

# THE PARALEGAL *Educator*

American Association for Paralegal Education

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Volume 27, No. 3

SPRING/SUMMER 2012



## DEPARTMENTAL INCORPORATION OF DIVERSITY, GENDER EQUALITY AND SERVICE LEARNING

See article on page 9

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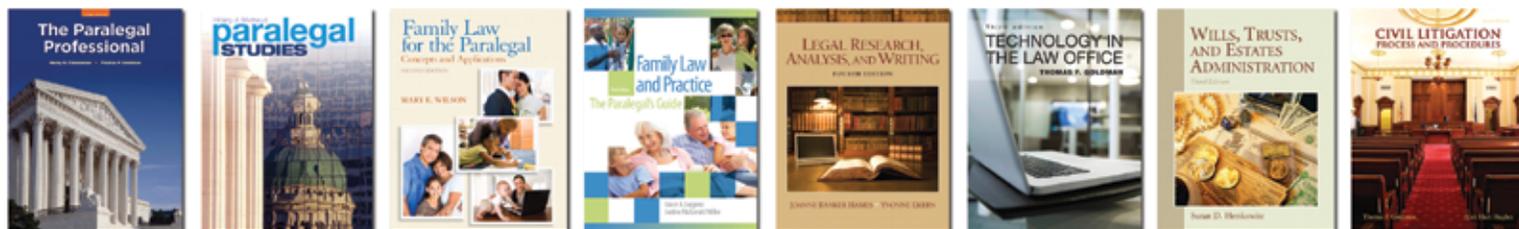
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PUBLICATION DATES: Spring/Summer and Fall/Winter

SUBSCRIPTION RATES: \$50 per year; each AAfPE member receives one subscription as part of the membership benefit; additional member subscriptions available at the rate of \$30 per year. ADVERTISING RATES: (856) 423-2829

**EDITORIAL STAFF:**

Janet Olejar - Editor-in-Chief  
 Steve Dayton - Chair, Publications  
 Carolyn Bekhor - Assistant Editor  
 Gene Terry - Executive Director

PUBLISHER: American Association for Paralegal Education

Articles and letters to the editor should be submitted to the Chair of the Publications Committee.

DEADLINES: January 31 and May 31.

Articles may be on any paralegal education topic but, on occasion, a Paralegal Educator issue has a central theme or motif, so submissions may be published in any issue at the discretion of the Editor and the Publications Committee. (A submission may be rejected as well at the discretion of the Editor and/or Committee.)

Articles may be of any length although, generally, submissions should not exceed 1,000 words. The article should be submitted with an appropriate title, the author's biography (3-5 sentences) at the end of the article, and with a recent photo (.jpg at 300 dpi only). Articles should be submitted in Microsoft Word®. It is preferred that articles be double-spaced, 12-point Times New Roman, and follow the conventions of good English. Please spell and grammar-check articles before submission. Additional editorial guidelines can be found at the AAfPE website ([www.aafpe.org](http://www.aafpe.org)). Publication and editing of submissions are within the purview of the Editors, President, and Executive Director. The opinions expressed in The Paralegal Educator are those of the authors and are not necessarily those of AAfPE.

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# AAfPE 2012 Calendar

**September 7**

**National Conference travel scholarship applications due**

**October 8-10**

**Board of Directors Meeting**  
Savannah, GA

**October 10-13**

**31st Annual Conference**  
Savannah, GA

## *Help at Your Fingertips: The Educational Resource Library*

The mission of the ERL is to provide members with course-level resources, such as syllabi and subject-matter projects, and program-level resources, such as assessment plans, rubrics, professional development ideas, and surveys. Since the ERL's inception, the Education Committee has been gathering and cataloguing all types of information, even archives of relevant listserv discussions, in an effort to streamline AAfPE institutional members' access to material designed to make our lives easier (always a bonus) and our programs even better.

To explore the ERL, go o to [www.aafpe.org](http://www.aafpe.org), click on "Members Only," and enter your Username (your email address) and Password (from AAfPE). If there is content you'd like to see added, please let us know. Or, if you have something to add, please send it to Mara Mooney ([maramooney@clayton.edu](mailto:maramooney@clayton.edu)) or Dora Dye ([ddye@ccsf.edu](mailto:ddye@ccsf.edu)). Contributors retain all copyright and author privileges to their own material. The ERL should only get bigger and better as time passes and more AAfPE members help it grow.

## *Honorary Membership in AAfPE*

Each year, up to two persons who have provided outstanding service to AAfPE, but are no longer involved in paralegal education, are conferred with honorary lifetime membership.

A nominee must have two (2) letters of recommendation from two (2) different AAfPE member institutions. If you are interested in nominating someone for this achievement, please mail and/or email your letters of recommendation, on institution letterhead by August 31st to:

AAfPE  
c/o Scott Hauert, AAfPE President  
19 Mantua Road  
Mount Royal, NJ 08061  
[info@aafpe.org](mailto:info@aafpe.org)

## *Writing for The Paralegal Educator*

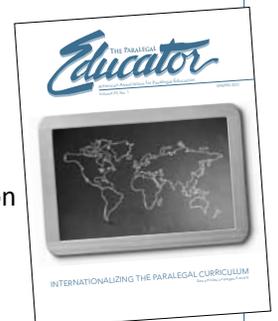
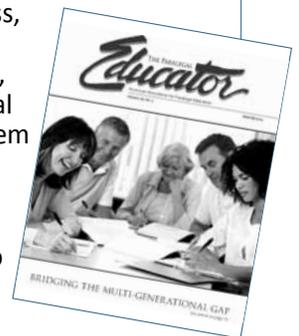
Would you like to impress your boss, your colleagues, your students? Do you have a teaching experience, knowledge relevant to the paralegal profession or a solution to a problem that you would like to share?

If you are thinking "yes" to any part of these questions, then it is time to put your ideas on paper and write an article for AAfPE's national peer-reviewed magazine – *The Paralegal Educator*.

*The Educator* is published twice a each year.

Articles can be submitted at any time; the deadlines for the two issues will be announced well in advance of the submission date. A broad theme may be assigned to an issue to focus on trends and concerns within paralegal education and the paralegal profession. Watch for the "Call for Articles" on the AAfPE listserv which will provide this information.

If you have any questions or would like more information, please contact Editor-in-Chief Janet Olejar at [jolejar@tacomacc.edu](mailto:jolejar@tacomacc.edu) or 253.566.5053



# MESSAGE FROM THE PRESIDENT

## *Future-thinking Membership*

Fellow AAFPE Members,

At the Annual Business Meeting in Baltimore last year, the Membership asked the Board to further examine the proposal for changing the criteria for Institutional membership and to solicit additional input from the membership at large. Over the past several months we have strived to solicit that input. As a starting point, and in response to a suggestion we received, the Board reviewed AAFPE's existing position statements. Recognizing that not all of AAFPE's members are familiar with those position statements, hard copies were distributed to the Membership.

We then conducted a survey of the membership asking which aspects of those existing position statements they felt were still valid, what needs updated, and what is obsolete. The results of that survey showed support for the major elements of AAFPE's Core Competencies and Statement on Academic Quality.

This past spring, I traveled to the five regional conferences and met with members from across the country. At each conference we conducted an open forum to provide some historical context for our current membership criteria, answer questions, and collect suggestions on how we might approach redefining our Institutional membership criteria.

Some members contributed their input in our new Forums and those comments were also copied to our listserv to ensure they reached the broadest possible audience. You can view a summary of those comments by logging into the Forums ([www.aafpe.org](http://www.aafpe.org)). You also can view a compilation of those comments on the Members-only section of the website.

Based on member feedback two key issues surfaced:

1. Should Institutional membership be available to all-online programs that otherwise meet the membership criteria?
2. Should Institutional membership be available to programs that provide only online access to legal research material? (No print library)

Independent of the all-online and print-based library issues, members at the regional conference suggested four general frameworks for Institutional membership. The four general frameworks members suggested are:

1. Open membership: Any self-described "paralegal program" would be eligible for Institutional membership.
2. Semi-open membership: Any program that meets some minimum definition of "paralegal program" would be eligible for Institutional membership.
3. In compliance with a newly-developed, comprehensive set of standards: AAFPE would create, from scratch, its own comprehensive criteria that programs would have to meet in order to be eligible for Institutional membership.
4. In compliance with AAFPE's current position statements on Academic Quality, Core Competencies, and Short-term Programs: Programs that meet the standards currently articulated in our existing position statements would be eligible for Institutional membership.

Another option was also discussed that would allow any self-described paralegal program to be an institutional member, but only if it is part of a regionally-accredited institution. However, strict adherence to "regional accreditation" would be more restrictive than our current bylaw on accreditation standards and also more restrictive than the accrediting bodies currently acceptable to the ABA. Adopting a regionally-accredited-only standard could, therefore, exclude some current Institutional members and disqualify potential future members that are ABA-approved.

In order to gather member input on the all-online program and print-based library questions, as well as to gauge membership support for any of the four frameworks, an additional survey was conducted on those issues. That survey also provided space for members to contribute additional comments. The full results of the survey have been posted in the Members-only section of the website and I will summarize them here, as well as respond to some of the comments. Percentages may not total to 100% due to rounding.

## All-Online Programs and Legal Collections

### **1. Institutional membership should be available to all-online programs that otherwise meet the membership criteria:**

59% either agreed or strongly agreed, 12% neither agreed nor disagreed, 28% either disagreed or strongly disagreed. The comments concerning this question centered on what the actual membership criteria would be. That set of criteria is what we are trying to determine. But the issue of modality needs to be dealt with individually because of the intense debate it still engenders, independent of the program's content.

Currently, the Institutional membership criteria is ABA-approved or "in substantial compliance" with the ABA's Guidelines. The ABA's Guidelines do not currently provide for all-online programs and AAFPE has not historically approved all-online programs for Institutional membership. While it appears there is a broad support for permitting all-online programs to be Institutional members, the comments of the Membership indicate that they would first want to see exactly what the Institutional membership criteria will consist of and also have clear criteria for screening those types of programs.

**2. Institutional membership should be open to programs that provide only online access to legal research material (No print library):** 54% either agreed or strongly agreed, 13% neither agreed nor disagreed, 29% either disagreed or strongly disagreed. The comments concerning this question centered on what would constitute acceptable online legal research material. For example, one comment distinguished between using Google Scholar as opposed to a service such as Lexis or Westlaw.

Another common theme in the comments was that not all law firms are using online-only legal research and therefore paralegals need to be able to do research in print; in short, it depends on the market you serve. On the other hand, one comment noted that the ABA's Guidelines, which by proxy are AAFPE's current criteria, already allow programs to provide all-online legal collections.

## Potential Frameworks for Institutional Membership

**1. Open membership: Any self-described paralegal program:** 6% either agreed or strongly agreed, 5% neither agreed nor disagreed, and 88% either disagreed or strongly disagreed. Clearly, the vast majority of the Membership does not support this option.

**2. Semi-open membership: Any program that meets some minimum definition of "paralegal program":** 16% either agreed or strongly agreed, 20% neither agreed nor disagreed, and 65% either disagreed or strongly disagreed. Again, there is little support amongst the Membership for this option.

**3. In compliance with a newly-developed, comprehensive set of standards:** 50% either agreed or strongly agreed, 28% neither agreed nor disagreed, and 22% either disagreed or strongly disagreed. While support for this option is much stronger, the mixed results evince strong clusters of opinions regarding the framework in general. Any new framework needs to have the backing of at least 2/3 of the membership to move forward. Therefore this option seems unlikely to garner sufficient support.

**4. In compliance with AAFPE's existing position statements on Academic Quality, Core Competencies, and Short-term Programs:** 82% either agreed or strongly agreed, 10% neither agreed nor disagreed, 8% disagreed, and nobody indicated that they strongly disagreed. This framework has, by far, the strongest support (82%) and the least amount of opposition (8%).

There were also some respondents that did not choose any of the options. Some indicated in their comments that they believe the existing, ABA-based criteria should stand as-is. Others, by contrast, felt that the ABA-based criteria should not be a factor.

Some respondents suggested that if we were to develop our own comprehensive set of standards that we should choose a subset of the ABA's Guidelines. One comment suggested that our existing position statements already embody a set of standards which, if adopted as our criteria for Institutional membership, could be periodically updated.

## Next Steps

At its June meeting, the Board reviewed the survey results and discussed the feedback individual directors received from their constituents. The consensus was that AAFPE's current position statements represent the most viable option as a new framework for Institutional membership.

Therefore, the Board voted to move that proposal forward to the Membership at the Annual Business Meeting in Savannah this October.

The Board also discussed whether all-online programs or programs with online-only legal collections should be considered for Institutional membership. Consideration was given not only to the current degree of support for those issues but also to the concerns expressed that we should first settle upon the Institutional membership criteria. The Board is also mindful of the constraints inherent in our Annual Business Meeting format. Chief among those constraints is the limited amount of time available to discuss and consider complicated, and sometimes controversial, proposals. Therefore, the Board voted to defer action on the all-online issues and seek additional membership guidance.

To that end, a resolution will be proposed to the membership in Savannah. That resolution will ask only

whether the Board of Directors should further examine and report on these issues at the 2013 Annual Business Meeting in Phoenix. At that time, if the research indicates sufficient support, a proposal concerning the online issues can be presented for the Membership to vote on. Deferring the “all-online” issue until after questions concerning the underlying Institutional membership criteria have been resolved will allow for a more deliberate review of the issues related to instructional modality.

On behalf of the Board, I want to thank everyone that took the time to provide input on these issues both by participating in the surveys and by attending the regional conferences. We recognize how challenged everyone is with running their program in these times of fiscal uncertainty. Together, we will continue finding efficient, effective, and relevant ways to further our mission of providing quality paralegal education. ■

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## SURVEY SUMMARY

The following four pages contain the actual comments submitted by respondents to the survey instruments described in the above article. These comments have not been edited or changed by the editorial staff of “The Paralegal Educator.”

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### Summary of surveys in the report

Survey	# Pages	# Questions	Date opened	Date closed	Responses	# Complete responses
AAfPE Membership	2	3			82	80

## 1. Default section

### 1.1.

#### *Response counts for survey 'AAfPE Membership'*

	Before filtering	After filtering
Partial responses (unique respondents)	2 (2)	2 (2)
Completed responses (unique respondents)	80 (80)	80 (80)

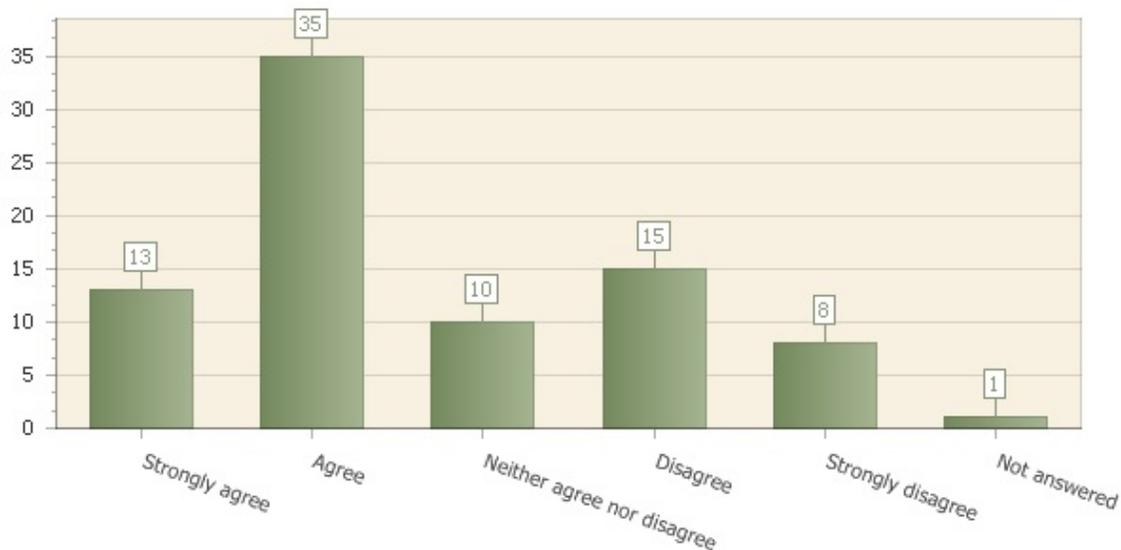
### 1.1.1. P1Q1

Institutional membership should be open to all-online programs that otherwise satisfy the membership criteria.

Question type: Multiple choice

Number of responses: 81

Number of respondents: 82



Answer	Count	Percent answer
Strongly agree	13	15.9%
Agree	35	42.7%
Neither agree nor disagree	10	12.2%
Disagree	15	18.3%
Strongly disagree	8	9.8%
Not answered	1	1.2%

### Comments

Date	Respondent	Answer
5/14/2012	Anonymous	I feel that it has to be articulated for online only programs what the other criteria is and I also feel there has to be some safeguard that the student taking the class is the one who is taking the tests, etc. I feel testing should not be only online testing.
5/14/2012	Anonymous	What is the membership criteria?
5/14/2012	Anonymous	There is no reason to exclude all online programs that otherwise meet the criteria for membership. Modality should not be a factor. Online is here, and even though our program is not "big" into online, others are and we can learn from those that have been doing it.
5/14/2012	Anonymous	Online courses can be very effective and some programs meet the needs of distance education students. My main criteria is whether the institution is regionally accredited.
5/14/2012	Anonymous	What is meant by "otherwise satisfy the membership criteria"? Are we talking about existing membership criteria or the selections enumerated in the 10 May letter from Scott Hauert?
5/14/2012	Anonymous	Cart before horse - issues are outstanding about what the institutional criteria should be.
5/15/2012	Anonymous	Are we talking about ABA approved programs? If so, my answer stands; if not, then I would change my answer to disagree
6/14/2012	Anonymous	I am concerned that a few institutions that have many "on-line campuses" could completely control the board to the exclusion of public and small private institutions.

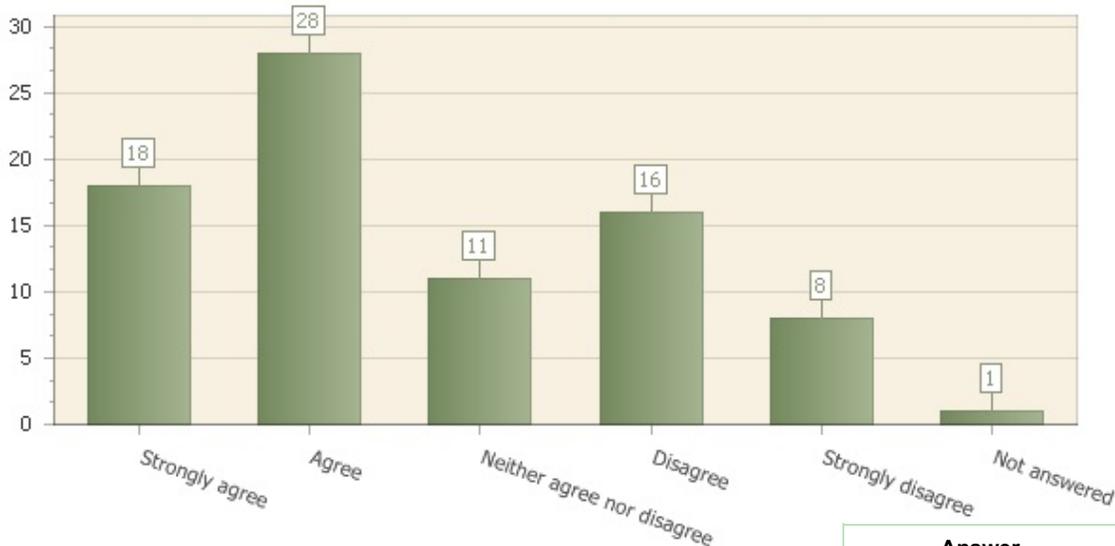
1.1.2. P1Q2

Institutional membership should be open to programs that provide only online access to legal research material (No print library).

Question type: Multiple choice

Number of responses: 81

Number of respondents: 82



Answer	Count	Percent answer
Strongly agree	18	22.0%
Agree	28	34.1%
Neither agree nor disagree	11	13.4%
Disagree	16	19.5%
Strongly disagree	8	9.8%
Not answered	1	1.2%

**Comments**

Date	Respondent	Answer
5/14/2012	Anonymous	But, we have to articulate what is acceptable online materials. Google in my estimation wouldn't cut it. It has to be a legal online service like Lexis or Westlaw to satisfy the electronic resource requirement.
5/14/2012	Anonymous	I think paralegals should be able to use print libraries, as not all firms and organizations have transitioned to only computerized research. However, I do think the trend is moving toward online research, and online research should be emphasized.
5/14/2012	Anonymous	Even the ABA now allows all electronic libraries that otherwise meet the requirements.
5/14/2012	Anonymous	All degrees are not equal and have a library does not make an institution a quality one. Regional accreditation may be more important.
5/14/2012	Anonymous	Depends on what is meant by "online access etc." is that Lexis or Westlaw or is it Google Scholar or the like?
5/14/2012	Anonymous	Although our program includes Westlaw, Westlaw Next, we also have access in our LLRC (Library) to primary and secondary law. We also have access to the Fresno County Law Library and California State Univ., Fresno allows our students to use printed materials as well. But at my law firm, we use strictly online materials. So it would only follow that AAFPE would allow institutional membership to programs that provide only online access to legal research. We teach from books because we do not know where our students will be placed; however, most law firms in which I help place our students use strictly online research resources such as Westlaw and LexisNexis.

### 1.1.3. P2Q1

*In the table below are listed four broad frameworks that could be the basis for Institutional membership in AAFPE. These frameworks came out of the discussions at the 2012 regional conferences. The assumption for all of them is that existing Institutional members would continue to qualify. The issue of all-online programs and electronic-only libraries is covered in the questions on the prior page. Please indicate how strongly you support any of the potential frameworks for Institutional membership listed below. Provide any comments you wish in the space provided at the end.*

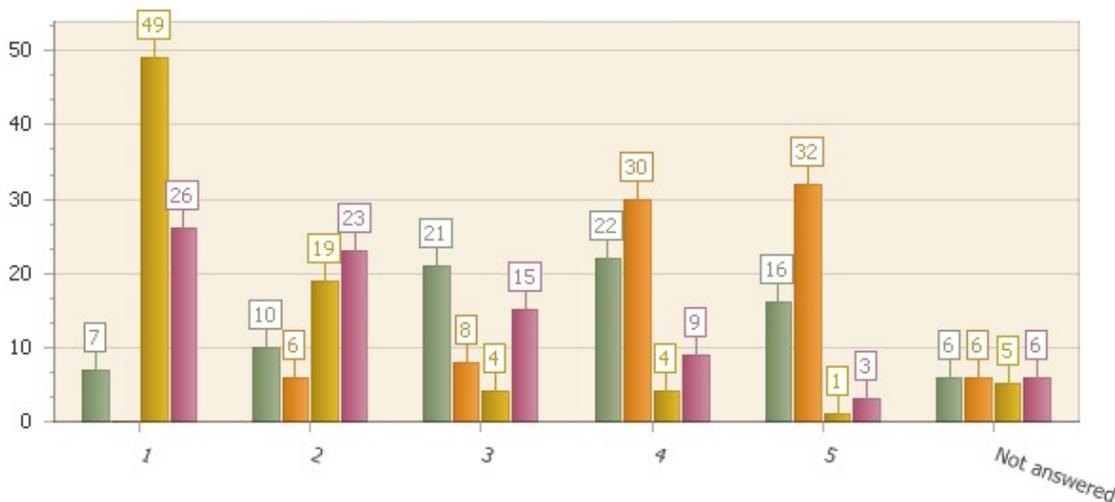
Question type: Matrix & Multimatrix

Number of responses: 80

Number of respondents: 82

Scale: 1 (Strongly Disagree) – 5 (Strongly Agree)

- In compliance with a newly-developed, comprehensive set of standards.
- In compliance with AAFPE's position statements on Academic Quality, Core Competencies & Short-term Programs.
- Open membership: Any self-described paralegal program.
- Semi-open membership: Any program that meets some minimum definition of "paralegal program."



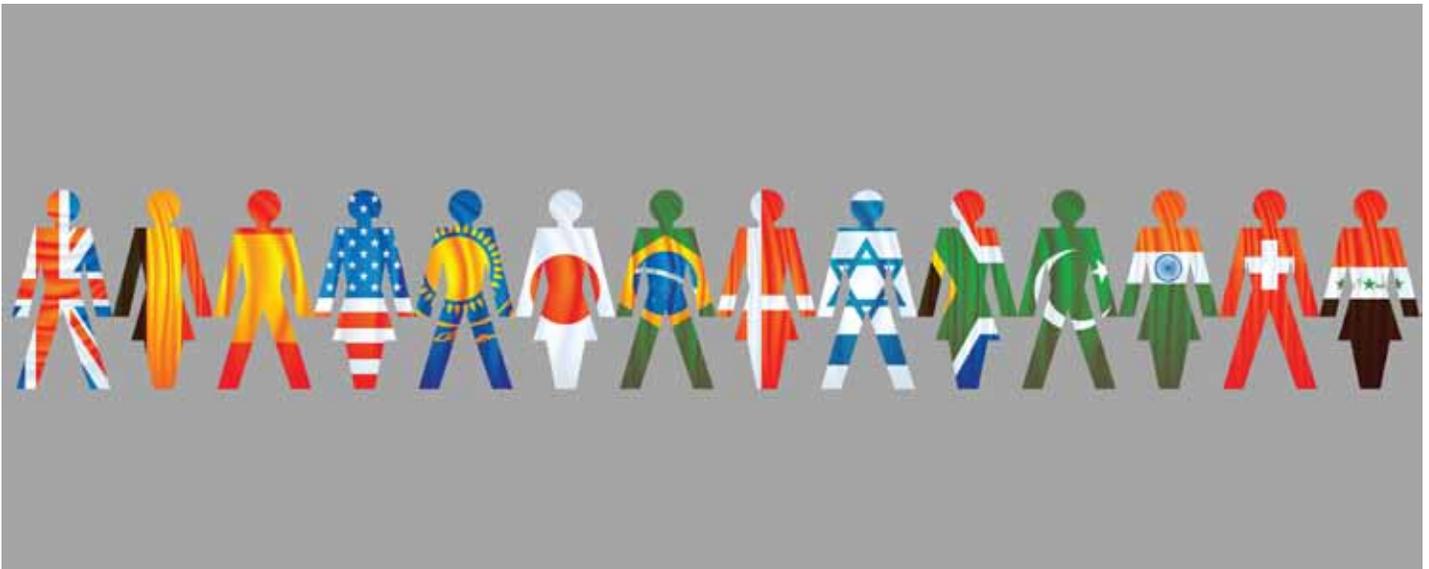
Matrix row	Not answered	Mean	Std dev	Count and % Rating 1	Count and % Rating 2	Count and % Rating 3	Count and % Rating 4	Count and % Rating 5
Open membership: Any self-described paralegal program.	5 (6.1%)	1.6	0.9	49 (63.6%)	19 (24.7%)	4 (5.2%)	4 (5.2%)	1 (1.3%)
Semi-open membership: Any program that meets some minimum definition of "paralegal program."	6 (7.3%)	2.2	1.2	26 (34.2%)	23 (30.3%)	15 (19.7%)	9 (11.8%)	3 (3.9%)
In compliance with a newly-developed, comprehensive set of standards.	6 (7.3%)	3.4	1.2	7 (9.2%)	10 (13.2%)	21 (27.6%)	22 (28.9%)	16 (21.1%)
In compliance with AAFPE's existing position statements on Academic Quality, Core Competencies, and Short-term Programs (Click to view the statements).	6 (7.3%)	4.2	0.9	0 (0%)	6 (7.9%)	8 (10.5%)	30 (39.5%)	32 (42.1%)

## Comments

Date	Respondent	Answer
5/14/2012	Anonymous	Above, I would be accepting of the existing position or a newly developed set of standards approved by the membership.
5/14/2012	Anonymous	AAfPE should pick out the ABA guidelines it thinks are the most important to represent an institutional member and adopt them as their own without any reference to the ABA. This would serve as a starting point and AAfPE could modify them as it sees fit. This would ensure ABA approved programs can still be institutional members, while also allowing other institutions into the fold under some set of prescribed criteria.
5/14/2012	Anonymous	I would like to see a newly-developed, comprehensive set of standards that all AAfPE programs could use as part of their overall assessment plans. The standards could become part of programmatic goals and objectives and would make assessment of our programs more standardized for all.
5/14/2012	Anonymous	This Board has wasted a whole year on this non-issue. AAfPE members should be ABA-approved or strive for ABA approval. Also, since most members are already ABA-approved, any other change is unlikely to be approved.
5/14/2012	Anonymous	For the second and third question above, define what you mean by paralegal program and standards.
5/14/2012	Anonymous	I believe that the standard should continue to be in substantial compliance with the ABA.
5/14/2012	Anonymous	This Board has wasted a whole year on this non-issue. AAfPE members should be ABA-approved or strive for ABA approval. Also, since most members are already ABA-approved, any other change is unlikely to be approved.
5/14/2012	Anonymous	From what I can tell, we currently have, by proxy, "comprehensive" standards by pointing to the ABA. But I do not think as a membership body we would likely ever be able to agree on a subset of those. Rather, we should focus on the educational aspect of the business and we've already done that with the position statements. Those statements could be periodically updated a lot easier than trying to manage some other complicated framework like the ABA has.
5/14/2012	Anonymous	I cannot determine whether the standards that would be developed are good or bad. These should be developed before any changes are made. I do not believe that short term programs adequately prepare paralegals and should not be a fully qualified program for AAfPE membership.
5/14/2012	Anonymous	ABA approval SHOULD NOT BE A CONSIDERATION!
5/14/2012	Anonymous	I don't see the suggestion raised at the North Central regional that we just use the criteria of "regional accreditation" by one of the recognized regional accrediting bodies as the sole criteria.
6/8/2012	Anonymous	Revisions to the existing position statements that would address online research and online programs in line with the reality of paralegal education today. The position statements are very good. They just need updating.



# DEPARTMENTAL INCORPORATION OF DIVERSITY, GENDER EQUALITY AND SERVICE LEARNING



*The adventure of life is to learn.*

*The purpose of life is to grow.*

*The nature of life is to change.*

*The challenge of life is to overcome.*

*The essence of life is to care.*

*The opportunity of life is to serve.*

*The secret of life is to dare.*

*The spice of life is to befriend.*

*The beauty of life is to give.*

-William Arthur Ward

## INTRODUCTION

Long ago in my Legal Studies teaching career I learned I could do more than teach and advise students. I learned that my students had experiences and knowledge that were extremely valuable for informing my traditional classroom teachings. I found that the diverse backgrounds of these same students provided guidance regarding the importance of social justice. My life was enriched by listening to one student after another. Sometimes I found myself truly amazed by their backgrounds and by how they lived. For some there was an abundance of opportunity and yet for others each day presented a new and sometimes dangerous challenge. By talking and listening to these students, I began to see how their character and ambitions formed. I found that this student interaction not only enriched my teaching experiences but also helped advance my managerial responsibilities as department chair. I became inspired to build from what I had learned and to bring the students of Hamline's Legal Studies Department more chances to experience ways to

help bring change to the world we live in. This article will discuss some of the opportunities for diversity, gender equality and service learning that have been incorporated into Hamline's Legal Studies Department. Because active citizens practicing good citizenship is a desirable goal of any engaged college, it is my hope that this article will inspire and encourage readers to influence armies of students to consider the importance of social responsibility and service as they enter their careers.

## DIVERSITY

Research suggests that an understanding of racial diversity increases the ability to engage in critical and complex thinking, intellectual engagement as well as community involvement during and after college.<sup>1</sup> Additionally, when students perceive that a university is committed to diversity, their personal goal to promote racial understanding is increased.<sup>2</sup>

A recent student of mine worked as a diversity and pro bono coordinator for a large area law firm and provided guidance. During the semester we had class together, she informed me of numerous opportunities for my students. The quote found at the top of this article was forwarded as part of our ongoing dialogue. Even though she has graduated from the program, she continues to forward ideas for the incorporation of diversity into the Legal Studies Curriculum. A few of the opportunities that have been incorporated include the following:

### BOOK CLUB

There are a plethora of books that can be read that explore issues of race. You will even find some that incorporate legal concepts. A book club can be started by invitation and extended to a set number of people such as the first twelve that respond to the invitation.

If the first responders do not create a diverse group, the facilitator of the club could approach a few diverse people on campus to see if they are interested in joining the club. A good time to conduct the book review is after various breaks ensuring that the members have time to read the book. Most books have websites that may assist the facilitator in creating discussion questions. Books to consider include: *There are no Children Here*, by Alex Kotlowitz, *The Other Side of the River*, by Alex Kotlowitz, *The Spirit Catches You and Then You Fall*, by Anne Fadiman, and *The Grace of Silence*, by Michelle Norris.

### YWCA

The YWCA is an autonomous women's movement at the forefront of social change. Area YWCAs provide many and varied opportunities for students. Consider offering extra credit for participation. A few of the opportunities found at your local YWCA might include workshops on *Confronting Racism* or *Weaving Racial Justice into Your Profession*.<sup>3</sup> Additionally, you might find opportunities for your students to participate in facilitator training allowing students to facilitate YWCA workshops, community conversations and forums addressing racism.<sup>4</sup>

### CLE

Consider hosting a continuing legal education seminar on campus open to lawyers and paralegals from the community as well as students in paralegal and legal studies programs. A component of the seminar could include speakers on the elimination of bias.

## GENDER EQUALITY

Law and the Lives of Women is a class that was recently added to the curriculum of Hamline University. Women and the Law classes have actually been offered since the 1970s. The study of law as it affects women provides an opportunity for students to not only study federal and state law; it provides students with the opportunity to develop a broad base from which to draw if they find themselves working with social justice issues.<sup>5</sup> A magnificent text for a Women and the Law class is a book entitled *Gender Law and Policy*.<sup>6</sup> It explores legal and policy issues surrounding gender equality and provides a base of study for a Women and the Law class.

One of the course components of the class requires the reading of a book that pertains to gender roles in society and the laws that both reinforce gender stereotypes and laws that attempt to remedy the effects of gender stereotypes. A suggested reading list for a Women and the Law class includes *Delusions of Gender* by Cordelia Fine, *Whipping Girl* by Julia Serano, *The Guys Guide to Feminism* by Micheal Kaufman & Micheal Kimmel, *Half the Sky; Turning Oppression into Opportunities for Women World Wide* by Nicholas D. Kristoff and Sheryl Wu, *Pinstripes and Pearls* by Judith Richards Hope, *Equality: Women Reshape American Law* by Fred Strebeigh, *Do They Hear You When You Cry* by Fauziya Kassindja, *A Woman's Crusade* by Mary Walton, *The Feminine Mystique* by Betty Friedan, *A Thousand Splendid Suns* by Khaled Hosseini, *Angela's Ashes* by Frank McCourt, *The Story of Jane: The Legendary Underground Feminist Abortion Service* by Laura Kaplan, *The Color Purple* by Alice Walker, and *Handmaids Tale* by Margaret Atwood.

If your school offers a degree in Women's Studies, consider opportunities for collaboration. At Hamline, a student can double major in both Women's Studies and Legal Studies by taking sixteen classes instead of the twenty classes typically required for two majors. This is possible as some classes have been redeveloped to satisfy both majors. Much legal work requires a working knowledge of gender equality and a desire to advocate for gender equality. Positions of employment that would benefit from Women's Studies curricula include family law, domestic violence prevention, human services, and health services, to name a few.<sup>7</sup>

## SERVICE LEARNING

The National Task Force on Service Learning and Democratic Engagement issued a national call to action in January of 2012 entitled *A Crucible Moment, College Learning & Democracy's Future*. This document asserts that:

A socially cohesive and economically vibrant US democracy...require[s] informed, engaged, open-minded, and socially responsible people committed to the common good and practiced in 'doing' democracy... Civic learning needs to be an integral component of every level of education, from grade school through graduate school, across all fields of study.<sup>8</sup>

Lately I have been seeing more and more blips on student resumes in the form of volunteer opportunities. These blips have caught my eye and have impressed me.

Moreover, employers demand employees who have achieved social responsibility and integrative thinking.<sup>9</sup>

Internships and service learning provide opportunities for students to integrate thinking into social responsibility. While internships are typically done at the end of a course of academic study, service learning provides opportunities for civic engagement throughout the course of study.<sup>10</sup> Service learning opportunities at Hamline are a minimum of 20 hours while internships are typically 120-150 hours. These experiences not only help students gain the proverbial foot in the door, but might also create a life-long commitment to social service.<sup>11</sup>

Integrating service learning with the community is not difficult. All you have to do is ask. Outlined below are some examples of service learning recently incorporated into the Legal Studies Department at Hamline University.

## SILENT WITNESS EXHIBIT

Most states have a silent witness exhibit.<sup>12</sup> The goal of this exhibit is to commemorate lives lost to domestic violence through life-sized red wooden figures. Each figure has a plaque located on its chest describing the domestic violence death suffered by the individual represented by the figure. Students have indicated that there is no way a person can miss the exhibit and that it has inspired them to work toward an end to domestic violence. In most states the exhibits are available to colleges and universities for display.

## GENDER JUSTICE

This is a non-profit organization based in the Upper Midwest which seeks to eliminate gender inequality through litigation, public policy advocacy and education as well as training programs. They frequently allow Legal Studies students a chance to participate in service learning performing litigation associated tasks.

## WATCH

Volunteers monitor court cases in Hennepin County involving domestic violence, sexual assault, and/or child abuse/neglect and report significant data so that the information can be used to track individual cases as well as important trends. It may be disseminated in newsletters and/or to those with the authority to change policies and procedures within the justice system.

## BREAKING FREE

This is an organization dedicated to the protection of the rights of victims and survivors of domestic sex trafficking and prostitution. Research interns identify and prioritize gaps in Minnesota law and the criminal justice system that are not consistent with this mission.

## LEGISLATIVE MONITOR

Volunteers in Minnesota monitor committee hearings held during the legislative session on topics such as reproductive health, voter ID and cuts to human services.

## ADVOCATES FOR HUMAN RIGHTS

Volunteer research assistants verify research on the implementation of domestic violence laws in Croatia. This research is part of a report containing qualitative reports, victim's stories and their experiences with the legal system and judges.

## WILLS FOR HEROES

Volunteer attorneys and paralegals assist with the preparation of wills and other estate planning documents for first responders and their spouses/domestic partners.<sup>13</sup>

Interactions with students have been a great source of joy during my 20 years as a college professor. These students have taught me to see the need for social justice work and have inspired me to work with future students to develop a desire to help promote social justice.

As professors we have great opportunities to expand a student's understanding in the area of diversity, gender equality and service learning. With this knowledge the students begin to develop the tools to help promote civil change and become better citizens. ■

## ENDNOTES

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  - 3 [www.ywcampls.org/racial\\_justice/skill-building\\_workshops/](http://www.ywcampls.org/racial_justice/skill-building_workshops/) (accessed February 5, 2012).
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  - 6 Katherine T. Bartlett & Deborah L. Rhode, *Gender Law And Policy* (2009).
  - 7 [www.msomagazine.com/spring2007/womensstudies.asp](http://www.msomagazine.com/spring2007/womensstudies.asp) (accessed February 3, 2012).
  - 8 The National Task Force on Civic Learning and Democratic Engagement. 2012. *A Crucible Moment: College Learning and Democracy's Future*. Washington, DC: Association of American Colleges and Universities.
  - 9 <http://leap.aacu.org/toolkit/leap-101-getting-started/2011/leap-public-opinion-research-employers-views-on-higher-learning> (accessed February 3, 2012).
  - 10 For a detailed discussion of experiential learning, including service learning, see the fall 2009 edition of the *Liberal Education* in which Professor Janet Eyler notes that with this type of learning "students alternate periods of paid work with campus study or split their time between the workplace and the campus." Janet Eyler, "The Power of Experiential Education," *Liberal Education, The Association of American Colleges and Universities*, Vol. 95 No. 4 (Fall 2009). <http://leap.aacu.org/toolkit/leap-101-getting-started/2011/leap-public-opinion-research-employers-views-on-higher-learning> (accessed February 3, 2012).
  - 11 Hamline Legal Studies Student Kelly Kalahar recently finished a service learning project with the advocates for Human Rights. In her reflective paper she reports, "This experience really opened my eyes to the incredible need for volunteers and the importance of pro-bono work. While I may not ever want to see another footnote for as long as I live...I walk away with an even greater drive to work in the non-profit arena."
  - 12 [www.silentwitness.net/sub/began.htm](http://www.silentwitness.net/sub/began.htm) (accessed February 3, 2012).
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- BIOGRAPHY**  
*Jeanne Kosieradzki received her Juris Doctor Degree in 1991 from William Mitchell College of Law. She is an associate professor and chair of Legal Studies as well as an affiliate professor of Women's Studies at Hamline University. She teaches in the areas of civil litigation, tort law, women in the law and legal ethics. Before coming to Hamline, she practiced in the area of plaintiff's personal injury.*



# WRITING IN ACADEMIA: GETTING STARTED

As more educational institutions adopt four-year paralegal degree programs, more faculty have become “tenure track” and are subject to publication requirements frequently cast as a need for “scholarly research and publication.”<sup>1</sup> This is a new experience for most of these faculty members because their background is in the study and practice of law rather than academia. While they might be quite adept at and have actually written dozens, if not hundreds, of pleadings, memoranda and briefs, they have little or no experience at meeting the expectations for research and publication of the type being demanded by their academic institutions. At the recent AAFPE National Conference in Baltimore, as co-chair of the AAFPE Scholarly Journal Committee I was often asked how to overcome the first obstacle to academic publication: coming up with and developing a viable topic for research, writing, and publication.<sup>2</sup>

Depending on the requirements of the particular educational institution, acceptable publication may include bar review type articles and case notes, but often the demand is for publications that are considered more “academic” in nature. Articles of this type are based on scientific research rather than legal research.<sup>3</sup> My comments here will focus on the latter.

At the risk of over-simplifying a cognitive process that leads to a well-developed and properly written scholarly article,<sup>4</sup> I will posit the following proposition: Every positive or negative statement of a position contains the



germ of an idea for scholarly research and writing. I have a folder full of such ideas that have been outlined for future projects based on my interests, most of which will never be completed due to time constraints. I make notes on additional possibilities each time I read some of the more controversial discussions on the AAFPE listserv and at each educational training session I attend. Since the goal is not to create such a folder, but to pursue a few such ideas to completion, each author should develop ideas based on their personal experience and interests. So this article will use some examples to illustrate how to recognize and develop ideas based on my proposition, rather than to suggest ideas for articles.

Each positive or negative statement of position or fact contains an assertion. Those assertions often seem intuitively correct or incorrect to the person making the assertion; likewise, those hearing the assertion have their own intuitive position. Legal professionals, especially in the trial process, do (and must) rely on those intuitions to make instantaneous decisions. However, even in the legal profession we recognize the value of testing the validity of those intuitions - hence the increase in jury selection research and consultants. The goal is to make rational decisions based on data.

Let's start with my own assertion at the beginning of this article. I asserted that, "as more educational institutions adopt four-year paralegal degree programs, more faculty are subject to publication requirements." This seems intuitively correct, but that intuition would not be enough on which to base a decision to bring an AAFPE Scholarly Journal back to life. That decision ought rather to be based on data that tests the propositions contained in that assertion: (1) has there been an increase in four-year paralegal degree programs and (2) are the faculty in those programs subject to publication requirements.<sup>5</sup> Rather, study to gather data in hopes of verifying each proposition or the negative of each proposition.

As legal practitioners we are often advocates of a position. That advocacy is based, however, on an objective assessment of our client's case. Such objective assessment is of particular importance for purposes of academic writing. Academic research, at least in theory, does not seek to *prove a proposition, but to test it*.

*Propositions can be tested for academic purposes in several ways. Assume that you or a colleague believe that students learn better if material is presented through a new Method B.*<sup>6</sup> This proposition could be tested through an experiment,<sup>7</sup> i.e., teaching some classes using the new Method B and some classes using Method A, the traditional presentation of the materials, giving both groups of classes the same assessment, and comparing the results.<sup>8</sup> It may also be tested by surveying schools using Method A and schools using Method B and comparing the results obtained by each (using some standard measurement such as, say, graduation rates or scores on standardized tests).

In some instances, a proposition can be tested by compiling and analyzing already existing data. One listserve discussion concerned the extent to which a certificate or degree from an ABA-approved program was beneficial to a graduate when seeking employment. This could be tested through surveying law firms for their hiring criteria or surveying law firms and those seeking employment to determine the number of paralegals hired with and without a certificate or degree from an ABA-approved program. But it may also be possible to gain useful data on the topic by compiling and analyzing advertisements for paralegal positions posted by law firms.

Once a topic has been decided upon and the testing completed there is a relatively standard format for articles reporting the results, similar in purpose if not structure to the IRAC format with which legal professionals are so familiar. I will review that format in my next article. ■

## ENDNOTES

<sup>1</sup> This author conducted a 2009 survey of four-year institutional members of AAFPE on behalf of the AAFPE Scholarly Journal Committee. Of the 107 institutions surveyed 45 responded indicating that at least 78 faculty members at 28 institutions were subject to a publication requirement.

<sup>2</sup> I do not claim to be an expert in this area. I only became full-time tenure-track faculty in 2007. My writing quickly transitioned from articles to writing *The Empowered Paralegal* series of books. The thoughts contained in this brief article are the results of (1) research I performed prior to that transition; (2) research and preparation for teaching an Introduction to Criminal Justice Administration course in a Master's Degree program that included introducing students to academic writing; (3) extensive review of academic articles while editing *The Empowered Paralegal Professionalism Anthology* (Carolina Academic Press 2011); and a 2010 AAFPE National Conference a panel on this topic facilitated by Jill Martin.

<sup>3</sup> Both types of articles would be considered for inclusion in the *AAFPE Journal of Legal Studies* presently contemplated by the Scholarly Journal Committee.

<sup>4</sup> The process described here is just one of several that can lead to a well-developed academic article. For example, an author with an interest in history may publish law-related articles based on historical research.

<sup>5</sup> The second sentence is subject to similar verification: Are most paralegal educators and program directors former legal practitioners? Is academic research a new experience for them?

<sup>6</sup> "Better" is a nebulous term and the concept must be refined in order to be subject to valid testing. For example, what do people mean when they say, "Traditional classrooms are better learning environments than online courses." A testable standard for "better" must be established before we proceed.

<sup>7</sup> Many institutions require prior approval for any experiment or survey that involves human subjects. Check with your institution before beginning any such procedure.

<sup>8</sup> There is a great deal to be said about the necessary sample sizes for valid results, but must be the subject of another article.

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*Robert E. Mongue is an Assistant Professor of Legal Studies at the University of Mississippi. He is the author of The Empowered Paralegal book series. Mr. Mongue is Secretary of the AAFPE Board of Directors and co-chair of the Scholarly Journal Committee.*



# WOMEN IN THE LAW: A COMPARATIVE OVERVIEW OF PARALEGALS, LAWYERS AND JUDGES

## Introduction

As paralegal educators, many of us have the unique privilege of witnessing our students graduate each spring and embark on rewarding careers in the law. Given women's strong presence in the paralegal profession, it is particularly gratifying to recognize the contributions women paralegals have made, and will continue to make, in their future positions.

In contrast to women in other segments of the legal profession, such as lawyers and judges, paralegals have experienced much greater success in attaining equal opportunity and participation in the job market. While women represent half of all employees in legal occupations in the United States, women are underrepresented as lawyers and judges, whereas they dominate the paralegal profession.<sup>1</sup>

This article provides a brief overview of how women have fared in three related legal careers: paralegals, lawyers and judges.

## Women Paralegals

The paralegal profession is a young one that emerged only four decades ago. The idea of using paralegals, or educated non-lawyers, to perform a wide variety of legal tasks under attorney supervision was first conceived as part of a broad discussion by Congress, law firms, local bar associations, and the American Bar Association to make legal services more affordable and accessible to people regardless of socioeconomic status. The profession, therefore, was born at an important crossroads in American history—at the height of the civil rights movement of the late 1960s and at the cusp of the feminist movement of the 1970s. It also coincided with the passage of federal and state laws prohibiting gender discrimination in private employment and by federally-funded educational institutions. From the very beginning, women have played a key role in shaping the paralegal profession. Indeed, the first opportunities that appeared in the field were filled in large part by women who had previously worked as experienced legal secretaries. Having no formal legal education or bar admission, these early professionals initially developed paralegal skills through on-the-job training. However, as paralegal degree and certificate programs began to abound in the 1970s to the present day, women were quick to take advantage of these educational opportunities and advance in the profession.

Today, women experience high levels of participation in paralegal jobs, accounting for 86.8% of all paralegals

in the American workforce.<sup>2</sup> In terms of salary, the U.S. Department of Labor reports the median annual income for paralegals as \$46,680 (or \$22.44 per hour).<sup>3</sup> It is estimated that between 2010 and 2020, employment of paralegals is expected to grow by 18%.<sup>4</sup>

In addition to playing a significant role in the workplace, women paralegals have assumed important leadership and policy roles on a national scale. Presently, the three preeminent paralegal professional associations are headed by women: the National Federation of Paralegal Associations (NFPA), National Association of Legal Assistants (NALA), and NALS, the Association for Legal Professionals (formerly known as the National Association of Legal Secretaries).<sup>5</sup>

## Women Lawyers

Unlike the relatively new paralegal field, the existence of lawyers in the United States dates back to colonial times. Yet this early history does not reflect women, as they were systematically excluded from becoming attorneys. Through discriminatory bar admission laws and law school admission policies, as well as by other means, women were greatly limited to careers in the domestic domain and kept out of the courtrooms. Married women faced additional hurdles becoming lawyers since they were not deemed to have a separate legal existence from their husbands; thus, they were unable to enter into contracts for employment without spousal consent. Not surprisingly, the first woman lawyer did not appear in American history until 1869, when Arabella Mansfield was admitted to the Iowa bar.

From a historical standpoint, women lawyers have certainly faced an uphill battle. This fact is best illustrated by the case, *Bradwell v. Illinois*, 83 U.S. 130 (1873). In 1869, Mayra Bradwell was denied admission to the Illinois bar because she was a married woman, and the U.S. Supreme Court affirmed that decision. Rejecting her Fourteenth Amendment claim under the U.S. Constitution, the Court held that she had no constitutionally-protected right to

bar admission and left it up to the states to determine whether to admit women. Of particular importance was the Court's view about women, stating, "The paramount destiny and mission of women are to fulfill the noble and benign offices of wife and mother."<sup>6</sup> Indeed, a century later, in 1971, women comprised only 3% of all attorneys, and only 16% by 1988.<sup>7</sup> Currently, women represent 31.5% of lawyers in the United States.<sup>8</sup>

Women have also encountered significant barriers pursuing law degrees, as evidenced by the case, *Foltz v. Hoge*, 54 Cal. 28 (1879). Clara Shortridge Foltz was a woman who sued Hastings College of the Law, California's first and only law school at the time, after she attempted to enroll in 1878 and was expelled only three days later. Having already become California's first woman lawyer, Foltz argued her case before the California Supreme Court and succeeded in convincing the Court to force Hastings to admit women. A century later, in the 1970s, women finally began to realize equal opportunity in law school admission amid the passage of Title IX of the Education Amendments Act of 1972, which prohibited gender discrimination by federally funded institutions. This led to women's fuller participation in higher education, culminating in women now comprising 47.1% of all entering law students in the United States.<sup>9</sup>

Throughout history, women have reached great heights as lawyers, achieving many noteworthy firsts in the legal profession. However, more must be done to eliminate overt and subtle forms of discrimination against women. According to the American Bar Association, women comprise a weak 19.4% of partners at private firms, 18.8% of general counsel positions in Fortune 500 companies and 20.6% of law school deans.<sup>10</sup> Moreover, the median annual income for all attorneys is \$112,760 (or \$54.21 per hour), but women working full-time as lawyers earn 74.9% of what their male counterparts earn.<sup>11</sup>

## Women Judges

The first woman to join the ranks of lawyers did so in 1869, but it took many more years before women began to reach seats on our nation's highest state and federal courts. In 1923, Florence Allen joined the Ohio Supreme Court, becoming the first woman to serve on a state court of last resort. In 1981, Sandra Day O'Connor joined the

## U.S. Supreme Court as an Associate Justice. These were incredible milestones for women judges, but progress was indeed delayed.

Despite an increase in the number of women attending law school, the number of women serving on the judiciary has not seen the same rate of increase. As a whole, 36.4% of all state and federal judges, magistrates and other judicial workers are women.<sup>12</sup> As a point of comparison, the annual median income for judges is \$91,880 (or \$47.17 per hour).<sup>13</sup>

Certainly one reason for the small numbers of women on the bench is traceable to the same obstacles faced by women lawyers in their careers—discrimination, gender bias and stereotypes. After all, most judges are also lawyers and share a common history with women lawyers in the broader legal profession. In addition, younger women pursuing judgeships face unique barriers because many states have requirements that lawyers reach a minimum age or minimum number of years of practice to hold judgeships. Further, to become a federal judge, one must be appointed by the president and confirmed by the senate, which means that a woman's fate is affected by both politics and the extent of a president's commitment to diversify the bench. Finally, as women enter the profession at increasing rates, they still remain a minority of all attorneys overall given men's dominance in legal careers.

### CONCLUSION

Women paralegals have experienced remarkable success in the few decades that the paralegal field has existed, and they continue to dominate the labor force. This is in stark contrast to women in related and much more established professions, such as lawyers and judges, who have historically faced serious barriers attaining equal opportunity and participation in legal jobs. One thing is shared in common— many of the gains women have experienced in all three career tracks happened during the 1970s and continue to present day. This is due in great part to the feminist movement, federal and state civil rights laws prohibiting gender discrimination in private employment, and by federally-funded educational institutions and a number of landmark cases solidifying women's rights. As paralegals, lawyers, and judges continue to make important contributions in the legal profession, the shared history of women in the law will become increasingly relevant and important to achieving equality. ■

### ENDNOTES

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<sup>2</sup> *Id.*

<sup>3</sup> Bureau of Labor Statistics, U.S. Department of Labor, *Occupational Outlook Handbook*, 2012-13 Edition, Paralegals and Legal Assistants, on the Internet at [www.bls.gov/ooh/legal/paralegals-and-legal-assistants.htm](http://www.bls.gov/ooh/legal/paralegals-and-legal-assistants.htm) (visited April 11, 2012).

<sup>4</sup> *Id.*

<sup>5</sup> Tracey L. Young is President of NFPA, Karen Greer McGee is President of NALA, and Helen L. Wood is President of NALS (as of 4/11/2012).

<sup>6</sup> *Bradwell v. Illinois*, 83 U.S. 130 at 141 (1873).

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<sup>10</sup> *Id.*

<sup>11</sup> Bureau of Labor Statistics, U.S. Department of Labor, *Highlights of Women's Earnings in 2009, Report 1025*, June 2010, on the Internet at [www.bls.gov/cps/cpswom2009.pdf](http://www.bls.gov/cps/cpswom2009.pdf) (visited April 11, 2012).

<sup>12</sup> Bureau of Labor Statistics, U.S. Department of Labor, *Occupational Outlook Handbook*, 2012-13 Edition, Judges, Mediators, and Hearing Officers, on the Internet at [www.bls.gov/ooh/legal/judges-mediators-and-hearing-officers.htm](http://www.bls.gov/ooh/legal/judges-mediators-and-hearing-officers.htm) (visited April 11, 2012).

<sup>13</sup> *Id.*

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*Dovie Yoana King is an Adjunct Professor at the San Diego Community College District, where she teaches legal research, bankruptcy law and grievance handling. Dovie is a member of the American Association for Paralegal Education. She also serves on the Professional Advisory Board of the American Bar Association's Immigration Justice Project, the Executive Board of the American Constitution Society San Diego Lawyer Chapter and the Board of Directors of the San Diego La Raza Lawyers Association. Dovie earned her bachelor's degree from Brown University and juris doctor from Northeastern University School of Law.*



# UNEXPECTED CONSEQUENCES: Managing Cultural Conflict in the Classroom

Several semesters ago, I began transforming my legal specialty courses to include multicultural elements in an effort to reach more students, to meet a university mission, and to help create a classroom that better prepared our students for an increasingly multicultural working environment. Towards that goal, I added a discussion in my Trusts, Wills and Probate class on the varying reactions to death and estate planning among my culturally-varied clients during my years as an estate planning lawyer.

I spoke about funeral customs and different family dynamics. I talked about how sometimes the way a person died affected clients; a murder brought in highly emotional people while the death of a beloved mother in her nineties brought calmness. I talked about how death seemed to surprise some families while for others death was natural and expected. And of course, I shared my own personal experiences with death having come from mixed parentage, that of a Mexican mother and a Middle-Eastern Jewish father.

Before I could lecture on the traits of a culturally responsive paralegal, a student raised her hand to offer some observations at her workplace regarding death. Using unqualified generalizations that had a slightly insulting slant, she told us how African-Americans did one thing, the Asians another, and the Mexicans did still something else. Needless to say, two students reacted strongly to the generalizations. I found myself unprepared for the suddenly heated conflict. My face reddened with the reality that I didn't have a plan to diffuse the situation other than gut instinct. I had not expected, naively perhaps, to get such crude comments from a student. I had not expected to *not know* what to do.

In the end, I gently advised that one cannot make generalizations about any groups of individuals, that everyone has unique experiences, and all-too-quickly moved on to the next topic. I felt I failed as a teacher, mediator, and above all, as a guide in these oft-difficult-to-navigate waters of life. So in the cold light of day the following morning, I did what I always do when faced with a challenging situation: I turned to Google.

### “How do I handle racial or ethnic conflicts in the college classroom?”

The literature assured me that my experience was not unique when touching upon diversity. In “Creating Inclusive College Classrooms,” University of Michigan’s Shari Saunders and Diana Kardia said that controversial topics sometimes bring about unanticipated results:

1. Altercations between individual students or groups of students,
2. Silence from students who feel intimidated or fear conflict,
3. The assertion and perpetuation of false stereotypes or problematic assumptions, or
4. The expression of offensive speech.<sup>1</sup>

So what to do when those unanticipated results happen? Saunders and Kardia say that while there are no easy answers to these situations, the best medicine for conflict is prevention. Key concepts of prevention include creating safe classroom environments by establishing guidelines on class conduct early in the class, building on group processes so students get to know each other, and by modeling appropriate behaviors.<sup>2</sup>

When prevention fails though, a plan still needs to be in place for handling that direct conflict.

One plan that Saunders and Kardia suggest is for instructors to turn the conflict into a “learning moment” by tying the feelings and conflict to the course material.<sup>3</sup> Reminding students of content might reduce the tension of the moment. In my class, for example, instead of panicking and changing topic, I might have said to the offended students, “Since we’re talking about varying reactions to death, would you like to share your own experiences with how people react to death or death customs?” The class would be reoriented to the substantive topic and the question would allow the offended students to correct the insulting images by providing their own viewpoint.

The idea of a “learning moment” was repeated when I consulted with a representative of our Student Affairs office regarding conflict in the classroom. The representative suggested that instead of attacking the student who made the offensive remark, I should ask the offended student to share his or her feelings towards the comment itself. This way the speaker is not immediately on the defensive, and the speaker will hear the impact of his or her own words on another person.

In speaking with my own students about what an instructor should do when such a conflict arises, several said they wanted the instructor to acknowledge the conflict and attempt, at least, to address it. They especially noted the need for the instructor to correct blatantly discriminatory speech or behavior, instead of simply ignoring the situation and moving on. Correcting such comments or behavior is also noted in Harvard University’s online document, “Teaching in Racially Diverse Classrooms.”<sup>4</sup>

In general, teachers across the country use a variety of methods in dealing with conflict in the college classroom. They ignore the comments entirely, address the offending student in front of the class or outside of the class, involve other students to solve the problem, focus on students’ feelings and empathizing, among a host of other methods.<sup>5</sup> The best methods, however, are those methods that enhance “working alliances with students,” promote a “common sense of purpose,” and show respect for students.<sup>6</sup>

This leads to another excellent resource, the University of Virginia's own handbook, "Teaching a Diverse Student Body." There, in Chapter 4, the University says that when conflicts occur in the classroom, the instructor should:

1. Protect students from personal attacks.
2. Reflect disturbing statements slowly and clearly so that the speakers might hear their own words once again – this sometimes will cause students to rephrase their statements.
3. Give the class a brief timeout and ask them to record their own immediate responses in writing and share the response with one other student.
4. Redirect the focus from the speaker to a topic for general discussion – "Some people think that, why?"
5. Go around the room and ask each student to state his or her view and explain the reason behind it.
6. After class, talk privately with students who have been deeply involved in the conversation.
7. If a student breaks into tears or explodes, ask if he or she needs time to recompose himself or herself.
8. As a last resort, for extremely offensively-phrased comments, make sure that the class understands why you feel such comments are not appropriate or helpful.<sup>7</sup>

Since my situation in the Trusts, Wills, and Probate class, I have chosen to use a combination of the above tactics as a plan to tackle future classroom conflicts that might face me. The beauty of the concepts presented here is that they not only apply to touchy cultural conflicts, but also to general conflicts that arise in the classroom, from student-to-student disputes to teacher-student disputes.

The most effective method in handling cultural conflict remains in prevention. I invest time trying to create a safe and trusting classroom environment in order to better carry out my goal of adding cultural content to my courses *without conflict*. Early on in the course, I get to know my students and they get to know me which builds student community. Through early non-sensitive discussions, we model discussion guidelines. By taking this time to prepare, sensitive talk becomes easier, less fraught with mines. This has been especially true in my Law in Film and Literature class which routinely addresses multiculturalism.

Discussions there have been interesting, expressive of diverse opinions, and respectful. This has also been effective for other classes. I have had no need so far to use my plan for diffusing cultural conflict.

The road to cultural responsiveness is not an easy one. I am certainly not done with the study of inclusivity in the curriculum. However, thanks to that plan in my back pocket, I am a little more confident now, today, knowing a little more about how to deal with those unanticipated consequences. ■

## ENDNOTES

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*Carolyn Bekhor, J.D., is an associate professor of Legal Studies at the University of La Verne in the city of La Verne, California, and has been teaching since 2004. She attended Loyola Law School and practiced in the areas of estate planning, small business formation, and construction litigation. She and her family live in the San Gabriel Valley.*



# HOW THE PARALEGAL SOCIETY CAN MAKE YOUR CLASSROOM EXPERIENCE MORE RELEVANT, FUN, & ENGAGING

Candidly, I do not work in the area of academia. However, I can certainly attest to its importance in the paralegal profession. I am a paralegal. Over the past 15 years, I have gleaned extensive experience, knowledge, and career skills from a place informally known as “the school of reality” since delving into a crash course on all things legal at my first law firm. I entered the profession at the ripe age of 20, with no legal education or experience whatsoever, and was cast into the legal arena. Day-by-day, I attempted to learn all I could, as fast as I could, through a very direct, hands-on approach that could appropriately be referred to as the “learn or get fired” method. Thankfully, I learned. Over time, I fell in love with the intricacies of law and my role in it. I morphed from an inexperienced newbie, into a part-time paralegal student and eventually, into my role as a successful litigation paralegal at a high caliber law firm.

About six months ago, I had a professional epiphany. I made a conscious decision to take the paralegal world by storm when I stepped into an informal leadership role through the creation of an exciting new forum for paralegals called: The Paralegal Society. Put simply, it has become my personal and professional mission to help make each paralegal’s journey a little brighter, friendlier, and easier to navigate.

For educators, I can imagine that technology has made the educational process much easier and more convenient in many regards, but far more challenging in others, with the development of new inventions such as the iPhone and iPad. This new technology certainly makes it easier for your students to stay connected, take copious notes, and better organize their college lives. Yet, it has also changed the educational playing field a bit, hasn’t it? In lieu of hardcover books, your students now purchase e-books for their Kindles. Instead of conducting tedious research at their local library by flipping paper pages, they readily peruse the Internet via their iPads or personal computers. Rather than approaching you personally, face-to-face by walking into your office to seek a bit of personal assistance, they send you an impersonal, black and white text or e-mail message to engage you. Then, there are the distractions associated with having these gadgets present in your classroom. Yes, indeed, there is a downside.

To put it nicely, your students are a bit spoiled. They expect instantaneous answers, immediate help, guidance,

support, in-depth knowledge, and personal gratification at a moment's notice because that is precisely what they have become accustomed to with the latest technology boom. They push a button, and the answer is there. Unfortunately, for educators who attempt to mold, shape, and fill the minds of eager paralegal pupils in a traditional classroom setting, it does not always work out quite that expediently or conveniently, does it? There is a gap between what students want and need to know, in real time, and what instructors are able to offer them through traditional methods via classrooms and textbooks. That is precisely where The Paralegal Society enters the academic landscape.

What is The Paralegal Society, you ask? Think of it as a social conduit of information created for *all* paralegals. It is an online forum created to educate, motivate, and inspire paralegals from all walks of life, whether they are students, new to the field or experienced paralegals. At The Paralegal Society, students can peruse interesting articles, glean helpful information and career tips, ask questions, and seek advice from a team of experienced paralegal mentors, and other peers, who will provide assistance, guidance, and support as they embark upon their future careers within the legal realm.

By bringing The Paralegal Society into your classroom, you can heighten your students' knowledge and awareness by introducing them to a platform that will help enhance their career skills, by further developing their social skills and honing their networking abilities. This will allow them to glean real world advice from experienced paralegals and give them the opportunity to actively immerse themselves in the profession. The beauty of The Paralegal Society is that it allows paralegal students to tap into a vast network comprised of high-caliber, paralegal professionals and mentors from diverse demographics, backgrounds and specialties. It will give them insight into what is really going on in the profession, including trends, hot button issues, and real-world problems paralegals face. Another inherent perk of the forum is that it allows students to access this information in real time. While textbooks can become outdated, The Paralegal Society remains a current resource available to instructors and students.

So, how does The Paralegal Society work? Basically, it utilizes a two-prong approach to assist paralegals and students. With just a few keystrokes, students can visit the TPS forum to readily access an array of informative, insightful and well-written articles on pertinent paralegal topics. These articles provide

knowledge and information they can begin to immediately incorporate into their lives, with the push of a button. They simply enter a URL and a whole paralegal world will be at their fingertips.

What kind of articles will they find on The Paralegal Society blog? A bevy of articles covering many diverse topics, ranging from basic paralegal pointers, unspoken office rules, UPL, job interviews, litigation preparation, paralegal ethics, information on specific areas of law, social media etiquette, general career advice, and career tips, all written by seasoned paralegals, helpful attorneys and other legal minds.

Using The Paralegal Society in a classroom setting allows instructors to not only share relevant, paralegal-related articles, but to also facilitate group discussions, perk student interest, and encourage critical thinking. Another exciting feature instructors can utilize is The Paralegal Society's "Rants," which offers candid and rather humorous outtakes on a variety of paralegal situations, characteristics, dilemmas, and real-life issues. One instructor who regularly utilizes "rants" in her classroom lectures describes them as "hilarious." They can be used to lighten the mood of the classroom, encourage great conversations, and foster sharing among students.

Secondly, students can join The Paralegal Society's "Social Club," which is hosted on LinkedIn. This will give them access to a diverse network of more than 600 paralegals, fellow students, and educators from all across the United States, and even into parts of China, Israel, Canada, the United Arab Emirates and the U.K. Each day, The Paralegal Society's "Social Club" features a variety of articles on legal and professional topics, hosts discussions among its members, and provides a place where professional bonds are formed, questions are asked, and personal assistance is readily and abundantly offered. Members are strongly encouraged to reach out to The Paralegal Society's Mentors and Paralegal Ambassadors to seek personal assistance, guidance, and support. Students will definitely benefit from an exposure to this fully-loaded arsenal of top-shelf paralegals, fellow paralegal students, and peers from all walks of the legal realm. It is an instant paralegal community into which they can tap.

Lastly, The Paralegal Society forum allows and encourages its members to forge deeper and more meaningful bonds with their peers, which helps them to network more effectively in a professional capacity, as they prepare to enter the paralegal field. The Paralegal Society is a lifeline for students, and in turn, their instructors. It offers exactly what students want and need: a little help, information, guidance, support, and an opportunity to personally interact with peers and experienced mentors, along with a big dose of paralegal camaraderie. The Paralegal Society is an ally, a friend, and a tremendous resource.

I asked a few educators to share their thoughts on how The Paralegal Society can assist instructors with the educational process, and this is what they said:

*As a former paralegal, I work hard to give my students at Georgetown Paralegal a holistic and honest view of what life looks and feels like as a working paralegal. It's hard to find a way that doesn't worry them given the heightened pressure and responsibility of working in a law firm with attorneys. By directing them to join the conversations in The Paralegal Society, I now have an informative, supportive and fun resource for my students to learn important legal and life info, and also engage in discussions about the often seriously comical and always dedicated lives of paralegals around the world.*

- Kelly S. Holdcraft, Director of Paralegal Studies Program, Georgetown University, and Paralegal Ambassador to The Paralegal Society

*The Paralegal Society (TPS) is a great tool to use as an Educator. The relevant, real-life experiences in the Paralegal profession are captured so well on this website through the use of poignant humor and candor. The articles that are written are relatable and truly capture the essence of the legal profession from the Paralegal's point of view. Making TPS part of one's curriculum is a great way to engage Paralegal students, get them excited about the profession and show them how truly important the role of a Paralegal is to the legal community.*

- Nicole Y. Fech, J.D., Paralegal Studies Program Chair, Ivy Tech Community College

*The Paralegal Society can assist both, educators and students, by offering a nearly instantaneous response to questions about the profession, a nationwide group of mentors, all of whom have tons of experience in the profession. This is the medium that a majority of students understand and have grown up with, an instant response, instant gratification -- no waiting.*

- Theresa R. Prater, RP, Vice President of NFPA, Director of Professional Development, Educator, and Member of The Paralegal Society

Perhaps one of the reasons The Paralegal Society has generated so much excitement so early on, seeing more than 50,000 hits in its first eight months and being featured by several mainstream publications, including *KNOW, The Magazine for Paralegals*, *About.com -Legal Careers* and *The Estrin Report*, is because students and experienced paralegals finally feel they have found a social forum to call their own. It's a place where they can let their hair down, learn, grow, become inspired and interact with their peers. As a result, The Paralegal Society has been welcomed with open arms by the paralegal community, at large. Association Presidents, experienced paralegals, students and educators who check out The Paralegal Society forum one time become hooked! I believe you will too.

I hope you'll take just a moment out of your busy day to go see what the hype is all about! The Paralegal Society offers an educational tool and resource that can provide your students with increased knowledge, better career awareness, and a paralegal infrastructure of support. Visit The Paralegal Society at [www.theparalegalsociety.wordpress.com](http://www.theparalegalsociety.wordpress.com). Once you introduce it to your students, you can, use it as a teaching tool, assign a specific homework assignment, create an interactive graphic, ask students to find an interesting article to share or find another creative way to incorporate The Paralegal Society into your lesson plans. It is an immediate information dissemination and it is yours for the taking. Trust me educators...you won't regret it! I look forward to seeing you on the TPS playground! ■

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*Jamie Collins is the Founder and Owner of The Paralegal Society. She works as a senior level Litigation Paralegal at Yosha Cook Shartzler & Tisch in Indianapolis, Indiana, where she handles predominantly personal injury and wrongful death cases. She is a columnist for *KNOW, The Magazine for Paralegals*, a guest blogger on *The Estrin Report*, and a contributing writer for *About.com – Legal Careers*, *National Paralegal Reporter*, and the *Institute for Paralegal Education*. She is also a Voting Member of the Indianapolis Paralegal Association, and a member of NFPA. In addition, she recently worked as a paralegal subject-matter expert to help redesign the curriculum for a leading, national, paralegal educational institution. You can contact Jamie at: [jamietheparalegal@yahoo.com](mailto:jamietheparalegal@yahoo.com).*

# THEY'RE DROPPING LIKE FLIES – HOW TO RETAIN STUDENTS IN DIFFICULT CLASSES



Help! It is three weeks into the course and fifteen percent of your students dropped the course or are missing in action. Is it the course? Is it their personal life? Could it be you?

Colleges focus on student retention in every program and course, and when students drop out it reflects poorly on you as an instructor. While the buzz-word is “retention,” is that really our goal? Do we just want students to finish the class? No. We want students interested in the material, ready to use their knowledge in their post-graduation employment. A better way to phrase the issue is, “How can we connect with students to maintain interest in the course and ensure successful application of the principles in their career?” “Connectedness” is a key tool for retention.<sup>1</sup> This article will explore ways that you can connect with students using communication tools, teams, and by “making it real.”

## Communication

The first important way to retain students in difficult college courses is through well-planned instructor communications. At some universities, the administration will prescribe certain standardized communications in order to reach students at key points in their courses.

For example, instructors may send welcoming messages to all online students within the first 48 hours of the course, and post both biographical and personal information in their courses. Quick response times are required for student questions. After the first few weeks, students may complete anonymous assessments of the course and instructor. Both the administration and the instructors can use this feedback to alter teaching strategies for difficult courses. These are systematic methods to improve faculty-to-student interaction and content presentation throughout the duration of the course. We will explore other communication methods that are critical during various stages of difficult courses.

## Assess

When teaching complex topics, we must focus on assessing the concepts from the student’s perspective. Initially, students can complete a learning inventory. This could be as simple as having students respond to a few questions about their background knowledge, their learning style, and their expectations from the course. Many sample learning inventories are available on the internet.

## Prepare

Then, as students begin to review the course requirements, dive into the readings and prepare homework assignments, instructor contact is essential. Students are more likely to successfully complete courses when they have complete information about the requirements.<sup>2</sup> Prepare students so that instructions are clear by using defined rubrics, style guides, and sample papers.

Another helpful strategy is to require students to submit an outline of assignments before the final version is due. Students must consider the skeleton of their paper to determine the main ideas, weak spots and identify areas in which they need to conduct more research. This also provides an opportunity for the instructor to check for understanding with the student.

## Respond

Be ready for continual feedback. Quick response times and frequent communications are essential in helping students work through difficulty. One of the key measures in predicting student persistence is whether the students feel they have a personal connection with faculty members.<sup>3</sup> Even online instructors can hold live interactive sessions to promptly respond to student questions. John Hattie,<sup>4</sup> an author who writes about the power of teacher-student communication, says that one of the best ways to improve student engagement is through instructor feedback.

Author Jennifer Levin-Goldberg<sup>5</sup> suggests performing weekly conferences with students. This practice is especially helpful in difficult courses with complex projects due. The instructor can require students to schedule thirty-minute phone conferences every other week to check progress and review ideas. Even when course delivery is online, frequent phone calls help instructors reach the student personally and assist them by verbally hashing out paper topics, narrowing ideas and explaining concepts.

## Feedback

Instructor communications when grading assignments should be gentle, positive and thorough. To truly impact student achievement, the teacher should provide the right kind of feedback.<sup>6</sup> The two keys recommended by these authors are ensuring that feedback is (1) timely and (2) instructive.<sup>7</sup> The goal is for students to learn from their mistakes and be able to improve the next time around. In order to achieve this goal, instructor feedback should be detailed and should directly relate to the rubric provided for that assignment.<sup>8</sup> This is the opportunity to tie responses to the grading mechanism and also link the assignment to real world achievements.

## Reassess

Finally, having an honest, earnest attitude helps students realize they are not alone – you are available to help. Rather than waiting for the end of the course to get feedback from the students, find out right away how things are going for them. Are there ways you could alter your teaching style to better suit their needs? Are there other learning modalities you could use to explain concepts? Use these for the whole class so no student is singled out or embarrassed.<sup>9</sup>

## Teams

Students can also feel disconnected with instructors or peers in a non-traditional campus setting like a career college or distance-learning environment. In her article “Student satisfaction and persistence: factors vital to student retention,” Jalyynn Roberts<sup>10</sup> states that the most important piece of student engagement is interaction with peers. One way to combat this perceived disconnect is through a team learning environment. Team-based learning can improve student retention.<sup>11</sup> Consider, for example, your own workplace process for drafting new documents. Some employee will start the drafting process, other peers will review the document and offer comments, and the originator will finalize the product.

You can give that same collaborative experience to students. If you have a difficult assignment coming up, consider letting students outline the assignment in teams. Have the students spend time in class working in teams to outline or draft the assignment, giving the students the opportunity to use evaluative skills and supportive feedback on teammate work. Individual students would then use the team outline to finalize their own version of the assignment. The students gain the benefit of collaborative learning, while maintaining the satisfaction of completing the challenging assignment themselves.

Perhaps the anxiety lies with a big final exam. Ask your students if any would like to form a study team. Study teams can complete study guides and outlines with teammates outside of class time. This works great in online classes as students use a file exchange or e-mail to pass study material amongst members. Peer support for an assignment or test may lead to peer support in your program and more professional networking -- skills the students need for career success!

Student retention may also benefit from collaborative teaching. Team teaching can give students broader exposure to several subject areas within a course.<sup>12</sup> In fact, using teams of teachers may allow the integration of more than one subject within a course, creating a more accurate experience of how different areas in the law, for example, can influence a particular case.<sup>13</sup> Instructors might feel tired of repeating the same lesson term after term, and the students see that. Guest speakers are great tool to combat tired course material. An enthusiastic expert on a subject can re-energize your class and give them a chance to meet others in the field. As always, communication with your collaborators is key to providing a unified approach to the subject matter, but well worth the effort when your students stay engaged in the course.<sup>14</sup> Your students will thank you for the change of pace.

## Make it real

In addition to team learning and team teaching, connecting the students to the course is a key to successfully retaining them. Students must have a good learning experience, and active learning leads to student persistence. Faculty must make sure that learning is not a “spectator sport.”<sup>15</sup> Both the content of the coursework and the methodology for delivering the material should be related to the student’s life in order to provide meaningful lessons.

The best course content allows the student to experience the lessons.<sup>16</sup> Get students emotionally connected to the material. If they anticipate the lesson, and understand why it is important before learning it, they will be more receptive to the new content. Another important element in enhancing student persistence is making sure that course work is related to the student’s life and goal.<sup>17</sup>

Teaching methodologies, too, should involve using analogies or real-world examples to associate difficult concepts with the students’ life experiences. Instructors who provide open-ended assignments in realistic contexts allow students to challenge themselves in meaningful ways.<sup>18</sup> When supplemental work is fun for the student – for example, using games, videos, and blogs to reinforce concepts – the course experience is even more enriching.

In summary, as faculty guiding students through difficult courses, we must inform students to what they are learning, why it is important to learn the material, and how it ties into their life.<sup>19</sup> This reminds students that the complex content is meaningful and helps retain them in the course.

## CONCLUSION

Retaining students is a critical goal for colleges, and is especially difficult in complex programs and courses. The administration and instructors can help achieve this goal. “The frequency and quality of contact with faculty, staff, and other students is an important independent predictor of student persistence.”<sup>20</sup> Keep your students interested in the course through solid communications methods, a team environment, and by showing how the coursework connects with employability. Students will benefit from the improved relationships with faculty and peers, and will understand the importance of their continued success. ■

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*Catherine Neset, J.D., is licensed to practice in Minnesota and teaches for Globe University/Minnesota School of Business online. Favorite courses to teach include Case Studies of Business Ethics and the Law, Bankruptcy, and Legal Terminology. Prior to teaching, she worked for an employee benefits firm and in the banking industry. Her teaching career started in college as a World History teaching assistant.*

*Holly Tapper, J.D., M.B.A. has been teaching college courses for more than 15 years in the areas of business law, human resources, marketing, strategic management and more. She formerly served as the Dean of Graduate Programs for Globe University, and as a Chair of Paralegal Studies there. She is licensed to practice law in Iowa, and worked as corporate counsel for a large telecom company there. She currently resides in Minnesota with her family.*

# LEGAL PROJECT MANAGEMENT AS A LEARNING PROCESS

As organizations worldwide adjust to the current economic climate, certain practices are becoming more mainstream. Project management is well established as a resource-effective method of managing work outcomes.

Corporations have adapted management and work styles using project-based methods that help address and lower costs, define start and end dates, utilize human resources to the best of their abilities, and operate across several functional areas. Corporate legal departments and larger law firms, familiar with the positives of project management, are trending towards an adoption of “legal project management.”

Project management is a systematic approach to planning, scheduling and controlling a temporary and specific effort. These efforts include implementing application changes, introducing new processes or undertaking a specific endeavor such as preparation for a trial. Paralegal skills are the same skills that effective project managers rely on when delivering successful projects. Schools such as Georgetown University have begun offering Certificates in Legal Project Management. In 2010, The Connecticut Law Tribune stated that “many firms recognize that an effective paralegal manager has developed the same talents over time as a successful project manager.”



Paralegal educators can integrate project management skills into the classroom. Paralegals are expected to organize client and case information, manage documents, coordinate schedules, and communicate with different legal teams or firms. Legal firms are becoming more dependent on technology; applying project management practices to new e-discovery processes and methodology will be essential for successful case management. Along with mastering e-discovery, paralegals need to constantly update their computer skills proficiency and e-document skills. Educators already take advantage of frequent opportunities to integrate tools such as Westlaw, LexisNexis and case management software into lesson plans. They provide

examples to highlight how the combination of project management methodology and the use of these tools will improve efficiency and effectiveness. Integrating basic project management techniques into the legal classroom demonstrates important skills for organization and communication-- two key components of successful project managers.

Lack of effective communication and interpersonal skills are hidden problems in many projects. Paralegals in charge of casework, much like project managers, may run into similar challenges. In-classroom group discussions, including sessions in information-gathering and group decision-making, provide opportunities for developing methods of interacting with others on a team or with opposing counsel staff. Helping students to leverage the so-called "soft skills" enhances teamwork. Another suggestion is to break down the required tasks of an assignment into time components to teach students how long they should be spending on researching, outlining, documenting and reviewing. Students who are presented with the timeline of an assignment can better plan their resources to successfully complete that project. These skills and methods can be tied together through the use of situational, team-based projects similar to ones real paralegals encounter in the field.. Creating the components for a trial notebook is a popular exercise in many litigation classes; other classes could certainly utilize team based assignments for tasks that occur in the daily operations of a law firm. For example, introduce a project-based bankruptcy scenario by creating teams of two to four students who will perform documentation and review, compile a list of questions for debtor information gathering, and revise their drafts upon instructor review.

Educators must teach students to work effectively and proficiently in a professional setting. These practical skills will complement their academic learning. It is important to look at the teaching experience as not just providing instruction about the subject, but as creating opportunities to practice skills that will enable students to work effectively and proficiently in a law office. Use of project tools and skills will enable students to learn through engagement; projects are nothing if not a team effort! Whether students find employment in a corporate legal department, a large firm, or in a sole practice, they will use the skills learned in the classroom environment, not just the subject knowledge they build.

Awareness is growing in legal departments and among law firms of the paralegal's role as project manager or project team member; students will gain immensely from developing these tools early on. Collegiate paralegal programs are realizing this and integrating these important proficiencies into their curriculum. ■

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Jennifer M. Drewry teaches at Brandeis University in the Rabb School of Continuing Studies. Drewry holds a Master of Science in Project Management degree from University of Wisconsin-Platteville and is currently finishing her work for a second Master's in Paralegal Studies from The George Washington University. She recently presented on project management topics for the Bay Area Association for Legal Professionals.

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# FACTS & FINDINGS: A 'TOOL KIT' FOR PROGRAM DIRECTORS AND INSTRUCTORS

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When the National Association of Legal Assistants (NALA) was founded in 1975, it was built upon mutually supporting pillars of continuing education, professional standards, and continuing development of the paralegal profession. *Facts & Findings*, the bimonthly magazine for paralegals published by NALA, has embraced these pillars since the earliest years with useful articles for all paralegals. It is particularly beneficial for paralegal program directors, instructors, and students.

*Facts & Findings* is overseen by a board of experienced paralegals who solicit articles from attorneys, educators, judges, law firm managers, and others who want to share their expertise in specific subjects. The writing ranges from academic treatises and case studies to paralegal survey reports, new product reviews, and practice tips by veteran paralegals. This informative and polished magazine is a valuable addition to the educational “tool kits” of paralegal program directors and instructors. A subscription is included as a benefit of NALA membership, but it is free to paralegal students as well as instructors simply for the asking.



## Classroom Value

Articles in *Facts & Findings* include recent developments in the law as well as changes in rules and procedures. There are pragmatic viewpoints and tips from paralegals working in various practice areas as well as coaching articles by attorneys, paralegal educators, and vendors of legal software. This wide editorial sweep allows paralegal program directors and instructors to broaden their perspectives on trends in the profession and fine tune their curricula accordingly.

Pamela J. Bailey, MA, ACP, Program Coordinator for the Duquesne University Paralegal Institute, relies on *Facts & Findings* for “nuts-and-bolts” advice to students as well as general guidance for faculty members. “I frequently refer students to Virginia Koerselman Newman’s Communication Corner column in the magazine,” she said. “Writing skills are crucial to paralegal effectiveness and this column contains easily digested morsels of authoritative advice focused on specific writing issues. Students appreciate the self-testing format of the column and they retain the information more readily.”

Ms. Bailey also points to other *Facts & Findings* features that are helpful in the classroom. “When I’m teaching introductory Ethics,” she said, “I often assign research projects that focus on how ethics apply to the paralegal profession. While students are allowed to seek information from any source they wish, students frequently cite *Facts & Findings* and the NALA Code of Ethics. I also go through each issue and tab certain articles for the faculty to make them aware of updated paralegal practices,” she says. “It is a real advantage that paralegal program directors and instructors get the magazine free simply by contacting NALA and asking for it.”

## Real World Information

Elizabeth Mann, Assistant Dean of the Greenville Technical College Paralegal Program in South Carolina, echoes similar sentiments. She is a professor as well as Department Head of the ABA-approved program and finds the job and career-related articles particularly valuable. “The ‘Communication Corner’ column is presented in my classes on a regular basis,” she said, “and the magazine frequently has articles that offer real-world information about what goes on in the trenches of paralegal work,” she said. “The articles by attorneys and judges add a commanding slant that gives students a serious view of the importance of paralegal work.”

Darleen T. Dozier, CP, Program Coordinator/Instructor at the Holmes Community College in Ridgeland, MS, said that she sometimes has students go through *Facts & Findings* and choose an article to summarize. “This helps them with their writing skills,” she says, “and exposes them to a wide range of paralegal topics. Other times I have them seek out articles on various class topics to share with the class. Everyone in the class benefits from this exercise.”

## Easy Access

Subscribers may access the online digital version of the magazine as well as the archives of all feature articles since 2003. The archives can be searched by keyword, author, issue, or subject. Some instructors have assigned research projects utilizing these archives. Instructors may simply contact NALA to obtain a temporary password for students.

The annual editorial schedule features a special “Career Chronicle” issue exclusively devoted to helping paralegals advance their professional development and careers. The remaining five annual issues focus on specific practice areas such as “Family Law,” “Litigation,” “Real Estate,” “Technology,” or “Estate Planning.” These focus issues, however, also include articles in other practice areas to expand readership appeal.

The depth and variety of each issue can be discerned by reading “reprints” of select past articles under “*Facts & Findings/Article Reprints*” on the NALA website at [www.nala.org](http://www.nala.org). Individual articles are “easy reads,” and the design and layout is modern and entertaining without being obtrusive. ■

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*Submitted by staff of the National Association of Legal Assistants. NALA is the leading paralegal association in the US. Its mission is to provide continuing education and professional development programs to all paralegals. NALA provides current information about the profession, continuing education materials and seminars, networking opportunities, professional certification programs, occupational survey findings and manuals to help paralegals excel in the workplace.*

# Should You Go to Law School, Preparing for Law School, Choosing the Right Law School, and Advising the Student throughout the Whole Process

At the 2011 national AAFPE conference, the authors of this article, took part in a panel discussion on, “Should You Go to Law School, Preparing for Law School, Choosing the Right Law School, and Advising the Student throughout the Whole Process.” What appears below is a collection of our thoughts on those topics. In this area, events are always evolving. Therefore, each of us, where appropriate, has added information not necessarily covered during the panel discussion itself. All of us share the view that it is so critical to have paralegal educators put in place a system to help the students make the right choice on their law school or whether they should go at all. We hope you find the information useful.



## ADVICE YOU CAN GIVE YOUR PARALEGAL STUDENT WHO IS CONSIDERING GOING TO LAW SCHOOL AND BECOMING A LAWYER<sup>1</sup>

1. Nolo Press published a book entitled **29 Reasons Not to Go to Law School**. A quick read will reveal that there are actually 36 reasons given. Those reasons are grouped into chapters: Law Students, Law School, Becoming a Lawyer, and Practicing Law.

One of the reasons not to go to law school in the chapter “Law Students” discusses the types of students that may be studying law, such as the Compulsive Talkers (“Although the content of their classroom remarks tends to oscillate between the painfully obvious, the painfully dumb and the painfully boorish, Compulsive Talkers are almost always exceedingly pleased with themselves. They shout out wrong answers to rhetorical questions”); the Ass Kissers (“they’re the ones cozying up to the one or two people he or she thinks can lend the highest grade, the best position, the most prestige”); the Information Stealers (students who “deftly slice out the assigned pages” of obscure assignments placed in the Reserved Section of the law library. However, they may have met their match with the Internet). You get the idea.

The chapter on “Law School” provides reasons for not going to law school: the Classrooms (“Atmosphere: ponderous and permeated with

bloodlust...like a Christian hors d'oeuvre about to be served up to the law professor lion. Design: ingeniously modeled along the lines of a Roman gladiatorial arena"); Mortgaging Your Future ("The cost of law school keeps rising." Need we say more?); Kissing Love Goodbye (compares the frequency of sexual encounters before and during law school for married or single law students; the Bar Exam (asks the reader to imagine how all the lectures, examinations, dollars spent, qualify someone to take one more exam and what that exam entails. Also, ask the reader to imagine what they will feel if they succeed/if they fail and how they would feel if they had done something totally different with their lives).

In the chapter "Becoming a Lawyer," these reasons, among others, for not becoming a lawyer were given: Talking Like a Lawyer (jargon, legalese, and the Great Goddess of Gobbledygook. Authors maintain that using jargon and legalese go "straight to the core of the profession: *acquisitive circumlocutio in gross*—The Longer the Words, the Higher the Fee"); Getting No Respect (gives "Legal Truisms Throughout Time." Examples include "Lawyers: persons who write a 10,000 word document and call it a brief—Franz Kafka," "May your life be full of lawyers—Mexican curse," and "I wouldn't write a song about any of them—John Lennon;" Living With Other Lawyers ("Lawyers often pair off to live together or marry because other lawyers don't ask for free legal advice and non-lawyers generally avoid lawyers on social occasions because they are contentious, boring and never offer to pay"); etc.

Finally, the chapter "Practicing Law" had these as some of the reasons not to go to law school: Hating Your Clients ("the clients---large, small, civil, criminal, plaintiff, defendant, incarcerated, inebriated, lacerated and so on. They have only one thing in common: a problem---one so miserably impossible that they are willing to pay you upwards of \$200 an hour to try." The fees may have gone up but the sentiment is still accurate); Making Rain (as a rainmaker in a law firm, you have to attend the local, state, and national meetings, attend Continuing Education of the Bar classes, and attend cocktail parties at other lawyers' houses); Making Partner (unlike

the novels, it isn't easy making partner. The authors give hints. These include starting early and thinking of nothing else.); Practicing Creative Accounting (the authors write: "If you enter practice with a private firm, you will quickly be taught how to keep two sets of books---one for your clients, the other for your boss. And then, as a matter of personal sanity and survival, you'll need to keep a third set for yourself. The idea, of course, is that the firm will want to bill your clients for a highly exaggerated number of hours, while paying you for as few as possible").

2. One might also add the high cost of a legal education, the student debt incurred, the time involved, the scarcity of jobs, depression among lawyers, job-dissatisfaction in the legal profession, and the lawsuits being brought against several law schools regarding alleged inflated employment data.
3. If your student still wants to go to law school and become a lawyer---even after hearing about the reasons why one should not go to law school---you should ask your student why exactly he/she wants to do that. You may wonder if that is our role. The authors of this article believe that it is, not the least because of the tremendous debt, as mentioned in this article, that the student will take on and the probable difficulty of paying it back if the steps in this article are not observed. Listen carefully since the reason will most likely be one of the following:

### No Attractive Alternative

- The economy is weak.
- Everyone around you is applying to law school.
- Most people you know are getting graduate degrees so you want to stay competitive.
- You're not sure what you want to do, and a law degree will keep your options open.
- You're a paralegal/liberal arts major so a law degree seems like the most logical step.

### Financial Opportunity/Economic Reward

- A law degree is a valuable credential even if you don't intend to practice law.
- Law school teaches you how to think.
- Law school will give you a marketable skill set.
- A law degree opens doors.
- You can do anything with a law degree.

- You want a prestigious career and the law is a respectable profession.

### Role Model/Family Pressure

- People whose opinions you trust (your role models) are encouraging you to get a law degree. Or, your parents expect you to become a lawyer.

### Future Expectations

- You are ready for a career change and think the law offers what you are looking for.
- Everyone says you would make a great lawyer and you want a good paying career.
- The people whose jobs you'd like to have in a few years all have law degrees, even though they no longer practice.
- You always knew that you would be a lawyer. You're competitive by nature, friends say you're a good debater, so you think you'd enjoy law school and the legal profession.

### Intellectual Challenge

- The intellectual challenge of law school appeals to you.
- You think it would be beneficial to understand the legal system as it applies to everyday life.

### Social Service

- You are attracted to the law because of its powerful potential for social change.

4. Depending on the reasons given, you should first advise your student to carefully examine those reasons. Have any assumptions been made? Have any mental short-cuts and sloppy thinking led to the decision to go to law school/become a lawyer? A good guide to help examine those reasons is the book *Should You Really Be a Lawyer?* by Deborah Schneider and Gary Belsky. The authors examine the common reasons people give about wanting to go to law school and become lawyers, ask their readers to assess themselves and their reasons, and have them do exercises that will then be self-scored. The assessments and exercises are a small price to pay to make sure they are not making a three-year and very expensive mistake.

5. Next, you can recommend that your student research law schools. Ever since Harvard Law School decided to change its curriculum that was originally crafted by Dean Langdell (the model which most law schools have followed for over a century ever since) and the Carnegie and Best Practices reports were published, law schools across the country have been tinkering with their curriculums. Which curriculum will best serve your student? How about the tuition fees that the prospective school will charge and its teaching methods? Is the school using new technologies or still relying solely on the Socratic Method? What is the doctrinal/practice mix? Encourage students to ask the law schools for information about job prospects and permission to interview current law students.
6. Request that your student research the legal profession. If he/she is already working as a paralegal let them research other areas of practice. Let them find out what the legal profession and being a lawyer is all about. Have them volunteer/intern in different legal settings. Interview paralegals who went to law school; who became lawyers. What do they say? If you are a lawyer, share your own experience if it is relevant.
7. Strongly encourage them to take all the foregoing information and self-assess themselves. Is law school and the legal profession right for them? Have them play a little game. What if they went to law school and realized they had made a mistake? What would they do? What if they finished law school, passed the bar, and only then realized that they had made a mistake? What would they do?
8. After having your student do the steps outlined above, wish them the best. It is now their decision and you have led them to the point where they can make an informed decision about their career.

## PREPARATION FOR LAW SCHOOL ACCEPTANCE<sup>2</sup>

1. What do I major in? When selecting a major/minor for an undergraduate degree, LSAC states, "The ABA does not recommend any undergraduate majors or group of study to prepare for a legal education." Indeed, the law school class will have a

variety of majors. For example, one of the authors of this article remembers all political science majors at his college, including himself, going to law school, or so they said. Yet once in law school, the author did not know any political science majors besides himself in his class.

2. Many students select pre-law majors such as English, History, Criminal Justice, Legal Assistant Studies, and Political Science. These show an interest in law but usually require high grade point averages. Even so, if you follow the steps on how to choose the right law school and the other preparatory steps contained in this article, it shouldn't matter. It is probably more important to choose a major the student is passionate about; the student is likely to do better and have a more enjoyable undergraduate experience. When choosing a major/minor pick a field that is interesting, challenging, enhances research and writing skills, enhances analytical and problem-solving skills, enhances critical reading skills, and enhances oral communication skills. That said, almost any major, if set up properly pedagogically, can focus on these skills. With respect to minors, it is better if you choose one not related to the major. Also, if the major is not too difficult, pick a difficult minor, and if the major is difficult, pick an easier minor.
3. Law schools place high emphasis on LSAT scores and grade point averages. Other more marginal factors include graduate work; work experience; a history of overcoming adversity; the contribution to diversity, extracurricular activities; evidence of maturity; leadership; responsibility; and motivation; letters of recommendation; personal statements; and state of residency.

With respect to the LSAT scores, students taking the LSAT score anywhere from 120-180 with around 150 being about the lowest score the vast majority of schools will take. If you take the LSAT more than once, some schools (20%) will average those scores.

4. LSAT preparation courses are highly recommended and there are many LSAT prep places: Kaplan [www.kaptest.com](http://www.kaptest.com); LSAC [www.lsac.com](http://www.lsac.com); Princeton Review [www.princetonreview.com](http://www.princetonreview.com); Test Prep

Center [www.testprepreview.com](http://www.testprepreview.com); The LSAT Center (no affiliation with LSAC) [www.lsat-center.com](http://www.lsat-center.com); TestMasters [www.testmasters.net](http://www.testmasters.net); PowerScore [www.powerscore.com](http://www.powerscore.com); Blueprint [www.blueprint.com](http://www.blueprint.com); Knewton [www.knewton.com](http://www.knewton.com). These places offer a variety of formats (totally online at your pace, private tutoring, small group sessions, classroom settings, live online), lengths of preparation, and prices.

5. In addition to the LSAC website, another web site for GPA (high/low), LSAT scores (high/low), acceptance ratio, pass rate of bar, and other information for law schools can be found at <http://www.ilrg.com/rankings/law/index.php/1/desc/LSATLow>.

### CHOOSING A LAW SCHOOL WHERE THE STUDENT WILL DO BEST<sup>3</sup>

1. The debt that a student has by the end of the law school career is anywhere from \$79,545 at a tier four school to \$98,746 at the top 14 school (2006 figures—no doubt the typical debt incurred is higher now).
2. Grades play a critical role in student happiness in law school and subsequent success in the legal profession.
3. A forthcoming book by a law professor, who argues that law school needs to be fundamentally restructured, says that while there are 45,000 law school graduates yearly, there will only be 25,000 jobs for attorneys through 2016.
4. Ads for paralegals may specifically say that attorneys need not apply. Thus, the paralegal student needs to know that they could be giving up paralegal opportunities if they go to law school, particularly if they make the wrong choice, i.e. choose a law school where they will not do well.
5. *U.S. News & World Report* rankings of law schools are counterproductive for the student to use.
6. A student is likely to get more financial aid if the student has a higher GPA and LSAT score when compared to the rest of the entering class because such a student will give back to that law school at a higher rate than others.

7. Utilize the web to help you make the best choice (<https://officialguide.isac.org/Release/UGPALSAT/UGPALSAT.aspx>)
  - a. Take the student's GPA **AND** LSAT scores to identify the schools the student is in the top 25% of the entering class in **BOTH** categories. Focus on those schools. If the student has more than one school that satisfies the requirements of above, then the student can focus on such things as fit, curricular offerings, clinics, student life, region (most law schools are regional in terms of where their graduates go).
  - b. Should the student have no law school that satisfies the requirements of category seven aA, then the student should strongly consider the paralegal field as the career. Such a person, especially with a bachelor's degree, is likely to do better as a paralegal than as a law school graduate and have considerably less debt in the process.
8. For information about law school graduates, an excellent website is [www.nalp.com](http://www.nalp.com)

"thinking about law school" seminar presented by a prelaw advisor, a law school student, a recent grad, and a law school admissions officer.

5. Encourage students to take practice LSAT tests.
6. An excellent resource for students with diverse backgrounds or who are nontraditional students is [discoverlaw.org](http://discoverlaw.org).
7. Be sure to counsel students that a law degree can be used for a variety of purposes in addition to practicing as a lawyer. In fact, many people are pursuing law knowing going in that they are not going to use it as a practicing lawyer. Also, many people believe that law school is among the most rigorous type of education you can receive, which can serve you in good stead later on in a variety of ways. That said, if you are going to go to law school not to use the law degree, you do have to ask yourself whether the debt that you are taking on is worth it in such a case (it may or may not be). ■

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## SO YOU WANT TO BE A LAWYER: ADVISING WITH A PERSONAL TOUCH<sup>4</sup>

When a student seeks your guidance on whether to become a lawyer, consider the following:

1. Many students are coming to a community college with the idea in mind of trying to figure out whether law school is appropriate for them.
2. Paralegal courses, such as legal research and writing in litigation among others, can give the student a good foundation for law school courses as well as an idea of the commitment required to succeed in law school.
3. Guidance and encouragement to students interested in law school are important. However, it is also important to counsel them on the massive amount of debt that they will incur and the employment prospects.
4. Expose the student to a variety of resources presented by a variety of people. For example, a,

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<sup>1</sup>Vitonio F. San Juan is the Assistant Dean of Students at the University of La Verne's College of Law and the former Director and Program Chair of the university's Legal Studies Program. He has taught various paralegal and law school courses and has served on AAFPE's board as the Director of the Pacific Region. Professor San Juan is a graduate of the University of the Philippines College of Law and has an LL.M. from the University of California in Los Angeles School of Law. He also earned a Paralegal Certificate in Corporations/Litigation from UCLA's Attorney Assistant Training Program and studied at the University of California in Berkeley's School of Law (Boalt Hall) for a Doctor in the Science of Law.

<sup>2</sup>Karen McGuffee, J.D. is an associate professor and coordinator of the Legal Assistant Studies program at the University of Tennessee at Chattanooga. Prior to her full-time appointment in the Legal Assistant Studies program in January, 2000, Ms. McGuffee worked as an Assistant District Attorney in Chattanooga, TN. She was in private practice before joining the District Attorney's Office. Ms. McGuffee received a B.S. degree in Criminal Justice from the University of Tennessee at Chattanooga in 1987 and her J.D. degree from the University of Tennessee at Knoxville in 1990.

<sup>3</sup>William D. Goren, J.D., LL.M. is a tenured professor and the paralegal program coordinator at South Suburban College in South Holland, Illinois, which also has a campus in Oak Forest, Illinois. Mr. Goren is also the ADA Instructional

Coordinator (ADA compliance point person) at South Suburban College. He is the author of *Understanding the Americans with Disabilities Act*, now in its third edition and available from both the American Bar Association and Amazon.com. He has also written numerous articles on a variety of topics, but mainly focused on the rights of persons with disabilities. He also has a blog on all things ADA, which can be found at <http://www.williamgoren.com/blog/>. When he is not teaching, he makes himself available for consulting on ADA/504 matters and for conducting trainings. More information about Mr. Goren can also be found at [www.williamgoren.com](http://www.williamgoren.com).

her full-time faculty position, Ms. Jacobs served as assistant corporate counsel for several major corporations and also as an Assistant Attorney General. A staunch advocate of the paralegal profession, she is a member of the Philadelphia Association of Paralegals, is active on their pro bono/ community service committee and serves as a mentor for the District Attorney of Philadelphia's Youth Aid Panel.

<sup>4</sup>Jane Breslin Jacobs is a licensed attorney and associate professor of Paralegal Studies at Community College of Philadelphia in its ABA-approved program. She received her bachelors degree from State University of New York at Albany and her J.D. from Fordham University School of Law. Prior to

## LEX GRADUATION SASH

AAfPE offers Lambda Epsilon Chi graduation sashes for inductees. These sashes are purple satin, have the LEX Greek letters, and display the honor society seal embroidered in gold. Also available are LEX banners. The material and design of the banner are the same as the sash.

The sashes are available at a cost of \$30, and the banners are on sale for \$130 (payable by credit card or check made payable to AAfPE). Payment is required with submission of order. Orders must be placed within two weeks prior to commencement ceremonies.

AAfPE covers standard mailing costs for orders placed within a two week delivery date. Express shipping costs for induction certificates, pins, sashes, and banners will be billed to the LEX chapter.





# PARTICIPATING IN THE ABA SITE VISIT PROCESS

The ABA Site Visit is an integral part of the Initial Approval and Reapproval process. Site visits take place thanks to the many dedicated program directors and faculty members who generously volunteer their time to participate on site visit teams throughout the year. All Program Directors and faculty members at ABA-approved schools are encouraged to become site visitors and actively participate in the process of providing quality paralegal education.

A team of two site visitors is sent to programs seeking initial approval and reapproval for the purpose of determining whether the Program is operating in compliance with the ABA Standing Committee on Paralegals Guidelines for the Approval of Paralegal Education Programs. As part of a two-day visit, the team will verify the accuracy of the information contained in the Application for Initial Approval or Reapproval and make observations about the Program that can only be made by a visit to the Program's campus.

Site teams usually consist of an educator and a working paralegal. The team is chaired by a current member of the Approval Commission of the Standing Committee on Paralegals or a past Commissioner. The chair will take the lead for purposes of communicating with the Program Director before the visit, facilitating the meetings during the visit, and coordinating preparation of the site visit report. All site team members must adhere to an ethical Statement of Conduct requiring fairness and confidentiality.



Prior to the site visit, the team receives a copy of the Program's Application for Initial Approval or Reapproval accompanied by the supporting exhibits. The team reviews the material in preparation for the on-campus meetings with the Program Director and other college administrators, students, graduates, faculty, admissions, registration, counseling and placement office representatives, and the Program Advisory Committee.

The site team will visit the campus locations used by the Program and its students. Sometimes, this requires visits to multiple campuses of the same Program if courses are offered at more than one location. Compliance with Guideline G-601 – "The institution must have available a library adequate for its program of education of paralegals" – will be established through a visit to the internal or external library relied on by the Program. Site team members will have the opportunity to visit a class in session; if any classes are offered online, the team will also enter the virtual classroom.

At the end of the two-day visit, the site team meets in executive session to establish its recommendation relative to

initial approval or reapproval and to formulate suggestions it will offer for improvement of the Program. The site team chair is responsible for presenting the recommendation and suggestions to the Program Director during the exit interview which concludes the visit. The site team's recommendation and suggestions will be presented to the Standing Committee on Paralegals Approval Commission by the site team chair at the Approval Commission meeting in the spring or fall.

Following the return home, the members of the site team prepare a site visit report. This detailed report addresses all of the Guidelines and supports the team's recommendation concerning compliance as well as the suggestions. The site team chair generally assigns certain sections of the report to the team member for preparation by him/her. The chair is responsible for incorporating the team member's sections into

the final report sent to the ABA headquarters in Chicago within approximately three weeks from the conclusion of the visit.

The benefits of being a member of a site team are huge both professionally and personally. Site team members participating in this process of providing quality paralegal education gain enhanced knowledge and understanding of the Guidelines and have an opportunity to network and meet others in the paralegal education profession. All travel, hotel, and meal expenses are reimbursed by the program visited by the team. Program directors and faculty members who have participated on site teams have commented very favorably about the value of the experience and the importance of the work.

If you are interested in serving on a site team or would like more information, please email Peggy Wallace, ABA Staff Counsel, at [peggy.wallace@americanbar.org](mailto:peggy.wallace@americanbar.org). ■

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## The Omniscient Mentor

Welcome to "Ask the Omniscient Mentor" column. All members are encouraged to send questions to Steve Dayton (Publications Chair) – [sdayton@fullcoll.edu](mailto:sdayton@fullcoll.edu). Steve will forward them to the O.M. and promises to protect your identity.

---

Dear O.M.,

Our Center for Excellence and other campus resources offer book clubs and brown bag lunches on how to spice up our teaching and become better teachers. I have found that most books and presentations are for new teachers. I would like something to energize me and my teaching.

– *Seasoned in Savannah.*

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Dear Seasoned in Savannah,

I understand. Last year I ordered our two Center for Excellence *How to Improve Your Teaching Books*. Both

could have been written by first year teachers. No offense to the people who selected the books; they are friends of mine. Also, I am not a book club person, unless great treats and beverages are provided, which they are not on campus. But I found an inspirational book this semester: *A Teacher's Reflection Book* by Jean Koh Peters and Mark Weisberg, 2001, Carolina Academic Press, ISBN 978-1-59460-942-8. read it on your own or with friends, or just use my Cliff/ Sparks notes version.

My answer to your question is based on suggestions from this book. I have bolded any direct quotes and included page numbers. I tell my students only quote from Holmes or Cardozo and to put everything else in their own words. But when you have been teaching for forty years, you get to bend the rules.

### First, you need to determine if this is your vocation.

- Are you doing this because you would do this even if you didn't have to work? You may have your job for many reasons. I am lucky that I have my lottery job. I would continue to work even if I won the lottery. I didn't get this paralegal teaching position until I was thirty five and I wasn't good at it until I was fifty. Here are suggestions if you are trying to find out if you are in your vocation or are just in a job. It is fine to just have a job. We need jobs to eat and support our families. But if we are fortunate, we find a vocation to get paid for our passion.

- Have you figured out why you do what you do? Do you inspire paralegal students to find their passion even if it is outside the profession? In my legal service program, I hope that my students learn professionalism towards our clients “one name change” at a time. In my classes, I hope that I inspire my students to be organized and to do justice.
- The authors stated ways to find your vocation; I included my favorites. The authors use the term

career, I use the term job;

- o Write Your Obituary, page 138. How do you want to be remembered?
- o Compose a Job Description, page 141. Write what you want your description to be versus what your department would post for your job.
- o The author defines the difference between career and vocation at 145.

## From Career to Vocation: A Paradigm Shift

CAREER	VOCATION
<i>Who am I?</i>	<i>Whose am I?</i>
<i>What's in teaching for me?</i>	<i>Who am I teaching for?</i>
<p><b><i>Vindicating our Worth through Achievement</i></b></p> <p>Success is zero sum, won through competition, over the defeat of others.</p> <p>Other talented, like-minded people are our rivals for scarce resources, jobs, prestige.</p>	<p><b><i>Nothing to Prove</i></b></p> <p>Called to an excellence that is not based on competition with others. Called to a vocational adventure that is distinct from that of anyone else.</p> <p>Freed from anxiety about whether someone else will beat us to that singular achievement that would have justified our lives.</p> <p>Freed to rejoice in the gifts and graces of others. In vocation we are augmented by others' talents rather than being diminished or threatened by them. An ecology of giftedness.</p>
<p>Seeking skill, talent, opportunity, money; “dying with our options open”; limits are frustrating, must be overcome.</p>	<p>Freed from jealousy and envy, we are freed from the sense of having to be all things to all people. In vocation we can experience our limits as gracious, even as we can experience our gifts as gracious.</p>
<p>Work and home are separate; work comes first. Maximize billable hours.</p>	<p>Freed to seek a responsible balance in the investment of our time and energy. Vocation is the opposite of workaholism (vocation encompasses career and home, daily life).</p>
<p>Time is our enemy – too much work, too little time.</p>	<p>Freed from the tyranny of time. Time is our friend.</p>
<p>Personal life is straightforward and shouldn't interfere with work.</p>	<p>Freed to see vocation as dynamic, as changing its focus and pattern over time, while continuing as a constant intensifying calling.</p>

Vocation often calls in the guise of serendipity, coincidence, page 150.

- A person you meet at a conference may lead to a new vocation.
- A job ad in the paper after a move inspired me to change from a vocation as a speech teacher and lawyer to be retrained in a vocation as a paralegal educator.

External Processes You Can Trust, page 153.

- **Consider the following exercise:**
  1. **Make a list of all the different processes in your work day (meetings, class, labs, committee meetings, telephone calls, writing time, email correspondence, talks at the water cooler). Think about the way you spend your work day. Do you have days that are spent, say, entirely in meetings? Is the day you teach class a good day, or a dreaded one, or something else? Do you meet with students often? Seldom? Never? How is your writing time structured: in small bursts? In long reflective passages of time? Do you lunch with colleagues, or alone at your desk? Brainstorm the various ways you spend your work time. Challenge yourself to make the list as long and as complete as possible.**
  2. **Circle the processes that you enjoy. If you enjoy some meetings, and not others, make a list of enjoyable ones and circle them.**
  3. **Draw an X through the processes that you do not enjoy.**
  4. **Once you have exhausted both lists, review your information, and look for trends. Are there clearly processes that work for you, that you can trust, and processes that clearly don't?**

If being a paralegal educator is your vocation, here are suggestions to keep you invigorated.

The book has practical and “touchy feely” suggestions though I taught Interpersonal Communications in my first life and have read *Chicken Soup for the Teacher’s Soul*. As a paralegal educator, I embrace the practical and will share those tips. The book relies heavily on reflection and I am generally more reactive and impulsive than reflective. My comments reflect my position. I am into instant reflection, oxymoronic, but it

works for me. Each day after every assignment, project, etc. I make comments and suggestions on my master syllabus folder for next semester. I also include appropriate student feedback. “I never want to IRAC again,” does not make the list. On a national reflection level, my favorite part of an AAFPE Conference is the time in between sessions sharing ideas with colleagues. I incorporate what I learn into each folder.

- Following are suggestions to improve your teaching vocation.
  - The authors suggest that updating your listening style will improve your teaching.
    - **Study good listeners that you respect**, page 73.
    - **Keep a Listening Log – record as you go throughout the day**, page 75. How long do you listen? Why and when do you stop?
    - **Wait five seconds before responding**, pages 81-85.
      - ❖ Have students think before they ask or answer questions, and then raise their hands.
      - ❖ Keeps us from interrupting.
      - ❖ Keeps us from interjecting our own agenda even if appropriate.
      - ❖ Increases empathy and understanding with the speaker.
  - The authors suggest ways to create empathy.
    - **Take one more minute**, page 128.
    - During office hours when a student asks for help ask, “So how’s it going otherwise?” This will increase empathy and your credibility.
    - Show vulnerability when appropriate. We do not know all the answers.
    - Remember how your new students feel.
    - Remember your first year of law school and the first time you were called on.
    - Remember the day your child started middle school.

- Remember the day you attempted to learn a new skill.
- We teach more than content. We teach legal and life skills.
- Students remember concepts supported by stories, whether they are from Lifetime movies, Law and Order, cases, or your life.
- Litigators know the power of a story.
- Remember your best and worst teachers.
- Figure out your classroom community.
  - ❖ Do you have a designated classroom or lab?
  - ❖ Do you have tables or desks?
  - ❖ Do you have collaborative learning, lectures, or a blend?
  - ❖ Are your students ready for the cubical, the conference room, the court room, and the clients?
- Consider other suggestions you might employ to improve your teaching.
- **Teach Non-Judgmentally**, page 123.
  - Teach the law not your position.
  - Teach acceptance and practice it.
- **Discern the Gift**, page 125.
  - Discover what students are good at, client interviews, research, medical chronologies, etc.
- Set the tone for each class.
  - The Introduction to the Profession, Legal Research and Civil Procedure require different tones.
  - Plan ahead; put the introduction in your notes. Remember this is new to our students.
  - **Adjust your Rhythms**, page 17.
- Know when to triage, adapt, change from lecture to group activities, to individual writing, or to a review session. There will be times when your students have not gotten it.
- Continued Feedback versus Continued Assessment
  - Satisfaction Survey
    - \* I have students answer a satisfaction survey at the end of the spring semester. This is in addition to the college required assessment plan and the required teacher evaluations.
  - Toasts
    - \* At my etiquette dinner in my “How to Find a Job” unit I, require the students to toast each other and the program. The feedback is poignant.
- Unit/Topic Feedback
  - Ask for feedback after a unit or topic. It is as simple as asking what was the most confusing point.
- Plan for thinking about Closure.
  - In each class
  - In the program
  - Don’t wait until the last two weeks
  - Don’t wait until the students are cranky and stressed
- Discuss the change in the teacher student relationship.
  - Students move from students, to graduates, to colleagues. The student teacher relationship evolves.
  - Discuss what skills and content students should have learned.
  - Discuss how these skills will be applied on the job.
  - Hand out letters they wrote in their first class regarding where they wanted to be in 2, 4, years.
  - These will be a great source of feedback for you.

I hope this book gives you one suggestion. The book gave me three and I am a seasoned Paralegal Educator.

**O.M.**

***P.S. I did not get any free copies of the book.***



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**BYTES**

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<b>FACILITATING STYLE</b>
5. Comments encourage active learning
6. Knowledge of subject matter
7. Makes class exciting
8. Encourages student interaction



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**Contestants can link up to their class at the competition. Contestants simply have to notify Doris Rachles (drachles@southuniversity.edu) or Donna Schoebel, (DSchoebel@law.capital.edu) that they want to compete and provide their course syllabus to be reviewed by AAfPE Alternative Delivery Task Force members by September 26, 2012.**

This issue edited by Doris Rachles, J.D., South University, Savannah, GA. Please send submissions for the next issue to drachles@southuniversity.edu by July 12, 2012.

## Why Would *YOUR STUDENTS* Want an iPad (FOR SCHOOL) ?

(Part 2 of the iPad series)

*By Susan Jaworowski, Paralegal Program Director, Kapi`olani Community College, Honolulu, Hawai`i*



# BYTES

In part 1, I suggested some reasons why you might want an iPad to help you with your teaching and productivity. We know that students want iPads for its social networking, multimedia, and gaming apps. Would a student also want an iPad for class? Definitely! In this part, I'll cover some great iPad apps that your students might use for school.

### Productivity tools

#### Due

This program allows students to schedule one-time and repeating reminders in a quick, easy-to-use format. Best of all, it comes in a version for both iPad and iPhone, which sync, so that a student can schedule an upcoming test or quiz on his or her iPad in class, and get the reminder on the iPhone too. This combines two of the Apple app functions (calendar and timer) into one sleek package. \$4.99

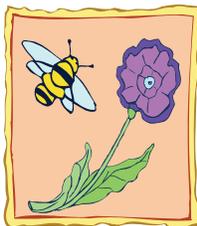
#### Audionote

This app allows a student to write or type notes onto his or her iPad during a lecture. When studying after class, the student can tap a specific line in the notes, and the audio recording of what was said at that point in the lecture will play. This allows the student to use the notes for summarizing (which is what notes ought to be), but still have the full explanation as a backup. This is a low-cost alternative to the popular Livescribe smart pen. Livescribe pens start at \$119, but this app is only \$4.99 – a bargain!

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#### Scanner Pro

This app allows the student to take a photo of a document which the program turns into a scan. The program then saves it as a pdf file, and can mail it, upload it to your computer, print it, or fax it. This is helpful both for materials needed for class, and materials needed for school such as financial aid forms, because it can capture the student's signature. \$6.99



## Online Students *Write* the Funniest Things.

Spellcheck is a life saver but sometimes it can trick you. That's why we always tell our students to proofread. One of my students obviously did not proofread because this is what she wrote on a discussion thread:

"As for the gun control, one can argue that we have the right to 'bare arms' under the Second Amendment and use it for the purpose of self-defense."

***Tell that to the NRA.***

**LOL!**

## Bridging the “Distance” in Distance Education

By Sheryne Southard, J.D., Professor of Legal Studies, Clayton State University

# BYTES

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2012

Distance education offers numerous advantages over the traditional in-class instruction method, such as increased flexibility and accessibility, self-paced learning, and convenience. However, in asynchronous online courses, the physical separation between the professor and students can lead students to feel detached and isolated from the class and the instructor. Also, in the traditional courses, the instructor is able to observe visual cues and non-verbal feedback concerning their understanding of the material. However, in online courses, the instructor is often not provided with such feedback until after the assignment or assessment is completed. The distance in online learning that leads to tremendous advantages cuts both ways to present potential for the instructor and the student to become disconnected. Below are a few practical techniques and resources available to bridge the distance in distance education.

### Hold a Mid-semester Individual Conference with Each Student.

Schedule a phone conference with each student to discuss his or her progress and any questions. This may sound like a daunting task for an entire class, but conferences could be held during your office hours over one or two weeks (as students rarely come during office hours). Doodle.com offers free scheduling software to allow you to create time slots during your office hours. Simply

select the option to allow only one response for each selection. The image below depicts 20 minute time slots during one week of office hours. After the



schedule is created, you are given a link to email to your class. Students can then sign up for the time slot and call you for the conference at the designated time. If the instructor and the students both have computers with webcams, the conference could be held via Skype. This free video conferencing software would allow for an even more effective meeting. *(continued on next page)*

### AAfPE’s Alternative Delivery Task Force Members

Doris Rachles, Deborah Walsh, Sheryne Southard, Loretta Calvert, Susan Jaworowski, Donna Schoebel



**Hold Some Classes via Web-conference.** Synchronous online courses are typically held via web-conferences, which allow the instructor to teach the class via the Internet. Faculty that teach asynchronous online courses can take advantage of this same software on an periodic basis. The instructor can hold special classes, such as exam review sessions to



allow the students to attend online, ask questions, and participate in a live lecture. The sessions can be archived so students that cannot attend are able to view the link at a later time. The instructor must have an account with a web-conference service provider (e.g. WebEx or Wimba), an internet connection, and a computer with a microphone and a web-camera (assuming you want your students to see you). The stu-

dents need a computer with an internet connection. They can type their questions in a text box.

These are just a few of the ways to establish a verbal or visual contact with the students in the asynchronous online classes. With a little time, effort, and creativity, instructors can create an environment where students feel ever more connected in their online courses than they would in an traditional face-to-face course.

## TOOLS OF THE TRADE

### Develop Rich E-Learning Content to Engage Your Students



For much of the history of online learning, educators were limited in the types of content they could use, when and where they could use it, and how various pieces of content worked with one another. Fortunately, a next-generation, content-authoring platform—like **SoftChalk**—allows educators to take control of their e-learning content. **SoftChalk** makes it easy to create, share, and access rich, engaging online content.

**SoftChalk** has offered award-winning, educator-loved content authoring software for a decade. Educators at all levels enjoy that **SoftChalk** is:

Easy and engaging: This e-learning authoring software makes it easy for educators to build engaging content using a variety of media.

Compatible and flexible: **SoftChalk** content works with any LMS and on mobile devices.

Cooperative and shareable: The **SoftChalk** learning object repository allows users to share and reuse the best content from other educators.

New users can give **SoftChalk** a spin with a 30-day free trial or request a demo. For more information, visit [www.softchalk.com](http://www.softchalk.com).



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### OFFICERS

**Scott A. Hauert, President (2012)**

Phoenix College  
640 N First. Ave.  
Phoenix, AZ 85003  
Office: 602-223-4212, ext. 5  
Email: [scott@aafpe.org](mailto:scott@aafpe.org)

**Loretta Calvert, President Elect (2012)**

Volunteer State Community College  
1480 Nashville Pike  
Gallatin, TN 37066  
Office: 615-230-3786  
Email: [loretta.calvert@volstate.edu](mailto:loretta.calvert@volstate.edu)

**Mary Carol Parker, Immediate Past President (2012)**

Maryville University  
650 Maryville University Drive  
Reid Hall 3314  
St. Louis, MO 63141  
Office: 314-529-9457  
Email: [mparker@maryville.edu](mailto:mparker@maryville.edu)

**Robert Mongue, Secretary (2014)**

University of Mississippi  
319 Odom Hall  
P.O. Box 1848  
University, MS 38677  
Office: 662-915-7293  
Email: [rmongue@olemiss.edu](mailto:rmongue@olemiss.edu)

**Wm. Bruce Davis, Treasurer (2014)**

University of Cincinnati, Clermont College  
4200 Clermont College Drive  
Batavia, OH 45103  
Office: 513-732-5305  
Email: [bruce.davis@uc.edu](mailto:bruce.davis@uc.edu)

### DIRECTORS

**Marcy Delesandri (2013)**

**Director, South Central Region**  
Lone Star College – North Harris  
2700 W.W. Thorne Drive  
Houston, TX 77073  
Office: 281-618-5735  
Email: [marcy.delesandri@lonestar.edu](mailto:marcy.delesandri@lonestar.edu)

**Kye Haymore, Director, Southeast Region (2012)**

Georgia Piedmont Technical College  
495 N. Indian Creek Drive  
Clarkston, GA 30021  
Office: 404-297-9522 ext. 5300  
Email: [haymorek@gptc.edu](mailto:haymorek@gptc.edu)

**Patricia Lyons, Director, Northeast Region (2012)**

Roger Williams University  
150 Washington St.  
Providence, RI 02903  
Office: 401-254-5602  
Email: [plyons@rwu.edu](mailto:plyons@rwu.edu)

**Donna Schoebel, Director, North Central Region (2014)**

Capital University Law School  
303 E. Broad St.  
Columbus, OH 43215  
Office: 614-236-6444  
Email: [dschoebel@law.capital.edu](mailto:dschoebel@law.capital.edu)

**Margaret Ann Uchner, Director, Pacific Region (2012)**

Community College of Aurora  
9235 E. 10th Drive, Room 142  
Denver, CO 80230  
Office: 303-340-7254  
Email: [margaret.uchner@ccaaurora.edu](mailto:margaret.uchner@ccaaurora.edu)

**Dora Dye (2012)**

**Director, Associate Programs**

City College of San Francisco  
578 Farallon Ave.  
Pacifica, CA 94044  
Office: 415-239-3508  
Email: [ddye@ccsf.edu](mailto:ddye@ccsf.edu)

**Linda T. Chin (2012)**

**Director, Baccalaureate Programs**

St. Johns University  
501 East 79th St. Apt. 12D  
New York, NY 10075  
Office: 212-861-1848  
Email: [chinl@stjohns.edu](mailto:chinl@stjohns.edu)

**Steve Dayton (2014)**

**Director, Certificate Programs**

Fullerton College  
321 East Chapman Avenue  
Fullerton, CA 92832  
Office: 714-992-7223  
Email: [sdayton@fullcoll.edu](mailto:sdayton@fullcoll.edu)

### AAfPE HEADQUARTERS

**Gene Terry**

**Executive Director**

AAfPE  
19 Mantua Road  
Mt. Royal, NJ 08061  
856-423-2829  
Fax: 856-423-3420  
[gterry@talley.com](mailto:gterry@talley.com)