

In Brief 3d

March/April 2011

NOPA P. O. Box 30604

New Orleans, Louisiana 70190

The Official Publication of the New Orleans Paralegal Association
Member of the National Federation of Paralegal Associations

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NOPA Mission Statement : To maintain a high standard of performance in the paralegal profession; To inform members of new developments in the paralegal profession; To encourage and provide continuing legal education for paralegals. NOPA's goal is to promote awareness, and to educate the community regarding use of paralegals.

PRESIDENT'S MESSAGE

Spring has sprung, as they say, and NOPA is picking up the pace for planning the exciting events you look forward to each year. We are currently scouting some great new locations for the July dinner meeting and silent auction fund raiser. This year we're going to focus on auctioning items brought to you directly by members. The artistic talent of our members astounds me and I hope you, too.

Our spring social and networking event is taking a turn as membership drive, so please bring friends and co-workers. Membership Committee members will be on hand with applications and to answer questions.

The seminar planning committee has been busy and I'm very pleased to announce that our keynote speaker for our annual CLE seminar will be Anh "Joseph" Cao, former U.S. Representative for Louisiana's 2nd congressional district. Mr. Cao will be fresh from completing a semester of teaching a summer class at Tulane University's School of Continuing Studies. I'm very excited about Mr. Cao taking time from his schedule to speak at our seminar. I hope you'll join us at the Inn on Bourbon on October 7 for what promises to be another top-notch event.

Finally, and speaking of the Membership Committee, they have been combing through the new and renewing applications for the committees and interests you checked off on your application. Don't be surprised when you are contacted by a member to follow up on those choices and I hope you'll consider getting more involved when you get that call.

The seminar planning committee has been busy and I'm very pleased to announce that our keynote speaker for our annual CLE seminar will be Anh "Joseph" Cao, former U.S. Representative for Louisiana's 2nd congressional district. Mr. Cao will be fresh from completing a semester of teaching a summer class at Tulane University's School of Continuing Studies.

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NOPA'S GENERAL MEMBERSHIP MEETING HELD ON MARCH 16, 2011

On March 16, 2011, NOPA's Business meeting was sponsored by the Tulane Paralegal Studies Program—Sallie Davis. **Thank you Sallie Davis and the Tulane Paralegal Studies Program for your continuing support.** The meeting was conducted in Venue Docket's Court Room. **THANK YOU VENUE DOCKET FOR MAKING ROOM FOR OUR MEETING!**

We were honored to have Dellona D. Davis, CPM/CAVS, Executive Director of CASA, speak to the members about the dedication and time required of its volunteers. These volunteers attend a very intensive training so as to be knowledgeable in establishing a trusting and dependable relationship with the CASA recipient to whom they are assigned. It is important that a volunteer be willing to seriously invest the time and effort to stay with the program once the training is completed. The funding available for this training is limited, so the CASA office wants to be sure that the time invested in the trainee is going to result in a positive return. The last thing the program needs is a volunteer who goes through the training only to decide that they are not a good match for the program. The CASA representative gave many options for giving to the program without going through the training to be assigned directly to a CASA program recipient, donations of supplies and funding are always welcome!

In addition to the CASA representative, Tomoro Wilson, NOPA's Pro Bono and Community Service Coordinator, spoke to the members about the what programs NOPA is involved in as volunteers.



**Dellona D. Davis, CPM/CAVS,
Executive Director of CASA**

NOPA COMMITTEES

**Bar Association Liaison Committee:
Germaine Galjour, Chair**

**By-Laws Committee:
Kathy Williams, Chair**

**Job Bank Coordinator:
Sandra Cantrell**

**Marketing Committee:
Carroll Lanassa, Chair**

**Membership Committee:
Jennifer Lasseigne, Co-Chair
Crissi Moseley, Co-Chair**

**Military Paralegal Outreach
Committee:
Jill Neumann, Co-Chair
Kathy Williams, Co-Chair**

**Newsletter Committee:
Brenda Wall, Editor**

**Pro Bono and Community Service:
Tomoro Wilson, Co-Chair
Sandra Cantrell, Co-Chair**

**Regional Outreach Committee:
Lisa Patterson, Chair**

Social Coordinator: Pam Angel

Student Liaison: Megan Hall

**Survey and Standards Committee:
Sheela Babu, Chair**

**Website Committee
Sue Pundt, Chair**

**If you would like to join any of
NOPA's committees, please con-
tact Becky Rolland at
bro978@aol.com**

NFPA NEWS

NFPA is very pleased to announce that the Paralegal CORE Competency Exam (PCCE) Candidate Handbook and online registration for the Saturday, June 11, 2011 pilot test are now available at www.paralegals.org. The pilot test will be held at 12 locations across the country. Seating at each test side is limited so if you are eligible and want to take advantage of the reduced fee, register early. The fee for the pilot test is \$65. **Please be sure to review the candidate handbook thoroughly before initiating the online registration.**

The pilot test is a paper/pencil version of the exam and will be hand scored. Scores will be released by PES no later than August 1, 2011. Candidates who successfully pass the exam will earn the CORE Registered Paralegal (CRP) credential.

Suellen K. Honeychuck, RP
NFPA Vice President and Director of Paralegal Certification

Note from the Editor

A very special thank you goes to **Alliance Overnight Document Service** for coming to the rescue and donating printing services for the Jan/Feb 2011 *In Brief 3d*. Nathan Martin, the representative for Alliance, is always smiling and eager to make sure the job gets done quickly and with the highest level of quality! Thank you so very much Alliance!

Brenda Wall

By-Laws Committee Report (3/31/2011)

The new By-Laws Committee had its first meeting at Entergy on Wednesday, March 23, 2011. The following are items of discussion among the group. All items have been discussed and assigned within the committee for further study or investigation and drafting of revisions of the current NOPA By-Laws that will eventually be submitted to the NOPA members for their 30-day review, discussion, and subsequent vote on each issue. The topics are:

1. Update list of committees.
2. Committee chairs must be voting members.
3. Add the position of Past President/Board Advisor to the Board of Directors.
4. Discuss parameters/options for board officer who loses his/her job.
5. Address NALA issue regarding NOPA member who is also a member of NALA and the ability to hold office or serve on a committee.
6. Associate Members. Review this category and define issues regarding the paralegal title; secretaries who do paralegal work, etc. This is being reviewed in conjunction with the proposed guidelines that will accompany the new and development-in-progress CORE competency exam for entry-level paralegals, allowing non-lawyers to take the exam.
7. Job Bank to be listed as duty of NOPA Secretary which can be delegated.

The By-Laws Committee will continue to work on these issues and will meet again in April 2011.

Kathy W. Williams, Chairperson

DATES TO WATCH

April 20, 2011: NOPA SOCIAL— MEMBERSHIP DRIVE (NOPA Members—please invite your fellow paralegals)

Place: Allegro Bistro, 1100 Poydras Street, Ground Floor, New Orleans, LA
Time: 5:30 p.m. to 7:30 p.m.— **Free appetizers and drink specials!**
Sponsors: New Orleans Paralegal Association and Esquire Deposition Solutions

**April 28-
May 1, 2011** **NFPA LEADERSHIP AND REGULATION CONFERENCE—Cleveland, OH**
(Suzanne Fontan will be attending on behalf of NOPA)

May 4, 2011: NOPA Board Meeting to be held at the Louisiana Bar Association, 601 St. Charles Avenue.
Noon till 1:00 - ALL MEMBERS INVITED TO ATTEND, please let us know if you plan to come.

May 18, 2011: NOPA'S GENERAL MEMBERSHIP MEETING

Location: Adams and Reese, 701 Poydras Street (One Shell Square) 45th Floor conference room
Speaker: Michelle Denice Craig, Esq. of Adams and Reese, LLP
Topic: Proper Techniques to use when investigating using social networking
Sponsor: Brooke Companies (c/o Cheryl Price-Rodrique and Cindi Owings)

Oct 7, 2011 **NOPA'S ANNUAL EDUCATIONAL SEMINAR— The Bourbon Inn, New Orleans, LA**

PARALEGAL REGULATION UPDATE

In the first week of March, 2011, both the Florida Senate and House of Representatives proposed bills for mandatory paralegal regulation. The bills, as presented, are much less than what was originally presented by the Florida Alliance of Paralegal Associations. The text of the bills can be found with the following links: <http://www.flsenate.gov/Session/Bill/2011/1612>; <http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?Bill+46245&SessionId+66>

SPECIAL THANKS TO NOPA'S SUSTAINING MEMBERS!!

Amy Shanks - Strategic Recruiting Solutions

www.srslegal.com

Fred Richissin - Venue Docket

www.venuedocket.com

Charles Sellers - Deep South Investigations

www.deepsouthinvestigations.com

Cheryl Rodrigue - Brooke Companies

www.brookecompanies.com

Julie Hackler - Avansic Digital Forensics and E-Discovery

www.avansic.com

Sallie Davis - Tulane Paralegal Studies

<http://www.tulane.edu/~uc/>

[degrees_programs/paralegal.htm](http://www.tulane.edu/~uc/degrees_programs/paralegal.htm)

Marie Estenzo Pettit—Crescent Bank and Trust

www.cbntno.com/

Military Paralegal Outreach Program

Jill Neumann and I have finally received our instructions for mailing the NOPA military packages for 2011. Our packages this year are to be sent to a legal office location at an airfield in Afghanistan.

We will send a minimum of four packages, but likely more, and are allowed this year to send as many as we want and can handle. We will be packing up and sending one or more packages by the end of April. **PLEASE CONTINUE TO REMEMBER OUR TROOPS** and make donations of cash or goods by bring same to one of our NOPA meeting, or by calling Kathy Williams or Jill Neumann for drop-off or pick-up.

For a list of suggested items to donate, please go to the NOPA website at www.neworleansparalegals.org.

Many thanks!

Kathy W. Williams and Jill Neumann, Co-chairs

**INSIDE REPORT SUBMITTED TO NFPA ON APRIL 14, 2011
BY BECKY ROLLAND, R. P., NFPA PRIMARY REPRESENTATIVE**

On February 16th, NOPA's general membership meeting featured Rimkus Expert, Jeremy Hoffpaur who discussed, "When to Call a Mechanical Engineer?". On March 16th, NOPA invited representatives from CASA and Big Brothers/Big Sisters to our general membership meeting and they informed us of volunteer opportunities.

NOPA's board has been very busy. After our January elections, the board created a Bar Liaison Committee to be chaired by Germaine Galjour, that will try to improve NOPA's relationship with the Louisiana State Bar Association. New committees appointments include Pamela Angel as our Social Coordinator, Lisa Patterson as chair of our Regional Development Committee, Kathy Williams to chair the By-Law Committee and Cassandra Johnson to our Membership Committee.

Crissi Moseley and I attended our Region II meeting via Skype. At the next NOPA board meeting we gave a full report on the meeting and recommended that we set a date for our first strategic planning session. The Region II meeting was extremely informative and so was the CLE on social networking.

NOPA has secured the date, October 7, 2011, and the location, the Bourbon Inn, for our Annual Educational Seminar and will begin to select our speakers and topics within the next two months.

On April 20, 2011, NOPA will hold its general membership meeting Sanction Solutions who will discuss "Winning Litigation" technology. That evening, NOPA will have its first social at Allegro's café. We will have membership applications on hand and will encourage members to join and renew.

President's Message (continued from page 1)

I'm very excited about Mr. Cao taking time from his schedule to speak at our seminar. I hope you'll join us at the Inn on Bourbon on October 7 for what promises to be another top-notch event.

As always, check our website, www.neworleansparalegals.org for more information on all our activities.

Suzanne Fontan

(this ad will be run in LSBA publications)

How Much Does Your Paralegal Know?

**New Orleans Paralegal Association
Annual CLE Seminar for Legal Professionals
October 7, 2011**

7 courses including Ethics

**For more information and registration go to
www.neworleansparalegals.org**

A member of NFPA— The Leader of the Paralegal Profession®

In Brief 3d would like to encourage our members to contribute to the newsletter. If you wish to share or see an article published, submit it to the NOPA newsletter by contacting Brenda Wall, editor, at llaweb@att.net. We will assist in getting reprint permission.



Those Emails Aren't As Privileged as You Think

Several recent rulings have highlighted the issue of privilege protection for employee communications made using corporate IT assets. Specifically, two cases were argued this year regarding employees that communicated with their attorneys via email using company computers; *Alamar Ranch, LLC v. County of Boise*, 2009 WL 3669741 (D. Idaho Nov. 2, 2009), and *Stengart vs. Loving Care Agency*, 408 N.J. Super. 54 (App. Div. 2009). These two cases have very similar backgrounds but different outcomes, and they provide some insight into the court's attitude towards this issue.

In *Alamar Ranch v. County of Boise*, the court ruled that emails exchanged between an individual and her attorney were not protected by privilege because the employer had a clearly stated policy of email monitoring. The court indicated that since there was no expectation of privacy and the emails were sent using a corporate account, privilege does not apply. The individual sent mails using her corporate email account from a company-owned computer.

In *Stengart v. Loving Care* an employee used a company computer to send emails to counsel, but did so through a Yahoo email account instead of the company's mail program. The trial court ruled the communications were not covered under privilege due to the company's policy of email monitoring. However, the appellate court reversed that ruling and indicated that privilege remained intact and the company did not have the right to review those emails. They argued that even a robust electronic resources policy does not necessarily allow carte blanche for the review of personal information stored on a company-owned computer.

Although these rulings might seem to make the picture of privilege-at-work more unclear, they at least provide a general guideline. Those who claim that information sent from an email account hosted by their employer is subject to privacy rights may already have a good argument if there is no clear policy about monitoring. This reinforces the critical need for companies to be clear and articulate about their computer and email use policies. Even if such policies are in place, there may not be protection for all the information on a computer – but a policy is certainly the first, best defense against such claims. Companies with policies would do well to review them in light of these court decisions in order to add specific rules or clauses relevant to their industry and their litigation risks.

This issue is likely to become more tangled in the near future. Telecommuting, ever-more-portable digital devices, and easy Internet access have all contributed to the blurred lines between work and personal lives – many employees access their Facebook pages and send Tweets during the business day, often on devices owned (at least in part) by the company. This makes for some complex arguments about expectations of privacy and ownership of information – does a business have the right to review all the Facebook status updates (even those that are private) sent from their company iPhone? And if so, could that information be used as a part of a case against an employee? These questions remain unanswered for the moment, but court decisions are likely to arise very shortly on the matter.