

Message from the Chair

Great Things

As I am sitting down getting ready to write my first message as chairperson, I'm watching the snow flurries fall outside. As they nestle to the ground, a soft blanket of snow is beginning to form. As I sit here, my mind wanders thinking about the many great things that are developing beneath that blanket that will bust forth in the spring. I find myself lost in thought and excited to see the wonderful things winter's hard work will present to the world in a few short months.

That blanket and the gifts of the coming spring could easily be symbolic of the section. Each council sets forth the ideas and plans (the blanket) that it wants to achieve in the coming year and in the years beyond. A lot of hard work is undertaken to make those ideas and plans take shape, and when all of the planning and hard work comes together, the results are just as exciting to see as that unexpected flower that breaks through the snow that first spring morning.

With that, I would like to thank our past council members for the devotion, selflessness, and hard work they have provided to the section. Their guidance and nurturing of the section are truly appreciated. I would also like to thank our current council members, who with full knowledge of the time and commitment needed to fulfill their role, rose to the challenge and are here to support each member.

I would encourage anyone who doesn't know his council members to take an opportunity to get to know them, by way of an e-mail, telephone call, or maybe at the upcoming Annual Day of Education. The current council members and committee chairs are as follows:

Cheryl J. Nodarse, ex officio; Marianne B. Delaney, CP, chair elect; Jeanne Nyhuis, secretary; Kathy Ann Blunck, treasurer; Ida Farhat, ACP, council member; Jaxine Wintjen, CLA, council member; Rebecca Opirari, council member, Virgie Roth, council member; Casey Mobley, council Member; Elsie Morren, council member; Jeanne Nyhuis, Job Bank; Kevin Gajewski, membership; Kathleen Kasiorek, CP, website; Linda S. Jevahirian, public relations; Denise Gau, *Michigan Paralegal*.

I am very honored and excited to be your chair this year. I hope together we can set and achieve some very ambitious goals that will both enhance and enrich your professional career. With that said, I hope to get an opportunity to see and talk to each of you on May 1, 2009, at the Annual Day of Education.

—Nicole Cook

Issue 4, 2008

Table of Contents

- SBM Legal Assistants Section Name Change
- State News
- National News
- Annual Meeting Photos



Disclaimer

Articles and columns that appear in the *Michigan Paralegal* do not necessarily reflect the official position of the Legal Assistants Section of the State Bar of Michigan, and their publication does not constitute an endorsement of views that may be expressed. Publication and editing are at the discretion of the editor. The *Michigan Paralegal* encourages republication and dissemination of articles it publishes. For information regarding permission to reprint articles, please address inquiries to the editor.

Editor's Note

The newsletter is published quarterly.

Newsletter submissions (Calendar Events/Items, Letters to the Editor, Section News and Business, Section Committee News/Reports, National and International News, State and Local News, and Advertising should be sent to the attention of Denise Gau at gau@butzel.com.

Section Mission

The Paralegal/Legal Assistant Section of the State Bar of Michigan provides education, information and analysis about issues of concern through meetings, seminars, the website, public service programs, and publication of a newsletter. Membership in the Section is open to qualified legal assistants and to all members of the State Bar of Michigan. Statements made on behalf of the Section do not necessarily reflect the views of the State Bar of Michigan.

2008-2009 Council and Committee Directory

Chairperson—Nicole M. Cook
(517) 896-1016, ncook@lsaservices.com

Chair elect—Marianne B. Delaney, CP

Secretary—Jeanne Nyhuis, CP

Treasurer—Kathy Ann Blunck

Ex Officio Chairperson—Cheryl Nodarse, CLA

Council

Ida R. Farhat, ACP • Elsie Morren
Rebecca C. Opipari • Virgie Roth
Jaxine Wintjen, CLA

Commissioner Liaison—Eric J. Pelton, Esq.

STANDING COMMITTEES

Annual Meeting—Kathy Ann Blunck, Chair

Education—Nicole Cook, Chair

Job Bank—Margaret Lucas Agius, CP, Chair

Membership—Kevin D. Gasiewski, CLAS, Chair

Newsletter—Denise E. Gau, Chair

Policies—Jaxine L. Wintjen, CLA, Chair

Pro Bono—Ida Farhat, ACP, Chair

Public Relations—Linda S. Jevahirian, Chair

Scholarship—Becky Opipari, Chair

Website—Kathleen D. Kasiorek, CP, Chair

SBM Legal Assistants Section Name Change

By Linda Jevahirian

Recently the Legal Assistants Section of the State Bar of Michigan officially changed its name from “Legal Assistants Section” to “Paralegal/Legal Assistant Section.” Section members present at the 2007 SBM Annual Meeting unanimously voted to make the change on a yes/no ballot, and the SBM Board of Commissioners approved the name change in May 2008.

Why change the name?

Because both terms are used in the field, similar to the way in which “lawyer” and “attorney” are interchangeable, the membership felt the section name should reflect both titles.

Which term is more accurate?

In an effort to determine whether one term—“paralegal” or “legal assistant”—is more applicable, I researched the terminology most often used by a range of paralegal organizations. What I discovered is that neither is used more often than the other.

American Bar Association

I started at the top with the American Bar Association (ABA), where the paralegal profession was first recognized in the 1960s. The term used by the ABA has changed over the years to reflect contemporary terminology in the legal community. Originally the ABA used the term “lay assistant.” The term later became “legal assistant.” In 2003, the ABA Standing Committee on Legal Assistants changed its name to “Standing Committee on Paralegals.” Even so, the ABA continues to use the terms “paralegal” and “legal assistant” interchangeably.

International Paralegal Management Association

Terminology used by members of the International Paralegal Man-

agement Association (IPMA) would seem to carry some weight. After all, most paralegal managers are former paralegals who make decisions at the management level. In 2005, following a survey of its members, IPMA changed its name from “The Legal Assistant Management Association” (LAMA) to its current name to mirror the ABA’s name change two years earlier.

NALA and NFPA

In the mid-1970s, when the paralegal profession was just getting its feet wet, two national associations—The National Association of Legal Assistants (NALA) and The National Federation of Paralegal Associations (NFPA)—were established. Both had the same goal in mind: to support and foster the growth of the profession. One organization chose the term “paralegal,” and the other chose the term “legal assistant.”

In 2001, NALA recognized the term “paralegal” and now offers certification holders the option of using the term “CLA” (Certified Legal Assistant) or “CP” (Certified Paralegal). In contrast, NFPA has never used the term “legal assistant.” Its certification holders are designated by the term “RP” (Registered Paralegal).

State Associations

In 1978, Michigan paralegals established a state chapter of NALA, called “The Legal Assistants Association of Michigan” (LAAM). When the State Bar of Michigan established affiliate membership for “legal assistants,” it adopted NALA’s terminology.

Local Bar Associations

Even at the local bar association level, both titles are being used. The Detroit Metropolitan Bar Association (DMBA) changed the name of its Legal Assistants Committee to “Paralegal Section:” how-

ever, affiliate members of the Oakland County and Grand Rapids bar associations call themselves “legal assistants.”

Paralegal Education Programs

The American Association for Paralegal Education (AAfPE) dates back to the 1970s, when the ABA sponsored its first conference for paralegal educators. Although the ABA was using the term “legal assistant” at that time, the AAfPE adopted and has always used the term “paralegal.”

I looked at 13 paralegal programs in Michigan and discovered that seven programs use the term “paralegal,” four use the term “legal assistant,” and two use both terms. Programs such as these are overseen by the ABA’s Standing Committee on Paralegals.

Federal Government

The federal government has traditionally used the term “paralegal.” Its employment listings refer to the position as “paralegal,” although the U.S. Department of Labor uses both terms.

NALS

Get ready for even more confusion. Many legal secretaries refer to themselves as “legal assistants.” I asked a representative of NALS (a national association with state and local chapters) for its view since it originally represented secretaries and only recently changed its focus to include a broader range of legal professionals, from receptionists to lawyers. NALS has concluded that, although the terms “legal assistant” and “paralegal” were at one time interchangeable, the term “legal assistant” is now a generic term for someone who works for an attorney.

Legal Secretaries

In some cases, people functioning in the capacity of a legal secretary refer to themselves as “legal assistants.” This designation may have originated from their employers; it may be the result of achievements in further education; it may have been chosen to convey a more contemporary view of their responsibilities; or it may simply be the way they describe their positions.

But the use of the term “legal assistant” to describe a secretary creates confusion in the marketplace. The only time a person should refer

to himself as a legal assistant (or paralegal) is when he is doing non-clerical work that requires substantive legal knowledge and is considered billable.

Adopting a title that cannot be confused with an established title with a specific definition would be a better choice. How about “legal administrative assistant?”

The Hybrid Paralegal/Legal Secretary

It has become popular to hire someone with paralegal/legal secretary experience to work in a crossover position. Should this person call herself a “legal secretary,” “legal assistant,” or “paralegal?” Clearly, there should be a title that takes into account both positions, but one that does not lead a third party to mischaracterize the person.

Recently a paralegal asked me if someone with a paralegal degree functioning as a legal secretary should refer to herself as a paralegal. In this case, the person was doing clerical work and wanted to sign her correspondence with the paralegal title. Herein lies some confusion. If a person graduates with an engineering degree and her job is greeting customers at Wal-Mart, is her job title “engineer?” The title should accurately describe the function the person is performing.

Michigan Court Rule 2.626

According to Michigan Court Rule 2.626, a “legal assistant” is someone who performs billable, non-clerical work. Although the rule does not use the term “paralegal,” both terms apply. It was the SBM *Legal Assistants* Section that promoted this court rule, so it is not surprising that the court adopted its term.

What is the Consensus?

If there is any consensus at all, it is that only individuals who perform billable, substantive legal work may refer to themselves as “paralegals” or “legal assistants.” Clerical workers should either use the term “secretary” or “administrative assistant” or opt for a title that has not already been adopted by the paralegal profession. This would help keep the terms distinctive and be far less confusing to clients and others.

In the meantime, what do you do for a living, and what is your title?

State News

DMBA

The DMBA held a lunch seminar on Thursday, November 20, 2008 from 11:45 a.m. to 1:15 p.m. at Miller Canfield Paddock and Stone, 150 West Jefferson, Suite 2500, Detroit. The seminar, entitled “Into the Deep: Internet Mysteries Revealed,” was presented by Felicia Shorter, Miller, Canfield, Paddock and Stone, PLC.

“How to Get Along With Difficult People” presented by Diane Buffalin, Ph.D, on Thursday, January 22, 2009 (11:45a.m. to 1:15 p.m.) at the Smart Detroit Conference Center, Penobscot Building Floor 13.

The Paralegal Section of the Detroit Metropolitan Bar Association presents educational meetings regularly. More details and registration can be found at www.detroitlawyer.org. Contact Karen Ziemiecki, section chair, at ksz@krwlaw.com or (313) 965-1608.

OCBA

In keeping with recent trends in the profession, the Oakland County Bar Association Legal Assistants Committee has changed its name to the Paralegal Committee.

Recently, the committee was invited to present a paralegal utilization session at one of the OCBA’s “Introduction to Practice” seminars—a five-part seminar series that highlights practice issues in district, circuit, family, and probate courts for new lawyers. Linda S. Jevahirian is taking the lead in this session with emphasis on use of paralegals within a small firm setting. The paralegal class will take place on February 5, 2009, at the OCBA offices in Bloomfield Hills.

A lunch meeting on January 22, 2009, will feature Alita M. Buford, a certified professional organizer and paper tiger authorized consultant. Buford will talk about “Distractions: Necessary or Nuisance.” The meeting will take place at Northwood University in Troy.

On March 19, 2009, the committee will meet for a “Problems and Solutions Potluck.” A panel of senior paralegals will provide resolutions to some of the pertinent work issues that face paralegals today. Topics to be addressed include implementing technology; staying

busy with billable hours, performance, and goal setting; mentoring; and reinvention—what happens when you burn out? Sullivan, Ward, Asher & Patton, P.C. will sponsor and host the meeting at its Southfield office.

In June 2009, face reader, Lin Klaassen will join Paralegal Committee members to celebrate their growing membership at a “Main Event.” Details are being confirmed and will be announced shortly.

The January 2009 issue of LACHES will feature three articles by paralegals, including information on building paralegal credentials, applications in technology, and a spotlight on the new committee.

For further information or to get involved with the committee, contact Chair Linda S. Jevahirian, (248) 471-3443 or linda@legalsearchonline.net, or Vice Chair Tracy Fitzgerald, (248) 566-8534 or tfitzgerald@honigman.com. Candice Russ, CLE coordinator, is the committee liaison and can be reached at (248) 334-3400 or cle@ocba.org. For membership, please contact Katie Augsburg at (248) 334-3400 or membership@ocba.org.

Grand Rapids Bar

The GRBA Legal Assistant Section encourages a high order of ethical and professional attainment, including but not limited to continuing the educational needs of legal assistants, promotion of the profession, the exchange of ideas among members, and support of pro bono work within the legal community. The section is currently led by Renee J. May. She can be contacted at rjmay@choicecnemail.com or (616) 243-3331.

NALS Detroit

Annual Holiday Luncheon: Saturday, December 6, 2008, at the Grosse Pointe Club. Stay tuned for details.

Mock Jury Trials: Saturday, January 17, 2009, at 9:00 at the Detroit Public Schools Welcome Center Lab A, CLE Presentation.

“The Practical Legal Assistant v the Theoretical Attorney and Criminal Prosecution,” presented by Jeffrey T. Rogg on Monday,

State News

Continued from page 5

February 9, 2009, at 5:30 p.m. at Miller Canfield, 150 West Jefferson, Suite 2500.

Please check the website for up-to-date information: www.nal-sofdetroit.org/meeting/meeting.html

NALS Lansing

Holiday Party: Italian potluck dinner and ornament exchange
Wednesday, December 10, 5:30–7:30 p.m. at Foster, Swift, Collins & Smith, P.C.

Reservations: Brandy Kline, bkline@ddpmi.com or (517) 347-5128.

NALS West Michigan

CLE After Hours: Skeletons in the Closet

Stephen Cohle, M.D., Chief Medical Examiner, Kent County; Tobin Buhk

Thursday, November 13, 5:30 p.m.

University Club, Fifth Third Center, 111 Lyon St. N.W., Tenth Floor, Grand Rapids

RSVP Tonya Mashue, tmashue@wnj.com or (616) 752-2213.

Brown Bag Seminar

File It Right the First Time—Kent County Circuit Court Procedures Update

Stacy Westra, MJA, Chief Deputy Court Clerk

Thursday, November 20, 12:05–12:55 p.m.

Kent County Circuit Court, Jury Assembly Room, 180 Ottawa Ave, N.W., First Floor, Grand Rapids

Information/RSVP Janette Olexa, jolexa@wnj.com or (616) 752-2285.

\$10 NALS members, \$15 non-members

Certification Study Groups for ALS, PLS, PP

Every Tuesday and/or Wednesday through February 24, 2009,
12 noon–1:00 p.m.

Contact Teri Garber at tmgarber@varnumlaw.com or
www.nalsofmi.org.

National News**American Association for Paralegal Education (AAfPE)**

<http://www.aafpe.org>

The 28th Annual Conference to be in Portland, Oregon, October 28-31, 2009.

National Association of Legal Assistants (NALA)

<http://www.nala.org>

NALA's 34th Annual Convention is scheduled for July 8 to 11, 2009, in San Diego, CA.

Check out the website for all the information.

The CLA/CP examination will be offered May 20-21, 2009. Application forms and the requisite fees must be received by the published filing dates. Filing deadline dates are January 15 for the March/April examination, May 15 for the July examination, and October 1 for the December examination session.

National Federation of Paralegal Associations (NFPA)

<http://www.paralegals.org>

The National Federation of Paralegal Associations' 2009 Annual Convention will take place October 29 to November 1, 2009, in Portland Oregon.

Legal Assistant Today

<http://www.legalassistanttoday.com>

The September/October issue includes the 2008 Rookie of the Year award. Every year, *LAT* honors paralegals who demonstrate a profound commitment to their career and strive to shape the future of the legal assistant field.

Annual Meeting Photos



Cheryl Nordarse giving thank you certificates to last year council members, Vanessa Lozzi, Denise Gau and Elsie Morren.



The 2008-2009 Council: (left to right) Ida Farhat, ACP, Rebecca Opirari, Virgie Roth, Jeanne Nyhuis, CP, Kathy Ann Blunck, Marianne Delaney, CP, Chery Nodarse, CLA and Nicole Cook.