

# NOVUS

a publication of  
The Alabama Association of Paralegals, Inc.



*Where Passion & Profession Come Together*

## MISSION STATEMENT

AAPi's mission is to promote the paralegal profession through awareness and education.

## VISION STATEMENT

Advancing Alabama paralegals through education and career development.

## IN THIS ISSUE

- AAPi President's Message
- AAPi Sponsor Spotlight
- 2025 Winter Seminar Information  
(Please be sure to check out the presentation by our keynote speaker Wes Allen, Alabama's Secretary of State.)
- 2025 CP Exam Review Information

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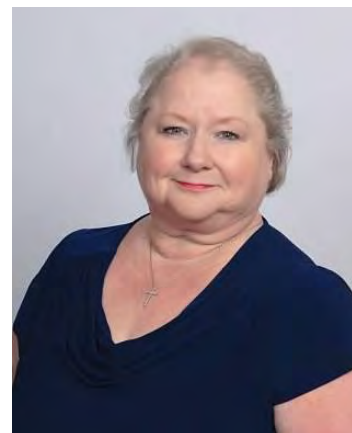
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# PRESIDENT'S MESSAGE

*A NOTE FROM Deb Paul, ACP*



## Happy New Year!

Welcome to 2025! AAPi has so much in store for you this year so be sure to join us at our upcoming events. Our events will start on February 7 – 8, 2025 with our Winter Seminar and CP Review at Faulkner University in Montgomery. Then stay tuned as we have Alabama Paralegal Day on May 7, 2025, and we will wrap up AAPi's 2024-2025 fiscal year August 8 – 10, 2025 with AAPi's Annual Meeting and Summer Conference. It will be held at the Marriott Muscle Shoals in Florence, Alabama. Along the way there will be many region events for you to attend that our Region Directors are hard at work planning.

I saw a sign on my way into work today that said *"Nothing great ever comes from staying in your comfort zone"* I believe that no truer words have ever been spoken. Several Board members have mentioned that they had to step outside their comfort zone while serving on the Board. Personally, I would never have become President of AAPi if I had not stepped outside my comfort zone years ago and volunteered for a position on the Board of Directors. Maybe you have been considering joining the Board but have reservations about stepping outside your comfort zone. Let me encourage you to take a small step and join one of our committees. Many of our Board need committee members to help them do the work of the Association, so please consider joining one of the following committees:

Membership and DE&I Committee  
PR Committee  
Ways & Means Committee  
Seminars Committee  
Communications Committee  
Region 1 Committee  
Region 2 Committee  
Region 3 Committee  
Region 4 Committee

We need your help, so please join us! Send an email to [Membership@alabamaparalegals.net](mailto:Membership@alabamaparalegals.net) to join one of our committees today!

As we start the new year, how about we take time to review a little AAPi Etiquette:

1. Please keep in mind that food and drinks provided at our events are based on the number of registrations we receive for the event. Please do not bring family or friends traveling with you to the event unless you purchase a separate registration for them to attend;
2. Please keep in mind that door prizes and sponsor giveaways are for registered attendees only;
3. Just a reminder that if you register for an event and do not attend you still owe the registration fee and it will remain on your account until paid;
4. Only active members of the Association may declare for positions on the Board. If you have a balance owed on your account, it must be paid in full prior to your declaration being filed; and
5. Our Sponsors graciously sponsor multiple events during the year in support of our members, please take time to thank them for all they do for us, and please utilize their services whenever possible.

Wishing everyone a very happy and prosperous New Year!

*Deb*

## **What's happenin' with Ways & Means? By: Laura Reeves, ACP**

AAPI remains committed to partnerships with our amazing sponsors. While "sponsorship season" is all year long and we welcome sponsors at any time during our fiscal year, we would like to take a moment and recognize our sponsors as of December 2024:

### **PLATINUM:**

Alabama Court Reporting  
Process Delivery Services  
The National Academy of Distinguished Neutrals  
Delaney Development, Inc.  
Cite, LLC  
Hare, Wynn, Newell & Newton, LLP  
Schreiber ADR  
Trustpoint.One  
Veritext Legal Solutions  
Retrev Legal Support Solutions  
Proof Serve

### **GOLD:**

LIG, LLC

### **SILVER:**

Capitol Services  
Southern Poverty Law Center

### **BRONZE:**

Alabama Legal & Investigative Services, Inc.  
Garnett Patterson Injury Lawyers, LLC

### **FRIEND OF AAPI:**

Hill, Hill, Carter, Franco, Cole & Black P.C.

We depend on our sponsors and are grateful for everything that they do for our organization. We have several other sponsors who are in the process of partnering with us, and we look forward to all of these amazing partnerships. We encourage all of our members to utilize the services of our sponsors. Note that our sponsorships are not limited to legal entities. If you own a small business and would love some advertisement, check out our "Friend of AAPI" option. It's a win-win; help our paralegals and get advertisement at the same time! If you'd like further information or would like to be a sponsor of AAPI, please reach out to us at [ways@alabamaparalegals.net](mailto:ways@alabamaparalegals.net).

We still have several items of AAPI merchandise available for purchase. We can mail these to you and we will also have them available in-person for purchase at our upcoming Winter Seminar. We have polos, fleece jackets, and portfolios for sale with our logo on them. Here is just a sample:



If you would like to make a purchase, please reach out to [ways@alabamaparalegals.net](mailto:ways@alabamaparalegals.net).

AAPI participated in a Double Good Popcorn fundraiser October 1-5 to help raise funds for our educational events for the 2024-2025 year. We profited \$532.50 from this fundraiser. AAPI also participated in a HoneyBaked Ham fundraiser November 1-30. We profited \$70.00 from this fundraiser. Finally, AAPI participated in a Priestester's Pecans fundraiser in December and profited \$266.60. Thank you to everyone for supporting these fundraisers.



## Faster nationwide process serving

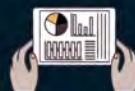
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[www.proofserve.com](http://www.proofserve.com)

# **AAPI SPONSOR SPOTLIGHT**

Alabama Court Reporting® is a locally owned and operated court reporting firm comprised of court reporters who live throughout the state of Alabama. Their reporters draw from a myriad of backgrounds from official court reporters covering trials, arbitrations, and depositions, to college instructors and closed captioners. You can be assured they bring the experience you will need for [your next big case](#).

[Alabama Court Reporting®](#) (ACR) offers high-quality, accurate court reporting services for Alabama depositions in Birmingham, Huntsville and their respective surrounding areas. They use the latest [court reporting technology](#) and are known for being trustworthy, organized and cooperative.

AAPI is incredibly grateful for wonderful sponsors like Alabama Court Reporting® (ACR). For more information on the services ACR provides, please visit <https://alabamareporting.com/>







DeJaney  
development

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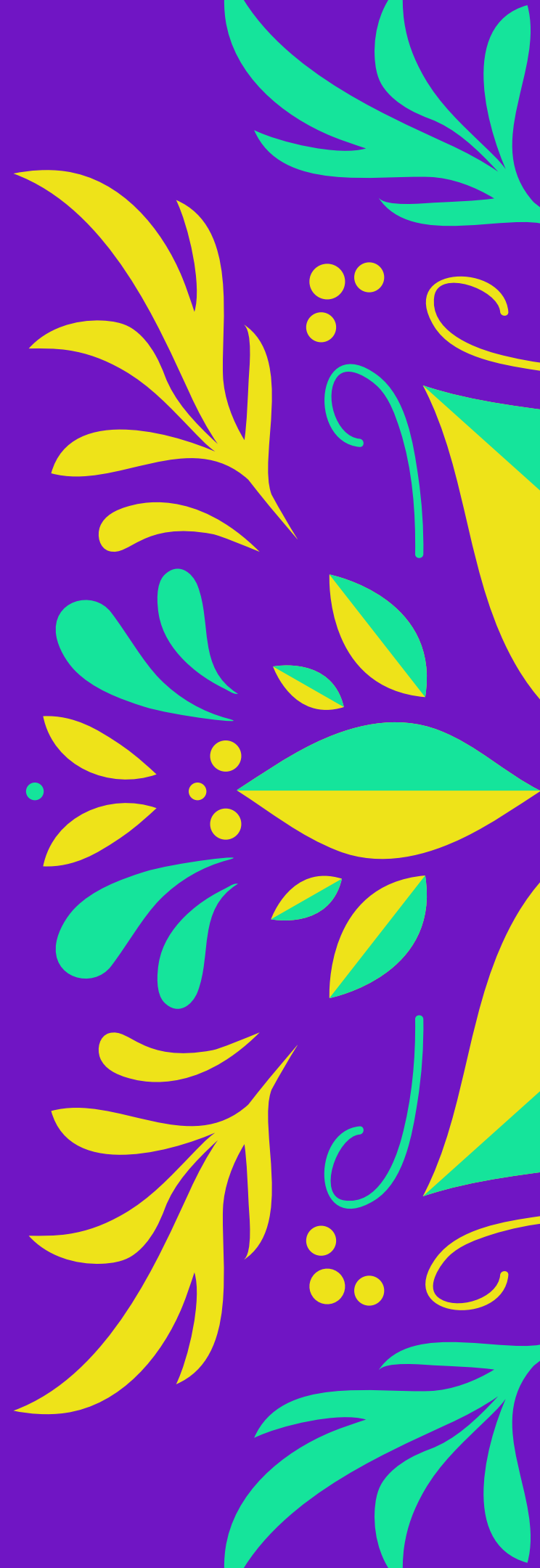
# AAPI 2025 WINTER CONFERENCE

Location:  
Faulkner University  
Business Building  
5345 Atlanta Highway  
Montgomery, Alabama

When:  
Friday, February 7, 2025  
8:00 a.m. – 5:00 p.m.

Saturday, February 8, 2025  
8:00 a.m. – 10:30 a.m.

\*NALA approved for 8 hours substantive and 1 hour ethics  
CLE credit





*Where Passion & Profession Come Together*

## AAPI's 2025 WINTER CONFERENCE Friday, February 7, 2025

Speaker	Topic	Time	CLE
	Registration	8:00 a.m. – 8:30 a.m.	
Karen Guthrie, ACP	Welcome and Sponsor Introductions	8:30 a.m. – 9:00 a.m.	
Wynn Warren, Esq.	Paralegals in the Courtroom: The Most Effective Ways to Support Your Attorney	9:00 a.m. – 10:00 a.m.	1.0
	Vendor Break (Business Bldg.)	10:00 a.m. – 10:30 a.m.	
Joseph VanZandt, Esq.	Social Media Cases	10:30 a.m. – 11:30 a.m.	1.0
Brandy Robertson, Esq.	Medical Malpractices	11:30 a.m. – 12:30 p.m.	1.0
Wes Allen, Alabama Secretary of State	Lunch: The Importance of Utilizing the Secretary of State's Office and the Benefits of the Website	12:30 p.m. – 1:30 p.m.	1.0
Darius Crayton, Esq.	Paralegals in Investigations	1:30 p.m. – 2:30 p.m.	1.0
	Break w/Snacks	2:30 p.m. – 2:45 p.m.	
Jason Katz, Esq.	Bankruptcy	2:45 p.m. – 3:45 p.m.	1.0
Mark Moody, Esq.	Unauthorized Practice of Law	3:45 p.m. – 4:45 p.m.	1.0
Karen Guthrie, ACP	Closing Comments and Adjourn	4:45 p.m. – 5:00 p.m.	

## AAPI's 2025 WINTER CONFERENCE Saturday, February 8, 2025

Speaker	Topic	Time	CLE
Karen Guthrie, ACP	Welcome	8:00 a.m.	
Justice Tom Parker	Essential Paralegal Skills for Appellate Work	8:05 a.m. – 9:00 a.m.	1.0
	Break	9:00 a.m. – 9:15 a.m.	
Megan McCarthy, Esq.	Evidence Collection and Trial Preparation	9:15 a.m. – 10:15 a.m.	1.0
EJI Attorney	Racial Injustice and Criminal Justice Reform	10:15 a.m. – 11:15 a.m.	1.0
Karen Guthrie, ACP	Closing Remarks, final door prizes	11:15 a.m. – 11:30 a.m.	

*\*NOTE drinks, snacks and lunch will be provided.*

*\*\*NALA has awarded 8 Substantive CLE credits, and 1 Legal Ethics Credit for this two day course.*





## 2025 AAPI WINTER CONFERENCE REGISTRATION FORM

Name: \_\_\_\_\_ Telephone No. \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Firm: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Please circle one:** Active - Associate - Student – Distinguished - Patron - Other Non-Member

<b>COSTS:</b>	
Active	\$50.00
Associate	\$50.00
Student	\$25.00
Student/Non-Member	\$30.00
Distinguished	\$50.00
Patron	\$50.00
Non-Member	\$75.00

Mail Registration & Checks payable to AAPI to:

AAPI  
Attn: Winter Conference  
P. O. Box 1834  
Birmingham, AL 35201

Or register and pay online with a \$3.00 transaction fee at [www.alabamaparalegals.net](http://www.alabamaparalegals.net)

For questions, please contact Karen L. Guthrie, ACP, at [seminars@alabamaparalegals.net](mailto:seminars@alabamaparalegals.net) for more information.

**DEADLINE TO REGISTER IS FEBRUARY 3, 2025!**

## HOTELS

There are many hotels near Faulkner's campus. We have a limited room block at the Fairfield Inn. Please call Fairfield Inn at 334-260-8650 to ask for the Faulkner rate (\$109+ tax).

1. Drury Inn & Suites, 1124 Eastern Blvd., Montgomery, AL, Phone: 334-273-1101
2. Holiday Inn Express & Suites Eastchase, 9250 Boyd-Cooper Pkwy, Suite A, Montgomery, AL, Phone: 334-271-5516
3. Hampton Inn & Suites Eastchase, 7651 Eastchase Pkwy, Montgomery, AL, Phone: 334-277-1818
4. Fairfield Inn & Suites Eastchase, 8970 Eastchase Pkwy, Montgomery, AL 36117, Phone: 334-260-8650



## RESTAURANTS

You will find a multitude of restaurants at The Shoppes at Eastchase and the surrounding area. Anything from fast food to fine dining.



## **Invest in YOU: Study Tips for the NALA CP Exam**

For those studying for the NALA Certified Paralegal (CP) Exam, congratulations on furthering your paralegal career! If you have not heard about the NALA CP exam, it is a voluntary two-part exam that covers your paralegal knowledge and writing skills. After successfully passing the exam, you will receive the Certified Paralegal (CP) designation. To learn more about the exam, we will have an information session on February 7, 2025. Below are five tips for studying for the exam.

1. Create a study schedule with at least one to two months dedicated to studying without distractions. Try to study for at least an hour a day.
2. If using *The Paralegal's Companion: Fundamentals for Legal Practitioners and Those Preparing for the CP® Exam* study book, study one to two chapters a week and take the practice tests at the end of each week.
3. For memory retention, practice writing the material out on paper.
4. Seek out additional study materials. For the Skills exam, “LeanneTheLawyer” on YouTube has a great breakdown of the IRAC method for the exam's writing section. You may find an updated version on NALA’s website under on-demand webinars.
5. Have an accountability partner and study buddy.

If you are looking for an in-depth study session for the NALA CP exam, AAPi will hold a CP Exam Review workshop from February 7-8, 2025, in Montgomery, Alabama. Registration is open on our website at [alabamaparlegals.net](http://alabamaparlegals.net). If you would like to attend virtually, please fill out the registration form, which can be found in the brochure online, and email it to [nalalialison@alabamaparlegals.net](mailto:nalalialison@alabamaparlegals.net). We look forward to having you attend our CP Exam Review workshop!

Samaria A. Hutchins, ACP, NALA Liaison

ALABAMA ASSOCIATION OF  
PARALEGALS, INC. PRESENTS

2025 CERTIFIED  
PARALEGAL EXAM  
REVIEW WORKSHOP

## Location

Faulkner University  
Greer Hall, Room 307  
5345 Atlanta Highway  
Montgomery, Alabama



## Format

This workshop will be in-person and virtual and will run simultaneously with the Winter Seminar.

### WHEN:

Friday, February 7, 2025  
(7:15 a.m. - 5:15 p.m.)

Saturday, February 8, 2025  
(8:00 a.m. - 10:30 a.m.)



## Contact

[nalaliation@alabamaparalegals.net](mailto:nalaliation@alabamaparalegals.net)

<https://alabamaparalegals.net>

# SCHREIBER ADR

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As a Disciplinary Clerk with the Alabama State Bar, my role centers around managing disciplinary actions and maintaining comprehensive court records. My day-to-day responsibilities include filing, docketing, and distributing documents related to the disciplinary process, ensuring that all materials are properly handled and accessible.

One of the most important aspects of my job is coordinating hearings. This involves organizing schedules of multiple attorneys who serve as our hearing panel, notifying relevant parties, and ensuring that the proceedings run smoothly. Additionally, I am responsible for drafting orders and official documents, under the supervision of the hearing officers, that are crucial to the disciplinary process.

My skills as a paralegal play a critical role in the efficiency and effectiveness of my duties. Additionally, my ability to manage and organize large volumes of case files and records, developed through my experience as a paralegal, ensures that all materials are readily accessible, accurate, and up to date. As a result, I can provide timely and accurate responses to inquiries from staff, attorneys, and the public, ensuring that case histories are properly tracked and managed. The organization skills gained through my paralegal background also enable me to develop efficient systems, such as the case management system I implemented for both internal and public use. This system simplifies case tracking, makes information retrieval easier, and contributes to transparency within the Alabama State Bar.

One key area where my paralegal skills are crucial is in maintaining confidentiality and ethical standards. Paralegals are trained to handle sensitive legal information with discretion, ensuring that confidential matters are protected in accordance with legal and professional ethics. This is especially important in my role as a Disciplinary Clerk, as the materials I work with often involve personal, sensitive information regarding attorneys and their conduct. By applying the ethical standards I learned as a paralegal, I am able to safeguard this information and ensure that all actions taken respect the privacy of individuals involved in disciplinary investigations.

Furthermore, my attention to detail—another skill honed in my paralegal training—helps me ensure that documents are filed correctly, hearing schedules are accurate, and procedural timelines



are adhered to. In a field where accuracy and timeliness are paramount, my ability to maintain a high level of attention to detail prevents delays and errors, keeping disciplinary processes on track.

My paralegal experience also allows me to navigate complex legal procedures with confidence. Whether it's managing filings, responding to inquiries, or assisting in investigations, I am well-versed in the protocols necessary to keep cases progressing smoothly. I understand the importance of clear communication and am adept at drafting correspondence and reports that meet the necessary legal standards. This ensures that hearings are properly coordinated, and relevant parties are kept informed throughout the process.

Overall, my role as a Disciplinary Clerk involves a balance of meticulous record-keeping, procedural coordination, and systems development—all aimed at maintaining the integrity and accountability of the legal profession in Alabama. My skills as a paralegal significantly enhance my ability to perform these tasks with precision, legal knowledge, and a strong sense of professional responsibility. These abilities help me to not only ensure that the disciplinary process is well-organized and efficient, but also that it upholds the ethical standards and *Alabama Rules of Disciplinary Procedure*.

Stacey F. Moseley, ACP



## **BALANCING THE SCALES: SELF-CARE FOR PARALEGALS**

Being a paralegal is no easy job. You're juggling deadlines, managing clients, and making sure every detail is just right. Add in being a mom, a wife, and the person who keeps everything at home running smoothly, and it can feel like there's barely time to breathe, let alone take care of yourself. But here's the thing: you can't pour from an empty cup. Self-care isn't selfish – it's what keeps you going.

### **START YOUR DAY WITH A ROUTINE**

Mornings can be chaotic, but carving out just a little time for yourself before the rush begins can make a world of difference. Try waking up 15-20 minutes earlier than everyone else in the house. Use that quiet time to sip your coffee, write in a journal, or just sit and enjoy the peace. A calm start can help you feel grounded and ready to face whatever the day throws your way.

### **SETTING BOUNDARIES AT WORK**

Being a paralegal means there's always more to do, but that doesn't mean you have to do it all. Learn to say "no" when your plate is full, and don't be afraid to speak up if you're feeling overwhelmed. Setting boundaries doesn't make you less capable; it makes you more effective. You can't do your best work if you're burned out.

### **TIME BLOCKING TO THE RESCUE**

Life's a lot easier when you've got a plan. Use a calendar to block out your time for work, family, and yourself. It might sound rigid, but it gives you more freedom because you know when everything is getting done. Pencil in things like family dinners, bedtime routines, and even your own self-care time. When it's on the schedule, it's easier to make it happen.

### **MOVE YOUR BODY**

You don't have to hit the gym for hours to feel good. A quick walk on your lunch break, a short yoga session at home, or even a dance party with your kids counts. Moving your body isn't just good for your physical health; it's a great way to clear your head and boost your mind.

### **LEAN ON YOUR SUPPORT SYSTEM**

You don't have to do it all alone. Ask your spouse to pitch in with chores, team up with other moms for carpooling, or just vent to a friend who gets it. Having people to share the load with makes everything a little easier. Remember, it's okay to ask for help.

### **MAKE TIME FOR YOURSELF**

This one is HUGE. Whether it's binge-watching your favorite show (Hello, *Supernatural!*), soaking in the tub, or curling up with a good book, set aside time every week to do something just for you. It's not indulgent; it's absolutely necessary. Taking a little time to recharge means you'll have more to give to everyone else.

## **USING TECHNOLOGY TO YOUR ADVANTAGE**

Apps can be a lifesaver. Use them to organize your schedule, plan meals, or even remind yourself to drink water. Technology can help take some of the mental load off, so you can focus on what really matters.

## **FAMILY MATTERS**

Communication is everything. Let your family know what's on your plate and how they can help. Be honest about your needs, whether it's help with chores or just some quiet time. When everyone's on the same page, life runs a lot smoother.

## **FOCUSING ON THE GOOD**

It's easy to get caught up in everything that's stressful but taking a moment to focus on what's going well can really shift your mindset. Write down a few things you're grateful for each day, no matter how small. It's a simple habit that can make a huge difference mentally.

## **ASKING FOR HELP**

If you're feeling completely overwhelmed, please don't hesitate to reach out for professional help. Whether it's a therapist, counselor, or even a trusted mentor, getting support is a sign of strength, not weakness.

Being a paralegal, a mom, and a wife is a lot, but you don't have to sacrifice yourself to keep it all together. By making self-care a priority, you'll not only feel better, but you'll also be better for the people who count on you. Remember, you're not just managing a life – you're living one. Take care of yourself. You're worth it.

Emily Haynes  
Communications Committee

## **Region 1 2024 Recap**

2024 was an incredible year for Region 1! We hosted several Lunch and Learn events where members had the chance to network, learn, and earn CLEs. We also had a fantastic time celebrating Region 1 members on Paralegal Day. In addition, we enjoyed fun social events like Meet and Greets and a Top Golf outing! Members took full advantage of numerous volunteer opportunities, giving back to the community at Changed Lives Christian Center and Brother Bryan Mission. We concluded the year with a wonderful Friendsgiving Luncheon, our Region 1 Christmas Party, and a Toys for Tots donation drive. None of these events would have been possible without the support of our excellent speakers, the generosity of Burr & Forman, and our amazing sponsor, Veritext, along with Reneé Jones and Mickey Turner!

A heartfelt thank you to all Region 1 members for your support in 2024. Here's to an even brighter 2025!



## **2024 Alabama Association of Paralegals Region 2 Recap**

The 2024 Alabama Association of Paralegals (AAP) Region 2 gathering brought together a vibrant community of legal professionals for insightful and engaging events. Held in December 2024, the regional meeting was an opportunity for paralegals, legal assistants, and those interested in the profession to come together, exchange ideas, and continue to elevate the standards of paralegal practice across the state.

### **Event Highlights**

The Region 2 meeting, one of several regional events hosted by the AAP throughout the year, focused on networking, professional development, and enhancing the knowledge base of paralegals working in a variety of legal fields. Attendees enjoyed a full schedule of educational sessions, keynote speakers, and breakout discussions. These events provided valuable opportunities for professional growth, ranging from practical legal skills to the latest updates on ethical standards and legal technologies.

### **Keynote Presentations**

A standout portion of the meeting was the keynote presentation, which addressed "Adapting to the Digital Transformation in Legal Practices." This talk highlighted the role of technology in modern legal environments and discussed emerging tools and resources that are revolutionizing the paralegal profession. The speaker, an expert in legal technology, provided practical advice on integrating digital tools for case management, document automation, and improving client communication.

Another popular session focused on the importance of ethics and professionalism in paralegal work. Attendees learned about maintaining ethical standards in the legal field, handling sensitive information, and navigating the complex dynamics between attorneys, clients, and other stakeholders.

### **Networking Opportunities**

Networking was a key component of the Region 2 event, providing participants with opportunities to build valuable connections within the legal community. Throughout the day, attendees participated in roundtable discussions and informal meetups, where they could share experiences, seek advice, and discuss the latest trends impacting the profession.

The event also featured an exhibitors' area where legal service providers, technology vendors, and continuing education organizations showcased their products and services. This was an excellent chance for paralegals to explore new tools and resources that could help them excel in their daily work.

### **Awards and Recognition**

The 2024 AAP Region 2 meeting also included a ceremony recognizing outstanding members of the association. The AAP annually honors individuals who have demonstrated exceptional dedication to the profession, whether through continued education, leadership, or service to the paralegal community. This year, Region 2 recognized several members for their achievements, further emphasizing the strong community of professionals that the Alabama Association of Paralegals continues to build.

### **Continuing Legal Education (CLE)**

A key component of the Region 2 meeting was the Continuing Legal Education (CLE) workshops, which are vital for paralegals striving to meet the ongoing educational requirements of their profession. The CLE sessions included topics such as:

- **Legal Research Mastery:** Effective strategies for researching case law, statutes, and legal precedents.

- **Litigation Support:** How paralegals can enhance their role in managing complex litigation and trial preparation.
- **Corporate Paralegal Skills:** A look at the growing demand for paralegals in corporate legal departments and how to adapt to the needs of in-house legal teams.

These CLE sessions not only ensured that paralegals kept up to date with the latest legal trends but also helped them enhance their skills in an ever-evolving field.

### Looking Ahead

The success of the 2024 Region 2 meeting of the Alabama Association of Paralegals marks a pivotal moment for the association. With an emphasis on technology, ethics, professional development, and continuing education, the event underscored the importance of collaboration and lifelong learning for paralegals.

Looking forward, the AAP is already planning next year's regional meetings with more cutting-edge sessions, more networking opportunities, and increased support for members at every stage of their careers. The continued growth and dynamism of the Alabama paralegal community suggest that 2025 will be another year of innovation and excellence.

In conclusion, the 2024 Alabama Association of Paralegals Region 2 event was an invaluable experience for all who attended. It showcased the dedication and professionalism of Alabama's paralegal community while also fostering an atmosphere of growth, collaboration, and shared knowledge.





## Region 3 News

Region 3 had a lot of great events in 2024, and I am looking forward to our events in 2025. A big thank you to Cam Cotney with Veritext Legal Solutions for sponsoring several of our events.

To start the new year we have a luncheon scheduled for January 15th (see attached flyer) with attorney Bill Lancaster.



## REGION 3 MONTHLY LUNCHEON



**Wednesday,  
January 15,  
2025  
12:00 p.m. –  
1:00 p.m.**

**Cost:  
\$22.00 Members**

**\$24.00 Non Members**

**NALA Certifying  
Board has awarded 1.0  
Legal Ethics CLE hour  
for this event!**

### **LOCATION:**

**T.P. Crockmiers  
250 Dauphin St.  
Mobile, AL**

### **SPEAKER:**

**Bill Lancaster, Esq.  
Outside Chief Legal**



### **TOPIC:**

**“Ethical Considerations for the  
Paralegal”**

### **To Register:**

Please register in advance for this meeting  
on our website at:

[Alabama Association of Paralegals, Inc. - Home Page  
\(alabamaparalegals.net\)](http://alabamaparalegals.net)

or

[Deborahp@delaneyinc.net](mailto:Deborahp@delaneyinc.net) (251-751-0112)

After registering, you will receive a confirmation email.

### **Parking:**

**Parking in the rear of Saddle Up Saloon “Park First” lot for \$5.00**

[www.alabamaparalegals.net](http://www.alabamaparalegals.net)

**Don’t forget to check out our Facebook page for  
upcoming events and news:**

<https://www.facebook.com/groups/47141898343/>

## Region 4 of AAPI: A Year of Growth and Connection

As 2024 comes to a close, Region 4 of the Alabama Association of Paralegals, Inc. (AAPI) has much to celebrate. This year has been one of extraordinary growth and achievement, solidifying our place as a thriving and dynamic region within the AAPI.

One of the standout accomplishments of 2024 was the remarkable doubling of our membership. This growth not only reflects the value of our organization but also the dedication and enthusiasm of our members in spreading the word about Region 4.

We also hosted several successful and engaging events throughout the year, including *Paralegals & Pin Strikes*, *Friendsgiving Back*, and *A Christmas Merry Mingle*. These gatherings brought our members and supporters together, fostering camaraderie while giving back to the community. None of these events would have been possible without the support of our amazing sponsors, whose generosity continues to fuel our mission.

Another major highlight was our connection with the paralegal students at Calhoun Community College. Through meaningful collaborations, including classroom presentations and networking opportunities, we've built lasting relationships with these aspiring legal professionals. Their fresh perspectives and energy have enriched our organization and promise a bright future for the profession.

As we reflect on this exceptional year, we look forward to the possibilities ahead. With the momentum we've gained in 2024, we are determined to crush Region 4's goals for 2025 by leaps and bounds. Stay tuned—our best is yet to come!



## **Elevate Your Paralegal Career**

Happy New Year, and welcome to 2025! I am so excited for what AAPi has in store for the new year. Our 2024-25 fiscal year is off to a great start.

I wanted to share some tips and information to help elevate your paralegal career. For some, this may be a refresher and for others it may be new information. When attorneys finalize briefs, usually the finalized version is given to a paralegal to prepare a table of contents and a table of authorities. Also, many paralegals conduct legal research and submit legal memorandums regarding their findings. Additionally, briefing cases can help elevate your career. Therefore, I have included some information that I have used both in my career as a paralegal but also as a 1<sup>st</sup> year law student that can hopefully help other paralegals.

Additionally, please take the initiative to take on tasks that you are not quite comfortable with doing. When assigned a new case and in anticipation of litigation consider the following:

1. Jurisdiction
2. Local rules
3. Admission requirements (pro hac vice, regular admissions, etc.)
4. Service of process
5. Some jurisdictions have an administrative procedures for filing manual
6. Review AlaFile user manual
7. Review CM/ECF guides and pacer tutorials
8. Become great friends with the Clerk's Office!

Thanks,

Dawynrico M. McCain  
Communications Chair



A **Table of Contents (TOC)** is a list of the main sections, chapters, or headings within a document, typically found at the beginning of a report, book, or legal brief. It serves as a roadmap, helping readers navigate the document by providing an organized outline of its structure and the location of specific topics.

In a **legal context**, a Table of Contents may include:

1. **Heading/Section Titles:** Titles of each major section of the document, such as Introduction, Argument, Conclusion, etc.
2. **Subheadings:** Specific subsections under the major sections, often with more detailed titles.
3. **Page Numbers:** The page number(s) where each section or subsection begins.

A typical legal document Table of Contents might look like this:

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### Table of Contents

1. **Introduction** ..... Page 1
  2. **Statement of Facts** ..... Page 3
  3. **Argument** ..... Page 5
    - o A. Legal Standard ..... Page 6
    - o B. Application of Law to Facts ..... Page 9
  4. **Conclusion** ..... Page 12
- 

### Benefits of a Table of Contents:

- **Organization:** Helps the reader understand the document's structure at a glance.
- **Navigation:** Allows easy access to specific sections or topics by providing clear page numbers.
- **Professionalism:** Enhances the document's overall clarity and readability, making it more user-friendly.

In legal documents, a TOC is often required to be included, especially in long motions, briefs, or legal memoranda, to ensure that the reader can efficiently locate the different parts of the argument or analysis.

A **Table of Authorities (TOA)** is a list of legal citations referenced in a legal document, such as a brief, memorandum, or opinion. It helps the reader quickly locate the sources of legal authority cited in the text. The TOA organizes these authorities by category, typically under headings like cases, statutes, regulations, and secondary sources (e.g., treatises, law review articles).

Here are key elements of a Table of Authorities:

1. **Case Citations:** Lists court cases referenced in the document, often by jurisdiction and year.
2. **Statutes and Regulations:** Lists any statutes or regulatory codes that are cited.
3. **Secondary Authorities:** Includes legal commentaries, law review articles, or treatises cited.
4. **Page References:** Provides the page number(s) in the document where each authority is discussed or cited.

A typical Table of Authorities will have the following format:

- **Cases**  
*Smith v. Jones*, 123 F.3d 456, 459 (9th Cir. 2000) (Page 5, 7, 8) *Johnson v. State*, 456 U.S. 123, 126 (1995) (Page 4, 6)
- **Statutes**  
28 U.S.C. § 1332 (Page 2, 10)
- **Secondary Authorities**  
*Black's Law Dictionary* (Page 11)

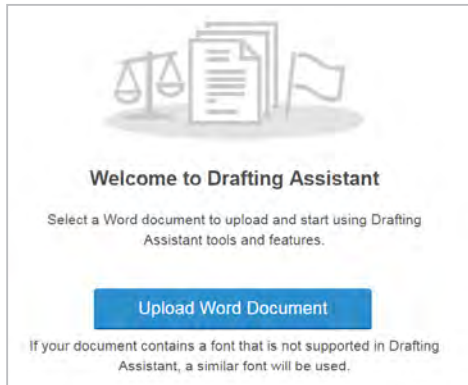
The TOA helps both the writer and the reader by providing a well-organized reference guide to the sources used in the document, making it easier to check citations and verify the authority behind legal arguments.

Please see the attached quick reference guide for generating a table of authorities using drafting assistant.



# HOW TO BUILD A TABLE OF AUTHORITIES

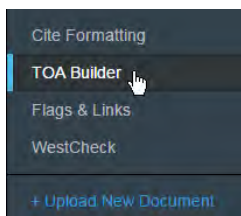
1. Make sure that your brief is complete and that you will not make any further changes to it.
2. Go to [drafting.westlaw.com](http://drafting.westlaw.com) and sign in with your usual username and password.
3. If prompted with a Client ID box, put anything in the box and click **Continue**.
4. Click on **Upload Word Document**, select your document and then click **OK**.



**NOTE:** You might see an exclamation mark. Don't panic. Wait a few seconds and it will go away.

**FONT:** Some fonts might not be supported. Don't worry. Hit **Continue** and the closest match will be used.

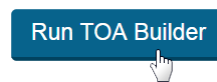
5. Click **TOA Builder** in the left navigation.



6. Click on **Create New** for Select Profile.
  - a. Name the profile.
  - b. Choose your default jurisdiction.
  - c. Under Table of Authorities Builder, adjust your settings to fit your local appellate rules.



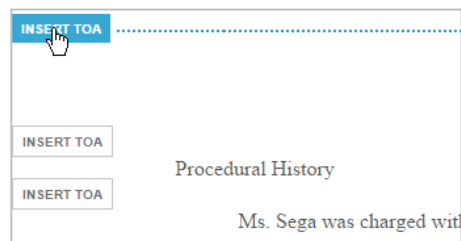
7. Click **Save**.
8. Click **Run TOA Builder**.



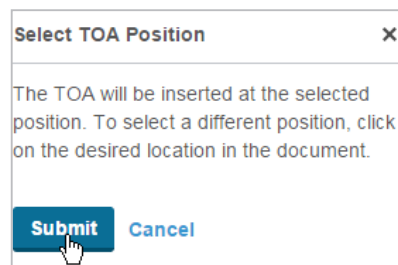
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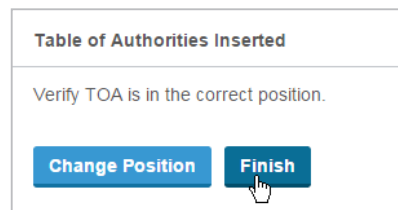
10. Select where you would like to place your TOA.



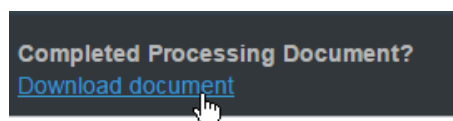
11. Click on **Submit**.



12. Click on **Finish**.



13. Click on **Download document** and you are all set!



**HAVING TROUBLE?** Check out [this guide](#) on inserting section breaks in your brief and changing your page numbers or the [Drafting Assistant User Guide](#).

**Briefing a case** involves summarizing the key aspects of a court decision in a concise, organized way. It helps you understand and retain the important facts, legal issues, arguments, and the court's reasoning. Briefing cases is an essential skill in law school, legal practice, and legal research. Here's a step-by-step guide to effectively brief a case:

## 1. Case Citation

Start with the full citation of the case, which includes:

- **Case name** (e.g., *Smith v. Jones*)
- **Reporter** (where the case is published, e.g., 123 F.3d 456)
- **Court and year** (e.g., 9th Cir. 2000)

Example: *Smith v. Jones*, 123 F.3d 456 (9th Cir. 2000)

## 2. Parties Involved

Identify the **parties** in the case:

- **Plaintiff(s)**: The party bringing the case.
- **Defendant(s)**: The party being sued or charged.

Example:

- Plaintiff: *Smith*
- Defendant: *Jones*

## 3. Legal Issue(s)

The **legal issue** (or issues) is the question the court is answering in the case. It typically appears as a question that the court must resolve.

Example:

- **Issue**: Whether a contract is enforceable if one party was intoxicated at the time of signing?

## 4. Court's Holding

The **holding** is the court's answer to the legal issue, which is often a **yes/no** response or a summary of the court's ruling. It's the final decision on the legal issue.

Example:

- **Holding**: The contract is unenforceable because the intoxicated party lacked the mental capacity to understand the agreement.

## 5. Rule of Law

The **rule of law** is the legal principle or precedent established by the case. It is a general statement of law that will apply in similar future cases.

Example:

- **Rule of Law:** A contract entered into by a person who is intoxicated and lacks mental capacity is unenforceable.

## 6. Court's Reasoning (Rationale)

The **reasoning** is the explanation of how the court arrived at its holding. This section should summarize the logic, legal principles, and any precedents the court relied on in making its decision.

Example:

- The court reasoned that because the intoxicated party could not comprehend the terms of the agreement, the contract was voidable under contract law principles that protect individuals from being bound by agreements they do not understand.

## 7. Disposition

This is the final outcome of the case, usually expressed in terms like "affirmed," "reversed," or "remanded." It tells you what the court ultimately did with the case.

Example:

- **Disposition:** The court **reversed** the trial court's decision, holding that the contract was voidable due to intoxication.

## 8. Concurring/Dissenting Opinions (if applicable)

If there are any **concurring** or **dissenting opinions**, briefly summarize these. A **concurring opinion** agrees with the majority but for different reasons, while a **dissenting opinion** disagrees with the majority's reasoning and conclusion.

Example:

- **Concurring Opinion:** Judge Adams agreed with the majority but believed the standard for intoxication should be stricter.
- **Dissenting Opinion:** Judge Taylor dissented, arguing that the intoxicated party had sufficient capacity to understand the contract.

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## Example Case Brief

**Citation:** *Smith v. Jones*, 123 F.3d 456 (9th Cir. 2000)

**Parties:**

- Plaintiff: *Smith*
- Defendant: *Jones*

**Issue:**

Whether a contract is enforceable if one party was intoxicated at the time of signing?

**Holding:**

The court ruled that the contract was unenforceable because the intoxicated party lacked the mental capacity to understand the agreement.

**Rule of Law:**

A contract entered into by a person who is intoxicated and lacks mental capacity is unenforceable.

**Reasoning:**

The court found that the intoxicated party could not comprehend the terms of the agreement, and enforcing such a contract would be unjust. The court relied on previous cases where intoxication had been a defense to contract formation.

**Disposition:**

The court reversed the trial court's decision, declaring the contract voidable due to intoxication.

**Concurring Opinion:**

Judge Adams concurred but argued that intoxication should be proven beyond a reasonable doubt for the contract to be voidable.

**Dissenting Opinion:**

Judge Taylor dissented, stating that the intoxicated party had sufficient capacity to understand the contract, and therefore, the contract should be enforceable.

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**Tips for Briefing a Case:**

- **Be concise:** A case brief should be short and to the point. Avoid excessive detail.
- **Use your own words:** Summarize the case in your own words to ensure you understand the material.
- **Focus on the essentials:** The issue, holding, and reasoning are usually the most important elements.
- **Organize logically:** Keep the structure consistent and easy to follow.

By regularly briefing cases, you'll improve both your legal comprehension and writing skills, helping you identify key points in legal arguments and opinions.

Writing an **objective legal memorandum** (also called an **issue memorandum** or **legal opinion**) involves analyzing a legal issue in a clear, organized, and neutral manner. The goal is to present a reasoned analysis of the legal issue without taking a position or advocating for one side. The memorandum should be written in a professional tone, citing relevant legal authorities, and providing a balanced view of the issue.

Here's a step-by-step guide to writing an objective legal memorandum:

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## 1. Heading (or Title)

The heading typically includes the following elements:

- **To:** The recipient (e.g., supervisor, client, or attorney).
- **From:** The writer of the memorandum.
- **Date:** The date the memorandum is being written.
- **Re:** A brief reference to the subject or legal issue.

Example:

To: Jane Doe, Senior Associate  
From: John Smith, Law Clerk  
Date: January 15, 2024  
Re: Analysis of Enforceability of Non-Compete Agreement

## 2. Question Presented

The **question presented** (or **issue** or **legal issue**) is a concise statement of the legal question you are analyzing. It should be framed as a question that reflects the issue's legal nature. This section should be brief—one or two sentences.

Example:

Whether a non-compete agreement signed by an employee in California is enforceable under state law, given the employee's resignation without cause.

## 3. Brief Answer

The **brief answer** provides a succinct response to the question presented. It should be objective and based on the analysis that will follow. Avoid providing excessive detail here, just the essential conclusion.

Example:

A non-compete agreement signed by an employee in California is likely unenforceable, as California law generally prohibits such agreements except in limited circumstances, and the employee resigned without cause.

#### **4. Statement of Facts**

In this section, provide a summary of the relevant facts of the case or situation you are analyzing. This section should be factual, neutral, and objective. Only include facts that are pertinent to the legal issue.

Example:

In 2020, Jane Doe, an employee of XYZ Corporation, signed a non-compete agreement as part of her employment contract. The agreement prohibited her from working for any competitor within California for one year after leaving the company. In 2023, Doe resigned from XYZ Corporation without cause and has since been offered employment by a direct competitor of XYZ. XYZ Corporation seeks to enforce the non-compete agreement.

#### **5. Discussion/Analysis**

This is the heart of the memorandum and should contain your detailed analysis of the legal issue. The analysis should be structured and logical, incorporating relevant legal principles, precedents, statutes, and regulations. Here's how you might structure this section:

##### **a. Overview of Applicable Law**

Provide an overview of the law that governs the issue. This might include relevant statutes, case law, or legal principles. Be objective and thorough in presenting the law without immediately arguing for a conclusion.

Example:

Under California law, non-compete agreements are generally unenforceable. California Business and Professions Code Section 16600 provides that, with limited exceptions, "every contract by which anyone is restrained from engaging in a lawful profession, trade, or business of any kind is to that extent void." California courts have consistently held that non-compete agreements are void unless they fall into specific exceptions, such as in the context of the sale of a business or the dissolution of a partnership.

##### **b. Application of Law to Facts**

Now apply the law to the facts of the case. This is where you analyze how the facts align with or differ from established legal principles or precedents.

Example:



In this case, Jane Doe's non-compete agreement falls within the general prohibition of Section 16600. The agreement was signed as part of her employment contract, and there is no indication that the agreement falls within the exceptions allowed under California law, such as the sale of a business or the dissolution of a partnership. Additionally, Doe's resignation was without cause, and she is not bound by any post-employment restrictions that would make her behavior unlawful under the statute. Therefore, XYZ Corporation is unlikely to succeed in enforcing the non-compete agreement.

### c. Counterarguments

If applicable, briefly mention any potential counterarguments or alternative perspectives on the legal issue. This shows thoroughness and a balanced approach to the issue.

Example:

XYZ Corporation may argue that the non-compete agreement is enforceable because Doe signed the agreement voluntarily and with full knowledge of its terms. However, this argument does not overcome the broad prohibition against non-compete agreements under California law, which is rooted in public policy considerations aimed at promoting employee mobility and competition. Further, California courts have consistently struck down such agreements, even when they were voluntarily signed.

## 6. Conclusion

The **conclusion** restates the main findings based on the analysis. It should be concise and provide a clear answer to the legal question posed in the **Question Presented** section.

Example:

Based on California law, the non-compete agreement signed by Jane Doe is likely unenforceable, as it does not fall within the limited exceptions allowed by the state. Therefore, XYZ Corporation will likely be unable to prevent Doe from accepting employment with a direct competitor.

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### Additional Tips for Writing an Objective Legal Memorandum:

- **Be Objective:** The memorandum should not advocate for one side or the other. Present both sides of the issue fairly and support your analysis with legal authorities.
- **Use Clear and Concise Language:** Avoid unnecessary legal jargon or overly complex sentences. Your goal is clarity.
- **Support Your Analysis with Citations:** Always cite relevant case law, statutes, or secondary sources to support your analysis. Use proper citation formats (e.g., Bluebook or jurisdiction-specific style).
- **Follow a Logical Structure:** Organize the memorandum into clear sections (e.g., Facts, Law, Analysis, Conclusion) so that the reader can easily follow your reasoning.

- **Check for Thoroughness:** Before finalizing your memorandum, make sure you've addressed all relevant facts and legal points, and that your conclusion is well-supported by your analysis.

### **Example of a Full Objective Legal Memorandum:**

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**To:** Jane Doe, Senior Associate

**From:** John Smith, Law Clerk

**Date:** January 15, 2024

**Re:** Analysis of Enforceability of Non-Compete Agreement

#### **Question Presented:**

Whether a non-compete agreement signed by an employee in California is enforceable under state law, given the employee's resignation without cause.

#### **Brief Answer:**

A non-compete agreement signed by an employee in California is likely unenforceable, as California law generally prohibits such agreements except in limited circumstances, and the employee resigned without cause.

#### **Statement of Facts:**

In 2020, Jane Doe, an employee of XYZ Corporation, signed a non-compete agreement as part of her employment contract. The agreement prohibited her from working for any competitor within California for one year after leaving the company. In 2023, Doe resigned from XYZ Corporation without cause and has since been offered employment by a direct competitor of XYZ. XYZ Corporation seeks to enforce the non-compete agreement.

#### **Discussion:**

- **Overview of Applicable Law:**  
California Business and Professions Code Section 16600 generally prohibits non-compete agreements, stating that "every contract by which anyone is restrained from engaging in a lawful profession, trade, or business of any kind is to that extent void." California courts have consistently invalidated such agreements unless they fall into specific exceptions, such as the sale of a business or dissolution of a partnership.
- **Application to Facts:**  
Here, the non-compete agreement signed by Jane Doe is clearly subject to Section 16600. There is no indication that the agreement falls within any of the exceptions listed under California law. Moreover, Doe resigned without cause, which further weakens XYZ Corporation's position. Courts are unlikely to enforce a non-compete agreement in this context.
- **Counterarguments:**  
XYZ Corporation may argue that the agreement should be enforceable because Doe voluntarily signed it and was aware of its terms. However, California courts have

consistently ruled that such agreements are unenforceable as a matter of public policy, regardless of the employee's awareness of the contract.

**Conclusion:**

Given California's broad prohibition against non-compete agreements, XYZ Corporation will likely be unsuccessful in enforcing the non-compete agreement against Jane Doe. The agreement is likely unenforceable under California law.



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# **THE UNAUTHORIZED PRACTICE OF LAW**

In Alabama, the **unauthorized practice of law** (UPL) refers to actions by individuals who are not licensed attorneys but engage in activities that are reserved for licensed lawyers. Under Alabama law, as in other states, the practice of law is restricted to those who have been admitted to the bar and have passed the state's licensing requirements.

## **Key Aspects of Unauthorized Practice of Law in Alabama**

1. **Definition of Practice of Law:** The **Alabama State Bar** defines the practice of law broadly. It generally includes the following activities:
  - **Representing another person in a legal matter:** Offering legal advice or appearing on behalf of a client in court or in legal proceedings.
  - **Drafting or preparing legal documents:** Preparing documents like contracts, wills, and powers of attorney that require legal knowledge and expertise.
  - **Negotiating legal rights:** Assisting in negotiations for settlements, agreements, or disputes that require legal knowledge.
  - **Providing legal advice:** Giving legal counsel regarding an individual's rights, obligations, or the interpretation of the law.
2. **Who Can Practice Law in Alabama:**
  - To practice law in Alabama, individuals must be licensed by the **Alabama State Bar**. This includes passing the **Alabama State Bar Exam** and meeting other qualifications, such as being of good moral character and completing a background check.
  - Only licensed attorneys can engage in activities defined as the practice of law.
3. **Examples of Unauthorized Practice of Law:** Common activities considered to be unauthorized practice of law in Alabama include:
  - **Non-lawyers representing clients in court:** Individuals who are not attorneys cannot represent someone else in court, even if they have been hired to do so.
  - **Preparing legal documents for others:** Drafting legal documents, such as deeds, contracts, or pleadings for someone else, without being a licensed attorney, is prohibited.
  - **Giving legal advice:** Providing legal advice regarding someone's legal rights or interpreting the law without a law license is considered UPL.
  - **Offering legal services without a license:** This can include providing services such as legal consulting, litigation, or negotiation on behalf of clients.
4. **Consequences of Unauthorized Practice:** The **Alabama State Bar** is responsible for regulating the practice of law in the state. Those who engage in UPL may face several legal consequences:
  - **Civil Penalties:** The unauthorized practice of law can result in civil penalties, such as fines or injunctions. A court may issue an injunction to stop someone from continuing UPL.
  - **Criminal Charges:** UPL can also be a criminal offense in Alabama, with penalties including fines or imprisonment under certain circumstances.
  - **Disciplinary Action:** In some cases, individuals who engage in UPL might face disciplinary action by the Alabama State Bar, even if they are licensed attorneys in another state.

# **THE UNAUTHORIZED PRACTICE OF LAW**

5. **Exceptions and Exemptions:** While the practice of law is generally restricted to licensed attorneys, there are some **exceptions** or **limited circumstances** where non-lawyers may engage in certain legal activities without violating UPL rules. These include:
  - **Corporate or organizational representatives:** A corporation or business entity may be represented by a non-attorney in certain situations, such as small claims court or administrative hearings.
  - **Paralegals:** Paralegals and legal assistants who are supervised by licensed attorneys can assist with legal work, but they cannot independently represent clients or provide legal advice.
  - **Limited Representation:** In some cases, non-lawyers, such as real estate agents, may be allowed to handle specific legal matters within their scope (for example, real estate transactions or closings), as long as they do not engage in activities reserved for licensed attorneys.
6. **Common Misunderstandings:** Many people may misunderstand what constitutes the practice of law. For example, a **notary public** can witness the signing of documents but cannot draft or provide legal advice regarding the documents being signed. Similarly, someone working in a field like tax preparation may offer advice on tax forms, but cannot represent someone in tax disputes without a law license.

## **Enforcement of Unauthorized Practice of Law in Alabama:**

The **Alabama State Bar** has mechanisms in place to investigate allegations of unauthorized practice of law. Individuals who believe someone is practicing law without a license can file a complaint with the Bar, and the Bar may take disciplinary or legal action. The **Alabama Supreme Court** also has the authority to issue orders against individuals engaging in UPL.

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## **Summary of Unauthorized Practice of Law in Alabama:**

In Alabama, the unauthorized practice of law refers to any activity reserved by law for licensed attorneys that is performed by someone who is not licensed to practice law in the state. This includes representing clients in court, drafting legal documents, giving legal advice, and other activities that require legal expertise. Engaging in UPL can result in civil penalties, criminal charges, or other legal consequences. Exceptions exist for certain activities, like those conducted by corporate representatives or under the supervision of licensed attorneys.

Please refer to the attached Disciplinary Commission Opinion 2013-01 for guidance regarding UPL in Alabama.

If you are aware of anyone that may have engaged in UPL, please fill out the attached form or contact Mark Moody, Assistant General Counsel, at the Alabama State Bar at: (334) 269-1515.

Summary provided by: Dawynrico McCain

## ETHICS OPINION 2013-01

### QUESTION:

May an attorney share legal fees with a non-lawyer earned while prosecuting a BP<sup>1</sup> claim?

### ANSWER:

No. The sharing of a legal fee with a non-lawyer while prosecuting a BP claim violates Rules 5.4(a), 5.5, and 7.2(c) Ala. R. Prof. C.

### DISCUSSION:

The Office of General Counsel has received numerous requests for opinions regarding the handling and filing of claims administered by the BP Claims Program on behalf of clients of accountants, accounting firms, and persons holding themselves out as adjusters, public adjusters, and consultants. Specifically, a number of Alabama attorneys have been approached by the above-described groups regarding the handling and filing of BP Claims for those groups' clients. In many instances, these groups propose referring their clients to the Alabama lawyer in exchange for a portion of any contingency fee obtained by the lawyer or upon an agreement that the lawyer will protect the referring person's fee in the matter. The Disciplinary Commission is issuing this formal opinion in an effort to provide guidance regarding the Alabama Rules of Professional Conduct and the prosecution of BP claims.

As a starting point, Rule 5.4(a), Ala. R. Prof. C., states as follows:

#### **Rule 5.4 Professional Independence of a Lawyer**

(a) A lawyer or law firm shall not share legal fees with a non-lawyer, except that:

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<sup>1</sup>This process is governed by the "Deepwater Horizon Economic and Property Damage Settlement Agreement" (as amended). See, *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, MDL No. 2179, Doc. 6430-1 (E.D. La. filed May 3, 2012). On the Official Court-Authorized Website at [www.deepwaterhorizoneconomicsettlement.com](http://www.deepwaterhorizoneconomicsettlement.com), one can find much of the information regarding the Settlement Agreement (as amended) including: 1) the Settlement Agreement; 2) Claim Forms; 3) the Claims Administrator's "Policy Decisions" interpreting the Settlement Agreement; 4) Court Orders interpreting the rights of the parties and/or administering the Settlement Program; and 5) Rules Governing the Appeals Process which includes the right to appeal directly to the District Court.

At the Home tab of the Court's Website is the following statement: "The Economic & Property Damages Settlement resolves certain economic loss and property damage claims related to the 2010 Deepwater Horizon oil spill." (See, Official Court-Authorized Website, [www.deepwaterhorizoneconomicsettlement.com](http://www.deepwaterhorizoneconomicsettlement.com)).

(1) an agreement by a lawyer with the lawyer's firm, partner, or associate may provide for the payment of money, over a reasonable period of time after the lawyer's death, to the lawyer's estate or to one or more specified persons;

(2) a lawyer who undertakes to complete unfinished legal business of a deceased lawyer may pay to the estate of the deceased lawyer that proportion of the total compensation which fairly represents the services rendered by the deceased lawyer; and

(3) a lawyer or law firm may include non-lawyer employees in a compensation or retirement plan, even though the plan is based in whole or in part on a profit-sharing arrangement.

In addition, Rule 7.2(c), Ala. R. Prof. C., provides:

**Rule 7.2 Advertising**

A lawyer who advertises concerning legal services shall comply with the following:

\* \* \*

(c) A lawyer shall not give anything of value to a person for recommending the lawyer's services, except that a lawyer may pay the reasonable cost of any advertisement or written communication permitted by this rule and may pay the usual charges of a not-for-profit lawyer referral service.

Both Rules 5.4(a) and 7.2(c), Ala. R. Prof. C., prohibit attorneys from sharing legal fees with non-attorney and/or paying a non-lawyer anything of value in exchange for a referral of a legal client. The argument raised by some concerning the prosecution of BP claims is that the filing and prosecution of a BP claim is not the practice of law and, therefore, the ethical prohibitions prescribed by Rules 5.4(a) and 7.2(c) do not apply. The Disciplinary Commission disagrees.

In the opinion of the Disciplinary Commission, the filing or prosecution of BP claims on behalf of another is the practice of law. Section 34-3-36, Ala. Code 1975, states:

Whoever,

(1) In a representative capacity appears as an advocate or **draws papers, pleadings, or documents, or performs any act in connection with proceedings pending or prospective before a court or a body, board, committee, commission, or officer**

**constituted by law or having authority to take evidence in or settle or determine controversies** in the exercise of the judicial power of the state or any subdivision thereof; or

(2) **For a consideration**, reward, or pecuniary benefit, present or anticipated, direct or indirect, **advises or counsels another as to secular law, or draws or procures or assists in the drawing of a paper, document, or instrument affecting or relating to secular rights;** or

(3) For a consideration, reward, or pecuniary benefit, present or anticipated, direct or indirect, **does any act** in a representative capacity on behalf of another tending to obtain or secure for such other the prevention or **the redress of a wrong or the enforcement or establishment of a right;** or

(4) As a vocation, **enforces, secures, settles, adjusts, or compromises defaulted, controverted, or disputed accounts, claims or demands** between persons with neither of whom he or she is in privity or in the relation of employer and employee in the ordinary sense; is practicing law.

Ala. Code § 34-3-6 (1975) (emphasis added). An understanding of the BP claims process is fundamental to our conclusion that any person prosecuting a BP claim without a license to practice law is, in fact, engaging in the unauthorized practice of law.

The claims process begins with counseling regarding the claimant's rights under the Settlement Agreement and follows with completion of the appropriate Claim Form. Examples of potential claims include Seafood Compensation, Individual Economic Loss, Business Economic Loss, and certain real property claims. Because the Claim Form becomes an integral part of the record for the claimant and answers provided therein may be prejudicial to the claimant's rights, one must have an understanding of the terms of the Settlement Agreement, the Claims Administrator's "Policy Decisions" interpreting the Settlement Agreement, as well as Judge Barbier's and Magistrate Shushan's Orders interpreting the rights of the parties, including the parties' rights, obligations, filing deadlines, the preclusive effect of procedural defects in the parties' submissions, and the nature of the claims released by participating claimants. The Settlement Agreement includes over 1,000 pages of exhibits detailing the requirements for qualification, applicable causation tests depending on the claimant's qualifications, the authority of the Claims Administrator to consider evidence or other matters with respect to eligibility, causation or economic damages, and the rights and procedures for appealing eligibility, causation, and damage determinations.

Pursuant to Ala. Code § 34-3-6, Ala. Code 1975, non-lawyers cannot perform any act for an Alabama resident or business in connection with the BP Claims Program which constitutes advising or counseling another as to their legal rights or seeking redress



of a wrong. However, the prosecuting of BP claims via the process described above would be directed to the enforcement, securing, settling, adjusting or compromising a claim. Under these circumstances, it is impossible for a non-lawyer to assist an Alabama claimant in the BP Claims Program without having to communicate and explain the Settlement Agreement and the BP Claims Program as well as the rights and obligations of the parties.

Additionally, depending on the type of claim involved, the claimant is required to present specific information relating to their potential claimant status. In a business economic loss claim, for example, the claimant is required to submit organizational documents establishing the existence and nature of their business. The Claims Administrator has a right to, and does, conduct independent investigations into a claimant's claim including their status. A claimant or his representative is often contacted by a Claims Administrator reviewer. Another circumstance requiring advocacy involves analysis of the language in the Settlement Agreement regarding an inconsistency between the language explaining the "Modified V-test" for causation and the example relating to the "Modified V-test." Counsel for claimants are routinely required to argue to the claim reviewer in those cases where the "Modified V-test" applies.

Following the submission of a claim, the claimant's representative is often contacted by a Claims Administrator reviewer. The reviewer typically asks a number of questions relating to eligibility, causation, or compensation, and routinely requests additional corroborating evidence. This places the claimant in an adversarial posture due to the authority of the reviewer to employ discretion during his or her review.

The conclusion of the review of a claim ends with either a formal notice of eligibility or a denial. The claimant has 30 days to accept this determination or to pursue three alternate avenues to adjudicate the claim. First, claims can be re-reviewed. This process involves counsel presenting new evidence and exhibits to alter the original outcome. Second, the claim can be reconsidered. This involves the claim being reviewed de novo. New evidence and exhibits can and in almost all cases must be presented by counsel so that the client has the best opportunity to change the original result. Finally, a claim can be appealed, which involves counsel officially notifying the claims center that they wish to appeal, submitting a filing fee, and adhering to the strict deadlines of the appeal process. BP also has between 10 and 20 days to appeal all claims above \$25,000. A review of the Claims Administrator's Status Report No. 10, dated June 11, 2013, on the Official Court-Authorized Website reveals that BP has appealed 12.4% of the claimant award. This high percentage of appeals illustrates the "non-neutral" adversarial nature of the claims reviews process.

The Claim Form required by this process becomes part of an official record. It has a potentially prejudicial effect on the claimant's rights under the Settlement Agreement, and is the basis upon which the Court appointed Claims Administrator determines qualification, eligibility, and compensation. The claims process is clearly a proceeding "*pending or prospective* before a court or a body, board, committee, commission or

officer constituted by law or having authority to take evidence in or settle or determine controversies.”

In the opinion of the Disciplinary Commission, the shepherding of a claim through the claims process described above, to the extent it includes the advising of parties of their legal right, acting on parties’ behalf in a representative capacity to enforce those rights and/or seek redress for violations of the same, the filing of claims, or the appearance before a body authorized to take evidence and settle or determine controversies, is the “practice of law” as defined by § 34-3-36, Ala. Code 1975. Therefore, Rule 5.4(a), Ala. R. Prof. C., prohibits an attorney from sharing fees with a non-lawyer or other consideration paid by a client for those services provided in conjunction with the prosecution of a BP Claim.

Additionally, an attorney in violation of Rule 5.4(a), Ala. R. Prof. C., by virtue of such impermissible fee-splitting would also be guilty of violating Rule 5.5, Ala. R. Prof. C., which prohibits a lawyer from assisting another in the unauthorized practice of law. Rule 5.5, Ala. R. Prof. C., states:

**Rule 5.5 Unauthorized Practice of Law**

(a) A lawyer shall not:

(1) practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; or

**(2) assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law.**

(b) Subject to the requirements of Rule VII, Rules Governing Admission to the Alabama State Bar (Admission of Foreign Attorneys Pro Hac Vice), a lawyer admitted in another United States jurisdiction but not in the State of Alabama (and not disbarred or suspended from practice in that or any jurisdiction) does not engage in the unauthorized practice of law when the lawyer represents a client on a temporary or incidental basis (as defined below) in the State of Alabama. Services for a client are within the provisions of this subsection if the services:

(1) are performed on a temporary basis by a lawyer admitted and in good standing in another United States jurisdiction, including transactional, counseling, or other nonlitigation services that arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice;

(2) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding held or to be held in this or in another jurisdiction; or

(3) are performed by an attorney admitted as an authorized house counsel under Rule IX of the Rules Governing Admission to the Alabama State Bar and who is performing only those services defined in that rule.

(c) A lawyer admitted to practice in another jurisdiction but not in the State of Alabama does not engage in the unauthorized practice of law in the State of Alabama when the lawyer renders services in the State of Alabama pursuant to other authority granted by federal law or under the law or a court rule of the State of Alabama.

(d) Except as authorized by these Rules or other law, a lawyer who is not admitted to practice in the State of Alabama shall not (1) establish an office or other permanent presence in this jurisdiction for the practice of law, or (2) represent or hold out to the public that the lawyer is admitted to practice law in Alabama.

(e) Practicing law other than in compliance with this rule or Rule VII or Rule VIII of the Rules Governing Admission to the Alabama State Bar, or other rule expressly permitting the practice of law, such as the Rule Governing Legal Internship by Law Students, shall constitute the unauthorized practice of law and shall subject the lawyer to all of the penalties, both civil and criminal, as provided by law.

(emphasis added). However, the Comment to Rule 5.5, Ala. R. Prof. C., makes clear that a lawyer is not prohibited from employing the services of professionals whose skills are necessary to properly present the claims of the lawyer's clients, for example, claims adjusters, employees of financial or commercial institutions, social workers, accountants and medical personnel.

While an attorney cannot share a fee with a non-lawyer or assist a non-lawyer in the unauthorized practice of law, an attorney may employ the services of an accountant or other professional to assist in supporting or proving the client's claim. In Formal Opinion 1993-20, the Disciplinary Commission previously held that an Alabama attorney may, consistent with the Alabama Rules of Professional Conduct, compensate a non-lawyer for services rendered in connection with its representation of certain plaintiffs in litigation. Therefore, an attorney hired to prosecute a BP claim may hire an accountant to perform loss calculation services as described in *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, MDL No. 2179, Doc. 6430-1 (E.D. La. filed May 3, 2012).

However, the attorney may not split or share any contingency fee with the non-lawyer as a means for compensating the non-lawyer for their services. If the accountant

or non-lawyer has a separate fee agreement with the client, the attorney may not agree to protect the fee of the accountant or non-lawyer in exchange for a referral of that accountant's or non-lawyer's client.

Finally, pursuant to Rule 1.5(c), Ala. R. Prof. C., any contingency fee between an attorney and the client must be in writing. Further, an attorney may not be hired by an accounting firm on a contingency fee basis to prosecute the claims of its clients. In other words, the attorney's client must be the person or business for whom the BP claim is being prosecuted and the attorney should have a contract clearly stating this arrangement with each client.

Based on the foregoing, the Disciplinary Commission counsels all Alabama attorneys to take great care to avoid violations of Rules 5.4, 5.5, and 7.2(c), Ala. R. Prof. C., in the prosecution of BP claims.

MBM



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Your name: \_\_\_\_\_

Your email address: \_\_\_\_\_

Your address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone Numbers: \_\_\_\_\_ (h)

\_\_\_\_\_ (w)

\_\_\_\_\_ (c)

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Return completed form and supporting documents to the  
Alabama State Bar  
Unauthorized Practice of Law Committee  
P. O. Box 671  
Montgomery, AL 36101  
or  
upl@alabar.org



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The advertisement is set against a dark blue background. At the top left is the NADN logo, a yellow shield with a scale of justice and a book. To its right is the organization's name in white, serif font. Below this is the heading "ATTENTION LITIGATION STAFF" in white, bold, sans-serif font. The main body of the ad features a small screenshot of a calendar interface on the left, showing a grid of dates with some highlighted in yellow. To the right of the calendar is a block of white text asking if the reader knows they can save hours of telephone tag by reserving mediation dates online for free. At the bottom, the website URL "www.almediators.org" is written in a large, bold, yellow font. A small line of fine print at the very bottom states that the service is free to law firms and funded by NADN's Alabama Chapter, with a link to the organization's website.



# Professional Relations

Happy New Year from your Professional Relations Committee!



As we step into January, we reflect on the achievements of the past year and look forward to the opportunities that lie ahead. This month, we are excited to share updates on our latest projects, upcoming events, and new initiatives designed to bring us closer to our goals. I look forward to working with you as we make 2025 our best one yet!

AAPI has provided a long-standing support to our Alabama attorneys, the Volunteer Lawyers Program, and Alabama residents. We are thrilled to announce that we have expanded our commitment with a 2025 partnership with the Volunteer Lawyers Program! AAPI joins forces with VLP to bring paralegal support for the VLP Monthly Virtual Clinics to enhance services for our communities. We combine our expertise to drive positive change in Alabama and achieve our shared goals.

On Tuesday, February 25, 2025, AAPI will be providing a table and its services at the Career Fair hosted by Faulkner University's Career Services. The event will be held at the Montgomery Campus from 11:00 a.m. to 1:00 p.m. We look forward to providing career assistance to Faulkner's traditional students, online students, and alumni.

Your AAPI Professional Relations Committee looks forward to serving you in 2025.



# MEMBER NEWS

## CONGRATULATIONS!

Tonya White-Evans, CP  
Megan Storm Spencer, ACP  
Rachel Christine Osborn, ACP

Have you recently received your CP/ACP?  
Please let us know at [communications@alabamaparalegals.net](mailto:communications@alabamaparalegals.net).  
We would love to congratulate you in our next newsletter!

## MEMBERSHIP

*(as of December 20, 2024)*

Active	98
Associate	23
Student	35
Patron	3
Distinguished	2



Happy Birthday to Our Members Celebrating in  
January!



## AAPI STATE OF AFFAIRS

*Financial News as of December 31, 2024*

### Bank Accounts

Checking	18,282.26
Scholarship Fund	7,520.77
<u>Emergency Fund</u>	<u>20,004.14</u>
<b>TOTAL</b>	<b>\$45,807.17</b>

Cite

HARE | WYNN

# January 2025

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>
<i>5</i> <small>Call for the Board's Nomination for President</small>	<i>6</i>	<i>7</i>	<i>8</i>	<i>9</i>	<i>10</i>	<i>11</i>
<i>12</i>	<i>13</i>	<i>14</i>	<i>15</i> <small>Region 3 January 2025 luncheon</small>	<i>16</i>	<i>17</i>	<i>18</i>
<i>19</i>	<i>20</i>	<i>21</i>	<i>22</i>	<i>23</i>	<i>24</i>	<i>25</i>
<i>26</i>	<i>27</i>	<i>28</i>	<i>29</i>	<i>30</i>	<i>31</i> <small>Last Day for President Nominations by the Board</small>	

# February 2025

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						<i>1</i>
<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i> <small>AAPi 2025 CP Exam Review, Winter Seminar, &amp; Third Regular Board Meeting</small>	<i>8</i> <small>AAPi 2025 CP Exam Review &amp; Winter Seminar</small>
<i>9</i>	<i>10</i>	<i>11</i>	<i>12</i>	<i>13</i>	<i>14</i>	<i>15</i>
<i>16</i>	<i>17</i>	<i>18</i>	<i>19</i>	<i>20</i>	<i>21</i>	<i>22</i>
<i>23</i>	<i>24</i>	<i>25</i>	<i>26</i>	<i>27</i>	<i>28</i>	



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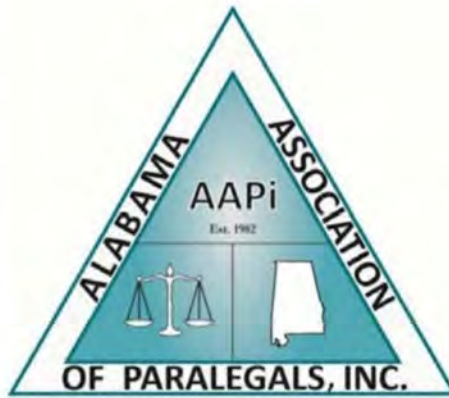
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