

THE VERDICT

Affiliate of the National Association of Legal Assistants ∴ Affiliate of the California Alliance of Paralegal Associations

APRIL 2007

Volume XX, No. 6

General Membership Meeting
Thursday, April 19, 2007
5:45 pm Social/6:15 pm Dinner

Ottavio's
1620 Ventura Boulevard
Camarillo (805) 482-3810

Program:
Improving the Quality of
Court Filings - Keeping
Supplements and Continuations
to a Minimum

Speaker:
Judge Kent M. Kellegrew,
Acting Probate Judge for the
Ventura County Superior Court

Price:
\$25.00 VCPA Members
\$30.00 Non-members

R.S.V.P.'s/cancellations by
12:00 pm, Wednesday, April
18, 2007 to Vivian K.
Christiansen, CPo E-mail
reservations preferred to:
vcpa_vp@yahoo.com. Please
include your telephone number
and the names of all the people
in your party. Or you may call
(805) 482-2282.

Standing Rule 3.3 If the Association must guarantee a certain number of reservations for a dinner meeting and a member fails to cancel a reservation by the cancellation date stated in the VCPA bulletin, that member shall be financially liable for any monies paid by the Association as a result of such failure to cancel timely.

President's Message

PART ONE

by Cyndi R. Hitsman, CLA, Departing VCPA President

Dear VCPA Members,

This month I am writing you with a mix of emotions - excitement regarding a new direction for my life, but with a heavy heart I am writing you to announce that it is with regret that I must step down from serving as your VCPA President. I have begun a new position with a Sustaining Member and will no longer be working as a paralegal. VCPA's bylaws specifically require that all Executive Committee Members (including the President) be employed as paralegals. As an associate member, I will participate in VCPA projects and serve on committees, but I will no longer be a "voting" member. You will still see me at meetings and working on committee projects, but I must pass the reigns of President to someone else. With this being said, Laura Orlando, VCPA's Immediate Past President, has graciously agreed to serve out the remainder of my term. Laura has been a fabulous President and I know she will serve us all well again. Thank you Laura, for stepping up to assist me, and VCPA, with this transition! Enough with housekeeping How amazing was our Springtime MCLE Conference? It really was terrific! I hope you all were able to attend and take advantage of the wonderful opportunity to keep current on your MCLE continuing education requirements. I particularly enjoyed Judge Colleen Toy White's presentation regarding the Ventura County Superior Court. We had many wonderful speakers. I also want to take a minute to thank all of our sponsors and vendors - without them we could not be able to put on such a wonderful program! Lastly, kudos to Delaina Finch for again spearheading this effort and to the entire MCLE Planning Conference Committee! Thank you! I hope you are all planning on attending CAPA's annual conference in San Diego this year. It is scheduled to take place on June 23, 2007 and promises to be a wonderful educational experience. For more information see the CAPA website: www.caparalegal.org or the enclosed flyer. Also, July 11-14, 2007 is the NALA Annual Educational Conference - this year in New Orleans, Louisiana. The NALA convention offers a wonderful CLA/CP review course as one of its educational options - and the convention gives its attendees the opportunity to meet all of their MCLE requirements in ONE WEEK!

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Thank you all for your support through the years - I will certainly miss serving as your President. But I will see you all soon. Again, with humility and appreciation I say, THANK YOU!D

PART TWO

by *Laura Orlando, Acting VCPA President*

Thought you could get rid of me, did ya'well, I'm back. .. and so honored to return to such a familiar place.

Although her role had changed, I know Cyndi will continue to help VCPA reach its goals. I'm sure that you will join me in thanking Cyndi for her hard work as VCPA President and wishing her godspeed with her new personal ventures. She did a fantastic job and served us well.

When the idea of stepping back up to the podium came up, my thoughts were much different than I expected. For months, when asked in was enjoying my free time away from the VCPA Board, my response was "yes". But, when Cyndi suggested I consider coming back to complete her term as President, I found I was excited at the prospect. Not until I formally accepted did I realize how much I had missed the members of our great VCPA Board.

Looking back, it was hard to step away from the wonderful people that make up our Board; All talented and friendly individuals that come together for the good of our profession.

Now, on to business as usual.

The Wine Tasting & Silent Auction Committee is in high gear planning what promises to be the event of the year! It's time for all of us to call in our favors, make contact with our vendors, get our firms involved, and start collecting the silent auction items. If you, your vendor, or your boss has something to donate, please contact either Delaina Finch (805) 385-7489 or myself (805) 267-1141. We will make arrangements to pick it up from you.

This year the 11th Annual Wine Tasting and Silent Auction will be held on May 24th, 2007, at the Four Points Sheraton in Ventura, so mark your calendars and join the fun. Remember, a portion of the proceeds will help benefit the Volunteer Lawyer Services Program as well as our own Scholarship Program.

Next, it's almost time for CAPA's 19th Annual Educational Conference, hosted by the San Diego Paralegal Association on June 23, 2007. It will be held at the Hilton Harbor Hotel, in San Diego. For additional information and registration forms, please view our website: www.vcparalegal.org.

In the meantime, the next VCPA General Meeting & CLE Program will be held on April 19th, 2007, at Ottavio's Italian Restaurant, in Camarillo. The Hon. Kent Kellegrew from the Ventura Superior Court will be our speaker. The program will be "How You Can Improve the Quality of Court Filings and Help Keep Supplements and Continuations to a Minimum," and is sure to draw a crowd, so make your reservations as soon as possible by contacting Vivian Christiansen at: vcpa_vp@yahoo.com.

Thank you, VCPA Board, for the warm welcome. It's good to be back.

I will see you all soon.D

CRACKING PERSONAL INJURY CASES

Drafting Key documents leading up to trial.

By Catherine Astl, CLA

When preparing for a personal injury civil jury trial, the paralegal can play a pivotal role by asking important questions, getting the case ready and drafting documents leading up to the trial. You must know how to draft key documents including update, supplemental and expert interrogatories; motions in limine; witness and exhibit lists; proposals for settlement; jury instructions; and verdict forms. Preparing such documents can be a challenge, but having all the information at hand and planning in advance can give you the advantage you need when it comes time to help your attorney get ready for a document-intensive trial.

Supplemental Written Discovery

Paralegals draft the vast majority of discovery documents. Depending on the firm's culture, paralegals might take it upon themselves to draft discovery documents for their attorney's review, or they might receive an assignment from their attorney to draft a supplemental request to obtain surveillance videotapes, for example. No matter who initiates the discovery, you should calendar the deadline for discovery cut-off in every case (usually specified in a trial order), and calendar time well in advance of the deadline to discuss and draft supplemental discovery with your attorney.

When considering supplemental discovery, look at what has changed since the initial disclosure. Is there any new information that is crucial to the case? Updated discovery via interrogatories and requests for production will help you answer this question. In most states, there are certain standard interrogatories to help you find out new information: update, supplemental, surveillance and expert interrogatories.

Update and supplemental interrogatories consist of questions asking if anything has changed since a party last answered interrogatories. Such items could include treatment by a new doctor, having surgery, being fired from a job because of the subject injury or taking new pain medication. It's especially important to determine whether any subsequent accidents have occurred. If so,

both sides need to determine whether the subsequent accident exacerbated previous injuries or caused any new injuries. In other words, which injuries can be attributed to the subject accident and which can be blamed on another incident?

To find out if the plaintiff was being watched, the plaintiff propounds surveillance interrogatories. These questions should ask if there has been surveillance, and if so, who did the work, when and whether there was a report or videotape of the surveillance. The answers then can lead to a deposition of the investigator and a request to obtain the actual video or report.

Both sides propound expert interrogatories, and they serve to answer pertinent questions regarding each side's expert witnesses. In addition to requesting the basics of the expert's educational background and qualifications, these can be very intricate and detailed. For example, the expert interrogatory might ask how many cases the expert has reviewed for both plaintiffs and defendants, how many surgeries he or she performs per month, how many accident reconstructions he or she has completed in a certain jurisdiction, if his or her opinions ever have been disqualified, how many depositions he or she has given, and so forth. Questions also often are asked regarding how much compensation an expert earns from the law firm or insurance company for which he or she is testifying. This sometimes is a pertinent tool used to impeach an expert. Juries take note if, for example, an expert earns 75 percent of his or her income from one law firm or insurance company. Attorneys should be armed and ready to point this out and portray the expert as a hired gun.

Update, supplemental and expert interrogatories usually are sent 60 to 90 days prior to a trial date (or just prior to a discovery cut-off deadline). This leaves enough time for a party to respond prior to trial and for the requesting party to review the documents. Always check with your attorney because he or she might want them propounded earlier or at the last possible moment based

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on his or her particular trial preparation habits, general work ethic and case preparation.

Motions in Limine

When drafting a motion in limine, determine if there is anything harmful or prejudicial that should be kept away from the jury's eyes and ears. This is the purpose of a motion in limine. For either side, there are detrimental issues and facts that are irrelevant, prejudicial or are of only nominal probative value and should not be proffered to a jury. One such example is a hot issue today - the issue of a plaintiff's litigiousness. The plaintiff firm might file a motion in limine asking the court to keep any information about prior claims or lawsuits from being mentioned.

Here is an example of how a motion in limine can be used in trial preparation. The plaintiff moves for the entry of an order preventing the defendant from offering testimony, making any reference to or mention of the following matter for the following reason: "Any and all prior claims for personal injuries, whether workers' compensation or otherwise, have no direct or indirect bearing on the instant case. The fact of prior injuries or claims, or any documents pertaining to same, only serves to cast the plaintiff in a negative light as a litigious person, and any nominal probative value is far outweighed by the resultant prejudice to plaintiff."

Likewise, a defendant might motion to keep out past accident or incident history, past criminal history or involvement in other lawsuits, citing prejudice to the defendant's case. Of course, a judge might deny such a motion and allow testimony to come in if he or she thinks it's relevant to the instant case. However, many times, motions on such issues are granted and the lawyers are ordered to stick to the relevant facts.

As a paralegal, you can assist the attorney by researching and identifying which issues might require a motion in limine and drafting these motions. For example, if you meet with a client to review interrogatories and that client reveals an extensive criminal history, a memo to the attorney should identify this as a potential issue that might require a motion in limine. It's helpful to start taking notes from the beginning of each case. If you identify a potentially harmful issue, immediately make a note of it - perhaps in a separate computer file called "motion in limine issues." The biggest hurdle, in my experience, is identifying every issue in every case that potentially

could be harmful. Starting from the beginning will help you make sure all such issues are addressed.

Witness and Exhibit Lists

Once you receive the trial order listing the trial date and all of the trial deadlines, one of the most important tasks is to prepare a formal witness and exhibit list. Paralegals are pros at sifting through files to find all eyewitnesses, treating doctors, incident reports and photographs, but even the most diligent paralegal can overlook some things.

Pharmacy records. Be sure to obtain pharmacy records along with their records custodians from before and after an accident. These records could benefit the defense by showing that a plaintiff took some pain medication prior to an accident. Or, the plaintiff could advance his or her cause by showing that no medications for pain were needed prior to an accident, but afterward, five prescriptions were filled every month.

Custodians of records. Don't forget to obtain custodians of records from repair establishments that prepared estimates for repairs or repaired a defective product or vehicle. In one case, through discovery it was found that a repair shop prepared an estimate for repairs on a display shelf in a grocery store prior to the shelf falling on a patron. This witness was invaluable in proving that the store knew of the defective shelf and even obtained an estimate for its repair, but didn't get it repaired.

List all individuals and facilities. When listing medical facilities, exhaustively review every medical record from each facility to procure every doctor, massage therapist, specialist, physical therapist, chiropractor and nurse practitioner who treated the plaintiff, and list each individual along with the facility's name. In my experience working for a plaintiff's firm, we have gotten into some tight spots by listing only a facility and not listing every individual provider treating a plaintiff. In one case, we wanted to call a physical therapist to testify at trial, but the defense argued that she was not on the witness list. Technically, she was not on the list, but we thought we covered ourselves with the standard catch-all clause "and/or records custodian and/or any and all medical providers who rendered treatment to plaintiff." In the end, we were permitted to call the witness, but it was such a close call that our policy from then on has been to ascertain every single provider and separately list each person.

Proposals for Settlement

Many times, prior to a trial, settlement negotiations kick into full gear with both sides determining whether to increase an offer or decrease their monetary demands to reach a settlement. Proposals for settlement are formal settlement proposals packed with certain implications. Procedurally, in most state courts, only the notice of proposal for settlement is filed with the court; however, the actual proposal for settlement with the monetary offer typically isn't filed with the court. The intent of these documents is to protect a party making a fair and reasonable offer from being forced to bear the costs of trial when the case should have settled for the amount proposed.

Paralegals on both sides play a large role in preparing the actual proposals for settlement documents and also greatly assist in determining an amount to propose to the opposing party by thoroughly reviewing and assessing a case file. Both plaintiff and defense firms utilize their paralegals to summarize damages, injuries and liability theories.

When preparing settlement documents, be sure to update all medical bills and lien amounts. If a client has been continually treated by a particular doctor or has seen numerous medical providers, the bills you received at the beginning of the case could be very different as the case progresses. Obtaining updated subrogation lien amounts could be crucial as well. Make sure all required information is up-to-date. There usually can't be a meaningful proposal for settlement without knowing exactly what needs to be paid out of a gross settlement. For each case, you typically will prepare a memorandum or summary of medicals, often called "specials," outlining total charges, payments made and balances owed.

You also should include all lien amounts, a statement of how the incident or accident occurred and any liability information. Liability information - or who was at fault - can be gleaned from incident reports, accident reports, witness statements, deposition testimony and discovery responses. By organizing all of these pieces of information, you eventually form a sharp snapshot of the case so the attorney can determine a fair amount to propose, or determine if a proposal for settlement from the opposing party is worth accepting. You also should track the 30-day deadline for the opposing party to accept the offer.

If a net verdict doesn't exceed 75 percent of the

defense's offer or the plaintiff receives in excess of 125 percent of the offer, paralegals typically assist in preparing fees and costs to present to the court via a motion to tax attorney's fees and costs. This motion itemizes the amount of time expended and outlines expenses involved in trying the case from the date of the proposal for settlement. Also, keep in mind that proposals generally are not permitted earlier than 90 days after service of process upon a defendant, and in most jurisdictions, no proposal can be served later than 45 days before the trial date.

The rules of civil procedure in each respective jurisdiction dictate what is permitted surrounding formal proposals for settlement. However, here is a lesser-known fact that can be a helpful tactic in many jurisdictions: A party can file more than one proposal for settlement. For instance, if a defendant proposes \$7,500 to a plaintiff and the plaintiff rejects it, the defendant can file another proposal for \$15,000. The defendant even can file another one after that. Each proposal is separate and multiple proposals might act as a springboard to settlement - the closer the parties get to meeting in the middle regarding monetary demands, the more likely they are to settle the case.

Jury Instructions and Verdict Forms

If a jury trial is required, you will need jury instructions and verdict forms. Most firms have computer files of form jury instructions. Also, all jurisdictions and states have standard or model jury instruction books published by top legal publishers where you can find almost any instruction you need. However, it's still prudent to determine what you need to include.

It's important to meet with your attorney to focus on the issues in the case as the first step for preparing jury instructions for trial. Of course, there are certain standard instructions used in every case, such as "greater weight of the evidence defined," "choosing a jury foreperson" and "believability of witnesses."

However, every case has nuances and specific issues, and spotlighting those can help the jury consider what you want them to consider. For example, if vicarious liability is an issue, you might want an instruction specifically on that issue. Likewise, if you are relying on a code or ordinance, you should add that code or ordinance to the instructions to the jury. Basically, try

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to outline every issue or question that a jury could consider and address it in the instructions. If a case involves a dump truck, perhaps there are certain statutes concerning operation of dump trucks. If a case involves a slip and fall on a wet surface of a pool area, perhaps an instruction on the meaning of "open and obvious" or "assumption of the risk" would be required.

Most jurisdictions require attorneys to stipulate or agree to one complete set of instructions. Scheduling a meeting between counsel on both sides well in advance of the trial date alleviates any miscommunication or left-out instructions, and serves as a catalyst to resolve any issues counsel might have with the instructions. If counsel can't agree, the judge might hold a hearing and decide on a complete set of instructions to give to the jury.

Many courts today are implementing electronic methods of document submission. Placing your jury instructions on disk, CD or even e-mailing them to your attorney to access on a laptop at trial (if permitted) is effective for making any last-minute changes necessary during trial.

The jury uses a verdict form to decide liability and calculate damages. Paralegals drafting such forms should be aware of every category of damages the jury is asked to calculate. Be sure to address past losses, future

losses (medical bills, wage loss), any other economic damages and any noneconomic damages, such as mental anguish and pain and suffering. If punitive damages are allowed, make sure there is a space for calculating them, with very clear instructions so the jury is less likely to become confused. Additionally, be sure that any consortium claims are addressed with space for calculating economic damages, e.g., loss of a substantial portion of a savings account because of a spouse being injured and unable to work, as well as noneconomic damages, such as loss of the "society and comfort" of a spouse.

Unlocking Success

Knowing which key documents to prepare leading up to a civil jury trial is crucial for personal injury paralegals. Drafting these documents will be a great help to your attorneys, keeping them organized, on track and ready for every stage of the trial.

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CLA/CP QUESTION OF THE MONTH'

Q: I am currently enrolled in a legal assistant program which requires several general ed courses. Would any of the general ed courses qualify for credit?

A: No. While general education courses may be required by the school to graduate from the legal assistant program, the Certifying Board cannot consider general ed courses for continuing legal education.

For more information regarding the CLA/CP examination and the new Advanced Paralegal Certification (APC) programs, please contact Jami L. Knupp, CP, VCPA's NALA Liaison at (805) 654-0911 or E-mail her at: J.knupp@att.net.



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MEMBERSHIP REPORT

By Maria Romero, VCPA Second Vice-President/Membership

VCPA extends a warm welcome to the following new members for the 2006-07 term:

Dustin Falk, Student

Happy Birthday to the following Members for April:

Lorraine Ebdon

Karen King

Laura Orlando

Crystal Yeager-Koroknay

Go to www.vcparalegal.org and click "Members Only" to view the Membership Roster. For more information and if you are a member and do not know the current user name and password to access the roster, contact Maria Romero at (805) 654-0911 or by E-mail [at:drmariaromero@msn.com](mailto:drmariaromero@msn.com).

C L A S S I F I E D S

FOR SALE

White twin bed with mattress, \$40.00. Call Anna (805) 522-9062, Simi Valley.

THE CLASSIFIED DIRECTORY IS FREE TO VCPA MEMBERS! Do you have a service to offer, something to sell, something you've been looking for? Advertise for three months in *The Verdict* Classified Directory. Fax or e-mail information to Joyce Muller, VCPA Newsletter Editor, (805) 653-6360; FAX: (805) 653-0108, E-mail: jrmuller_12@yahoo.com.

CALENDAR OF EVENTS

APRIL 2007

4 VCPA Monthly Board Meeting - 6:00 pm
Contact Laura Orlando, acting VCPA President, at (805) or e-mail: for more information.

19 VCPA General Membership Meeting - 5:45 pm
Ottavio's, Camarillo. Program: Improving the Quality of Court Filings - Keeping Supplements and Continuations to a Minimum, Speaker: Judge Kent M. Kellegrew, Acting Probate Judge, Ventura County Superior Court. Contact Vivian K. Christiansen, CP, First VP/Programs, at (805) 482-2282 or e-mail: vkc@staker.com.

MAY 2007

2 VCPA Monthly Board Meeting - 6:00 pm
Contact Laura Orlando, acting VCPA President

24 VCPA's 11th Annual Wine Tasting, and Silent Auction - 6:00 pm to 8:00 pm
Four Points Sheraton, 1050 Schooner Dr., Ventura. Tickets: \$20.00 advance purchase. \$25.00 at the Door.
Contact Delaina Finch for more information at (805) 385-7489 or e-mail: delainaJinch@clOxnard.ca.us.

28 Memorial Day Holiday (observed)
Courts closed. County offices closed.

LOOKING AHEAD

June 23, 2007 - CAPA's 19th Annual Educational Conference, San Diego
July 11-14, 2007 - 2007 NALA Annual Convention & Educational Workshops, New Orleans, Louisiana
July 20-21, 2007 - CLAICP Examination

SAVE THE DATE! VCPA's 11th Annual Wine Tasting Silent Auction

THURSDAY, MAY 24, 2007

Location:

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vePA Employment Job Bank Policy and Procedure

IF YOU ARE LOOKING FOR A JOB OR HAVE A JOB OPENING

1. Any VCPA member who wishes to be informed of employment opportunities which become known to VCPA should contact the VCPA Employment Chairperson(s) who will maintain a confidential list of persons seeking employment. When a job opening becomes known to the Employment Chairperson(s), all the persons on the employment list will be informed of the position within 24 hours, regardless of the job seekers' qualifications and the requirements of the opening.

2. Any other VCPA Board Member who is made aware of employment opportunities or who is contacted by members wishing to be on the employment list, will pass on the information to the Employment Chairperson(s) within 24 hours of notification.

3. All employment opportunities will be posted on VCPA's website at www.vcparalegal.org for 30 days or until filled, whichever occurs first. It is the responsibility of the Employment Chairperson(s) to notify the Web Administrator whether a posted position has been filled.

4. The Employment Chairperson(s) will not utilize employment opportunities for their own benefit.

5. Access to employment opportunities which are made known to VCPA are available to VCPA members only. Anyone may advertise a legal assistant employment opportunity within VCPA. There is no fee for this service. Personnel agencies may advertise specific employment opportunities free of charge; however, information regarding general services available via personnel agencies must be made through paid advertising in VCPA's newsletter.

IF YOU ARE A STUDENT LOOKING FOR AN INTERNSHIP OR HAVE AN INTERNSHIP TO OFFER:

1. Internships are valuable for students enrolled in legal assistant certificate programs who wish to gain supervised practical experience in a law office or other environment where legal assistants are utilized. Interested persons should contact the VCPA Employment Chairperson(s) who will maintain a list of students seeking internships. When an internship becomes known to the Employment Chairperson(s), all the students on the internship list will be informed of the position within 24 hours, regardless of the students' qualifications and the requirements of the opening, if any.

2. Any other VCPA Board Member who is made aware of interning opportunities or who is contacted by student members wishing to be on the internship list, will pass on the information to the Employment Chairperson(s) within 24 hours of notification.

3. All interning opportunities will be posted on VCPA's website at www.vcparalegal.org for 30 days or until filled, whichever occurs first. It is the responsibility of the Employment Chairperson(s) to notify the Web Administrator whether a posted position has been filled.

4. Access to interning opportunities which are made known to VCPA are available to VCPA members only. Anyone may advertise a legal assistant interning opportunity with VCPA. There is no fee for this service.

YOUR CONTRIBUTIONS AND OPINIONS ARE IMPORTANT TO US!

If you would like to write an article or if you've read something interesting pertaining to the legal profession, send it in for future publication. Whenever possible, please submit articles by e-mail (in WordPerfect 11 or MS Word format). If you send a copy of an article from a printed source, please include the name of the publication, the name of the author and date it was published. Articles must be received by the 15th of each month to be included in the following month's issue. Please send articles, ideas, opinions and comments to: Joyce Muller, VCPA Newsletter Editor, FAX: (805) 653-0108, or E-mail: jrmuller12@yahoo.com.

The Verdict is a monthly publication of The Ventura County Paralegal Association. The statements and opinions printed in the newsletter are those of the contributors only and are not necessarily those of VCPA. Publication does not imply endorsement. This newsletter is designed to provide accurate information only and should not be relied on as a substitute for legal advice.

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## NALA Convention News ...

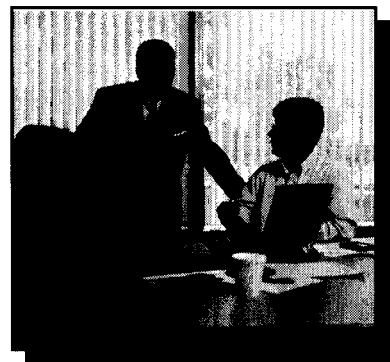
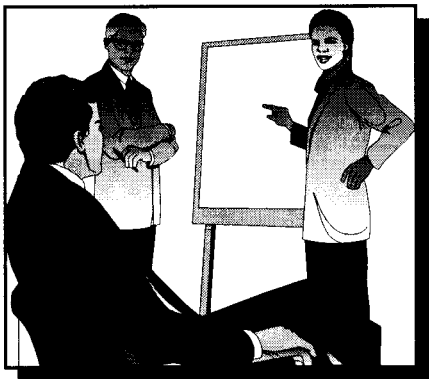
## Member Exchange Presentations Chosen for 2007 NALA Convention

The prestigious Member Exchange presentations to be made at NALA's 32nd Annual Convention in New Orleans July 11-14 will feature a program on career enhancement, and another on the differences between in-house and law firm paralegal work. The first presentation is entitled "Career Enhancement When I Grow Up, I Want to Be ..." by former NALA President Deb Monke, ACP. The presentation will outline resources, how to make yourself more marketable, how to prepare for change, and how to keep enjoyment in your work. Ms. Monke is an Intellectual Property Administrator for State Farm Insurance Companies, Bloomington, IL. The second presentation will be "To Bill or Not to Bill: Differences Between In-House and Law Firms." This topic will be presented by Christine Garber, paralegal with Allergan, Inc., Irvine, CA, and Carolyn Yellis, ACP, a freelance paralegal from Anaheim, CA. They will cover differences in how the actual law work is handled and the comparative advantages and disadvantages of in-house departments and law firms.

Member Exchange presentations are competitively selected from among proposals submitted each year by NALA members across the nation. The program offers an exceptional opportunity for members to share expertise, present successful strategies, and heighten their profiles in the paralegal profession. The 2008 call for proposals will be made in the summer of 2007.

NALA's convention is the nation's largest annual gathering of paralegals, and New Orleans has shown special interest in making the city an exciting inviting venue for the conference. A brochure with complete information and educational program details is available from NALA headquarters. Information and registration forms may also be found at the NALA Web site: [www.nala.org](http://www.nala.org).

For more information regarding the NALA Convention in July, you may also contact Jami L. Knupp, CP, VCPA's NALA Liaison at (805) 654-0911 or E-mail [heratj.l.knupp@att.net](mailto:heratj.l.knupp@att.net).



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VCPA'S CODE OF ETHICS &  
PROFESSIONAL RESPONSIBILITY

The canons of ethics set forth hereafter are adopted by the National Association of Legal Assistants, Inc., as a general guide intended to aid legal assistants and attorneys. The enumeration of these rules does not mean there are not others of equal importance, although not specifically mentioned. Court rules, agency rules and statutes must be taken into consideration when interpreting the canons. (Note: Legal Assistant and paralegal are used interchangeably.)

**CANON I** A legal assistant must not perform any of the duties that attorneys only may perform or take any actions that attorneys may not take.

**CANON IIA** A legal assistant may perform any task which is properly delegated and supervised by an attorney, as long as the attorney is ultimately responsible to the client, maintains a direct relationship with the client, and assumes professional responsibility for the work product. (See NALA Model Standards and Guidelines for Utilization of Legal Assistants, Sections IV and VII.)

**CANON III** A legal assistant must not (See NALA Model Standards and Guidelines for Utilization of Legal Assistants, Section VI):

(a) engage in, encourage, or contribute to any act which could constitute the unauthorized practice of law;

(b) establish attorney-client relationships, set fees, give legal opinions or advice or represent a client before a court or agency unless so authorized by that court or agency; and

(c) engage in conduct or take any action which would assist or involve the attorney in a violation of professional ethics or give the appearance of professional impropriety.

**CANON IV** A legal assistant must use discretion and professional judgment commensurate with knowledge and experience but must not render independent legal judgment in place of an attorney. The services of an attorney are essential in the public interest whenever such legal judgment is required. (See NALA Model Standards and Guidelines for Utilization of Legal Assistants, Section VII.)

**CANON V** A legal assistant must disclose his or her status as a legal assistant at the outset of any professional relationship with a client, attorney, a court or administrative agency or personnel thereof, or a member of the general public. A legal assistant must act prudently in determining the extent to which a client may be assisted without the presence of an attorney. (See NALA Model Standards and Guidelines for Utilization of Legal Assistants, Section V.)

**CANON VI** A legal assistant must strive to maintain integrity and a high degree of competency through education and training with respect to professional responsibility, local rules and practice, and through continuing education in substantive areas of law to better assist the legal profession in fulfilling its duty to provide legal services.

**CANON VII** A legal assistant must protect the confidences of a client and must not violate any rule or statute now in effect or hereafter enacted controlling the doctrine of privileged communications between a client and an attorney. (See NALA Model Standards and Guidelines for Utilization of Legal Assistants, Section V.)

**CANON VIII** A legal assistant must do all other things incidental, necessary, or expedient for the attainment of the ethics and responsibilities as defined by statute or rule of court.

**CANON IX** A legal assistant's conduct is guided by bar associations' code of professional responsibility and rules of professional conduct.

# VCPA

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Visit VCPA on the Web at: [www.vcparalegal.org](http://www.vcparalegal.org)