A Publication of the Ventura County Paralegal Association, Inc.



THE VERDICT

Affiliate of the National Association of Legal Assistants

Affiliate of the California Alliance of Paralegal Associations

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Publication does not imply endorsement.

President's Message

by Jami Knupp, VCPA President

I recently had the privilege, along with other VCPAers, to attend the Ventura County Bar Association's annual planning meeting. VCPA board members are invited to participate in the planning meeting every year and as I listened to the different committees and bar sections talk of their plans for the year, I realized that VCPA is not "just a paralegal association," but rather, an integral part of the legal community. I am very proud of that and so should everyone of you.

At the planning meeting I was given the honor of presenting a check for \$1,000 to David Shain as the Chairperson of the Volunteer Lawyers Services Program. VCPA has been able to make this donation in varying amounts because of the support and success of our Wine Tasting and Silent Auction. We can take pride that our efforts allow someone in need of legal services who would otherwise be unable to afford it, to get the help they need.

Be proud of our legal community and the part that we [VCPA] play and the support we receive from our bar association and attorneys. Not many associations are so lucky.

Now, speaking of our legal community, have you reviewed your educational requirements and compliance with Business and Professions Code section 6450 for the year? Do you have the hours you need? I happen to know of a place where you can get five hours of educational credits, including two hour of ethics. Do you want to know where? It's the **2010 Springtime MCLE**Conference on March 27, 2010, of course! Have you registered yet?

The Conference is a great way to get your CLE, learn something new, network with other paralegals, attorneys, and legal professionals, and, of course, meet our vendors who are always there for us when we need them in a pinch. I hope to see a lot of new faces at the conference, as well as the usual crowd.

If you spot me mingling, please stop and say hi.

MEMBERSHIP REPORT

By Jessica Baca Domingo, VCPA Second Vice-President/Membership

Visit 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 Jessica Domingo one at (805) 654-0911 or by E-mail at: vcpamembershp@gmail.com

PLEASE NOTE:

If you are a member of the Ventura County Paralegal Association and you would like to be added to our email list (or if your email address has changed), for future announcements, please send an email to: vcpamembership@gmail.com

If you are a member and currently receive announcements, you will not automatically be added to the job posting email list. This request must be made separately and you must be an active member to be on this list.

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Report on National Alliance of Legal Assistants (NALA)

By Cyndi Hitsman, ACP, VCPA NALA Liaison

Hello From NALA!

NALA Announces Advanced Paralegal Certification Program for Personal Injury Paralegals!

The Advanced Paralegal Certification Board has announced that a comprehensive new program on Personal Injury will be completed by March 1, 2010. The Personal Injury Core Course, a prerequisite to certification in specific PI practice areas, is now available and open for registration to all those seeking this advanced credential.

The addition of the Personal Injury certification increases the number of ACP certifications from the current 7 to 15. This is the most extensive APC program offered to date.

Paralegals seeking advanced certification in Personal Injury must be Certified Paralegals in good standing, must successfully complete a Personal Injury pre-test, and the PI Core Course. Those who have ACP credentials in Discovery and Trial Practice are exempt from the pre-test prerequisite. The core course program covers "Elements of a PI Case," "Investigating PI Claims," "Experts," "Negotiating and Settlement," and "Presenting the PI Claim at Trial."

ACP certification credentials will be awarded in the following practice areas. The practice area courses and the PI Core Course may also be taken as advanced continuing education for those not pursuing the ACP credential:

ACP Automobile Accidents

ACP Entity Medical Liability

ACP Individual Medical Liability

ACP Intentional Torts

ACP Premises Liability

ACP Product Liability

ACP Workers' Compensation

ACP Wrongful Death

Once a Certified Paralegal completes the PI Core Course and all eight practice area courses the paralegal may be awarded the ACP Personal Injury credential.

More information on this sweeping ACP program is available on the NALA Website.

CP Exam Computerized

"The Certified Paralegal Examination will transition from a paper-and-pencil test to computer-based testing in 2010," according to Karen Trumpower, ACP, NALA Certifying Board Chair. "The first computer-based CP exam is anticipated for September," she said. She was joined by NALA President Linda Wolf, ACP, in praising this evolution of NALA's definitive professional certification exam for paralegals.

"Our Association has always pushed the boundaries in advancing educational opportunities and professional esteem for paralegals," Ms. Wolf said. "Adoption of computer-based testing for the Certified Paralegal credential emphasizes our dedication to progress in the 21st Century that was highlighted in 2006 when we launched the Internet-based Advanced Paralegal Certification program."

Ms. Trumpower said the Certifying Board considered the many factors involved in the transition to the new format, and will continue to monitor the new process to ensure the best possible outcomes for paralegals seeking professional certification.

The new exam format will be available at all of the NALA testing centers across the nation, greatly expanding accessibility of the exam to more than 200 locations. Further details on this program will be posted on the NALA Website as they become available.

Watch your NALA mail and the web site for more details about this exciting development.

2010 NALA Convention – Celebrate NALA's 35th Anniversary!

The details of the 2010 educational program are indeed cause for celebration! Advanced Institutes will be offered for those working in the areas of Elder Law, Veterans Law and with the Veterans Administration, and Bankruptcy. Educational tracks include the Essential Skills program, and special sessions for those working in corporate law, and litigation. A special "Hot Topics" program includes updates on foreclosures, energy law and employment law. Details are on the NALA web site – and you will soon receive a brochure with all the information you need to register.

EDUCATION

By Sharon L. Rishel, Education Chair

Scholarships

By: Sharon L. Rishel, Education Chair

The Ventura County Paralegal Association is continuing its longstanding tradition of giving back to the legal community by offering two scholarships each year to residents of Ventura County. Once again, students in good standing at one of our three local paralegal/legal assistant programs are invited to apply for VCPA's \$400.00 scholarship. Likewise, paralegals who meet the requirements of Business and Professions Code section 6450, and desire to become certified or obtain advanced certification, are invited to apply for VCPA's \$250.00 scholarship. Look for a copy of the scholarship application in this month's edition of The Verdict. The application is also available on our web site at http://www.vcparalegal.org

Congratulations to Santa Barbara Business College!!

We are happy to hear that Santa Barbara Business College has been designated an official testing location for the Certified Legal Assistant/Certified Paralegal certification exam. This is the only location in Ventura County with such a designation from the National Association of Legal Assistants. For more information please see attached flyer or contact Sophia Varnava at: sophiav@sbbcollege.edu

CLASSIFIEDS

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 Classified Directory. Fax or e-mail information to Maria Godinez, VCPA Newsletter Editor, (805) 988-9886 ext. 134; FAX: (805) 988-1937, E-mail: VCPA.newsletter.editor@gmail.com.

Paralegal T-shirts for Sale \$10.00 (\$15.00 if they need to be mailed), "Paralegals - the Real Power of Attorney". Contact Jami Knupp with sizes at VCPAPresident@gmail.com.

WAYS and MEANS

By Vivian K. Christianson, CP

The five CLE unit conference will he held on March 27, 2010, at the Four Points Sheraton in the beautiful Ventura Harbor. Volunteers are needed to assist with various planning items and on the day of the event. Tasks are available to accommodate short or extended time commitments, whichever your schedule will allow. Please contact Vivian Christiansen at vkc@staker.com if you would like to help.

The Wine Tasting and Silent Auction Event is scheduled for May 6, 2010, also at the Four Points Sheraton in the beautiful Ventura Harbor. Committee volunteers are needed to assist with various planning items and on the evening of the event. Please contact Vivian Christiansen at vkc@staker.com if you would like to be a part of the committee, to receive notices of the planning meetings, or to offer your assistance on an as-needed basis.



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COMMUNITY CORNER

The New Legal Assistant Trend, Virtual Paralegals

By Cordina Charvis

A Virtual Paralegal is a paralegal who is independently contracted by a lawyer or law firm to provide paralegal support services on an as needed basis. They communicate with their clients remotely through the use of technology such as the internet, e-mail, fax and other remote access systems.

The target markets for the services of virtual paralegals are solo practitioners, small law firms and in-house legal departments. Most virtual paralegals work from their home office and by using a notebook computer with a secure internet connection; they can complete their assignments anywhere.

The education and skills necessary to become a virtual paralegal is the same as a paralegal who works in the office. Paralegals may have a variety of formal education. Some obtain a one-year certificate, while others have two-year or four-year degrees in paralegal studies. Some paralegals have a combination of some form of paralegal education and a four-year degree in another area of study. In addition to a formal education, The Virtual Paralegal Training Center offers online training to virtual paralegals regarding starting and operating their business.

The general start-up cost for a virtual paralegal business can range from \$2,000 to \$5,000. Generally, virtual paralegals fees range from \$30 - \$100 per hour. The types of tasks that are delegated to virtual paralegals depend on their practice areas. An attorney may ask a corporate paralegal to draft an article of incorporation, by-laws and organize company records whereas; a bankruptcy attorney may ask a virtual paralegal to draft petitions.

Virtual paralegals are not required to hold a license in order to perform their duties as paralegals. However, the main legal restriction for operating a virtual paralegal business is for a virtual paralegal to work exclusively under the supervision of attorneys to prevent unauthorized practice of law. They are to always represent themselves as the paralegal and never an attorney and maintain a log of all their clients and projects to prevent any conflicts of interests.

Confidentiality is one of the top concerns for attorneys hiring virtual paralegals. Virtual paralegals have to convince attorneys that they can offer the same level of confidentiality as if they were working in the attorney's law office. They are expected to sign a confidentiality agreement as well as to take other necessary steps to keep their clients projects confidential. It is common practice for a virtual paralegal to have their clients' files locked away in a safe place. Advances in technology have brought into being several virtual law practices and attorneys today are now more comfortable working with virtual paralegals.

My advice to new virtual paralegals is to make sure they know their business inside out. There is little or no on the job training. I would suggest that entry level paralegals startout as virtual assistants and work their way up to virtual paralegals. I would also encourage new virtual paralegals to start out on a part-time basis and gradually grow their business.

Cordina Charvis is the managing paralegal of CD&C Virtual Outsource Paralegal. She has been working as a paralegal for more than 12 years and a virtual paralegal since 2005. She is also a contributor for The Virtual Paralegal Training Center. Ms. Charvis can be reached at inbox@cdcvop.com.

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: Maria Godinez, VCPA Newsletter Editor, FAX: (805) 654-0911, or Email: vcpa.newsletter.editor@gmail.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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CALENDAR OF EVENTS

MARCH 2010

11th VCPA Monthly Board Meeting - 6:00 pm

Meeting is held at the offices of Norman Dowler, LLP, Ventura. Contact Jami Knupp, VCPA President, at: VCPA.President@gmail.com for more information.

11th Early Bird Registration for VCPA Springtime MCLE Conference Ends (See Attached Flyer)

27th Springtime MCLE

Questions or Reservations, please contact Vivian Christensen at (805) 482-2282 or VKC@Staker.com

APRIL 2010

21ST VCPA General Membership Meeting - 5:45 pm

Marie Callender's, 1295 S. Victoria Ave., Ventura. Domestic Partners - What You Need to Know present by Deborah Perkins, Esq. For more information e-mail to: vcpa.vp@gmail.com

LOOKING AHEAD

May 6, 2010 - Winetasting and silent auction May 22, 2010 - The Law Day 5K

June 26, 2010 - CAPA Annual Education Conference in San Diego

September - Election of VCPA 2010-11 Board of Directors

October - Installation of 2010-11 Board of Directors

November - CAPA Board Meeting

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VCPA Employment Job Bank Policy and Procedure

If you would like to be added to the job postings email, please send an email to Elvira R. Abdon at vcpaemploy@yahoo.com.

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.

BENEFITS OF MEMBERSHIP IN VCPA

- Dinner meetings, open to members and guests each month with informative guest speakers and in many cases, MCLE credit.
- Monthly newsletter, The Verdict
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- Student membership discount
- Annual Wine Tasting and Silent Auction
- Annual Springtime MCLE Educational Seminar
- Up-to-date news pertaining to the profession on local, state and national levels

For more information or to receive a membership application, please contact Jesssica Domingo, VCPA's Second Vice-President/Membership at vcpamembership@gmail.com.

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 statues 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 II 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
- © 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



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If you are interested in serving on a committee, please contact Jami Knupp, CP.

Visit VCPA on the Web at: www.vcparalegal.org