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NEBRASKA PARALEGAL
ASSOCIATION

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FROM THE PRESIDENT: AMY MADUKA, ACP



Happy holidays! What a wild December it's been! From record high temps to tornadoes wreaking havoc across Nebraska and Iowa, it's fair to say this is strange weather. While I enjoy it, obviously snow and cold temperatures are coming soon. I look forward to leading NePA in 2022. We have a great start to planning our CLEs for 2022! Please check out the Save the Dates (on page 2 and 9 of this issue) and also NALA's CLE offerings on page 4. We have a new Student News page in the In Brief—if you are a student, please check out page 4 for some helpful dates for the upcoming Spring Quarters at both MCC and the College of St. Mary. Also, be sure to check out the sponsorship information on pages 10 and 11 if you know anyone who is interested in becoming a NePA sponsor!

We will hold our next Board of Directors Meeting on January 4th and we always welcome guests to the meetings. If you plan to attend, please let me know ahead of time at president@nebraskaparalegal.org.

I look forward to seeing you all soon!

Amy



**REGISTER FOR
EVENTS AT:**

[http://
nebraskaparale-
gal.org](http://nebraskaparalegal.org)

Upcoming Board
Meetings

(5:30-7:30pm):

January 4, 2022

March 1, 2022

June 7, 2022

August 2, 2022

October 2022

**If you'd like to at-
tend a board meet-
ing, contact Amy
Maduka at Presi-
dent@NebraskaParal-
egal.org for details.

FROM THE EDITOR

Thank you to Casey Grennan who served as our fear-
less Publications Editor for two years! She did a won-
derful job of reformatting the *InBrief*, making it more
attractive, easier to read, and more modern. I have
enjoyed working with her over the years (both in
NePA and at Baird Holm) and look forward to having
her on the committee moving forward!

As always, feel free to reach out to any of our board
members with questions, suggestions, or concerns. If
you have corrections regarding this issue or have
suggestions for future content, please forward them
to me at publicationseditor@nebraskaparalegal.org.



PUBLICATIONS COMMITTEE MEMBERS

Kim Brown, ACP - Chair—Casey Grennan, CP—Kim Hansen—
Amber Roberts, ACP

SAVE THE DATES

January 26, 2022, 11:30am: Luncheon—Compensation Survey Results
(Virtual): Amber Roberts, ACP and Kim Brown, ACP—No CLE

February 16, 2022, 11:30am: Luncheon—Emojis in the Workplace (Scott
Conference Center & Virtual): Matt Mahon, CEDS, IGP (in conjunction
with ARMA

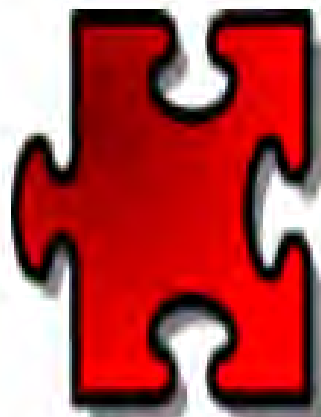
March 23, 2022, 11:30am: Luncheon—A Closer Look at the Native
American Program: Speaker TBD

April 21, 2022: Spring Seminar (Mahoney State Park)

May 17, 2022, 11:30am: Luncheon—Agricultural Law—Speaker:
Anthony Aerts with Rembolt Ludtke

June 16, 2022: Diversity and Inclusion Event (Scott Conference Center)

September 21-22, 2022: Annual Meeting and Fall Seminar (Scott
Conference Center)



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Compensation Survey Results

January 26, 2022

11:30 am - 12:30pm

VIRTUAL



Speakers:

Amber Roberts, ACP and Kim Brown, ACP
Gavilon and Baird Holm LLP



Cost:

FREE for Members

\$5 Non-Members

Register at <http://nebraskaparalegal.org>

NALA-THE PARALEGAL ASSOCIATION—UPCOMING WEBINARS**January 11, 2022, 12:00pm CST****Trauma-Informed Legal Advocacy**

Whether you are an advocate, a paralegal, or working with pro bono clients, it is critical to incorporate a trauma-informed approach into your professional routine. Most clients will have experienced some form of trauma. It is important to understand trauma and how it impacts the client and their interactions with those assisting them.

This webinar is intended to be a brief introduction to trauma-informed legal advocacy. It will address how trauma can manifest itself in clients and how trauma-informed principals can build trust and enhance the legal service experience overall.

Topics include:

- How traumatic memories work and how the manifestation of trauma can affect client interactions.
- Trauma, Memory & Trust building practices
- Legal interview/intake
- Communication and prospective

January 19, 2022, 12:00pm CST**Personal Branding**

Your personal brand is critical component to your success. How well do you know yourself and what do other's see when they meet you? Designing your brand is under your control and how other's experience you is only limited by your imagination.

January 26, 2022, 12:00pm CST**Ethical Use of Social Media by Legal Professionals**

Social media is everywhere. Many law firms, legal departments, and lawyers use social media to advertise services to attract new clients, network with other legal professionals, and share compelling legal updates with both clients and perspective clients. While there is no question social media provides an excellent way for legal professionals to connect with clients, other legal professionals, and the public, it is important, however, to know what the potential ethical pitfalls are before posting or responding to social media content.

In this webinar, we will review some potential social media pitfalls legal professionals need to know about, including, but not limited to, the following:

- Sharing content in jurisdictions where the supervising lawyer is not licensed to practice law.
- Engaging in impermissible person-to-person solicitation and legal advertising.
- Failing to take appropriate steps to preserve, to collect, and to disclose social media evidence in the litigation context.
- Failing to keep client data confidential.

Since the digital world is constantly evolving, lawyers must keep informed on new or enhanced obligations as technology advances. Failure to do so may result in court sanctions, license suspension, or an unfavorable litigation outcome. This webinar is designed to help you understand your ethical obligations and spot potential issues to avoid inadvertent violations.

NALA-THE PARALEGAL ASSOCIATION—UPCOMING WEBINARS**February 1, 2022, 12:00pm CST****Financial Planning for Paralegals**

Do you ever stress about money? Whether tackling student loan debt, looking to invest, or just needing some assurance, managing your finances can be one of the most emotionally fraught aspects of your life. In addition, the fast-paced world you work and live in brings challenges that too often prevent paralegals from adequately addressing their own situation. During this program, Kristin Printon, Co-Founder and Vice President of Moxie Wealth Management, will provide practical tools and tips to help you define your goals and create long-term financial strategies that address every level of your “financial house.”

February 2, 2022, 12:00pm CST**New Approach to Evaluating Law Firm Security**

Corporations give their law firms more sensitive information than any other type of vendor, yet surveys show that 70% of companies do not assess the security of their firms and legal service providers. The Association of Corporate Counsel (ACC), through its 10,000 member companies, is looking to change this. Based on a new and innovative model, ACC recently launched its Data Steward Program for assessing and accrediting law firms. Developed through an industry-wide collaboration, this global program is set to be the standard in the legal industry. In this webinar, this easier and more thorough approach to assessing information security will be discussed.

Topics will include:

- Why it is difficult for companies to assess their law firms today, and why firms hate the traditional security assessment approach
- How the ACC Data Steward Program has developed a standard, relevant, and easier approach
- How global standards such as NIST and ISO are winning out over proprietary controls – if the right controls are selected
- How this model could become the standard approach across all industries

February 23, 2022, 12:00pm CST**Cultural Empathy & Impact**

Cultural empathy is the way we embrace diversity in our personal and professional lives. Understanding and respecting that each of us brings a unique perspective to “culture” is the first step in showing empathy for each other. Through empathy, the impact we have on each other, our work, our families, and our communities is boundless.

March 30, 2022, 12:00pm CST**Trust + Confidence = Success**

It’s always a great time to check-in with your confidence levels. A key measure of your confidence level is your “Trust Barometer.” How well do you trust yourself and how well do you trust others? Trust and confidence are cornerstones to living the life you want and succeeding at what you set out to do!

STUDENT NEWS

Do you have any STUDENT NEWS? Please send any news to Kim Brown, In Brief Editor, at publicationseditor@nebraskaparalegal.org.

Student Event Recap:

Paralegal Forum, November 2, 2021—Virtual Event

NePA held a Paralegal Forum on November 2, 2021 for MCC and College of St. Mary students. Special thanks to Andria Bell, Amber Roberts, Sara Gigitasvilli, and Kim Brown who led the Forum conversation. All of them gave a short introduction, gave an overview of how they became a paralegal, described the top 3 characteristics or skills a paralegal should have, gave one piece of advice to each attendee, and described what they wished they knew before becoming a paralegal. They also discussed how NePA has helped their career and their favorite thing about being a paralegal. The student attendees enjoyed the honesty and wisdom of each of the paralegals leading the forum. The students had the opportunity to ask questions of the paralegal forum panel. NePA plans to hold another forum in the Spring of 2022 and would love to see you there!

College of Saint Mary

Academic Calendar

January 12—Undergraduate Day and Evening Classes Begin

March 4-8—Registration for Fall 2022

March 7-11—Mid-Term Week

May 9-12—Final Exam Week

May 23—Summer Main Session Begins

June 13—Summer Session 2 Begins

Questions about the Paralegal Program at College of Saint Mary's? Visit the site [here](#).



Metropolitan Community College News

Academic Calendar

January 3—Classes resume

January 17—College Closed

February 28—Classes End

March 10—Classes Begin

April 16-17—Spring Recess

May 25—Classes End


June 6—Classes begin for 10-week and first 5-week sessions

Questions about the Legal Studies & Paralegal Program at MCC? Visit the site [here](#).



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DISTRICT I & II UPDATE

On October 27, 2021, we had Cliff McElroy, Air Force Court Reporter at Offutt Air Force Base and a Reserve Paralegal at McConnell Air Force Base, Kansas, speak on his experiences working as a Military Paralegal and Court Reporter. There was a lively discussion on his career and several questions.



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June 16, 2022: Diversity and Inclusion Event (Scott Conference Center)

July 9, 2022: Relay for Life (Stinson Park)

September 21-22, 2022: Annual Meeting and Fall Seminar (Scott Conference Center)



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BUSINESS PARTNER SPONSORSHIP INFORMATION

Do you know of a business who may want to sponsor NePA? Please see the information below regarding the Business Partner sponsorships. This could include any legal vendor, Court Reporters, Businesses, Flower Shops, etc. If you know of a business who would be interested in sponsoring NePA either for the year or for a specific event, please contact Angel Younger at angelyounger@kutakrock.com or 402.346.6000.



2022 SPONSORSHIP PACKAGES

Business Partner

Ruby: \$200

- 1/4 page ad in all 2022 issues of NePA's e-zine, the *In Brief*
- Logo on NePA's website

Sapphire: \$400

- Six complimentary admissions to any 2022 District I or II events (1 hour CLE sessions)
- One vendor table plus one complimentary admission to either the 2022 Spring OR Fall Seminar for a representative
- 1/2 page ad in all 2022 issues of NePA's e-zine, the *In Brief*
- Logo on NePA's website with link to your website

Emerald: \$600

- Six complimentary admissions to any 2022 District I or II events (1 hour CLE sessions)
- One vendor table plus one complimentary admission to BOTH the 2022 Spring and Fall Seminar for a representative
- Full page ad in all 2022 issues of NePA's e-zine, the *In Brief*
- Logo on NePA's website with link to your website

Diamond: \$800

- Twelve complimentary admissions to any 2022 District I or II events (1 hour CLE sessions)
- One vendor table plus one complimentary admission to BOTH the 2022 Spring and Fall Seminar for a representative
- Sponsor of 1 hour CLE Event
- Full page ad in all 2022 issues of NePA's e-zine, the *In Brief*
- Logo on NePA's website with link to your website
- Recognition on NePA's homepage
- Up to 60 second commercial played at BOTH 2022 seminars

Value:

Ruby - \$150
Sapphire - up to \$611
Emerald - up to \$711
Diamond - up to \$927

Create Your Own:

- **In Kind** (flowers for seminar, printing, etc.)
 - Thank you in email regarding event to members, acknowledgment at event and in materials, advertising in the *In Brief* based on value of items or services provided
- **Reciprocal Booth/Table** (no cost)
 - One event in exchange for one event
- **Table at Seminar** (\$100)
- **Commercial** (\$25 each event it's played at, up to 60 seconds)
- **Sponsor a specific 1 hour CLE Event** (limit 7) (\$50 Virtual, \$100 In Person)
 - Pick of the luncheon in order of sign up, thank you included in email regarding event to members, can handout materials at the meeting and up to 3 minutes to discuss your product or services - no minimum attendance guaranteed
- **In Brief advertising** (\$25 for 1/4 page, \$50 for 1/2 page and \$75 for full page for each issue)
 - Opportunity for at least 4 issues a year
- **Logo on website** (\$50 logo only, \$100 includes link to your website)
- **Membership Evening Networking Event** (\$500)
 - Thank you included in email regarding the event to attendees, can handout materials at the event and up to 3 minutes to discuss your product or services, acknowledgment at event and in materials - no minimum attendance guaranteed
- **Paralegal Forum** (limit 2) (\$250)
 - Acknowledgment at event and in the event materials, no minimum attendance guaranteed

BUSINESS PARTNER SPONSORSHIP INFORMATION

Do you know of a law firm who may want to sponsor NePA? Please see the information below regarding the Corporate / Law Firm Partner sponsorships. This could include your employer or any law firm or legal entity. If you know of a law firm who would be interested in sponsoring NePA either for the year or for a specific event, please contact Angel Younger at angelyounger@kutakrock.com or 402.346.6000.



2022 SPONSORSHIP PACKAGES

Corporate

Ruby: \$200

- 1/4 page ad in all 2022 issues of NePA's e-zine, the *In Brief*
- Logo on NePA's website

Sapphire: \$400

- Six complimentary admissions to any 2022 District I or II luncheon events (1 hour CLE sessions)
- One complimentary admission to either the 2022 Spring OR Fall Seminar
- 1/2 page ad in all 2022 issues of NePA's e-zine, the *In Brief*
- Logo on NePA's website with link to your website

Emerald: \$600

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- Sponsor of 1 hour CLE Event
- Logo on NePA's website with link to your website
- Recognition on NePA's homepage
- Up to 60 second commercial played at BOTH 2022 seminars

Value:

Ruby - \$150
Sapphire - up to \$511
Emerald - up to \$611
Diamond - up to \$827

Create Your Own:

- **In Kind** (flowers for seminar, printing, etc.)
 - Thank you in email regarding event to members, acknowledgment at event and in materials, advertising in the *In Brief* based on value of items or services provided
- **Reciprocal Booth/Table** (no cost)
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ARTICLE: CONDUCTING INTERNAL INVESTIGATIONS IN THE REAL ESTATE INDUSTRY

Real estate companies, including property management companies, brokerages, construction, and development and real estate developers, seeking to manage risks and avoid litigation must take seriously internal employment complaints, including those that raise compliance concerns.

Such companies often face unique challenges when dealing with third parties (e.g., subcontractors and managing agents). Below are some key issues to consider.

Third Party Claims

Development projects and worksites in the real estate industry often involve many who are not the real estate company's own employees. Nonemployees who violate the real estate company's policies can create exposure for the company and require the company to conduct an internal investigation. Discrimination, harassment, and workplace safety are examples of conduct that can violate the real estate company's policies. Likewise, complaints by third parties about the company's workers can create liabilities requiring investigation. Third-party harassment can form the basis for a claim in a lawsuit against the company.

Company Policies

Company policies should set out a means for lodging an internal complaint. They also should outline how compliance concerns and internal employment claims will be in-

vestigated. The company's managers should be trained to recognize conduct that requires investigation. For real estate companies and employers, policies should be reviewed to ensure they can apply to all who might interact with the workforce, regardless of whether employees or nonemployees are involved. Many companies also provide hotlines so complaints can be lodged anonymously.

Timing Is Key

Real estate companies and employers need to ensure they investigate internal complaints promptly. Memories fade over time and courts hold companies accountable for undue delay. Once aware of a claim or compliance concern, management should review the scope of the issues and develop a strategy when an investigation is warranted. While there is no bright line test, timing matters.



Selecting the Investigator

Not all companies have human resources personnel with the appropriate expertise to investigate complaints. In addition, depending on the individuals who are accused of misconduct, it may be best to select someone outside the organization. Potential claims of investigator bias or conflicts of interest could be detrimental to the integrity of the investigation. Ideally, companies should select an unbiased investigator with the appropriate background and experience, including

ARTICLE: CONDUCTING INTERNAL INVESTIGATIONS IN THE REAL ESTATE INDUSTRY

knowledge of employment law and the law implicated by the complaint.

Representation

Whether an employer must allow an employee to have representation during an investigation interview will depend on the employee's union status and the possibility of discipline. Union employees are entitled to union representation during investigation interviews if it could lead to any disciplinary action. Otherwise, companies need not

allow representation, but may permit it. Real estate industry companies must be careful to ascertain the union status for any third party's employees interviewed as part of an investigation.

Investigation Report

After consultation with counsel, the investigator can review whether to prepare a final investigative report. A written record of the investigation can be important to the defense of employment claims. When a lawsuit is filed, the report can be introduced as evidence. The report should include items such as a summary of the allegations and how the complaint was made, a summary of the scope of the investigation, a list of individuals interviewed, a list of documents reviewed, a summary of the facts gathered, key factual findings, credibility determinations, and the applicability of any policies.

Proper policies and investigations are key to protecting employers. Please contact a Jackson Lewis attorney if you have any questions about the above or about complaint investigations.



Martin W. Aron, Principal and Office Litigation Manager, Berkeley Heights, Jackson Lewis, P.C.

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CAPITOL SERVICES

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- Kelly W. — Dallas, TX

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ARTICLE: OSHA ANNOUNCES SHOT-OR-TEST MANDATE ENFORCEMENT BEGINS IN JANUARY

As discussed in the [article](#) we published in the early morning hours on Saturday, December 18, the U.S. Court of Appeals for the Sixth Circuit gave new life to OSHA's Vaccination or Testing Emergency Temporary Standard ("ETS"). Late the prior day, the Sixth Circuit lifted the stay that had been placed on the ETS by the Fifth Circuit Court of Appeals in early November.

Almost immediately after the Sixth Circuit lifted the stay, the petitioners challenging the ETS appealed their loss to the U.S. Supreme Court. The Supreme Court can either grant or deny further review of the case.

Rather than wait to see what the Supreme Court does with the appeal, OSHA announced that it is once again implementing its Vaccination or Testing ETS. To "account for any uncertainty created by the stay . . . [and] provide employers with sufficient time to come into compliance," the agency stated:

"[OSHA] will not issue citations for noncompliance with any requirements of the ETS before January 10 and will not issue citations for noncompliance with the standard's testing requirements before February 9, so long as an employer is exercising reasonable, good faith efforts to come into compliance with the standard. OSHA will work closely with the regulated community to provide compliance assistance."

So what does this mean for employers? Probably frustration, as many employers took steps to comply with the ETS, were then told the ETS was stayed, and are now being told the ETS is again in place – but it may or may not be in place at some unknown point in the future following review by the Su-

preme Court (which review may not even occur).

Prudent employers subject to OSHA's jurisdiction that have 100 or more employees will (a) proceed with plans to comply with the ETS, (b) reach full compliance by January 10, and (c) begin weekly testing of unvaccinated employees not later than February 9. Failure to do so, assuming the Supreme Court has not re-imposed a stay by those dates, could result in OSHA citations carrying hefty civil money penalties – almost \$14,000 for "serious" and "other than serious" citations, and \$140,000 for "willful" citations, if the ETS is still in place as of January 10.

We will continue to provide timely updates regarding this on, and off, and on again, and possibly off again, sweeping mandate.



Randy J. Stevenson, Partner, Baird Holm, LLP

R.J. (Randy) Stevenson is Chair of the firm's Labor, Employment and Employee Benefits Law Group. He counsels and represents private and public employers in all aspects of labor relations and employment law, including matters involving workplace safety and health (OSHA) across the United States.

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Want to become a member?

NePA is a growing organization that always welcomes new members.

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How We Support Our Members

NePA supports paralegals through continuing education programs. We disseminate information about the profession, offer a job bank for employers and those seeking employment as paralegals and publish a newsletter, the In Brief. We hold regular membership meetings featuring educational programs and social events. NePA fosters communication among paralegals and serves as a forum for the exchange of knowledge and ideas. Our association promotes the educational, professional and ethical standards for paralegals. We provide networking opportunities for members, as well as legal assistant students and other legal professionals.

Learn More About NALA

The Nebraska Paralegal Association ("NePA") is an affiliate of NALA, The Paralegal Association ("NALA"). NALA is composed of over 18,000 paralegals, through individual members and through its 90 state and local affiliated associations. NePA supports NALA's certification and advanced certification program (Certified Paralegal and Advanced Certified Paralegal). NALA offers continuing legal education almost daily through its NALA Campus Live! program and it also hosts an annual Convention, Institutes & Exhibition each year.

Please visit [NALA's website](http://www.nala.org) for more information relating to each of its programs.

NOT A MEMBER YET?

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Things paralegals say?

It's on the Reminder list I sent you Monday.
It's on the Nag list I sent you Tuesday.
It's on the PLEASE list I sent you Wednesday.
It's on the URGENT list I sent you Thursday.
It's on the THIS IS GOING TO BLOW UP IN YOUR FACE list I sent you Friday.

I have a particular set of skills, skills that I have acquired over a very long career.

Skills that make me a nightmare for people like you...I will search property records, I will look up OSHA reports, I will search through newspapers ads and obituaries...

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
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OUR KEY PRINCIPLES


Burling Capital has a proven track record of successfully building and operating businesses for the benefit of our investors, clients and community.

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- **Respect** each other
- **Give** back
- Take **pride**
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