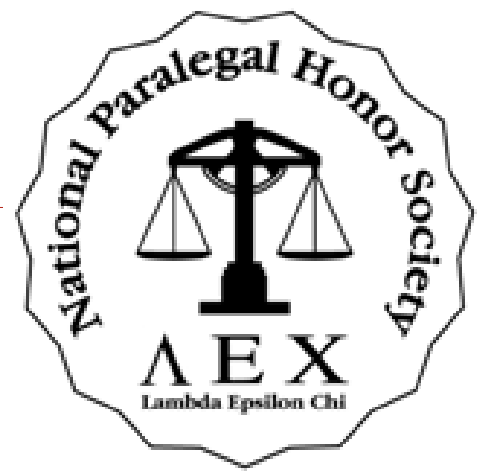
⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

BIOGRAPHY

Paul J. Morrow is an Assistant Professor at Husson University teaching Legal Writing and Advanced Legal Writing. He earned a B.S. in Business Administration from the University of Maine and his J.D. degree from the University of New Hampshire School of Law. He was a Trust Officer for 6 years and he was a Litigation Attorney for 15 years. During his practice, he was appointed and served as an Assistant Attorney General. He is a member of the Maine Bar Association and the Federal Bar. He and his family live in Brewer, Maine.



LEX Winning Essays

LEX essays are reprinted as submitted to the editorial staff of The Paralegal Educator. Changes or corrections have not been made.

The Paralegal Educator proudly publishes the 2011 winning LEX essays. AAFPE awarded five \$500 scholarships specifically for the pursuit of the student's paralegal education. The essays were based on the following hypothetical scenario:

2011 LEX Scholarship Essay Question:

Maria was born in Mexico. Her parents brought her to the United States illegally when she was two years old. Maria is now 18 and wants to attend college. She has applied for admission as an in-district resident. She also seeks financial aid. She has no social security number but has utility bills evidencing her residency.

Issues

1. Should Maria be admitted at the lower tuition rate?
2. Should she be admitted at all?
3. Should she be eligible for financial aid?

GUPTA RAGINI

Madison Area Technical College – Madison
LEX Chapter Advisor: Anne Schacherl

“..Our nation is enriched by their talents and would benefit from the success of their efforts. The DREAM Act is important to our economic competitiveness, military readiness, and law enforcement efforts...”

President Barack Obama on children of illegal immigrants. DREAM Act charts a way for such individuals to seek education and become legal citizens.

I concur with President Obama's sentiments, and in this essay 1 present my reasons to do so. But first, I will provide an overview of the current state of affairs.

Current State of Affairs

Admission to college

There is no federal or state law that prohibits the admission of undocumented immigrants to U.S. colleges and universities, public or private, nor does federal or state law require students to prove citizenship in order to enter U.S. institutions of higher education.¹ These students have to go through the same process and meet the same requirements as any other student applying to gain admission to these colleges and universities. Although admission applications request that students provide their Social Security Number (SSN), it is typically not required for the admission.

Once accepted in the program, the cost of education is the primary obstacle for such students. Unauthorized immigrants are ineligible for federal student financial aid.² In 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). Section 505 of the Act states that unauthorized immigrants “shall not be eligible on the basis of residence within a State (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident”. Internship opportunities and jobs are also an uncertain territory for the undocumented immigrants. They have to rely on private funding to pursue college dreams. On the other hand, some private scholarships do not require U.S. citizenship or residency or SSN in order to apply. Also, private colleges set different admission and financial aid policies. Some may offer financial aid in the form of grants, and scholarships to undocumented students.

Residency

Today, twelve states have passed laws that allow undocumented students to pay in-state tuition; however, others have enacted legislation that makes it difficult for the undocumented students to attend college. The states

that offer in-state tuitions usually use graduation from an in-state high school as the main criteria for residency and thus maintain that their policies are not discriminatory or in violation of federal law because individuals from other states are also eligible for the tuition benefit once they meet the residency requirements. Many public

institutions simply do not determine residency based on a student's immigration status. Other states view this as injustice to U.S. citizens. They claim, providing in-state tuition rates simply disobeys federal laws, encourages aliens to violate federal immigration law, and rewards them with a taxpayer-subsidized college education when tuition rates are rising across the country.

Dream Act

Multiple bills have been introduced in the congress to address the residency for undocumented young people who were brought here illegally as children, enabling them to obtain a conditional status for a limited period of time. Development, Relief, and Education for Alien Minors (DREAM) Act was first proposed in 2001 but has fallen short of becoming a law. This act, drafted both by Republicans and Democrats, allows the brightest young people to earn legal status after a rigorous and lengthy process, and contribute to make our country more competitive in the global economy. The DREAM Act would provide a path to permanent residency for undocumented young people who were brought here illegally as children and completed high school. They would have to complete two years of college or enlist in the military to earn a permanent green card. They would also have to maintain "good moral character."⁴

The opponents of the act claim it to be an "amnesty" which encourages more people to immigrate illegally, and repeals 1996 federal law that prohibits any state from offering in-state tuition rates to undocumented immigrants unless the state offers the same to all U.S. citizens. They further claim it will retroactively bring changes in the federal law, and encourage states to defy other federal laws in the future. However, proponents of the act claim that our country will reap enormous benefits by adjusting status of such individuals under the Act. According to the recent analysis by the Migration Policy Institute, just 38% of all potential beneficiaries will successfully complete the act's rigorous process and earn permanent immigration status.³ They further argue that it does not encourage illegal immigration because it only applies to young people already in the country. The DREAM

Act states that undocumented youth adjusting to lawful permanent resident status are *only* eligible for federal student loans (which must be paid back), and federal work-study programs, where they must work for any benefit they receive. They would still be *ineligible* for federal grants, such as Pell Grants.⁵

According to the recent UCLS study, students impacted by the DREAM Act could add \$1.4 to \$3.6 trillion in taxable income to our economy over the course of their careers, depending on how many ultimately gain legal status.⁶ According to the nonpartisan Congressional Budget Office, the act will cut the deficit by \$1.4 billion and increase government revenues by \$2.3 billion over the next decade.⁷ This Act is also a part of the Department of Defense's 20102012 Strategic Plan, to assist the military in its recruiting efforts.⁸

Education for Maria

The United States, in its essence, is a nation of immigrants. These immigrants left the shores of their motherland to pursue their aspirations and realize their potential in an alien land. Our country's history, since its inception, is replete with instances of immigrants making seminal contributions in all fields, bar none, on their journey to fulfill their dreams. We are perhaps the only nation that realizes and actualizes man's innate desire to seek and achieve. And no one imbues this spirit more than immigrants.

Indeed, illegal immigrants, as per the prevalent laws of the land may have committed a crime. It is only just to hold them accountable for their actions. However their children cannot be painted with the same brush and penalized for their transgressions. In fact, in the 1982 Supreme Court case *Plyler v. Doe*,⁹ Justice William J. Brennan wrote in his opinion for the court, "...the statute).. imposes a lifetime hardship on a discrete class of children not accountable for their disabling status. These children can neither affect their parents' conduct nor their own undocumented status."

By denying Maria education, and hence the ability to realize her full potential, we may exact punishment on her family, but more significantly, we prevent the nation from benefiting from her potential. An uneducated Maria, at worst, may become a burden on the society, and at best may not impact it. However, as the UCLS study shows, an educated Maria is likely to contribute to the society much more than she draws from it.

In my opinion, we should allow Maria to realize her potential and the nation to benefit from it. The current system already lets Maria seek education and opens certain avenues of financial aid. Based on the studies, laws and court opinions cited above, I hold that Maria not be punished for actions she did not commit. She should be granted access to college education as per the prevalent laws, individual states and public education institutions within those states should still determine her residency requirements to determine the tuition rate. She may not be eligible for the federal financial aid but may still avail of private scholarships and grants.

I am in support for any legislation similar to the DREAM Act that paves a way for people in similar situations to be integrated into the society and become productive members. Doing so is only in accordance with the values on which our country was founded, and will allow Maria to contribute to the economy, security and further growth of our country.

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ADRIAN PEREZ

Broward College (FL)

LEX Chapter Advisor: Lynn Slossberg

Analysis

In determining the answers to the stated issues, the laws of South Carolina and California have been considered. The legal differences of these two states show that the answers to Maria's issues are subject to individual state laws (only when state laws do not contradict federal laws). After Maria's issues have been answered according to the laws of these two states, this essay will present what can happen if Maria did not take the necessary steps to legalize her immigration status before she turns eighteen and a half. Finally, attention will be drawn to a federal bill called DREAM Act, and how it would affect, if passed, individuals like Maria who entered the United States as minors and do not have legal status.

In the state of South Carolina, Maria will be prohibited from receiving any public higher education benefit such as financial aid, and she will not be able to attend a public college. This can be seen in S. C. Code Ann. § 59-101-430 (2010) where it states: "An alien unlawfully present in the United States is *not eligible* to attend a public institution of higher learning in this State..." (emphasis added). In fact, an illegal alien cannot receive financial aid in any state. Only those who are U.S. citizens or those who are permanent residents (green card holder) will be eligible. Cf. 8 U.S.C. § 1623 (2010) (shows that illegal aliens are not eligible for "postsecondary education benefit").

In California, Maria will be able to attend college and will more than likely be eligible to pay the in-state tuition rate. The requirements to be eligible for the in-state tuition rate in a California college are not based on residency or immigration status, but rather based on attendance and graduation from a California high school. See Cal. Ed. Code § 68130.5 (2010), see also *Martinez v. Regents of Univ. of California*, 50 Cal. 4th 1277 (Cal. 2010) (California Supreme Court ruled that *id.* § 68130.5 is not in violation of federal law). Any state that would allow an illegal alien to pay the in-state tuition rate based on residency will be violating federal law. Although Maria can attend college in the state of California, she will not be free from the consequences that come with remaining an illegal alien in the United States.

The federal government has established laws regarding illegal aliens and the penalties for their illegal stay in the United

States., e.g., any illegal alien over the age of eighteen who resides in the United States for a period of more than one hundred and eighty days but less than one year will be barred from legal admission into the United States for three years (a ten year bar is given to those who reside for more than one year). See 8 U.S.C. § 1182 (a) (9) (B) (i), (ii) (I) (2010). If Maria has not overstayed the one hundred and eighty day period, she can still take the appropriate steps to legalize her immigration status without being barred for three years from the United States. These steps may be difficult for Maria because she would first have to leave the United States and return to her home country; from there she would have to find a school in the United States that would issue her an 1-20, i.e., a document that provides supporting information for the issuance of a student visa . Finally, she would need to obtain an F-1 visa, i.e., a student visa. *Compare* 8 U. S. C. §1229 (b) (2010) (must voluntarily depart or face penalty), *and* 8 U.S.C. § 1101 (a) (15) (F) (i) (2010) (shows that one can legally enter the United States for the purpose of education), *with* 8 C.F.R. § 214.2 (f) (1) (1) (A) (2011) (must present 1-20 for attendance by F-1 visa).

Many illegal aliens are faced with this difficult situation and are relying on a federal bill called Development, Relief and Education for Alien Minors Act (DREAM Act). See S. 3992, 111th Cong. (2009-2010). DREAM Act offers certain illegal and deportable aliens (e.g., an illegal alien who entered the United States prior to their 16th birthday) a chance to obtain permanent residency in the United States without being barred or deported. The bill also eliminates the complex process of getting an F-1 visa. In the 2010 legislative session DREAM Act was voted down by the senate, but may be reconsidered by lawmakers in the 2011 legislative session. If passed, Maria, as well as many other people, will have the chance to attend college in any state without the risk of deportation. See Will the DREAM Act Pass, The Schunk Law Firm P.C. (Jan. 13, 2011), <http://www.schunklaw.com/CM/LegalArticles/Will-the-DREAM-Act-Ever-Pass.asp>

CONCLUSION

In summary, each state has its own laws. Some states will allow Maria to attend college and pay the in-state tuition rate, while other states will not. Although Maria will be able to attend college in certain states, she will not be relieved from being barred or deported. She can avoid being barred or deported if she voluntarily leaves the United States before she turns eighteen and a half. However, if DREAM Act is passed, Maria will be able to attend college in any state without the difficulties she faces today.

MICHAEL SCHILLINGER

St. John's University (NY)

LEX Chapter Advisor: Bernard Helldorfer

Should illegal immigrants be admitted to postsecondary schools at in-state tuition rates? Should they be given financial aid? Should they even be admitted at all? These are all major questions that our nation currently faces. Debate over immigration policy has been consuming our nation since its earliest days. Gradually, legislation has been enacted to address new problems arising from illegal immigration. One of the most prevalent issues we face today is how to treat the children of those individuals who immigrated to this country illegally. Legislators have attempted to pass bills such as the DREAM act to address these issues. While the future remains unknown, we may gain some insight through the way illegal immigrants are treated in the case of "Maria." Maria is an illegal immigrant seeking to attend a postsecondary school.

First it is important to discern whether or not Maria is eligible to be admitted to a University or College at all. The current federal legislation neither permits, nor prohibits illegal immigrants from receiving a postsecondary education. However, the states are beginning to enact legislation to deal with this issue on their own. For instance, legislators in both Georgia and North Carolina are proposing legislation that will bar illegal immigrants from entering state and community colleges. Whether these laws will pass in the legislatures remains to be seen.

Maria is applying specifically as an "in-district resident" and is proving her residency through her utility bills. Based upon this fact, it is clear that the school to which she is applying offers a rate of tuition based on residency. This being said, 8 U.S.C. § 1623 provides that unlawfully present aliens within the U.S. shall not be entitled to "any postsecondary education benefit unless a citizen or national of the US is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is a resident." This prevents postsecondary institutions from offering a lower tuition rate to illegal immigrants based solely upon residency, thereby prohibiting Maria from being admitted as an "in-district" resident to the college. However, there are states that have attempted to circumvent this rule. Though the U.S. Supreme Court has yet to formally rule on the issue of in-district tuition, it has set

precedents with regards to states enacting immigration legislation. In the case of *DeCanas v. Rica* (424 U.S. 351) the U.S. Supreme Court set a precedent that would afford the states the ability to enact legislation on immigration matters as long as it did not conflict with the federal legislation that had already been implemented. This enabled the states to bypass the federal legislation. Various states relied on qualifications other than traditional residency within the state to determine whether a student should be treated as an in-district resident.

For instance, under section 68130.5 of the California Education code an illegal immigrant may apply for “in-district” tuition rates if they graduated from a California high school which they attended for three or more years, and by filing an affidavit with the college or university indicating that they have either filed an application to legalize their status, or, that they will do so as soon as possible. Furthermore, in the case of *Martinez v. The Regents of The University of California* (50 Cal.4th 1277) the California Supreme Court held that this section of the California Education Code did not violate 8 U.S.C. § 1623 because the qualifications for the lower tuition rate was not based upon residency, but rather on a different set of qualifications.

California is not the only state which has found a loophole in the federal law. New York State has also managed to pass similar legislation, New York State Education Law § 6301 (5). The New York legislation defines a resident as someone who has attended a New York high school for at least two years and graduated, and is seeking admittance to a State University of New York within five years of their high school graduation. A resident can also be considered an individual who attended a New York State program for a general equivalency exam preparation and is applying for postsecondary school within five years of obtaining their GED. The last qualification for an illegal immigrant to qualify for residency within New York State under this statute is that they must file an affidavit with the university indicating that they have either begun to legalize their immigration status or that they will do so at the earliest possible time. This statute would technically permit a U.S. citizen that has obtained a degree from a New York State but moved out of state for a year to enter a State University of New York as a resident, and as such, would also allow an illegal immigrant to do the same. This being said, it appears that Maria does not reside in a state that maintains a similar law due to the fact that she must evidence her residency through her utility bills rather than appealing to other criteria.

Lastly Maria would be ineligible for any financial aid from the federal government. Under 20 U.S.C. § 1091 (a) (5) anyone seeking to “receive any grant, loan, or work assistance” must be “a citizen or national of the United States, a permanent resident of the U.S., or able to provide evidence from the INS that he or she is in the U.S. for other than a temporary purpose with the intention of becoming a citizen or permanent resident.” Maria does not fall within the language of this statute and therefore would be ineligible to receive financial aid.

Overall it seems that the more liberal states are attempting to circumvent anti-illegal immigration legislation that they do not agree with. This being said, it is only a matter of time before the U.S. Supreme Court is presented with a case that addresses these issues and sets the precedent as to whether these state laws are constitutional. Furthermore, it will be interesting to see if the state laws prohibiting entrance to postsecondary institutions passes in the states which seek to pass this legislation.

DAVID SHIMONOV

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Pertaining to the case of Maria, the dilemma that is palpable is whether or not she possesses the right to receive a college education, or the right to receive tuition assistance. Under Federal law, Maria is considered an undocumented alien who is living in the United States illegally.

According to the *Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, 8 U.S.C. § 1623, an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit without regard to whether the citizen or national is such a resident. § 1623 prohibits a state from making unlawful aliens eligible “on the basis of residence within a State” for a postsecondary education benefit. In addition, the power to regulate immigration is unquestionably a Federal power, as established by *DeCanas v. Bica* (424 U.S. 351, 96 S.Ct 93. 1976). However, this law restricting undocumented people tuition benefits is not absolute. Certain states, such as California and New York, have enacted legislation that provides undocumented aliens benefits, while simultaneously not violating Federal law.

§ 68130.5 of the California Education code provides that unlawful aliens are exempt from paying nonresident tuition at California state colleges and universities under certain circumstances, such as, if the undocumented student has attended high school in California for three years or more. In the case of *Martinez v. The Regents of the University of California* (241 P.3d 855. 2010), U.S. citizens brought an action challenging the state statute on the basis that it violated § 1623. They claimed that the statute made an undocumented alien eligible for a benefit, and also regulated immigration, which is a Federal power. However, the court ruled that § 68130.5 is not a violation of § 1623 because the exemption from paying out-of-state tuition provided by the statute is not based on residence but other criteria. Since the exemption extends to every nonresident who meets section 68130.5's requirements, whether a United States citizen, a lawful alien, or an unlawful alien, the statute does not disagree with Federal law. If § 1623 had stated, "an alien who is not lawfully present in the United States shall not be eligible for a postsecondary education benefit," the California statute would be preempted. Therefore, Congress could have easily denied states from making undocumented aliens eligible for in-state tuition had that been their intention. In addition, regarding immigration being a Federal power, the decision of *DeCanas v. Bica* established that while immigration power is exclusive, it does not follow that any and all state regulations touching on aliens are preempted. Only if the state statute is a regulation of immigration, a determination of who should or should not be admitted into the country, is preemption routine. Therefore, the California court ruled that the statute was valid.

In 2002, New York's Governor Pataki signed The New York State Education Law § 355(2)(h)(8) which expanded the definition of who can apply for in-state tuition at CUNY and SUNY schools. The law was intended to benefit undocumented aliens who graduated from New York high schools by enabling them to pay in-state tuition, even if they lacked documents to prove residency. One requirement is that the student must have attended an approved New York State high school for two years, and applied for attendance at CUNY or SUNY within five years of receiving their diploma. America is slowly realizing that allowing undocumented aliens a chance to receive a post-secondary education is beneficial, rather than harmful. New York and California are two out of a total of ten states that have passed laws regarding in-state tuition benefits for undocumented aliens.

In 1982, the case of *Plyer v. Doe* (457 US. 202, 102 S.Ct. 2382) established that whatever one's status under immigration laws, an alien is surely a "person" and is entitled to protection under the 14th amendment. Although at the time it was meant to be applied for elementary education, the *concept* of the decision administered was embedded within the idea that denial of education to some isolated group insulted the goals of the equal protection clause. In today's society, there is a greater emphasis and importance on receiving a post-secondary education. A post-secondary education has become as essential to society as a secondary education was considered then. Additionally, the case established that it was illogical to control the conduct of adults by acting against their children; to do so does not conform with the fundamental concepts of justice. Maria had no control over the actions of her parents and no input in the decision to bring her to America. Hence, she should not be punished for the crime of her parents.

Although Maria is not eligible for state or federal financial aid, there are private scholarships for undocumented students that do not require the applicant to be a US citizen, resident, or have a social security number in order to apply. The fact that undocumented aliens in her situation are able to receive in-state tuition benefits is significant because, it provides them with greater assistance, support, and the capability to attend college.

JAMIE WITHERS

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LEX Chapter Advisor: Helen Bongard

Illegal immigration is an ongoing problem in the United States. Unfortunately, it's the illegal children of these immigrants that endure the brunt of the repercussions for their parents' decisions. While I empathize with their plight, I also feel that laws and regulations are put in place for a reason and must be followed to maintain fairness and consistency for all. Maria entered the U.S. illegally when she was only two years old, an innocent by any standard. She could not make her own choices, take care of herself, or influence her parents' decision in the slightest. Maria's family has managed to avoid deportation for 16 years, and now an 18 year old Maria wants to attend college. This is a perfectly logical path for any 18 year old, and normally would present few problems for the prospective

student. However, since Maria is an illegal immigrant, she is ineligible for the federal financial aid she needs to make her dream a reality. She is attempting to get a lower tuition rate by applying to colleges in the state of her residency, where she feels that she should be eligible for in-state tuition. But, where do we draw the line? Should Maria be admitted at the lower tuition rate? Should she be admitted at all? Should she be eligible for federal financial aid?

Per the Merriam-Webster online dictionary, residency is “a usually official place of residence” and residence means:

1. the act or fact. of dwelling in a place for some time;
2. the act or fact of living or regularly staying at or in some place for the discharge of a duty or the enjoyment of a benefit;
3. the place where one actually lives as distinguished from one’s domicile or a place of temporary sojourn;
4. the status of a legal resident.

Looking at these two definitions alone, Maria’s residency in her state is her “usually official place of residence” (Merriam-Webster, n.d.). Furthermore, she has been dwelling in the same state for 16 years, which would definitely qualify as “some time” (Merriam-Webster, n.d.). However, it’s number four in the definition of residence that does not apply to Maria, “the status of a legal resident” (Merriam-Webster, n.d.). Residency requirements are typically made by the state board of higher education in each individual state (*In-State Tuition*, n.d.). Determining eligibility of a particular student is decided by the college itself (*In-State Tuition*, n.d.).

There are many ways to prove residency, some of which include:

1. Registering to vote;
2. Filing state and federal income tax returns;
3. Attending secondary school in the state;
4. Obtaining a driver’s license;
5. Registering a vehicle in the state;
6. Opening a local bank account;
7. Getting a local library card. (*In-State Tuition*, n.d.)

Maria has utility bills to prove her residency, but those don’t really prove that she lived where the utility service was provided, or that she is a resident at all. Maria’s status as an illegal immigrant would prevent her from registering to vote, filing income tax returns, obtaining a driver’s license,

and registering a vehicle. She may be able to get a local bank account or library card, and she obviously can prove that she attended secondary school in the state. The key here is still that Maria does not have “the status of legal resident” (Merriam-Webster, n.d.). Upon investigating general in-state tuition and residency requirements, I discovered that most all states require U.S. citizenship or permanent residency status for a student to qualify for the tuition break (*In-State Tuition*, n.d.). There are ten states that do not require U.S. citizenship for in-state tuition rates, allowing illegal immigrants to receive the lower rate (Russell, 2007). In my opinion, residency and citizenship are two different issues entirely. Regardless of her state’s policies regarding residency vs. citizenship, Maria should be admitted at the lower tuition rate, provided that she can produce documents which support her residency as stated above.

The question of whether or not Maria should be admitted period isn’t really a question in my mind. If Maria has the means to attend college, she should be allowed admission to do so. Her citizenship status has nothing to do with her attaining a secondary education and should also have nothing to do with her attaining a postsecondary education. It was not Maria’s fault that her parents illegally brought her to the U.S., and she should be allowed to attain an education in order to better herself and become a contributing member of society.

On the list of requirements for eligibility to receive federal student aid, the very first item listed is, “You must be a United States citizen or eligible noncitizen of the United States *with* a valid Social Security Number (SSN)” (*Am I eligible*, n.d.). Maria does not have a social security number, and she is not a U.S. citizen. While coming to the U.S. illegally was not Maria’s choice, she is now 18 years of age and therefore, legally an adult. Maria is now able to take steps on her own behalf to attain citizenship. Benefits, such as federal student aid, are provided through the tax dollars of hardworking U.S. citizens in order to assist other U.S. citizens. This is a perk of being a U.S. citizen and as such, should not be given out freely to those who are here illegally, whether by their own fault or not. All Maria has to do is start the process, attain a social security number, and then she could apply for aid. She would then be able to get a job and contribute, via paying taxes, to other government benefit programs. Our country is very “give and take”. It doesn’t make sense to take if you don’t also have something to give. As it stands, Maria should not be eligible for federal financial aid.

The U.S. has about 12 million illegal immigrants, and about 65,000 graduate from U.S. high schools each year (Russell, 2007). These numbers are staggering and speak to the ever

growing need for immigration law reform. There have been attempts, but nothing which has proven successful. While I don't believe illegal immigrants should be eligible for federal financial aid, those ten states who offer in-state tuition rates also offer state student aid (Russell, 2007). That is a choice each state has to evaluate and determine for themselves. I don't believe our tax dollars should go to illegal immigrants, whether on a state or federal level. There aren't enough funds for all the U.S. citizens that need them as it is. Maria's situation is an example of what so many young adults are facing all across the country. There should be an easier path to citizenship for these children who had no choice when they were made illegal immigrants by their parents. There should be other alternatives besides deportation, remaining illegal, or repeating the cycle of their parents. This is a large group of young minds that could be making a contribution to our country, so why not provide them the tools for citizenship so that everyone benefits?

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LEX GRADUATION SASH

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

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

AAfPE covers standard mailing costs for orders placed within a two week delivery date. Express shipping costs for induction certificates, pins, sashes, and banners will be billed to the LEX chapter.





The State Law Report: Reinforce, Integrate, and Assess Without Stress

“I just don’t have time to grade 30 legal memos!”

Whether you have stated this out loud, heard it from a colleague, or just heard it from the little devil that antagonizes you at times, we all face the challenge of providing regular opportunities for our students to reinforce the legal research and writing skills expected of our graduates. In particular, it is difficult to require adjunct instructors, especially those with full-time law practices outside of their teaching responsibilities, to assign and evaluate student writing. Nonetheless, it is imperative that we do.

One effective, but manageable, mechanism for reinforcing and assessing legal research and writing skills is to incorporate individual research assignments into substantive courses. For example, in Employment Law, I assign each student a state law research question related to one of the topics we cover in the course. The students prepare a brief memorandum to their classmates explaining the law and comparing it to the federal or other state law covered by the textbook, and present their research to the class. This individualized assignment, collected and presented over the span of the semester, allows students to practice essential paralegal skills, with time for one-on-one feedback and an opportunity to revise their work. It also reinforces the substantive concepts of the course, as it requires students to understand them well enough to explain the differences to their classmates. If others in your program assign a similar, state-law research assignment in their substantive courses, the student memos may also provide a useful vehicle for program-level assessment.

I. The Need For Coherent, Integrated Learning

All of us in higher education recognize the value of genuine learning-outcomes assessment planning. In the initial stages of assessment work, programs collaborate to develop a set of outcomes and “reach consensus . . . about how, when, and where to address” each outcome.¹ All paralegal programs expect their graduates to have strong legal research, writing, and citation skills.² While the specific learning outcomes may be articulated differently, there is no dispute that these are core skills that paralegals must have to be successful in their career. Paralegal programs teach these skills in a variety of ways, but all of our programs have at least one course dedicated to legal research and writing.

No matter how it is accomplished, programs must develop opportunities for students to “practice, apply, and extend” their learning of these core skills.³ Our curriculum needs coherence: we must focus on “where, when, and how the curriculum . . . intentionally promotes these shared experiences.”⁴ We also need to integrate these skills with the study of substantive law so that students are prepared to work as paralegal professionals, not just write a canned research memo.⁵ In recent assessment work with my colleagues, we recognized that students in our program needed more opportunities to practice their research and writing skills. In response, I developed the following state-law research assignment, which could be adapted for any legal specialty course to provide integrated learning opportunities for paralegal students.

II. The Assignment

As part of every unit in my Employment Law class, I assign at least one “Minnesota Law Report,” which requires a student to answer a question related to the topic we are covering, but focused on Minnesota law. Our textbook provides excellent coverage of employment law topics from a national perspective, often weaving in examples from individual states.⁶ Yet, without this assignment, I would either have to lecture on the similarities and differences of Minnesota law, or students would leave my class not understanding that, for example, the Minnesota Human Rights Act covers all employers, not just those with a certain number of employees like the federal corollaries.⁷

I instruct students to begin with an essential secondary source for Minnesota employment law research,⁸ but remind them that, ultimately, their report should rely primarily on the primary sources discussed in that text. They must find and read carefully the relevant primary law and write a memorandum to the class that explains their topic as clearly

and concisely as possible with relevant comparisons to the textbook information. The prompts for their research should limit the scope so that the memorandum is only two to three pages, double-spaced. The students submit their memorandum a couple days before it is due, and I provide detailed feedback on structure, organization, analysis, and citation. The students then revise the memorandum and submit a final draft that is shared with their classmates. The students also report the content in a short presentation to their peers.

III. The Assignment Reinforces Core Paralegal Program Outcomes

This assignment benefits students, instructors, and paralegal programs in several ways. It reinforces the core skills introduced in legal research and writing and other introductory-level courses, provides instructors with a manageable opportunity for supporting student learning, and creates a useful mid-level assessment tool for programs.

A. Student Benefits

With respect to research, the assignment exposes students to secondary materials specific to the discipline and reinforces the power of secondary sources, generally, for efficient research. From there, students must find the relevant statutory, administrative, and judicial sources and update their research. In terms of analytical skills, the students must be able to read, understand, and synthesize the relevant law and understand the relationship between the different sources. To explain the topic to their classmates effectively, students must really understand their research.

The assignment also requires students to practice legal writing and the memo format, but with a new audience—their peers—and they need to tailor their writing accordingly. The assignment could alternatively be styled as a letter or e-mail to provide additional opportunities to practice various forms of professional writing. No matter the format, students must organize their writing to effectively explain the law, not simply drop in a block quote from a statute or summarize each case they have read on the topic. They must synthesize the law and explain the concepts in clear and concise language. The presenting students have to show their understanding of the textbook’s version of the law, and how it compares to actual state law. Finally, students must incorporate perfect long and short-form citations throughout their memo.

The presentation component gives students another opportunity to practice speaking in front of their peers. A strong presentation will demonstrate the students’ abilities

to appropriately synthesize their written analysis and to engage their audience with eye contact and appropriate voice intonation and pacing. This assignment has the added element of making the students the “expert” on the topic. They must be able to handle questions from their classmates and their instructor related to their work. Although heavily supported, each student also has the sole responsibility for covering the material, which simulates the reality of paralegal work. And once they submit their final memo, it is posted for the class to use as a resource. Again, public dissemination of their writing is something they must become accustomed to in the paralegal profession.

Students have commented on the value of this assignment for their learning. One former student wrote: “The Employment Law Report stretched my legal research and writing skills. While concepts were presented clearly in class, the report compelled me to rely on my own ability to explore Minnesota’s take on a legal issue. I felt both supported and challenged by my professor throughout the process. With her support and feedback, the opportunity to present to my peers was a positive one.”⁹

B. Instructor Benefits

From the instructor’s perspective, the individualized assignment has its advantages as well. At any moment in the semester, the instructor is juggling only a few students’ work, which allows time for individualized assistance in the research, writing, and revision steps of the process. At a minimum, there is time to review each draft for content, writing, and citation details and provide detailed feedback. It is refreshing to read only one memorandum on a given topic rather than reading a pile of substantially similar legal discussions. Even our strongest students need this kind of assistance to apply their skills in this new context. The student presentations add variety to the classroom delivery of material, assuring active participation by at least one student regularly, and supplement in-class coverage of material.

C. Program Benefits

To the extent that a sufficient number of instructors agree to assign a similar research project in their substantive courses, the assignment can become a vehicle for program-level assessment of these core skills. One of my full-time colleagues has adapted the assignment for Real Property, and we have decided to collect a sampling of the student memos, circulate them to our entire faculty—full and part-time—and have them review using a rubric for evaluating the analysis, writing, and citation of each memo. We will then lead a program-level assessment discussion at our next faculty workshop. This assessment activity provides a snapshot of how students are doing at the mid-point of the program’s curriculum and an opportunity to implement curriculum changes, as necessary.

I. Logistical Challenges

While the benefits are many, the assignment does pose some logistical challenges. Incorporating this assignment into a substantive course requires advance preparation. The research questions need to be narrowly focused to guide the students’ work and sequenced carefully to coordinate with class coverage of similar material. Students who fall behind or need substantial assistance in their work may cause delay in providing their classmates the corresponding state-specific information. It also can be difficult to manage the varying deadlines for several students at once. The assignment would be particularly challenging to implement in classes with more than 25 students. For a larger class, instructors may need to have students collaborate on the work, but this may detract from the program-level assessment opportunities.

No matter how structured, however, this assignment reinforces the core skills paralegal programs want their students to have and provides an opportunity for assessing programs at a mid-point in their students’ experience. Its many benefits to students, instructors, and programs far outweigh its few logistical difficulties. ■

ENDNOTES

¹ Peggy L. Maki, *Assessing for Learning: Building a Sustainable Commitment Across the Institution*, (2004), p. 4.

² *Paralegal Core Competencies*, American Association for Paralegal Education, 2002, p. 1, <http://www.aafpe.org/About_AAFPE/files/core_comp.pdf>

³ Maki, p. 36.

⁴ *Id.*

⁵ *Id.* at p. 33.

⁶ I use Dawn D. Bennett-Alexander & Laura P. Hartman, *Employment Law for Business* (6th ed. 2009) because of its in-depth coverage of discrimination. Students walk away from the class realizing that it is not an issue of the past, but an ongoing and persistent societal problem. For example, *id.* at 350 (reporting over 900 gender-discrimination claims by women against Merrill Lynch).

⁷ Compare Minn. Stat. § 363A.03, subd. 16 (2010) (employer defined as having one or more employee) with 42 U.S.C. §2000e (Title VII covers employers with 15 or more employees).

⁸ Stephen F. Befort, *Employment Law and Practice*, 3d., Vol. 17, Minnesota Practice Series, (2011).

⁹ Judy Gunnarson, e-mail message, August 4, 2011.

BIOGRAPHY

Margaret Hobday is an Assistant Professor of Legal Studies in the College of Liberal Arts at Hamline University, where she teaches courses in legal research and writing, constitutional law, employment law, and domestic violence and the law. Before coming to Hamline, she clerked for the Honorable Gerald W. Heaney on the Eighth Circuit Court of Appeals and practiced law for several years with Maslon, Edelman, Borman & Brand, LLC.



THE FINAL COURSE Am I ready for the “Real World”?

My daughters dance. This activity led me to consider the audition process. To say the audition process fascinates me would be an understatement. First, the dancer must distinguish herself from a large group to be called back for a second look. Then the dancer has to better her first performance to ultimately be considered for a position.

This fascination reminds me of the externship process for my paralegal students. In their final quarter, our paralegal students are required to perform 180 hours of service for a law firm, prosecutor’s office, court or other legal entity. For many would-be paralegals, their externship is their first opportunity to shine in the “real” legal world. As Program Director, I have the responsibility to help them transition from satisfying the ever-helpful and time-abundant professor to meeting the needs of the ever-stressed and time-consumed attorney. It is absolutely critical for the

paralegal student to be able to leave the peaceful, tranquil setting of the classroom and transition to the frenetic flow of the legal setting.

While field trips and guest speakers may give a glimpse into that world, the externship class marks the transformation from paralegal student to functioning paralegal. Though your students may have passed the first audition—the academic world—with flying colors, now they are faced with the equally important professional audition.

The first hurdle your students must overcome is the realization that the externship is more than just a class needed to graduate. You must convince your paralegal students of the career-development benefits of this opportunity. As externship coordinator, you should stress, at a minimum, the following:

- Obtaining “Real World” experience and building the resume
- Learning how to transfer academic skills into the professional setting
- Narrowing the focus of career goals—career exploration
- Making career-oriented contacts to assist your students in obtaining a competitive edge in their job market
- Obtaining influential references for the resume
- Having the opportunity to be hired upon graduation

I find that one of the great benefits of my externship class is that it lasts for 11 weeks. I stress to my students that the traditional work probationary period is often 12 weeks, remarkably similar to the externship process. I explain to them that the externship is in many respects just like an extended audition. It allows students to demonstrate their skills and professionalism in a way that an interview cannot. Externship students have the opportunity to learn office processes and prove themselves capable of mastering the tasks and environment prior to being officially hired, at no risk to the employer and without competition from other applicants. It is truly the ideal opportunity to slip the proverbial foot in the door.

The student who takes full advantage of this opportunity has an excellent chance of securing a position from the externship. In fact, a recent Michigan State University study revealed that 50% of new hires had completed an internship or co-op within the hiring company, and an additional 40% had interned with another company.¹ The National Association of Colleges and Employers (NACE), in a 2008 survey, also found that 35.9% of employers reported hires from an internal internship program. That same survey found that the rate of being hired after internship increased from 35.6% in 2001 to 50.5% in 2008.²

As program directors or coordinators, we must capture the psyche of the graduating student. Most of us have worked in the legal profession. Our knowledge and experience is invaluable to our students. As faculty, we are duty-

bound to prepare their minds academically. As externship coordinators, we should also be duty-bound to hone their work skills, to prepare them mentally, and to increase their comfort level as they enter the law office setting.

We can ease our students’ transition by instilling a few simple common-sense axioms.

1. NEVER STOP LEARNING.

What every employer wants is an employee who continues to learn and to grow. While your students may be an academic term away from graduating, they have just scratched the surface of their legal education. Practical learning comes from the law-office setting. This new setting will take time for adjustment. Assure your students that it is important to ask questions. Prepare them to take advantage of every opportunity to learn. Remind them that a paralegal can learn from many different sources. Encourage them to seek out and learn from office managers, legal secretaries, other paralegals, clerks, bailiffs and attorneys.

2. PREPARE, PREPARE, PREPARE.

Paralegals must become familiar with their externship sponsor prior to beginning an externship. This will allow your students to hit the ground running and to show more initiative. Further, the paralegal student must take extra time to become familiar with any assignment given. We must prepare the student to begin assignments, such as a memorandum on a legal topic, by taking the time to understand why and how that topic is important to the client. With this understanding, we teach and prepare the extern to tailor or work to the needs of the office and the client.

3. TIMING IS EVERYTHING.

As directors and instructors, we must demand that our students be on-time. The extern cannot survive in a professional environment by being tardy or absent. My grandfather had a great rule, “Being on time means you are 15 minutes early.”

Stress the importance of being prompt for work and for meetings. Teach every student to take the initiative, be early, and stay late. As legal professionals, we understand the importance of deadlines. The world of calendaring and docketing reflects this importance. While no one seeks rushed or incomplete work, the student must be prepared to perform tasks within the time given. The paralegal who does so is invaluable.



4. PROJECT PROFESSIONALISM.

Our students must understand they are entering the world of the legal professional. Professional appearance and professional demeanor are critical. A good, confident attitude is a must. Projecting a strong work ethic is invaluable. We must stress “dress the part, act the part.”

5. THE STUDENT MUST UNDERSTAND THE AUDITION.

The extern has a unique opportunity within the legal entity that few others may have. We know many paralegal students have familial and other responsibilities. The externship must, however, be the focus of the students’ energies. They must trust that their education and training have prepared them for this opportunity.

As coordinators, we must also stress the career development possibilities that exist within the externship process. The student must realize that a stellar externship could ultimately lead to employment with the sponsor. At the very least, the student should recognize that the sponsor may be able to help find the student employment elsewhere by networking or may become a great reference.

Just as the dancer transitions from student to professional, the paralegal student is leaving the world of the classroom and entering the world of law. While the dancer may have numerous auditions, the paralegal will usually have

only one chance at an externship. The externship is the gateway to beginning a wonderful journey. How your students perform in this environment will set the tone for their careers. Prepare your students to make memorable, positive impressions upon their sponsors. If your students do so effectively, then, just like dancers, they will be ready to perform on the professional stage. ■

ENDNOTES

1 Philip D. Gardner, Georgia T. Chao, and Jessica Hurst, “Ready for prime time? How internships and co-ops affect decisions on full time job offers [White Paper],” MonsterTRAK, a division of Monster Worldwide, Maynard, MA and Collegiate Employment Research Institute, (2008).

2 NACE 2008 Experiential Education Survey,” National Association of Colleges and Employers, (2008).

BIOGRAPHY

Christopher Greene is an attorney admitted to the practice of law in Ohio since 1989. He received a Bachelor of Arts degree from Case Western Reserve University and a Juris Doctor degree from the John Marshall College of Law, Cleveland State University. He has been teaching paralegal studies and criminal justice courses since 2003. He has been the Paralegal Studies Program Director at Stautzenberger College, Brecksville, Ohio since 2007. Mr. Greene currently holds the position of Magistrate in the Berea Municipal Court and the Grafton Mayors Court.

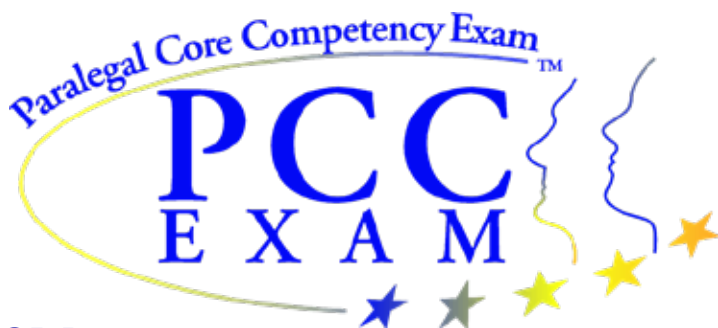
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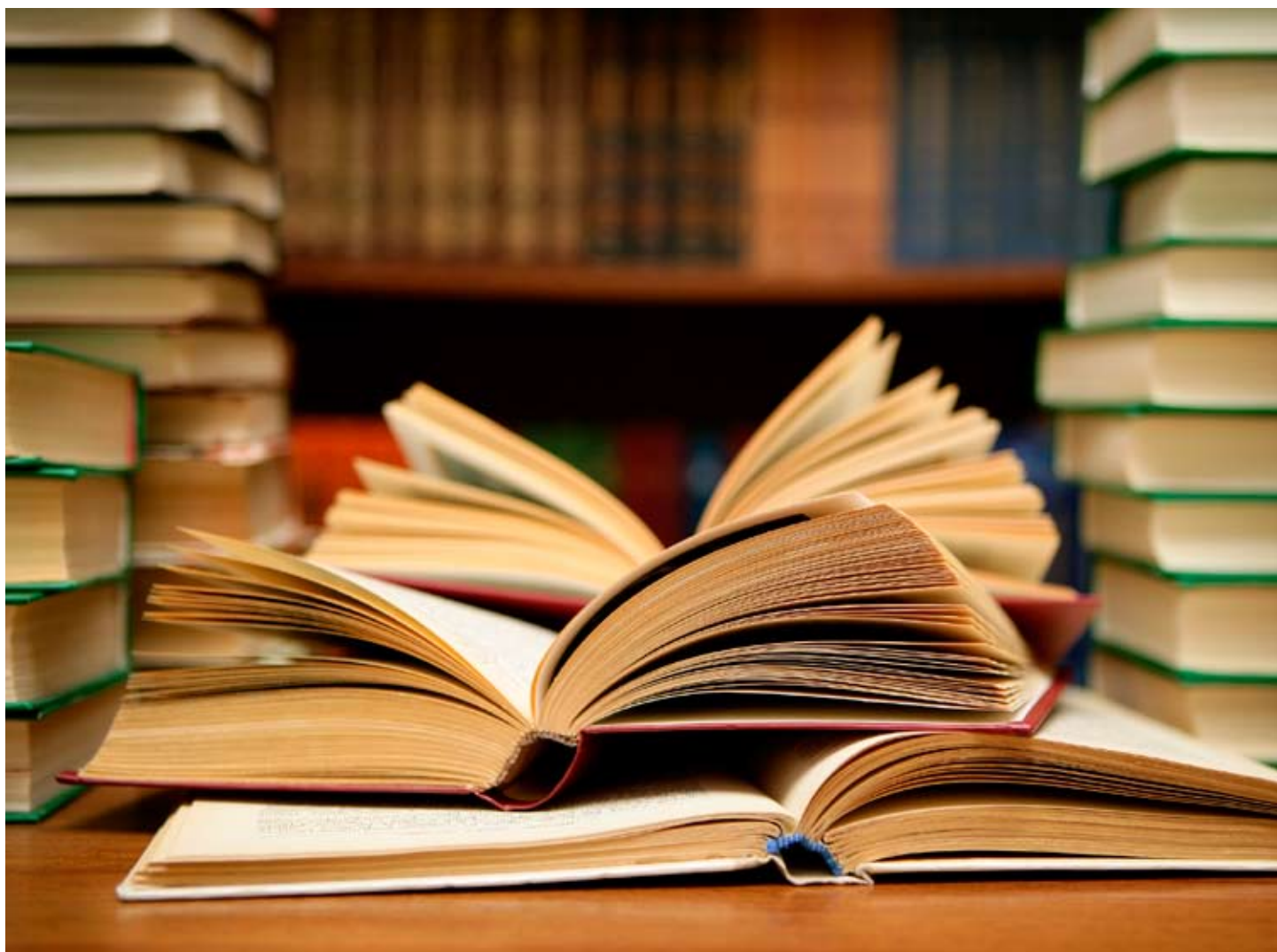


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CHANGES TO LIBRARY REQUIREMENTS for ABA Approved Programs



ABA Approved Paralegal Programs must have available a library adequate for the education of paralegals. Guideline G-601 of the ABA Guidelines for the Approval of Paralegal Education Programs sets out the requirements concerning the Program's library.

Programs can satisfy the library requirement through a campus-based library, use of an external library, such as a county law library or nearby law school library, or through combining elements of an internal and external library. Collection requirements include the following print resources, which must be up-to-date with appropriate supplements:

1. The code of the state in which the institution is located;
2. The reporter for the state in which the institution is located, or the regional reporter that includes such state, covering at least the preceding 25 years;
3. The current digest for the state in which the institution is located, or the current regional digest that includes such state;
4. A resource to check on the currency and validity of primary sources material (codes and cases) for the state or region, such as *Shepard's Citations*;
5. A current legal encyclopedia, e.g., *American Jurisprudence*, *Corpus Juris Secundum*, or a comparable state encyclopedia;
6. Texts, practice manuals and form books, in all areas of legal specialty instruction;
7. Local and state bar journals, newspapers, and periodicals devoted to the paralegal profession;
8. Texts and other resources about the paralegal profession; and
9. Law dictionaries.

On June 3, 2011, the ABA Standing Committee on Paralegals, acting on the recommendation of the Approval Commission, adopted a revised Interpretation pursuant to G-601.H concerning the requirement for ABA approved paralegal education programs to maintain current hard copy library materials as set out above. This Interpretation expands the library collection requirements which may be fulfilled solely through electronic means continuing the ABA's recognition of the expanding use of technology in the performance of legal research.

Pursuant to G-601.H, programs may fulfill the collection requirements for the following required items solely by electronic access under the conditions stated below:

1. The code of the state in which the institution is located;
2. The reporter for the state in which the institution is located, or the regional reporter that includes such state, covering at least the preceding 25 years;

3. The current digest for the state in which the institution is located, or the current regional digest that includes such state;
4. A resource to check on the currency and validity of primary sources material (codes and cases) for the state or region, such as *Shepard's Citations*;
5. A current legal encyclopedia, e.g., *American Jurisprudence*, *Corpus Juris Secundum*, or a comparable state encyclopedia;
6. Local and state bar journals, newspapers, and periodicals devoted to the paralegal profession; and
7. Law dictionaries.

Programs that seek to fulfill one or more of these collection requirements solely through electronic access must demonstrate that sufficient access is provided to ensure that students have at least the same degree of access to the materials that they would have if the materials were in hard copy.

As a result of this action, the only remaining required reference materials that must be maintained in hard copy are: texts, practice manuals and form books, in all areas of legal specialty instruction (G-601.G.6) and texts and other resources about the paralegal profession (G-601.G.8).

The ABA Standing Committee on Paralegals also revised Guideline G-601.J at its June meeting which eliminated the following language:

1. Electronic research should complement, not replace traditional research instruction.
2. Instruction in electronic legal research must be provided to students as required by G-302.I.4.

Despite the deletion of Guideline G-601.J.2, Guideline G-302.I.4 remains in effect. Pursuant to Guideline G-302.I.4 programs "must provide for instruction in legal research, including electronic resources." The Guideline revision to G-601.J awards greater flexibility to programs to determine the appropriate balance of instruction between traditional book research and electronic research.

The ABA Standing Committee on Paralegals Approval Commission will continue to monitor the state of law libraries and legal research. Both of these Guideline areas are key to quality paralegal education. ■

The Omniscient Mentor

Welcome to "Ask the Omniscient Mentor" column. All members are encouraged to send questions to Steve Dayton (Publications Chair) – sdayton@fullcoll.edu. Steve will forward them to the O.M. and promises to protect your identity.

Dear O.M.,

I have been the Director of our Paralegal Program for 20 years and recently had a horrendous experience. A current student posted on her Facebook page from off campus that she thought that I was a biased, unfair, and evil teacher. I am still devastated. I want to establish a policy regarding off campus social networking. Please help.

— *Veronica in Virginia.*

Dear Veronica,

Unfortunately, I had this experience last summer. I wasn't named in the post but the reference was obvious. I received multiple emails and phone calls from current students and graduates who offered sympathy. I was appalled to learn that our college did not have a policy to cover off campus computer use by students.

I will not repeat suggestions from articles on professionalism regarding social networking. I am going to suggest policies, supported by case law, to enforce unacceptable off-campus behavior by students. To be enforceable an off campus policy must exist on an institutional, program and syllabus level. Students must also sign an agreement that they will comply with all policies. You will have to work with your institution's counsel to draft these policies. Our college attorneys are reluctant to draft policies that may chill First Amendment rights, but have endorsed penalties for face-to-face and cyber-bullying. Use the bullying argument and a due process argument that students will have notice

of consequences. This tension is not unique to our profession. Research revealed that businesses, hospitals, law enforcement agencies, and human resource departments are still studying this balance before they enact policies. Academic institutions are reluctant to monitor off campus computer use. But if the post disrupts school activities institutions may punish the sender regardless of the origin of the post. And institutions will not have Fourth Amendment issues because some student will tattle.

The following legal analysis can be used to support your policies. Case law on social networking has mainly covered public school students.

A student may be disciplined for off-campus expressive conduct when it would foreseeably create a risk of substantial disruption within the school environment. *Wisniewski v. Board of Education*, 494 F.3d 34 (2d Cir. 2007), cert. denied, 522 U.S. 1296 (2008). In *Wisniewski*, a middle school student was suspended when he drew and transmitted on his parent's home computer a picture of shooting a specific student.

The Supreme Court of Indiana held that a middle school student was not delinquent for harassment under the Indiana Code when she posted a vulgar rage against her school principal and school on MySpace because the evidence failed to prove that the student intended to harass her principal because he was not a member of her private group. *A.B. v. Indiana*, 885 N.E.2d 1223 (Ind. 2008). Someone in her private group notified the principal and he saw it during the investigation.

A school district could not suspend a middle school student who created on her home computer a private MySpace profile of her principal profile which contained a photograph of the principal, profane language, and negative sexual references about the principal and his family. The Third Circuit held that "the profile was so outrageous no one took its content seriously." *J.S. ex rel. Snyder v. Blue Mountain School District*, 650 F.3d 915, 921 (3d Cir. 2011) (en banc). This Court also held that the principal did not see the posting until the investigation.

The student did not intend for the principal to see it. Most public school cases referenced the key school cases: Students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503, 506 (1969).

But school administrators may prohibit student expressions that will “materially and substantially disrupt the work and discipline of the school.” *Tinker* at 513. Students could wear black arm bands at school to protest the war in Vietnam because there was no evidence of disruption in their school.

Schools have deferred to parents, teachers and local authorities over federal officials. *Hazelwood School District v. Kuhlmeier*, 484 U.S. 260 (1988). A school could censor school publications.

Schools are responsible for “teaching students the boundaries of socially appropriate behavior.” *Bethel School District No. 403 v. Fraser*, 478 U.S. 675, 681 (1986). A student could be disciplined when he used lewd and indecent speech in a nominating speech at a school assembly. (Unfortunately Fraser thought he was George Carlin on Saturday Night Live.)

The most relevant case that I could find regarding student use of off campus college social networking policies was *Tatro v. University of Minnesota*, 800 N.W.2d 811 (Minn. Ct. App. 2011). This case supports that there must be written policies. In *Tatro*, the Minnesota Court of Appeals held that the University of Minnesota could fail a student in a mortuary science course when she posted on her Facebook page from off campus about aggressive conduct she wanted to perform on a cadaver, an anatomy-bequest program donor, and made threats related to a former boyfriend regarding how she wanted to do to him what she did to the cadaver. The student had signed a mortuary science program form that permitted the university to evict students for violating course rules. The course syllabus also contained this provision.

The University held that *Tatro* violated the student conduct code by engaging in harassing or assaultive conduct and violating anatomy laboratory course rules. The Student Conduct Code stated, “At the discretion of the president or delegate, the Code also shall apply to off campus student conduct when the conduct, as alleged, adversely affects

a substantial University interest.” *Tatro* at 816. Rule 7 of the Code stated, “Conversational language of cadaver dissection outside the laboratory should be respectful and discreet.” *Tatro* at 818. “Posts were reasonably viewed as threatening. The posts were not private statements; they were visible to hundreds of Facebook users, including students in the mortuary-science program.” *Tatro* at 818.

The most interesting analysis in *Tatro* is that the Minnesota Court relied on the public school cases of *Tinker*, *Bethel*, and *Hazelwood*, specifically holding that schools may limit or discipline student expression if school officials conclude that it will “materially and substantially disrupt the work and discipline of the school.” *Tatro* at 820 quoting *Tinker* at 518. There was evidence in *Tatro* that faculty and students were threatened by the posting. *Tatro* at 822.

Your counsel may argue that these cases apply only to public schools. Most courts have been reluctant to apply these cases to college situations and this case may have persuasive authority at best. Also courts have historically deferred to school policies. But while *Hazelwood* and *Bethel* governed activities that only occurred at public school, the Supreme Court in *Tinker* at 515 held, “We do not confine permissible exercise of First Amendment rights...to supervised and ordained discussion in a school classroom.” Schools may establish policies to govern off campus activities.

To avoid a future problem, your institution must draft a policy, your program must draft a policy, your syllabi must include a policy and students must sign an agreement to follow all policies. All policies regarding speech must have an explicit nexus to the institution. Most cases on off campus issues only reach litigation because the schools lacked a specific policy. It is also helpful if your state has an anti-bullying and anti-cyber-bullying statute.

When developing a social networking policy, include the following:

Your social networking pages should not include any of the following items:

Derogatory language or demeaning statements or threats;

Inappropriate or incriminating images depicting hazing, sexual harassment, vandalism,



stalking, drinking, illegal drug use, or any other inappropriate behavior;

Content that violates state or federal law;
Information or images that are obscene, untrue or defamatory;

Content that harasses;

Content that discriminates against any person on the basis of race, color, gender, national origin, disability, religion, sexual orientation, veteran status, or age;

Slander or hate speech;

Links to inappropriate websites;

Anything that promotes illegal activities;

Spam, collecting other user's information;

Before participating in any online community, understand that anything posted online is available to anyone in the world. Any text or photo placed online is completely out of your control the moment it is placed online, even if you limit access to your site.

By agreeing to the terms of use, online communities have your permission to republish your content worldwide and share information to advertisers, third parties, and law enforcement, among others.

Do not post information, photos, or other items online that could reflect negatively on you, your family, your program, your college, or agencies affiliated with the college. Be discreet, respectful, gracious and as factual as you can be in any online posting. Take particular care of spelling, punctuation and grammar; it does reflect on you professionally, as well as on the college.

Violations of these social networking policies will result in disciplinary actions, such as loss of computer privileges on school grounds, loss of positive job referrals, a failing grade in this class, and removal from this class or program. Of course, a student can appeal from a sanction through the campus grievance procedure.

For further research, conduct a Westlaw search using the Education Law Reporter as your database (WELR). I tried multiple search and connectors searches, but my best results came with a natural language search: social network policies college university off campus activities. You will find helpful law reviews.

My story had an ironic ending. The student told me that I was not the intended victim; rather her wrath was directed at an attorney in an opposing case in her office, so the student considered it acceptable. Where was this student when I gave my "Don't be Stupid" presentation? Good luck with drafting and implementing your policies. And be glad that you don't have Tatro in your program.

Good Luck

— O.M.

P.S. Tell your students: this is more than an etiquette lesson; this is more than you-will-fail-this-class lesson; this is more than you-will-not-get-a-job lesson; this is a-someone-may-commit-suicide-over-your-post lesson.

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Participant Guidelines

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– **The actual Professor of the course does not even need to attend the conference in person, because you, as the program representative, can do the 10-15 minute presentation of the course! Of course we would love to have your**

Professor there....but we have made this as easy as possible for you to enter!

We have Internet at the competition so you can access your course online at your own institution's platform. Or, if you prefer you can bring a flash drive so your content can be shown on a screen with your presentation. We will supply the laptop, Internet access, and projector and screen. **All you have to do is show the audience the week in your alternative delivery course! They will cheer you on and select our winners! Think about entering next year and be part of the Cyber-Ed Idol Distance Teaching Competition! And did we mention the prize you can win? The Cyber Idol Trophy, \$500.00, or the Rising Star Trophy! Not to mention the bragging rights and the good publicity for your institution.**



BYTES

Vol. 2 Issue 4
FALL, 2011

Contestants will need to send in the following materials:

- o Short summary about the course
- o Course objectives
- o Course syllabus
- o The lecture you will be working from in your one week of the class
- o Grading template for the discussion assignment/assignment



Please notify Donna Schoebel (614-236-6444 or dschoebel@law.capital.edu) of your intentions to compete. **We know the competition is not until next year, but you can start thinking about entering now. It's never too early to plan to be the next Cyber-Ed Idol!**

Then, when we call for entrants, you will send the items listed above to: Donna Schoebel Capital University Law School 303 East Broad Street Columbus, OH 43215

So be there..compete..cheer..steal (borrow) ideas..& help select our 2012 AAfPE Cyber-Ed Idol!



CYBER-ED IDOL



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This issue edited by Doris Rachles, JD, South University, Savannah, GA. Please send submissions for the next issue to drachles@southuniversity.edu by January 16, 2012.



**Provide Students with a Workplace Experience in
Your Paralegal Studies Courses!**

BYTES



**EXCITING NEWS
FROM PEARSON**

At this November's AAFPE meeting in Baltimore, Pearson and Tom Goldman presented Pearson's new MyLegalStudieslab Virtual Law Office Experience, a series of multi-media courses with integrated ebooks for Introduction to Paralegal Studies, Legal Research and Writing, Family Law, Civil Litigation, Will/Trusts/ Estates, and Technology in the Law Office.

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Issue 4
FALL 2011

This new program is designed to allow you to easily confirm that students are achieving measurable outcomes for knowledge of the law, procedural knowledge, and workplace skills. Workplace experience is built right into your course as students work as an intern shadowing an experienced paralegal in a law office. Students see behind closed doors in practice and in the courts and will exit the course having produced a comprehensive portfolio of workplace documents that demonstrates to potential employers that the student knows how to do the work.



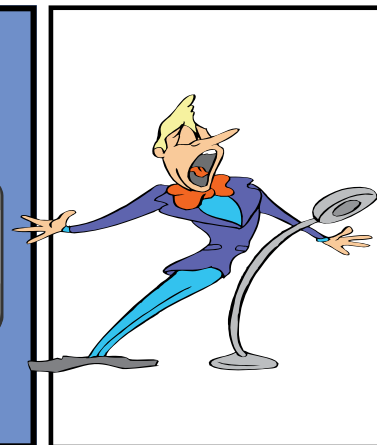
Tom presented a sneak preview of the program at the 9:15 session on Thursday morning. He has also secured a variety of new legal software packages. There was a drawing for free giveaways of software from Nuance (\$250 value), Corel (\$800 value), and Dragon Legal (\$995 value). **Everyone was a winner at the 2011 AAFPE National Conference in Baltimore!**

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Be Creative....Use Technology For Almost Everything! By Donna J. Schoebel

BYTES

Vol. 2
Issue 4
FALL 2011



Our AAfPE Alternative Delivery Task Force Committee recently needed to find a creative means of having a baby shower for one of our members; after all Sherry Southard did have twins! So, we relied upon on our AAfPE Bytes committee's joint brain trust and decided to hold a "VIRTUAL BABY SHOWER". It was tremendous fun and we'd like to share it with you.

We chose *GoAnimate* as our animated video technology provider. You too can use the vast array of animated characters they provide at their website www.goanimate.com. GoAnimate was "founded to provide an outlet for everyone's creativities and ideas" as most of us have great things to say and stories to tell but lack the tools to do so. Their goal is to assist users in making animated videos as it is very time consuming and likely more difficult than what most of us can do. So even those of you who may be technology-challenged can be creative and express yourself with the help provided by GoAnimate.

The GoAnimate team has locations in San Francisco and in Hong Kong, and as their web site states, "We have a wide range of expertise spanning from animation and programming to entertainment, licensing, marketing and web solutions. GoAnimate is truly a culmination of talent, coming together to create the ultimate website for creative self expression!"

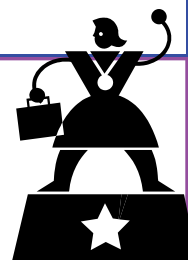
GoAnimate offers a variety of options such as commercial licenses, GoAnimate4schools, GoPlus, and GoPlayer Widget. Package plans are very cost effective as the three-month plan is \$18.00, one-year plan is \$58.00 and the two-year plan is \$108.00. Their website is extremely user friendly with tutorials, help videos, FAQs, and it even has forums. Loretta Calvert, Susan Jaworowski, and Donna Schoebel have created animated videos and would be happy to help should you have any questions.

So have a look at our Virtual Shower created by Loretta Calvert, http://goanimate.com/go/movie/0p45glbhlldal?utm_source=emailshare&uid=0-oWEy2gp9YU **and then watch this video I just created in only 7 minutes!** http://goanimate.com/go/movie/0VpJLQohFAmA?utm_source=emailshare&uid=0-oWEy2gp9YU

It is fun, easy, and exciting to do, and it takes such a small amount of time from your day to make a video. Students love to watch the videos but they also like creating their own to "jazz up their in-class required presentations". So make your own and then share them with your AAfPE Peers by sending the URL links to AAfPE Bytes. We will feature a video in every edition! Try it and our AAfPE Bytes members bet that you will like it!

SUSAN JAWOROWSKI WINS RECOGNITION AWARD

Alternative Task Force Member, Susan Jaworowski, Paralegal Program Director at Kapi`olani Community College in Honolulu, received the Frances Davis Award for Excellence in Undergraduate Teaching in 2011. This award recognizes dedication and demonstrated excellence as teachers of undergraduate students. There were 168 faculty members at KCC initially nominated for this and two other teaching awards. KCC noted that "Jaworowski creatively uses a full range of resources to get students inspired. She optimizes active, collaborative learning through online technology, social media, presentations, videos, panel discussions and guest speakers. She has a genuine concern for her student's academic success and generously shares her expertise in the legal field."



AAfPE's Alternative Delivery Task Force Members

Doris Rachles, Deborah Walsh, Sheryne Southard, Loretta Calvert, Susan Jaworowski, Donna Schoebel





CYBER-ED IDOL JUDGING RUBRIC 2012	
CONTENT OF THE COURSE	
ACTIVITY 2 pts=excellent 1 pt=average 0 pts=not done	POINTS
Syllabus identifies the role the online environment will play Clear instructions on getting started & finding course components Etiquette expectations clearly defined (netiquette) for all communications Minimum technical skills expected of the student are clearly stated Clear instructions stated or links provided to the technical support offered Clear standards for student & instructor responsiveness (<i>deadlines/postings/etc</i>)	TOTAL ____/10 _____ _____ _____ _____
Learning objectives are clearly identified All learning objectives are clearly stated & written from the students' perspective All learning objectives describe outcomes that are measurable All learning objectives are appropriately designed for the level of the course The course grading criteria, policy, comments are stated clearly Instructions to students on how to meet the learning objectives are adequate	TOTAL ____/10 _____ _____ _____ _____
Core Competencies are clearly identified Core competencies are clearly stated & encourage critical thinking & problem solving Instructions to students on how to meet the core competencies are adequate All core competencies are described with outcomes that are measurable	TOTAL ____/6 _____ _____
Lectures and assignments meet the course learning objectives Instructional materials contribute to the achievement of the stated objectives Relationship between instructional materials & objectives is explained to students All resources and materials used in the course are appropriately cited Instructional materials have sufficient breadth, depth & currency for student to learn	TOTAL ____/8 _____ _____ _____
Meaningful technology tools are used to facilitate learning Animation Video Pictures/Photos PowerPoint Other	TOTAL ____/10 _____ _____ _____ _____
The course content is inviting and aesthetic Materials are easily viewable and readable – screens have readability Tools and media support the objectives & are appropriate to deliver the content Tools and media support student engagement and guide student to be active learner Course components are compatible with current standards for delivery modes The course design takes full advantage of available tools and media	TOTAL ____/10 _____ _____ _____ _____
The is user-friendly, well-organized, and easy to navigate Navigation throughout the course is easily understood & clearly stated Navigation throughout the course is logical Navigation throughout the course is consistent Navigation throughout the course is efficient	TOTAL ____/10 _____ _____ _____ _____
Links to useful and helpful websites are provided Links are provided Course pages have links that are self-describing and meaningful Instructions on how to access resources are sufficient and easy to navigate to	TOTAL ____/6 _____ _____
TOTAL ACTIVITY POINTS	_____ 70
FACILITATING STYLE	POINTS
Comments encourage active learning	_____ /6
Knowledge of the subject matter	_____ /6
Makes class sessions exciting	_____ /6
Encourages student interaction	_____ /6
Has a positive tone during presentation	_____ /6
TOTAL FACILITATING STYLE POINTS	_____ /30
TOTAL POINTS	_____ /100





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