

Michigan Legal Assistant



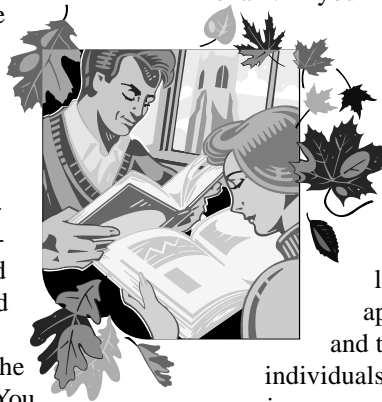
January 2000

Are You Ready for the CLA?

Many legal assistants are aware that the National Association of Legal Assistants offers an avenue for voluntary certification in the form of the Certified Legal Assistant (CLA) examination. In Michigan, 116 individuals have successfully passed the CLA exam*; five of these legal assistants have earned the CLAS specialty credential by passing a second exam in one of the legal specialty areas. The question is: Are you ready for the CLA?

I took the exam for my personal satisfaction and earned my CLA at the July 1999 administration of the exam. There are many reasons for taking the certification exam, including increased earning potential, professional recognition and employer requirements.

The first step in obtaining a CLA is to meet the eligibility requirements for sitting for the exam. You can meet these requirements in a number of ways, including formal paralegal education, experience as a legal assistant or a combination of both experience and education. Generally speaking, if you have a degree or certificate from an ABA approved paralegal studies program, a bachelors degree from a non-ABA approved legal assistant program, a bachelors degree in any field plus one year of experience as a legal assistant or a high school diploma and seven



years of experience as a legal assistant you are eligible to take the exam. If you have questions about your specific qualifications, please access the NALA website at www.nala.org/cert.htm

When you have determined that you meet the requirements for the exam, you need to contact NALA and request an application packet. The test is administered three times each year—in March, July and December. When you apply to take the test, you will need to indicate the date and location you prefer. Registration materials are due approximately 2-1/2 months prior to each test date and test locations are assigned based on the number of

individuals who are registered to take the test. Although you are given a number of choices for testing locations in Michigan, it is probable that only one test will be designated for each testing date. It is also possible that not enough individuals will register for a particular test date. If this happens, NALA will automatically forward your registration to the next available date or offer you the opportunity to take the exam in another state. In some cases there may be several months delay between the date for which you registered and the date you actually sit for the exam. Michigan has had one test site for the July and December exams.

Adequate preparation for the test is essential! When I took the test in July I had an opportunity to compare notes with two of my fellow test-takers. One had studied sporadically, using the NALA Study Manual, for approximately two weeks prior to the test. The

(continued on page 4)

Looking for a New Job?

If you've been searching the want-ads to no avail or if you're looking for somewhere to post a job opening—look no further! The Legal Assistants Section Job Bank website is up and running. You can find our site at:

firms.findlaw.com/SBMjobank or you can access the site from the Legal Assistant Section website under links. Visit our site for job listings, as well as links to other employment sites. If you would like to post a job on our site please contact John Norris Stone at

jnstone@vrsh.com

Happy Job Hunting!

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Calendar OF Events 2000



Date	Description of Event
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January 13	<p>Personal Property Tax Law— Things Have Changed <i>Sponsor: Grand Rapids Bar Assoc.</i> <i>Speakers: Donna Stokes, CPA, Attorney, Grand Rapids City Assessor's Ofc.</i> Doug Van Der Aa, CPA, JD, Hungerford, Aldrin Nichols & Carter Held at GVSU's Eberhard Center, 301 W. Fulton, Grand Rapids, MI Time: 2:00 p.m. - 5:30 p.m. Contact: <i>debbie@grbar.org</i></p>
January 19	<p>Grand Rapids Bar Association—Legal Assistants Section Meeting At Dykema Gosset Contact: John Norris Stone (616) 336-6619 for more information</p>
January 22	<p>State Bar of Michigan, Legal Assistants Section Council Meeting Miller Canfield Paddock & Stone, P.C. Ann Arbor</p>
March 4	<p>State Bar of Michigan, Legal Assistants Section Council Meeting Ford Global Technologies, Dearborn</p>
April 8	<p>American Association for Paralegal Education (AAIPE) <i>Regional Meeting</i> Ann Arbor Contact: Liz Nobis at <i>lnobis@notes.lansing.cc.mi.us</i></p>
April 28	<p>All Day Multi-Topic Seminar Hosted by State Bar of Michigan, Legal Assistant Section Ford Training Center, Dearborn</p>
July 12-15	<p>NALA Annual Convention and 25th Anniversary Celebration St. Louis at the Regal Riverfront Hotel More details to follow.</p>

* **ALI-ABA offers excellent continuing education seminars. Please visit the ALI-ABA website (www.ali-aba.org) for seminars offered in your practice area**

The New Year is upon us and I thought I'd begin by wishing everyone a good and prosperous 2000!

Is the year 2000 a year in which you may change jobs? Looking for a new job can be confusing and sometimes terrifying. From the many calls I receive, it appears that searching for a job is one of the biggest areas of concern for the members of the Section. Fortunately, there are many resources available that will aid a legal assistant in finding that perfect job.

First, check your local newspaper. Not always the best option, but employers do list job positions in local papers.

Second, check out your local college's job placement board. This is especially useful if the college has a legal assistant program (for a list of ABA legal assistant programs in gan, check out the Section's website www.michbar.org).

Third, make sure to network with other legal assistants (attending the Section's many events throughout the year is a great way to network!). Sometimes the best jobs are obtained by knowing someone who is trying to fill a legal assistant position.

Fourth, check out the Internet. This resource is becoming a great place to look for a job. The Section has a Job Bank located on its website. The postings on this site are kept current and if a job is filled, the posting is removed. The site can be accessed either through the State Bar of Michigan website at www.michbar.org and then click on "Legal Assistants Section," and then click on "links" or by going directly to

www.firms.findlaw.com/SBMjobank/links.htm.

Besides the Section's Job Bank, there are a number of other websites where jobs can be found. The following is a *small list* of the websites that I was able to find (most of these can also be found as links on the Section's website):

www.advillage.com

www.michiganjobhunter.com/detnews/

www.nalanet.org (NALA)

www.paralegals.org/Center/StateEmploy/michigan.html (NFPA)

www.classifieds.mlive.com/employment/ (this pulls classified ads from certain newspapers)

www.mymonster.com

www.lawyersweeklyjobs.com (Michigan Lawyers Weekly)

www.back1.headhunter.et

www.contractcounsel.com (Contract Counsel)

www.thelawregistry.com (The Law Registry)

www.specialcounsel.com (Special Counsel)

Finally, you can also contact a local employment agency. The following are a few of the employment agencies that specialize in job placement for legal assistants.

Special Counsel 248.353.9650

The Law Registry 1.800.248.4LAW (toll free)

Contract Counsel 1.877.K.COUNSEL (toll free)

Legal Search and Management 248-471-3443

The above are just a *few examples* of great places to look for legal assistant jobs. I wish you good luck on your search! ■

Kelly A. LaGrave, CLA is the Chairperson and Annual Meeting Coordinator of the State Bar of Michigan, Legal Assistants Section and is currently working as a legal assistant in the business and tax department at Foster, Swift, Collins & Smith, P.C. in Lansing, MI.

The views expressed in this column, as well as other expressions of opinions published in the Newsletter from time to time, do not necessarily state or reflect the official position of the State Bar of Michigan, Legal Assistants Section, nor does their publication constitute endorsement of the views expressed.

Synopsis of Council Meeting

A regular meeting of the Council of the Legal Assistants Section, State Bar of Michigan was duly called and held commencing at 10:00 a.m. on Saturday, November 6, 1999, at the offices of Foster, Swift, Collins & Smith, P.C., Lansing, Michigan.

Council Organizational Matters

The bylaw revisions passed by the section membership at the 1999 Annual Meeting of the Legal Assistants Section, State Bar of Michigan are effective as September 17, 1999.

Approval of Minutes of Prior Meeting

The minutes of the July 17, 1999 regular meeting of the Council of the Legal Assistants Section of the State Bar of Michigan were, upon proper motion duly seconded, unanimously approved.

The minutes of the September 17, 1999 Annual Meeting of the Legal Assistants Section of the State Bar of Michigan was, upon proper motion, duly seconded and unanimously approved.

Treasurer's Report

The closing financial statements for the fiscal year October 1, 1998 through September 30, 1999 were presented and upon proper motion duly seconded, unanimously approved.

The 1999/2000 budget was presented and upon proper motion duly seconded and unanimously approved.

Education Committee Report

The Education Committee will be presenting an all day seminar on April 28, 2000, at the Ford Training Center in Dearborn, Michigan. Topics to be covered include: Ethics; Legal Writing; Internet Research; Litigation; Business Entities; Property Trademarks and Property Licensing; Family Law; Probate Law and many more. Space is limited to 120 – so register early!

Fee Petition Committee Report

Proposed new rule, MCR 1.110, regarding legal assistant fees was passed by the General Assembly. The rule will be published in the Bar Journal for 90 days and then presented to the Supreme Court for ratification. An effort is being made to coordinate the passing of the new rule with the introduction of a new bill to be presented to the legislature to enact a statute of similar nature.

Other Reports

The following committees presented reports: Annual Meeting, Historian, Membership, Newsletter, Pro Bono and Public Relations.

Professional Conferences

It was decided that two (2) representatives of the Council would attend the NFPA Conference in May, with another two (2) representatives attending the NALA Conference in July. Conference information will be presented to the Council and summarized for section members.

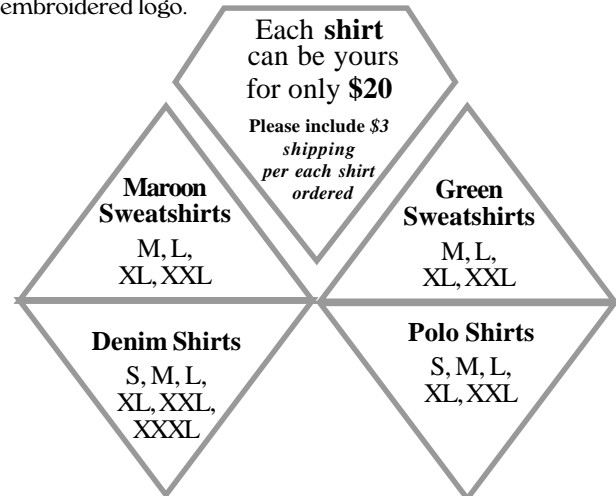
The meeting adjourned at 1:20 p.m.

Sharon A. Sears Werner is Secretary of the State Bar of Michigan, Legal Assistants Section and is employed as a legal assistant at Holnam Inc.

Legal Assistants Section Logo Sweatshirts Polo Shirts

The Section is selling high-quality sweatshirts, denim shirts, and polo shirts that bear the Section's logo. The sweatshirts are 80% cotton and 20% polyester—either maroon with green embroidered logo or green with maroon embroidered logo.

The denim shirts are 100% cotton—navy with maroon embroidered logo. The polo shirts are 100% cotton—navy and white embroidered logo.



If you are interested in purchasing a sweatshirt or polo shirt (or both), please fill out the following and remit with your check payable to **State Bar of Michigan** and send to:

Kevin D. Gasiewski, CLA
Ford Global
Parklane Towers East
One Parklane Blvd. Suite 911
Dearborn, MI 49126

Any questions, please call
Kevin at (313) 845-1053

Name: _____

Mailing Address: _____

Phone Number: _____

SWEATSHIRTS: Circle Color: maroon or green

Quantity: _____ Size(s): _____

POLO SHIRTS:

Quantity _____ Size(s): _____

DENIM SHIRTS:

Quantity _____ Size(s): _____

TOTAL ENCLOSED: \$ _____

(\$20ea. + \$3 shipping each)

Alternative Career for Legal Assistants



If you work in the Trademark field, a recent announcement by the United States Patent and Trademark Office may be of interest to you and your clients. Effective January 10, 2000, the following trademark filing fees will have a significant increase:

Description of Paper Filed	Fee Amount	
	Old	New
Application for Registration (per class)	\$245	\$325
Request for Extension of Time In Which to File a Statement of Use (per class)	\$100	\$150
Application for Renewal (per class)	\$300	\$400
Section 15 Affidavit (per class)	\$100	\$200
Petition for Cancellation (per class)	\$200	\$300
Notice of Opposition (per class)	\$200	\$300

The increases are posted on the United States Patent and Trademark Office's website at <http://www.uspto.gov/web/offices/ac/qs/ope/1999/tmnotice00.html>. Be sure to check out their home page for links leading to trademark and patent related information and other recent changes.

Kevin D. Gasiewski, CLA is a Council Member, Pro Bono Chairperson, and Education Co-Chairperson of the State Bar of Michigan, Legal Assistants Section and is currently working as a legal assistant at Ford Global Technologies, Inc., in Dearborn, MI.

Are You Ready for the CLA? (continued from Page 1)

other had recently earned an associates degree in paralegal studies and had not studied at all. I was not surprised to learn that neither of my colleagues had passed the exam. I studied for the exam for about 8 weeks immediately prior to taking the test and was concerned that even that amount might not be adequate. Obviously each person's need to study will depend on his/her education, experience, test taking abilities and knowledge of the topics they are being tested upon. However, due to the length of the exam (two full days) and the amount of material that is covered, I would suggest at least reviewing textbooks on each of the subjects. I relied solely on the *CLA Review Manual* by Virginia Koerselman for my study resources. It contains review sections for each of the test subjects and also has practice examinations after each chapter. It is available from West Publications (www.westlegalstudies.com) for about \$90.

There are other study resources including a CLA On-Line study group sponsored by the Legal Assistant Association of Michigan (LAAM). The group utilizes America On-Line Instant Messenger services which is available free of charge to Internet users. The structure and schedule of the group chat

When I began working as a legal assistant in 1988, I had no idea I would choose this type of work as my career. At the time, I was an accounting major at Wayne State University. It was my accounting background that landed me my first job working in the probate and taxation areas. After a couple of years of on-the-job training, I decided this profession was for me. I liked the challenges and complexity of the work. One concern that I had about the profession was the limited career path. No matter how hard I worked, or how knowledgeable I became, a promotion would not make me an attorney. With the completion of my B.A. after seven long years of night classes, the thought of law school was not appealing. More importantly, I liked being a legal assistant, but there was still a yearning to do more. I've filled that need in several ways—my involvement with the State Bar of Michigan's Legal Assistants Section, forming and serving as the Chair of the Grand Rapids Bar Association's Legal Assistants Section, and teaching. While my associations with the State and Grand Rapids Bar Associations have been very rewarding, it has been my work as an adjunct professor at Davenport College in Grand Rapids that has allowed me to expand my career as a legal assistant. I have been teaching Introduction to Law and Probate and Estate Planning at Davenport for three years. Davenport's ABA approved program recognizes the expertise and benefits knowledgeable legal assistants can bring to the classroom. For me, teaching has been an extremely rewarding experience. It has made me better at my "day job" as the result of the need to remain up-to-date on the many changes in the profession. It has also provided variety, as well as an excellent source of income. While teaching may not be for everyone, it is a viable career alternative for legal assistants who are looking for something more.

John Norris Stone is the Web Site Coordinator and Chairperson-Elect of the State Bar of Michigan, Legal Assistants Section. John is currently working as a legal assistant at Varnum, Riddering, Schmidt & Howlett, LLP in Grand Rapid.

sessions depends on the number of participants and their needs. LAAM also has plans to sponsor a one- or two-day comprehensive review course in the future, possibly in time for the December 2000 test date. For more information on either the on-line study group or the review course, you can contact me via email at LAPotter63@aol.com

The deadline for the March 2000 test date is fast approaching. Applications must reach NALA Headquarters by January 15, 2000. If you have been waiting to take the test, why not sign up now? If you are considering taking the exam but need more information, you can visit LAAM's new website at www.laamnet.org, or you can contact me at the email address above. More information is available from NALA; contact them via email at nalanet@nala.org or at 1516 S. Boston, #200, Tulsa, OK 74119 (918-587-6828; fax 918-582-6772).

*There are currently 65 CLAs and 5 CLASs in Michigan. The reason for the discrepancy is that some CLAs have moved out of Michigan after passing the test or have not kept their CLA designations current.

Linda A. Potter, CLA, is a Council Member-State Bar of Michigan, Legal Assistants Section; CLA Study Group Committee, Chair-Legal Assistants Association of Michigan (LAAM) ■

Report from the Fee Petition Committee

The following is the result of the Fee Petition Committee's recommendation to change the Court Rule to allow for the recovery of legal assistant fees. This recommendation has been approved by the Board of Commissioners and will be submitted to the Michigan Supreme Court for final approval.

STATE BAR OF MICHIGAN CIVIL PROCEDURE COMMITTEE

Proposed New Rule — MCR 1.110 — Legal Assistant Fee Proposal

The Civil Procedure Committee recommends adding a new rule, MCR 1.110.

1.110. Under any Rule allowing attorney's fees to be awarded by the court, the court may also include an award for the time and labor of any legal assistant who contributed non-clerical, legal support under the supervision of an attorney.

Reasons Supporting Proposal

1. This proposal is in response to *Joerger v. Gordon Foods*, 224 Mich App 167; 568 NW2d 365 (1997), which held that an award of attorney's fees may not include fees for legal assistant's time because no statute or court rule authorized the inclusion of those fees. The benefit of legal assistants to practitioners who want to promote the economical litigation of disputes is growing more and more evident. There are a myriad of tasks that have historically been performed by lawyers that are now being performed by well-trained, professional legal assistants. Committee members recognize that the use of legal assistants can be cost effective and beneficial to clients, resulting in lower bills and more timely performance of tasks. Committee members fear that the result in *Joerger* may prompt a decrease in the use of legal assistants or, at least, a slowing of the rate of increase in their use because of the inability to recover fees for tasks a legal assistant performs instead of an attorney. Both the Court of Appeals in *Joerger* and Dean & Longhoffer, Michigan Court Rules Practice, section 2403.24, advocate that the rules ought to be amended to authorize the recovery of legal assistant fees.

2. The issues that consumed most of the Committee's time and engendered most of the debate revolved around the questions of drawing lines between clerical staff, whose time and labor is traditionally included in the lawyer's overhead and is not separately billed to clients, and legal assistants, whose work is frequently billed to clients on an hourly basis in the same manner that attorney time is billed, but at a lower hourly rate. The Committee does not want to encourage practitioners to bill their clients or seek fee reimbursement for clerical support. The Committee decided to recommend the form of the rule it has proposed because it focuses on the nature of the work performed ("non-clerical legal support under the direction of an attorney") and not on the job title of the person performing the work. In some firms, the same individual who answers the phones may also perform legal assistant services in connection with preparing exhibits for trial or

(continued on page 6)

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Report from the Fee Petition Committee (continued from Page 5)

drafting interrogatory answers. The focus for purposes of determining whether fees are recoverable should be on the nature of the work performed.

3. The Committee chose to use the term legal assistant, rather than paralegal, because the State Bar By-Laws use that term. However, the proposed rule in effect uses a functional definition of legal assistant as any person who performs "non-clerical legal support under the supervision of an attorney." No formal requirements for training or number of years of experience are meant to be imposed.

4. The Committee considered, but rejected, use of the mandatory "shall" in this rule—so that courts would be required to award fees for legal assistants' services on the same basis as they would award fees for services performed by attorneys. The Committee chose instead to leave courts discretion by using the term "may." Over the years, judges in this state have grappled with the many aspects of what is reasonable in assessing attorneys' fees requests and, by and large, have been fair and sensible in the exercise of their discretion in ruling on requests for fees. Therefore, the Committee chose to trust our judges to exercise their discretion in considering requests of legal assistants' fees as well.

This proposal will have no fiscal or staffing impact.

The Civil Procedure Committee unanimously approved this recommendation on May 27, 1999.

MORLEY WITUS, Chair
Civil Procedure Committee

EMU Conference Notice

Eastern Michigan University's Student Legal Association will host the Third Annual Michigan Student Paralegal Conference on Saturday, March 25, 2000. The day-long Conference, to be held at the Hoyt Conference Center on EMU's campus, will include morning breakout sessions with presentations on timely subjects such as Paralegals and Unauthorized Practice of Law (Victoria Kremski, Michigan State Bar), Regulation of Paralegals (Jennifer Cote, Madonna University and ABA's SCOLA) and Technology in the Paralegal Practice (Konnie Kustron, Eastern Michigan University).

During the afternoon, students will be able to interview with prospective paralegal employers. We have a few slots left for firms or other employers who would like to interview at the conference. Don't miss this opportunity to tap into a talented pool of potential employees.

Attendance at the conference is not limited to paralegal students, although students will be given first priority and only students will be permitted to interview with prospective employers. The cost of the conference is \$40 (\$45 for registrations received after March 15, 2000) and includes lunch featuring a keynote speaker. If you would like to attend, or if your firm or employer is interested in interviewing attendees, contact Dan Ray, Assistant Program Coordinator, EMU Legal Assistant Studies Program, at 734-487-4330 or by email at

drray@online.emich.edu

**Legal Assistants Section
of the State Bar of Michigan**

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Legal Assistants Section State Bar of Michigan Schedule of Meetings For 2000

Council Meeting	January 22, 2000	10:00am	Miller Canfield Paddock and Stone	Ann Arbor, MI
Council Meeting	March 4, 2000	10:00am	Ford Global Technologies	Dearborn, MI
All Day Seminar	April 28, 2000	8:00am	Ford Training Center	Dearborn, MI
Council Meeting	May 20, 2000	10:00am	Location to be announced	
NALA's 25th Convention	July 12-15, 2000			St. Louis, MO
Council Meeting	July 29, 2000	10:00am	Council Member's residence	Douglas, MI
State Bar Annual Convention	September 20-22, 2000			Detroit, MI

New Members

State Bar of Michigan Legal Assistants Section

Laura Marie Hamacher
 Karen A. Higgins
 Kristine A. Potter
 Stephanie Lynn Villalobos
 Ellen J. Cogsdill
 Jennifer J. Skriba
 Jacqueline Lee Kuchta
 Tammy M. Grove
 Stephanie Sue Schenkel
 Tracey C. Hammond

Check out these Web Sites

National Association of
 Legal Assistants (NALA) www.nala.org
 American Association for
 Paralegal Education (AAfPE) www.aafpe.org
 National Federation of
 Paralegal Associations (NFPA) www.paralegals.org
 Legal Assistant's Section Job
 Bank www.firms.findlaw.sbmjobbank
 State Bar of Michigan www.michbar.org

**We will constantly be improving
 and modifying this site, please
 check us out often—you will like
 what you see!**

OF GENERAL INTEREST

Maurine Payne is our section historian. Should you have pictures or articles for the history books, you may contact Maurine at: Lewis & Munday P.C., 660 Woodward Avenue, 1300 First National Building, Detroit, Michigan 48226. Telephone: 313-961-2007, ext 159; facsimile: 313-961-1270.





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 306 Townsend Street
 Lansing, MI 48933-2083

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The Legal Assistants Section has the following videos of past seminars available for purchase at \$15 per video:

- Trends in Fee Agreements and Impact on Legal Assistant Utilization
- How to Afford a Legal Assistant
- How to Enhance Your Career
- Information Management—Litigation in the '90's
- Utilization of Legal Assistants in Trial Practice
- Profile of a Winning Team
- Paralegals—Practice & Profit
- Writing Seminar (5/96—Speaker: Brian A. Kaser, Esq.)
- Law and Ethics on the Cyber Frontier (9/96—Speaker: Todd Smith, Esq.)
- Litigation Support Software (1/97—Speaker: Ciara, Inc.)
- Due Diligence & Public Record Searching (1/97—Speaker: CT Advantage, Inc.)
- Changes in Probate Code (5/97—Speaker: Judge Joseph E. Deegan)
- Estate Settlement Act: An Overview (9/97—Speaker: Bruce Newman)
- Personal Estate Planning for the Legal Assistant (2/98—Speaker: Douglas A. Mielock, Esq.)
- Ethics for Legal Assistant (5/98—Speaker: Vicki Voisin, CLAS)
- Investing for Retirement (5/98—Speaker: Christopher A. Ballard, Esq.)
- Internet Research for the Legal Assistant (9/98—Speaker: Jenny E. Upham)
- Privacy in the Workplace (2/99—Speaker: Michael J. Bommarito, Esq.)
- Sexual Harassment (2/99—Speaker: Robert A. Boonin)
- Educational Seminar: Looking at the Past and the Future of the Legal Assistant Profession (9/99—Speakers: Vicki Voisin, Ruth Stevens and Jennifer Coté)



If you are interested in purchasing any of the Legal Assistants Section videos, please complete this form and send it with your check, made payable to the State Bar of Michigan to:

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412 W. Ionia
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Name

Address

City State Zip