



**ARIZONA
PARALEGAL
ASSOCIATION**

WWW.AZPARALEGAL.ORG



***eDigest
Mini***

August 2022

PRESIDENT'S MESSAGE...

It has been another busy and rewarding month for the APA with NALA's annual conference just wrapping up. If you haven't had the opportunity to attend one of their conferences (offered virtually and in person), I would strongly encourage you to do so. In attendance this year were over 400 paralegals (plus another 1,000+ online), enjoying the opportunity to be together networking and soaking up knowledge. Five of your fellow APA members made a panel presentation to the attendees on "Developing Student Members into Successful Paralegals." The presentation was very well received -- our panel did the APA proud. I was awed as I watched Sue Morton, Sarah Flaaen, Mark Vincent CP, Michelle Curtsinger CP and Cheryl Visconti CP inform and entertain the crowd. The APA handed out 450 "survive the heat" swag bags to attendees, hosted a conference-eve happy hour for anyone arriving the night before the conference and manned a table in the Affiliate Showcase with APA branded items that each participant could take home with them. We met a lot of people that night!

Some APA sponsors were also in attendance at the conference: **National Document, Naegeli Deposition & Trial, Cobblestone Software and Proof.** Their representatives work hard to provide the much needed services to law firms. I hope, if the need arises at your firm, you will visit the sponsor page on our website [Support Our Sponsors!](#), click on their links and use their services. They are truly top notch.

It was also great to see other APA members at the conference and be able to connect in person. Over and over we heard how overjoyed everyone was to be back together, face to face. As much as connecting virtually has been a lifesaver, there is no substitute for the real thing.

Speaking of being back together in person, our Annual Holiday Happy Hour planning has begun! Save **Friday, December 2nd from 5:00 p.m. to 8:00 p.m.** on your calendars. We will present a CLE program, have appetizers and drinks, present our student scholarship winners with their awards (this year renamed the "Judge Mroz Memorial Scholarship") and, of course, hand out PRIZES! I hope you can all join us this year. As usual, we want your ideas! Please email us at board@azparalegal.org if you have any suggestions.

Until next time...stay well!

We would like to share this space and highlight you and your accomplishments. Please consider sending us original works on topics of interest to our membership. Just reply to this newsletter with content and/or questions.

Membership NEWS

Welcome New Members

Andrew Encisco

Donna Harris

Robert Johnston

If you have any questions, suggestions or comments, please feel free to contact us at membership@azparalegal.org.

UPCOMING APA WEBINARS

Mark your calendars for the upcoming APA webinar!!!

- Deed Fraud in Arizona with Attorney Jesi Wolnik on September 14th! Watch this video for the shocking backstory on the fraud scheme being perpetrated in our community and across the country! [TV3 Video on Deed Fraud](#)
 - Mental Health Court with Commissioner VanWie on October 19th! [Rescheduled from August 10th]
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HOUSTON PARALEGAL ASSOCIATION

An Affiliate of NALA - The Paralegal Association

NALA CP EXAM *Organizational Meeting*

Registration for Orientation Meeting: Free - initial meeting only
Register at www.hpatx.org August 30, 2022 @ 6:00 pm (Central Time)
Where: Online via Zoom

SKILLS REVIEW COURSE

When: September 13, 20, 27, 2022
Time: 6:00 p.m. - 8:00 p.m. (Central Time)
Where: Zoom Meetings

Registration for Skills Review Course:
\$75.00 for HPA members
\$125.00 for non-HPA members

The Skills Review Course will meet, via Zoom, each week (September 13, 20, & 27) to study and review the Skills portion of the NALA CP Exam.

You are responsible for purchasing your personal study materials.

To RSVP, please register online at www.hpatx.org.
Questions? Feel free to reach out mholmes@craincaton.com

The new CP Exam format is in two sections:
(1) Knowledge Exam and (2) Skills Exam

Candidates must pass the Knowledge Exam before receiving eligibility to take the Skills Exam.
Knowledge Exam is offered every day of the year.
Skills Exam is offered only in February / April / July / October

Please check the NALA website at www.nala.org for additional information about the CP Exam and to order your personal set of study materials.





SKILLS REVIEW COURSE

When: Sept. 13, 20, & 27, 2022

Time: 6:00 p.m. - 8:00 p.m. (Central Time)

Where: Zoom Meetings

DATE/TIME		EXAM TOPICS	POINTS	PRESENTERS
Tuesday August 30, 2022 6:00pm – 8:00pm (Central Time)		ORIENTATION		Ruth Conley, ACP Linda Carrette, ACP, TBLS-BCP Montye Holmes, ACP, TBLS-BCP Sandra-Lee Jordan, ACP
Week	DATE/TIME	EXAM TOPICS	POINTS	PRESENTERS
1	Tuesday 9/13/22	Writing: Grammar, Spelling, and Punctuation Clarity of Expression	12 6 6	Linda Carrette, ACP, TBLS-BCP
2	Tuesday 9/20/22	Critical Thinking: Reading and Comprehension Analysis of information Decision Making	18 6 6 6	Ruth Conley, ACP Montye Holmes, ACP, TBLS-BCP
3	Tuesday 9/27/22	Review		Ruth Conley, ACP Linda Carrette, ACP, TBLS-BCP Montye Holmes, ACP, TBLS-BCP Sandra-Lee Jordan, ACP





NALA'S WEBSITE: Visit www.nala.org for information on all things NALA, including certification, advanced certification, and upcoming webinars. Be sure to check out NALA Commons, an area where paralegals can network, ask questions, get advice, and share valuable information with one another.

NALA MEMBERSHIP: NALA provides exceptional continuing education and professional development for Paralegals. Joining NALA gives you access to a number of benefits that can help you advance your paralegal career. Check it out here!
<https://www.nala.org/Membership>

NALA MILESTONE ANNIVERSARY MEMBERS: Are you celebrating a milestone anniversary with NALA? Each quarter, NALA honors and recognizes those individuals who have reached 5, 10, 15, 20, and 25-year anniversaries with them. If you have reached one of these milestones, you are eligible to receive one of NALA's complimentary anniversary pins. Claiming yours is easy, just visit www.nala.org/about-nala/milestone-members to start the process. Congratulations on this achievement!

NALA FACTS & FINDINGS AND WEBINARS: NALA is always looking for individuals to write articles for their quarterly publication, Facts & Findings, and presenters of webinars. If you have a gift of writing or speaking, or simply want to try your hand at it, contact me at cheryl.viscontii@gmail.com. This will afford you the opportunity to gain national exposure and teach to others at the same time. You do not have to be a member of NALA to do either of these.

UPCOMING WEBINARS:

[Addressing Our Professional, Emotional, and Mental Health](#)

Wednesday, August 24th, 2022 - 12 P.M. Central Time

[Should I Stay Or Should I Go? Handling Burnout and Strategizing Next Steps](#)

Wednesday, August 31st, 2022 - 12 P.M. Central Time

[Life Care Plans - Experts and Paralegals Working Together](#)

Wednesday, September 7th, 2022 - 12 P.M. Central Time



Make sure your employer knows we have a FREE Job Bank! Please send ads to jobbank@azparalegal.org. To view current jobs please visit: <https://www.azparalegal.org/Jobs>



Recent Legal News:

eDiscovery:

[A Guide to Legal Technology for Paralegals](#)

Jurist:

[4OTKids, LLC v. HNT Holdings, LLC](#)

Areas of Law: Real Estate & Property Law, Tax Law

[State v. Allen](#)

Areas of Law: Criminal Law

[James v. City of Peoria](#)

Areas of Law: Personal Injury

[McDaniel v. Payson Healthcare Management, Inc.](#)

Areas of Law: Medical Malpractice

Notary Bulletin - National Notary Association:

[Avoiding Privacy Breaches During \(And After\) A Notarization](#)

[5 Scammers Notaries Need To Watch Out For](#)

[I'm A New Notary. What Do I Do Now?](#)

Other:

Complimentary Webinar: Making PACER and State Court Filings Easier

Do you receive notices of electronic filing from the court?

Do you have to manually download, label and distribute the documents? And then manually save those documents to your DMS?

PacerPro can help. Join us as Eric Dellon, Paralegal Manager, discusses how he has used

PacerPro to streamline process and save time for years.

Individual licenses starting at \$30/month available, cancel anytime. 1-month free trial available.

When: September 14, 2022
10-11 AM Pacific - 1-2 PM Eastern

[Register Here!](#)

STUDENT RESOURCE CENTER

Question: Are there any opportunities for internships in the paralegal field?

Answer: Yes, there are some unique ways the judicial branch in Maricopa County helps provide invaluable work experience through internships, externships, and the AmeriCorps program.

- One very valuable road to success is Maricopa County Superior Court's summer extern program which allows students to be assigned to a judge and each week students will be introduced to a new area of law. [MCSC Summer Experience](#)
- Another program is AmeriCorps. Every year resources are provided to more than 2,000 government and nonprofit organizations dedicated to community improvement. The Proving Access to Court Services program, offers AmeriCorps members a one-year volunteer program, that provides a living allowance stipend. Locally, this gives students the opportunity to have exposure at the Superior Court through their service at the Law Library Resource Center. [AmeriCorps](#)

Also keep looking at the APA's Job Bank for other internship opportunities and GOOD LUCK!



[Click Here for More CLE Opportunities](#)



Recipes

Some fun recipes to try!

[St. Louis Style Cheesecake with Blueberries](#)

[Salisbury Steak](#)

[New Orleans Hurricane Drink](#)



A Little Inspiration for the Week

"The magic in new beginnings is truly the most powerful of them all."

- Josiyah Martin

Beat Your Billable Hour Goal This Year

By: Ann Pearson

July 22, 2022

Billable hours suck. There we said it. If you work in a law firm that has a billable hour requirement you're probably thinking the same thing.

But here's the thing. They're not going anywhere.

Google "the death of the billable hour" and you'll see that they started talking about it more than a decade ago and billable hours are still alive and kicking.

You may even be wondering why you should care about how many billable hours you have if it's only making the firm more money and not you. But that's where you're mistaken. Hitting your billable hour goal this year has the potential to increase your income, job security, and job opportunities.

Since billable hours are here to stay and hitting your billable hour goal as a paralegal can reap great benefits, we'll be giving you 3 strategies for beating your billable hour goal this year and in years to come while making billable hours suck a little less.

1. Change Your Mindset Around Your Billable Hour Goal

It's time to change your mindset around billable hours and having to enter your time. It is probably similar to what mine was early on in my career.

Why does it matter? Why does it matter if I increase my billable hours and put more money in the partner's pockets? It's not like they're giving me a percentage of what I'm bringing in. Why should this matter to me as the paralegal?

You're not alone in wondering about the answers to these questions, but there are three big reasons why they matter.

Increase Your Income Potential

As a revenue generator for the firm, you have the potential to increase your own income, either through a bonus or a salary increase. Now, it might not be written in stone or guaranteed, but I can tell you that when I was a paralegal manager, I had a lot more leeway with bonuses and raises for the paralegals who were billing more hours. It's a given that the more money you make for an employer,

regardless of whether you're a car salesman or you work for an eDiscovery vendor, the more potential you have to make more money.

Think of it like this. There's a pool of money at the end of the year for raises and bonuses. This is assuming that you don't even have a direct bonus based on the number of hours you billed. Some firms have that bonus structure where if you hit X number of billable hours you get X bonus, but we're not talking about that. We're talking about just your standard year-end performance bonus. It's called a performance bonus for a reason. The size of your bonus is based on your performance. Not...did you do exactly what's in your job description. Not...I did everything that was asked of me and I did it correctly.

A performance bonus is supposed to be based on you performing above and beyond your basic job duties. Let's say, you are required to have at least 1,600 billable hours in a year, and you have 1,625 hours. The paralegal sitting across the hall from you also has positive performance reviews, but she billed 1,800 hours. In almost every situation, that paralegal is probably going to get a bigger bonus than you. Why? Because it's easier for a manager to justify a bigger raise or bonus when they have solid numbers to show.

It's never based strictly on the number of billable hours, but it is one of many factors. When I was a paralegal manager, I used to focus more on what the productivity numbers looked like. What's the percentage of time that they're working compared to their billable hours. I think that paints a better picture – because you could have one paralegal who puts in 200 hours of overtime to get the same amount of billable hours as someone else.

For example, with the numbers we've used so far, let's say the paralegal who billed 1,625 hours didn't have any overtime for the year. But the one who billed 1,800 hours had over 250 hours of overtime that year. If you're just looking at the number of billable hours, then you'd think 1,800 looks great. This is until you look at productivity. Increase your productivity with these [time management tips](#). Change your mindset and start increasing your billable hours to start making more money!

Increase Your Job Security

The second reason why billable hours matter is increased job security. This is not all law firms, but I can tell you that when layoff decisions were being made in the 2008-2009 recession, they were made based on billable hours, not just tenure. It makes sense. Right?

Why would a firm lay off an associate or a paralegal who's billing 2,000 hours while keeping the other person sitting down the hall who rarely hits 1,000 hours per year? Multiplied by \$200 per hour, that's an extra \$200,000 in revenue for the firm and at the end of the day your law firm is a business. It has to make money to keep the doors open.

Billable hours are a metric that firms use to figure out how busy they are and how much work they have to do. If they have someone who is consistently billing 800 to 1,000 hours a year, and another person who's billing 1,800 hours a year. They

may assume that the first person doesn't have enough work to do. Maybe as a firm or a team within the firm, they don't have enough work to keep all of these people busy and they might need to look at reducing their staff.

Change your mindset and start beating your billable hour goal to increase your job security. *Here are [3 key numbers to be tracking](#) with your billable hours.*

Increase Your Career Potential

Billable hours affect your future job potential. Maybe you don't care about the first two reasons, but for this one you should. A lot of managers ask about your billable hours in job interviews. You can expect them to ask: *How many hours are you typically billing at your current employer? What's the billable hour goal versus how many you actually bill?*

Employers don't want to get into a situation where they are hiring someone who has worked at a firm, billing an average of 1,000 – 1,200 hours a year when the billable hour requirement is 1,800 hours.

As a manager, you have to ask yourself, can this person do the job? Part of the job requirement is meeting 1,800 billable hours. We know it's not easy. I've been there as well. I had a billable hour quota that I had to meet my entire professional career spent working in a law firm and they were pretty high billable hour requirements.

A law firm's only source of revenue is its billable hour. It doesn't sell widgets on Amazon or have a store that people walk into to buy a product. The only way a law firm keeps its doors open and keeps people employed is from the billable hours that it brings in.

As someone with a billable hour quota, you have the potential to help with that. Shift your mindset and think of it more as a positive thing. You're adding to the bottom line.

Here's why mindset is so important. I could probably cite a hundred quotes about mindset, but I think this one is most relevant.

What we resist persists.

We can buck against the system and be aggravated or frustrated at the time it takes to enter our time. We can wait until the last minute to enter it, hoping that someone is going to send out an announcement that morning that you don't have to enter your time anymore. Or we can stop resisting and start using billable hours to our advantage.

You could shift your mindset and say "You know, this is actually a GOOD thing because I'm generating revenue for the firm – which makes me more valuable to them."

2. Remember That You Are a Timekeeper

Remember that you are a timekeeper in your organization, not the billing partner. A lot of people who are timekeepers forget that the definition of a timekeeper is someone who accurately records the amount of time spent on a project or thing, or in your case, a client.

Compare that to the billing partner, whose role it is or responsibility it is to make sure the amount of time billed to the client is appropriate. As a timekeeper, ask yourself, do you find yourself occasionally rounding down on your time? Maybe it's because a 1.0 doesn't look as good on the bill as a 0.8 or 0.9. Maybe you were told early in your career to try not to have a .0 at the end of your entry. Instead of a 2.0 it's a 1.8 even though you used a timer and you know you spent exactly 2 hours on that project.

Maybe it's because you think you spent a little bit too much time on that project. And so instead of a 4.8, you put down 4.4, I promise you those point ones to point threes and more are adding up throughout the day, throughout the month, and all year long. Point one here. Point two there. I've seen people increase their billable hours by as much as a hundred hours or more in a year, just by shifting their mindset and remembering they are a timekeeper. It's your responsibility to accurately record the amount of time spent on a project or client. *Here are some tips for [drafting time entries](#).*

3. Use a Timer

Almost every time entry application now has a built-in timer and even if you don't have one inside the app, then use your phone's timer. And yet, every day I hear from people who aren't using a timer to accurately account for their time.

Let me share a perfect example of the difference a timer can make. I had a situation where I was working with a law firm, teaching the [Billable Hour Boot Camp](#) live through Zoom calls earlier this year. Most of their paralegals were not using the timer inside their time entry app. The two who were using the timer coincidentally also had the highest annual billable hours. Or maybe it's not such a coincidence?

I had them do an experiment. Set and use the timer for 3 consecutive days. But at the same time, before you turn the timer off on when you finish that project, write down the time that you think you spent. The time you would have logged for that project. And almost every one of them was short compared to what the timer read. They added those shorts up for the 3 days, and on average they lost around 1 – 2 hours over those three days. That may not sound like a lot to you but think about that over the course of a year. I hope that this has helped you – maybe you still think billable hours suck. I get it. But...maybe there are also some positives to having billable hours in our lives.

What This Paralegal Has Learned After Working With Attorneys for 40 Years

By: Laurie Fields

May 20, 2022

To summarize a list of lessons learned in 43 years of paralegal practice is rather like opening Pandora's box. Hard to say what may pop up! I've had a great career, weathered some storms, at times feeling undervalued and underutilized, and at others wondering if I could tackle the latest project I've been handed. Certainly, every time I think I have heard everything, something new comes along. At least it hasn't been boring.

I've mentioned in previous articles that 43 years ago, the profession of "paralegals" and "legal assistants" didn't really exist. Legal secretaries absorbed some of what is now considered paralegal responsibilities. As the para profession morphed, so did the level of responsibilities and ethics.

The Most Important Lesson

I'll start with what I view as most important, both in life and in legal. These are more general philosophies that will serve you well no matter the situation.

Remember The Golden Rule. Treat others as you would wish to be treated. The legal world is adversarial in most circumstances but remains cordial and unruffled. Jim Rohn always said that there really are only 6-7 jerks in the world – unfortunately, they just move around a lot.

From the book "The Four Agreements" by Don Miguel Ruiz. PLEASE read if you haven't!

1. Be impeccable with your word. Be integrous, clear, avoid gossip, and use your words for truth and love. If you say you will do something, do it.
2. Don't take anything personally. Mr. Ruiz says that "nothing others do is because of you, what others say and do is a projection of their own reality" and most importantly, "when you are immune to the opinions and actions of others, you won't be the victim of needless suffering."
3. Don't make assumptions. Over the years, clarity has become my priority in every conversation.
4. Always do your best. We all have "off" days but find a way to rise above.

Paralegal Lessons Learned Working With Clients and Teams

And now a few of my own nuggets I've gathered along the way.

Tactfully dissuade abusive behavior. Having said the above, you do NOT have to accept abusive behavior – from anyone. Respectfully let the individual know that if they wish to

continue the conversation, you will do so when they have calmed down. I tactfully provide a warning, and then I remove myself from the situation (phone or in-person).

When it comes to abusive clients, I work that out on a case-by-case basis. Sometimes clients who are yelling or angry are not angry with you personally (remember, don't take anything personally). Frustration, pain, and life challenges can cause a client to boil over, and they just need to vent. I let them. I occasionally interject with an "I understand" or "I'm sorry this has been so difficult."

If they become a repeat abuser, I take the situation to the lawyer (because of course, you know this is a true principle, they do NOT behave that way with the attorney). I ask the lawyer to address it with the client and sometimes they will simply decide that they will handle that client directly. From that point forward I instruct staff to always move the call off to the lawyer. Dealing with emotional clients can be difficult, [here are 9 strategies for paralegals](#).

Get, or be, a mentor. If you are new, find a mentor(s). If you aren't, [be a mentor](#). I was blessed early in my career to have worked with some attorneys who loved to teach and share their knowledge. It was invaluable. If you are new, be coachable and teachable. If you have some years under your belt, make sure you're utilizing the best mentoring tools to mentor new paralegals and legal assistants.

Value your legal team. Edify them and show your appreciation. Each person provides a valuable role.

Paralegal Lessons Learned From Years of Case Management

Manage your cases. Paralegal work is all about case management and how you keep the plates spinning. I've learned to inspect what I expect. That goes for the lawyers and legal assistants. Follow up with your legal assistant or the attorney to double-check that the item has been accomplished and check it off your list. My list is below.

DOCKET, DOCKET, DOCKET. Always and forever. It should run your practice.

Clarity first. Understand and devise the means for any event.

Timeliness. Calendar the event on your calendar, and the attorney's calendar.

Cliff notes. When making a calendar item, whether it is a hearing, phone call, client meeting, or even a deposition, I use the appointment notes in Outlook so that when the attorney pulls up the meeting or call, he has a quick set of notes for easy reference.

Assign task. I use this function in Outlook for my assistant so that I can keep track of completed items.

Last call. A quick reminder to the attorney about the call/event/meeting and if there's anything else needed before it begins.

Build-in preparation time. I build in time to prep with an attorney prior to a client meeting, deposition, hearing, and obviously in trial preparation. Hold yourself and the attorney to the

timeframes whenever possible. I have my own preparation time before the meeting with the lawyer based on previous questions and, of course, clarity.

Questions – I ask them. I have long since stopped worrying about whether someone will think it's stupid. It doesn't matter. If it's something I need to know or understand, then it is important enough for an answer.

Case Reviews – do them. If an attorney is too busy to get them on the calendar weekly or monthly, do your own. I review my cases weekly and have a running list of status and what or who we are waiting on for a response. This also provides a backup as a reference in my absence. [Case management systems](#) help fill that gap but make sure they are updated.

Paralegal Lessons Learned With Time and Experience

Play Devil's advocate. It may sound strange, but I have found that has become part of my role – especially in a solo practice. I may provide role-playing legal arguments before a dispute hearing, offer objections I anticipate will be raised by the other party, point out the pitfalls prior to negotiations, and offer up questions I believe may be asked of our client in a deposition.

If you are managing your cases and understand the overarching theme, then this is an asset for the lawyer if the lawyer is receptive. I use phrases with the lawyer such as “what about,” “do you recall,” and “do you think we need?”. (I'm probably a little spicier than that but use the verbal tools that fit the rapport with the attorney).

Continue to learn and grow. Even old dogs can learn new tricks. I like to challenge myself (usually it's some torturous electronic means), but I continue to educate myself and hone critical thinking skills. Paralegal associations, webinars, and classes in areas of interest sharpen my skills. There is always more to learn. Learn [6 ways to expand your paralegal education here](#).

To summarize a list of lessons learned in 43 years of paralegal practice is rather like opening Pandora's box. Hard to say what may pop up! I've had a great career, weathered some storms, at times feeling undervalued and underutilized, and at others wondering if I could tackle the latest project I've been handed. Certainly, every time I think I have heard everything, something new comes along. At least it hasn't been boring.

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Play above the lin. This dovetails with The Golden Rule. Approach every situation as your best self, authentically and for the right purposes. Never let anyone else pull you into their "stinkin thinkin".

Tactfully dissuade abusive behavior. Having said the above, you do NOT have to accept abusive behavior – from anyone. Respectfully let the individual know that if they wish to

continue the conversation, you will do so when they have calmed down. I tactfully provide a warning, and then I remove myself from the situation (phone or in-person).

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Be Humble. My role isn't above anyone else's. If you think you are above licking a stamp or running the mail you are playing below the line.

Get, or be, a mentor. If you are new, find a mentor(s). If you aren't, [be a mentor](#). I was blessed early in my career to have worked with some attorneys who loved to teach and share their knowledge. It was invaluable. If you are new, be coachable and teachable. If you have some years under your belt, make sure you're utilizing the best mentoring tools to mentor new paralegals and legal assistants.

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Anticipate. Think ahead (the whole measure twice cut once applies). There are always fires to put out but planning and forward-thinking will alleviate many of them.

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Cliff notes. When making a calendar item, whether it is a hearing, phone call, client meeting, or even a deposition, I use the appointment notes in Outlook so that when the attorney pulls up the meeting or call, he has a quick set of notes for easy reference.

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Case Reviews – do them. If an attorney is too busy to get them on the calendar weekly or monthly, do your own. I review my cases weekly and have a running list of status and what or who we are waiting on for a response. This also provides a backup as a reference in my absence. [Case management systems](#) help fill that gap but make sure they are updated.

Paralegal Lessons Learned With Time and Experience

Play Devil's advocate. It may sound strange, but I have found that has become part of my role – especially in a solo practice. I may provide role-playing legal arguments before a dispute hearing, offer objections I anticipate will be raised by the other party, point out the pitfalls prior to negotiations, and offer up questions I believe may be asked of our client in a deposition.

If you are managing your cases and understand the overarching theme, then this is an asset for the lawyer if the lawyer is receptive. I use phrases with the lawyer such as “what about,” “do you recall,” and “do you think we need”. (I'm probably a little spicier than that but use the verbal tools that fit the rapport with the attorney).

Continue to learn and grow. Even old dogs can learn new tricks. I like to challenge myself (usually it's some torturous electronic means), but I continue to educate myself and hone critical thinking skills. Paralegal associations, webinars, and classes in areas of interest sharpen my skills. There is always more to learn. Learn [6 ways to expand your paralegal education here](#).



Learn to manage stress. It's part of the job, sometimes more than others. I always strive to meet the moment and then regroup. I exercise and try to get decent sleep and eat a healthy diet and set aside time every morning to center myself. You decide whatever that means to you. It has become such an important part of my day and I can tell during a workday if I've missed it. You can [implement mindfulness to reduce stress](#).

Value what you do. We are advocates for our clients, and an integral part of their legal team. I have never, and do not ever, treat this as simply a J.O.B. for a paycheck.

Roll with the punches. There will be some. After 43 years, I've had my share. Remember, they are learning opportunities. Look at them. Check the lesson. When I have examined the punches, I usually find there is a hidden gem in there somewhere that helps me level up. And don't forget to share your lessons learned with other paralegals and legal assistants.

The Role of a Criminal Law Paralegal

By Mary Mayer, ACP

July 28, 2022

To start off, I should make a confession. I have been in the legal field for over 30 years and a paralegal going on eight years. In those years, I have only worked on civil cases, and that was my niche. Then, an opportunity came along to work for the County Public Defender's Office,

defending people in misdemeanor, felony, and now the only paralegal in the office on capital cases. Truth be told, I never thought I would make that transition. But three years into the field and I find it was the BEST career decision I have made!

So, what are the things we do that get YOU thinking this could be the best career decision you make as a Criminal Law Paralegal? *Caveat – there is so much information about what Criminal Law Paralegals do, I wish I could relay to you everything Perhaps I could share more in-depth details at another time. The following is a broad description of what a Criminal Paralegal does (whether defense or prosecution).

The typical criminal case includes:

1. Arrest
2. Arraignment
3. Plea negotiations
4. Right to a speedy trial
5. Right to a jury trial
6. Trial
7. Sentencing/Judgment
8. Appeal

The prosecution must prove beyond a reasonable doubt the defendant committed the crime.

Paralegal to the Prosecution

The paralegal may be asked to prepare disclosure statements, which list all your witnesses, exhibits, and any other pertinent information to the prosecution of a defendant. I feel it would be wise that when you send a bundle of exhibits that they are bates stamped. A criminal proceeding can rack up a lot of paperwork, and it is more efficient to start off bates stamping your documents. Make sure you gather all the appropriate police reports, including alcohol/drug testing experts named in the reports, photographs, cell phone information, etc. that is in the custody of the officers.

If you have an investigator, keep in contact with him or her to make sure you are current with all the documents critical to your case. You will need to appropriately redact and send these documents to defense counsel. Keep in mind this is an ongoing task, and anything not disclosed won't be admitted at trial.

Paralegal to the Defense

A quick checklist of what the defense Paralegal does is (my job description), among other things:

- Review incoming disclosure statements and breakdown the appropriate documents (i.e., police reports, the complaint, etc.);
- Assist in initiating and engaging in criminal prosecutions;
- Investigating and analyzing facts;
- Planning trial strategy;
- Consult with parties, experts, and lay witnesses;
- Prepare criminal trials;

- Legal research and drafts, reviews and prepares legal documents, including motions, petitions, opinions, demands, and disclosures;
- Handle large volumes of cases;
- Prepare initial documents (Notice of Appeal) for the appeal to the courts of appeals, and post-conviction relief proceedings.

Conflict Checks

Of course, conflict checks are really important in every case. Not only should you confirm no conflict with a defendant, but do not forget about the co-defendant(s) as well. In my office, we have had several cases we had to give to contract attorneys because of conflicts with co-defendants.

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Communicate with Clients

Keeping open communication with the client is of utmost importance for the Criminal Law Paralegal. The [better communication](#) you have with them, the more open they will be and share information that is pertinent to their case with you. Know this is an undesirable time for them so remember that they may have an outburst with you, but it's not personal. I struggle with clients that yell – especially when your attorney doesn't get back to them.

Working for the Public Defender's Office (at least in my office), talking to clients is not part of a paralegal's job responsibility. However, that may be different in your office.

Disclosure Statements

Just like working with the prosecution, defense paralegals may be asked to prepare disclosure statements. Disclosure statements contain information about your witnesses, exhibits, and any information and documents, photos, etc. that will help your client's case will need to be disclosed. Again, if you do not disclose a particular document, it is not admissible, either at a hearing or at trial.

Research

Whether your office uses Westlaw, LexisNexis, or any other electronic research platform, it is important that a Criminal Law Paralegal knows how to research. Most of these sites offer free learning. Take advantage of it.

Write Motions (Evidentiary Motions)

Before trial, you may be asked to prepare certain motions. The motion you will write or review the most is a Motion to Suppress. This is when your attorney wants to suppress some evidence or interview that he or she feels was taken unlawfully. Once a motion to suppress is

filed, the State can respond, and then your attorney will file a Reply. At any time during this process, your attorney may have you draft the document(s) or perform some research.

Among other motions are motions to continue; motions to dismiss; motions in limine (which is meant to exclude certain evidence); Daubert motions (excluding the testimony of experts); motion for a Torrez Hearing (when your client wants a new attorney), to name a few. Drafting these documents is a great learning ground for motion practice and writing.

Memorandums

Preparing legal memorandums is one of my favorite things to do. Remember the IRAC rules (Issue, Rules Analysis and Conclusion)? After I finished researching, I prepare a legal memorandum (using the IRAC rules) for my attorneys detailing my results. Taking time to prepare a memorandum will surely leave an impression on your attorney. It also shows that you know what you're talking about and perhaps alert the attorney of something they didn't know.

Potential Juror List

In some jurisdictions, about a week before trial, you can request a copy of the potential juror list. This cuts down on the amount of time for Voir Dire questioning. I request the list from the Jury Consultant and perform a conflict check on all the jurors on the list. If there are any conflicts of interest, then I prepare a memorandum to the attorney with the name and possible problem.

When the final pretrial conference occurs, the attorneys are ready to strike jurors beforehand. In some jurisdictions (like Arizona), the jurors are sent questions to answer. When the answered questionnaire is completed, the Judicial Assistant usually sends that to counsel. The Criminal Law Paralegal reviews their answers and determines if there is a potential problem. The attorney will make the decision whether or not to strike that particular juror. It is a tedious process, but I feel we are doing an important service to our attorneys – they have enough on their plate with [trial preparation](#).

Jury Instructions

Another duty of the paralegal (either Prosecutor or Defense) is to prepare the jury instructions and Voir Dire questions. You will need to be familiar with the statutory jury instructions in your state. Once you are, and you have reviewed the statutory charges, it is pretty much copied and pasted into a pleading.

Witness and Exhibit List

This document is ongoing up until trial. It most likely will need to be updated on a continuing basis. If you do not file an exhibit list, you will be precluded from presenting any exhibits. The same goes for the witness list. You will not be able to present any witnesses at trial that are not listed.

Trial Notebooks

Because most offices are paperless, you may need to prepare an electronic [trial notebook](#). Knowledge of Adobe is very helpful. Confirm you and your attorney are on the same page when it comes to what sections he or she requires.

Jury Trials

You may be asked to attend jury trials. In our office, paralegals attend only the jury selection. Although I am working on changing that and proposing we attend the whole trial. Having a paralegal beside the attorney helps not only the attorney but also calms down the client. It helps that we can observe the jury – how are they reacting – and relay our “lay” opinion to the attorneys. I love being in trials and hope to be more involved.

After trial, if your client feels he should appeal the verdict due to some error, the Criminal Law Paralegal can file a Notice of Appeal with your respective appellate court.

Knowing the Rules of Evidence

One more thing I would say is key for the Criminal Law Paralegal (and all litigation paralegals!) is to [know your local rules and statutes](#). It is important in criminal cases no matter which side you are on. If you are able to, I suggest you take an Evidence class or review the Federal and State Rules to refresh your memory. I refer to these on a regular basis.

The above is just a taste of what you could do as a Criminal Law Paralegal. So, whether you decide on a position with a Prosecutor or a defense firm, you will have an opportunity to help those in trouble start a new life or help victims of crimes get the peace they need. Either way, being a Criminal Law Paralegal is a rewarding and difficult career, but one which I am thankful for every day.





Board Meeting

The next APA Board meeting will be held on **Tuesday, September 6, at 5:45 p.m.** via Zoom. Contact board@azparalegal.org for more information. All are welcome to attend.

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