



Special points of interest:

- Article Regarding Regulation of Paralegals
- Schedule of Upcoming Events
- Contact information for Board Members
- Welcome new Members!
- Myths and Facts About Paralegal Careers

### President's Message

I hope you are all enjoying the fantastic weather we have recently had. So many exciting updates, so little time! We are beginning to plan for the annual silent auction, which benefits Legal Aid, CCPA and other local charities. This is a huge event, and I hope you will help plan and prepare this year.

On June 6<sup>th</sup>, we will hold our annual Open House at the Bar Association from 11:30-2:30. This is always a fun event, and a great networking opportunity. Plus, a light lunch will be provided, who can beat that!?

On May 24<sup>th</sup>, we will have our General Meeting, featuring Stephanie Ristvey of Abelson Legal Search. See the invita-

tion on page 2. This promises to be interesting speaker, and the food is delicious. Remember, if you do not want dinner, the meeting itself is **FREE!**

We are in the process of planning for September's General Meeting, with Valerie Dolan as our speaker. Valerie is the President of the Philadelphia Paralegal Association, and will make a presentation on the regulation of paralegals.

I sincerely hope to see our members at some or all of these events, remember, CCPA cannot exist without your participation! *Suzie A. Marker, President, CCPA*



**Be sure to check out the Open House announcement in this issue!**

### The Myths and Facts About Paralegal Careers

#### The Truth Behind One of Americas Fastest Growing Career Fields

By- *Tina Marie Frawley*

The paralegal industry is one of the fastest growing professions today. In Washington, D.C. alone there are over 40,000 attorneys, most of whom have 2-3 paralegals each. Paralegals play a vital role in the legal field acting as a liaison between attorney and client.

As popular as this growing

career field is, there are some common myths and misconceptions about careers as paralegals. Here are 10 common myths and the realities behind them.

**Myth #1: Every case is going to be just like on Law & Order.**

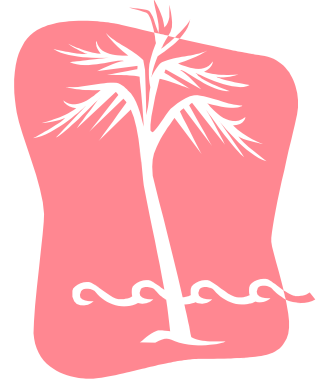
**The reality is:** Unless you work for a large firm in a major city, most cases are not head-

line news. Many law firms offer a wide array of legal expertise that does not require chasing down bad guys and dragging them into court. Most cases deal with real estate, social security, probate, and personal injury cases which most often do not require a court appearance. *Continued on page 5*

## *Schedule of Upcoming Events and Announcements*

It's time to start planning our annual auction. There will be a meeting of the Fundraising Committee on June 5, 2007, at MacElree Harvey. All are welcome to attend!

Be sure to attend our Open House, scheduled June 6 at 11:30 a.m. to 2:30 p.m. on the lower level of the Chester County Bar Association. A light lunch will be provided. We hope to see you there!



### Please welcome our newest members:

*Donald Bristol*

*Karen Carter*

*Susan Celotto*

*Christina DeCoeur*

*Samuel DiIullo*

*Maureen Dunn*

*Teresa Hall*

*Vanetta Harper*

*Kristen Mammarella*

*Gina McGinnis*

*Kristina Molnar*

*Edmond Murphy*

*Maryanne Quici*

*Gloria Reider*

*Michelle Renner*

*Lynn Rohr*

Don't miss the May 24, 2007 General Meeting! Our speaker for May 24, 2007 Ms. Stephanie Ristvey, of Abelson Legal Search, manages the firm's paralegal placement division and a variety of contract assignments.

Stephanie is well known throughout the Philadelphia legal community for recruiting and placing paralegals, attorneys and secretaries. Previously President of Paralegals Per Diem, a firm she founded in 2000, Stephanie brings a special perspective to Abelson Legal Search. In addition to her management experience, Stephanie has worked as a senior level paralegal in charge of complex litigation matters for AM Law Top 100 firms.

She is a graduate of Juniata College and the Philadelphia Institute for Paralegal Training. Stephanie is a member of the Philadelphia Association of Paralegals and is also an associate member of the Philadelphia Bar Association. She is adjunct faculty member at St. Joseph's University Paralegal Program, where she also serves on the curriculum committee. She has lectured on numerous paralegal and administrative topics throughout the Commonwealth.

A CATERED DINNER will be provided at \$15.00 per person for members and \$18.00 per person for nonmembers. You do NOT have to have dinner! The meeting itself is free.

The hot entree will be chicken scaloppini, baked penne, antipasta, Cesar salad, and a cannoli and cookie assortment.

[R.S.V.P. by Tuesday, May 22, 2007 via email to smarker@gmail.com or to Suzie A. Marker, President, Chester County Paralegal Association PO Box 295, West Chester, PA 19381-0295](mailto:smarker@gmail.com)



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## Paralegals Want Regulation; The Only Way is Through Legislation

Contributed by Mark Workman

Twenty-two years ago when I was contemplating a career change, I sat down and began studying the pros and cons of various professions much as we all do when deciding our future. I always found the legal field interesting and at one time considered law school. However, the resources required and the many years of study involved to achieve this goal was not available to me. I began taking a long hard look at the paralegal profession and what it could offer. My research revealed the prospects of a challenging career in the legal field, performing substantive legal work in a field identified as one of the fastest growing fields in the United States.

Gone are the days of MS-DOS, many hours in the library searching for legal authorities and many long days at the courthouses manually searching court records and trying to find a payphone to report back to the office. Though the technological advances of the laptop, cell phone and the internet, one constant endures – the paralegal profession remains one of the most rapid growing fields in America and continues to reward me through professional challenges in the never stagnant and ever evolving field of American law. Consequently, as the paralegal profession has grown to the advanced and diverse levels of today, the profession as a whole has not taken the evolutionary next step for any profession, regulation.

Regulation – that terrible word that infers governmental restrictions, bureaucrats that have no idea what we do telling us what we can and cannot do, all of which only impedes upon our professional freedoms. This word has caused many over the last century, from a farmer in the mid-west to Fortune 500 CEO's, to cringe at its very uttering and contemplate “why”. The answer is simple – it is because it is the best, and in many instances the only way, to set and enforce standards and to protect those that may be harmed from the actions of another.

Many professions in America began as an offspring from a pre-existing profession. For instance, many years ago the medical profession only consisted of doctors. Through necessity and technological advances in the medical field, nurses were brought in to assist the doctor and a long list of medical related professions evolved through time. Although the doctor ultimately oversees and mandates the course of treatment, many others are involved in the delivery of those services. Likewise, the legal field has similarly evolved, developing a team approach to the services provided, also through necessity and technological advances. Lawyers have created diverse practice areas and have become increasingly more specialized over the decades and still lead a specialized team in creating an effective strategy for success for their clients. Practice areas have been created which has particular needs and set criteria, which define that particular specialty. As part of a quality team approach, lawyers enlist the services of paralegals, court reporters, investigators, process servers and others to achieve the most effective legal treatment available. Surprisingly, all of the above referenced professions are regulated in some form or another in Florida, except for the paralegal profession.

Some may say that the analogical comparisons between a paralegal and certain areas of the medical field is unfounded and just plain wrong. There are no life and death situations and the work performed by a paralegal does not affect the public nor does it rise to the level of say a nurse, paramedic or a lab technician. I would beg to differ. Tell that to the person who has been accused of a crime they did not commit and faces the loss of his most valuable asset, his freedom, a major company whose very existence may hinge on the outcome of effective legal services or a widow and four children whose spouse dies through the negligence of another.

When your doctor comes by and gives you results of a test or an x-ray, it is not as if he actually administers the test, calibrates any machinery involved or in some instances renders the initial opinion regarding their findings. These things are administered by entrusted and qualified personnel who have basic knowledge, training and skill to act in a specific areas. You may never see them, you may never know their name, but they do play a substantial role in the ultimate diagnosis or form of treatment rendered or recommended by your physician. The paralegal's role in the effective administration of legal services is no less important. Although most work behind the scene and very seldom are in direct contact with the client, their professionalism, skill, knowledge and training ultimately assist the attorney in the diagnosing and administering effect legal services.

For the past decade, paralegals throughout Florida have solicited The Florida Bar seeking regulation. Although some progress was made, the Florida Bar remains reluctant to endorse any plan to mandatory regulate paralegals. Early in 2005, legislation was filed in Florida regulating paralegals. The Paralegal Profession Act caught the attention of the Florida Bar who indicated that they would like time to study the issue before moving forward with the legislation. The sponsor of the Bill agreed and the Florida Bar created a special committee to study the feasibility of regulating paralegals. The Florida Bar Special Committee to Study Paralegal Regulation (“The Committee”), consisting of both attorneys and paralegals, met several times of the course of the next several months, culminating at a public hearing on October 28, 2005.

At the public hearing, thirty-one individuals voiced their opinion regarding the need for regulation. Speakers ranged from educators, lawyers, judges, paralegals and concerned citizens. Virtually all those who testified supported paralegal regulation and most all supported mandatory regulation. On December 1, 2005, The Florida Bar News, a publication of the Florida Bar, issued an article entitled “Panel Wants Bar Section for Paralegals”. The article quotes that The Committee “. . . has voted to recommend that the Board of Governors of The Florida Bar create a new paralegal section, with voluntary membership.” Based on the “voluntary” aspect of the recommended section within The Florida Bar, Representative Juan Zapata, R-Miami, re-filed an amended version of the Paralegal Profession Act in the House. A companion bill was subsequently filed in the Senate. Both Bills remain pending in respective committees in advance of the 2006 Legislative Session. *Continued on page 4...*

*Continued from page 3...*In a rather odd turn of events on January 1, 2006, The Florida Bar News published an article entitled “Bar Opposes Bill to Regulate Paralegals”. In this newest revelation by the Florida Bar, they withdrew the recommendation to create a paralegal section within the Florida Bar, apparently based on the re-filing of the legislation. Further the article quotes that “The Florida Bar opposes HB 395 and SB 906 as originally filed because the Bar further believes that more meaningful recognition of the paralegal profession can be achieved by continuing the discussion with the legal profession and judicial branch before enactment of this particular legislation.” Recognition? The paralegal profession does not seek recognition, they have had that for decades. What paralegals do seek it regulation both to protect the public and the integrity of their profession. The Florida Bar never opposed regulating court reporters, investigators or process servers, why paralegals?

Their reasons are unclear and can only be addressed by the Florida Bar. Several members of the Florida Bar have indicated that there is no public need for regulating the profession. One needs only to look at that response for the answer – the public is unaware of the need.

The public has a right to be protected from illegal activities and although there are laws relating to the unauthorized practice of law, there are no laws that prohibit individuals from identifying themselves as paralegals nor does there exist a searchable registry that the public may use to identify and confirm the legitimacy of those professing to be paralegals. This lack of regulation leads to inferences that those persons identifying themselves as paralegals has sufficient education and/or experience in performing substantive legal work, and that those tasks are controlled and monitored by a licensed attorney or as otherwise provided for by law. It is the role of government to protect the public from being preyed upon by those persons who would attempt to make the public a victim. By creating mandatory standards of education, legal ethics and professional responsibility for paralegals, providing penalties for those violating those standards, as well as maintaining an updated searchable registry, is the only way to protect the public from being exploited. Further, those employing an attorney who utilize paralegal services deserve and should demand that those doing substantive work on their legal issue meets minimal standards of education and experience.

Substantive legal tasks are commonly and routinely performed by a paralegal and such work requires a degree of evaluation and deduction that can only be developed through education and learned skills. In essence, the public is simply not aware that someone without the proper education or skills may play a key role in the outcome of their legal issue. Should an issue come to light that substantive legal work is being performed by someone without these minimal skills, it is likely not to be evident until after the fact, after the initial damage is done. Would the public not be best served by mandating that all who perform substantive work on their legal issue meet certain educational criteria or verifiable work experience prior to doing that work? Would it also serve the public interest to know that paralegals be required to attend ethical and continuing legal education classes to stay abreast of ever changing rules and laws? Would the public be surprised to know that paralegals do not have to meet any of these criteria to work in this profession?

Regulation, the word that no one likes can best serve our profession and the public by assuring that all who are a part of the profession meet some minimal standards, have some mandatory educational background and continue to improve their skills through continuing education. Regulation would not exclude anyone who is already practicing in the field nor would it limit those who wish to enter. It would only assure that a minimum standard be met for those to call themselves paralegals. In essence, it preserves the integrity of our profession and assures the public that when they retain an attorney that the team operating behind the scenes are skilled, qualified and deserving of their trust.

Individual states are delegated with the responsibility of regulating most professions. Since the Florida Bar has declined to pursue or provide mandatory regulation of the paralegal profession that they rely so heavily upon, there is only one mechanism in place to achieve this goal. Legislation is the only way to protect the public and preserve the integrity of the paralegal profession. Florida House Bill 395 and Senate Bill 906, commonly referred as the Paralegal Profession Act, are supported by the paralegal community, many others in the public sector and have substantial support in both the Senate and House. It would create a regulatory board, consisting of peers of our profession, not of bureaucrats and would standardize educational requirements and set forth other parameters before one could legally use the term paralegal.

Again, paralegals want regulation; the only way is through legislation. Support these bills and write your legislator.

*Mark Workman is a senior litigation paralegal at the law firm of Gunster Yoakley and Stewart, P.A. He also serves as current president of the South Florida Paralegal Association and is a member of the Florida Bar Committee for the Un-Authorized Practice of Law. Mark can be reached by phone at 305-376-6060 or email at mworkman@sflpa.info. Learn more about this and other paralegal related issues by visiting the South Florida Paralegal Association website at [www.sflpa.info](http://www.sflpa.info).*



*Continued from front page....*

Cases on television are for the most part fiction. With television you can have a crime, a high speed chase, a search and seizure, a trial and a verdict all in one hour. Real life never happens this way. Television actors have the advantage of a script to help them along. If television portrayed what really goes on in a case over several months, no one would watch.

**Myth #2: You must have a certification, law degree or license to be a paralegal.**

**The reality is:** The paralegal certificate, degree or license versus no certificate, degree or license argument has been around for years; and as the paralegal profession continues to grow as one of Americas fastest growing job opportunities, it will continued to be argued.

There are some advantages to both having a degree or certificate as opposed to not having either. Ultimately the choice is up to the paralegal and potential employer.

As for becoming a licensed paralegal, it may appear to be a more money making potential when in reality there are many attorneys who are hesitant to employ licensed paralegals. The issues lie with the tasks which have been traditionally reserved for attorneys now being handled by paralegals. While paralegals will never replace attorneys, the fear is there that paralegals will offer more bang for the buck and clients who cannot afford or do not wish to afford high cost attorneys will turn to paralegals, independent or otherwise for legal advice.

The other issue with licensed paralegals again deals with the fine line of task division among attorneys and their staff. Because a licensed paralegal is more schooled in helping clients, there stands room for error or malpractice issues. Paralegals are not required to have malpractice insurance as their attorney counterparts and should a paralegal with attorney like responsibility do something to result in a malpractice dispute, the burden falls on the shoulders of the attorney.

There has been speculation of one day requiring paralegals to have an ABA (American Bar Association) approved education in paralegal studies, but for now the choice is really up to the paralegal.

Experience is key so if you are interested in a law career but do not want to go back to school just yet, start as a legal secretary and work your way up.

**Myth #3: Without having a law degree paralegals can only answer phones and push paperwork.**

**The reality is:** Paralegals play a vital role in the legal world with job responsibilities including drafting memos, interviewing clients, submitting papers to the court, researching cases for attorneys, and more. Without paralegals, attorneys could not handle the work load, not to mention most attorneys who have been practicing for awhile will have no clue how to do tasks that paralegals consider simple.

One attorney I know explained the role of a paralegal this way "I need someone in here to do everything an attorney does except go to court." While there are some things that paralegals cannot do, such as give advice to clients, most tasks required by attorneys are things that a paralegal can learn to do, leaving the attorney to oversee the work and give his or her signature of approval.

**Myth #4: A paralegal must memorize statutes and codes to be effective.**

**The reality is:** This myth could not be further from the truth. Lawyers, who have spent seven years in school to practice law do not memorize statutes and codes, it just does not pay off. The best way to tackle statute and code information is to learn how to effectively research these items using the internet and law library. Investing in a research course at the local college or through an online paralegal program will prepare you for valuable legal research.

**Myth #5: Paralegals need to carry malpractice insurance.**

**The reality is:** Paralegals are restricted from giving out legal advice which diminishes the need for malpractice insurance. In addition, the attorney or firm you work for must carry malpractice insurance in order to conduct business. If something should happen where a suit is brought, it will be the attorney or firm that has the coverage that will have to answer to the complaint. This does not mean that you can act carelessly because you cannot be sued as an individual.

You have a responsibility according to ethical cannons to refrain from engaging in acts that can lead to malpractice suits. At the very least, you could lose your job and have great difficulty finding another one should something go awry.

**Myth #6: Paralegals can do almost as much as a lawyer so it is better to be a lawyer.**

**The reality is:** Before entering into the world of law, like any profession, it is a good idea to have goals in mind. This is not to say your goals cannot and will not change as you immerse yourself in law. If you think you want to go to law school, taking a job as a paralegal is a good way to prepare yourself for life after law school. Every lawyer I have ever met has always said that law school taught them about cases and facts but not how to work in an office and actually practice law. Working as a paralegal will also let you know if practicing law is right for you before investing in thousands of dollars in education before realizing medicine or accounting was what you wanted.

The opposite is also true. If you know that you do not want another three years of law school, thousands of dollars of debt, and long grueling hours after graduation, then life as a paralegal may be perfect for you.

The job of a paralegal can be similar to an attorney without the burden of long hours and tough business decisions. For people who love the law and want to be in the field, but have families at home demanding their attention, or other commitments, being a paralegal as opposed to an attorney may be the ideal fit. *Continued on next page...*



### **Myth #7: Every day is the same routine.**

**The reality is:** Au Contraire! Every day is new and exciting. There are constantly new clients and new people to meet, new cases to investigate, and new things to learn. No two cases are ever the same. Different circumstances and different clients make for a lively office with plenty of new and interesting scenarios. Some of the paperwork may seem mundane, but again, every case is different, leaving room for learning and discovering how the law works, and maybe even help set new precedents!

### **Myth #8: There is no room for advancement; you are a paralegal or an attorney.**

**The reality is:** This is absolutely not true; in fact there is plenty of room for growth. The only time you may have trouble moving up in the ranks is when you work for a small firm with less than 3 attorneys.

Paralegals can start as receptionists or even legal secretaries and move into more demanding roles up, to, and including head or "lead" paralegal in larger corporate agencies. This is also true in government agencies where paralegals can work up to management and supervisory roles where other, less experienced paralegals and legal secretaries will answer to them instead of an attorney.

There are also many types of law including personal injury, social security law, real estate, divorce, criminal, and probate to name a few. As you gain experience in these different fields, you can take on more responsibility and earn a bigger income.

### **Myth #9: A paralegal must always talk and write in detailed lawyer jargon to sound intelligent.**

**The reality is:** Again, this really only happens on TV. No one really talks the way people outside of the law profession think we do. Many paralegal course professors will tell you *not* to try and talk in six-syllable words just to sound more intelligent.

Former United States Supreme Court Justice Oliver Wendell Holmes, who may have been one of the Courts most articulate opinion writers, wanted to write so that the common person could read and understand his ideas. To achieve this he wrote all of his opinions standing up. Doing so prompted him to write briefly and clearly before tiring out and having to sit down. He once said "There is nothing so conducive to brevity like a caving in of the knees."

Despite the idea that those employed in the legal field must speak a different language and carry on forever on one topic, it is simply not true. If you can convey your message in simple, easy to understand language, you will be fine.

### **Myth #10: Working for a defense lawyer is like working on "the dark side."**

**The reality is:** This relatively newfangled term "the dark side" is being used more often to refer to criminal defense law practices. Maybe the onslaught of legal and crime scene investigation shows, where the defendants are *always* guilty has aided in the hatred of criminal defense attorneys. The truth is our resourceful legal system has a failsafe to keep the good guys out of jail hence the term "innocent until proven guilty." In some countries the burden of proof is on the defense team and not the plaintiff side. Because we believe in the burden being on the plaintiff, everyone is entitled to a fair trial. The job of a defense attorney is not to finagle criminals back to the streets, but to represent the accused and make sure they are getting a fair trial. More and more we are seeing evidence proving the wrong people have been sent to jail. Defense attorneys are trying to keep that from happening. While it is true that sometimes a defendant may be guilty, he or she still has a right to a fair trial and someone has to ensure this happens. Enter the defense attorney and paralegal...

As the need for good paralegals continues to grow, it is important for potential paralegals to understand the scope of the job before they get started on the road to this great career choice!

## **Takeaways**

The paralegal industry is one of the fastest growing professions today.

In Washington, D.C. alone there are over 40,000 attorneys, most of whom have 2-3 paralegals each.

Paralegals play a vital role in the legal field acting as a liaison between attorney and client.

## **Did you know?**

The terms "Paralegal" and "Legal Assistant" are often used to mean the same role. "Paralegal" is the more common title used in the legal profession.

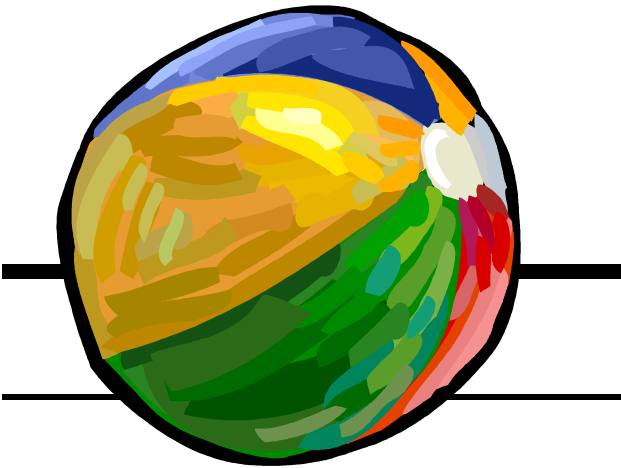
*Tina Marie Frawley is a freelance writer and Paralegal. Formally from Lancaster, PA, she now lives with her husband and dog in Connecticut. Tina Marie can be reached through her website: [www.tinamariefrawley.com](http://www.tinamariefrawley.com).*

Chester County Paralegal  
Association

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*Meetings of the Chester County Paralegal Association are held in the first level of the Chester County Bar Association Building located at 15 West Gay Street, West Chester, Pennsylvania*

*The Paralegal Pipeline is a bi-monthly publication of the Chester County Paralegal Association. Anyone wishing to write a column, letter to the editor, or offer any ideas of a topic, please contact Suzie A. Marker 610-738-8850 or [smarker@gmail.com](mailto:smarker@gmail.com). All ideas are welcomed and encouraged. The Committee reserves the right to edit for space and grammar. Every precaution is taken to ensure the accuracy of articles published. The Chester County Paralegal Association cannot accept responsibility for the correctness of the information supplied*

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