

# RED RIVER REVIEW



OFFICIAL NEWSLETTER OF

RED RIVER VALLEY PARALEGAL  
ASSOCIATION

MAY 2016

# ALL ABOUT THAT DATA

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# PRESIDENT'S REPORT

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Work, t-ball games, swimming lessons, vacations, lake trips, and bonfires have filled my days and nights. As I reflect back, I have no idea how the summer has gone by so quickly. I started this newsletter with the best of intentions of getting it published in May, and now it is already August. I really don't have any better excuse than I was just plain busy. Busy at work, busy at home, and busy trying to get some sleep in-between it all. From talking with many of you over the past few months it seems like most of us are busy. Which, lets be honest, is good for our careers and helps make the days fly by (sometimes too fast). So I really cannot complain.

However, as the summer fun subsides and we begin working full Fridays again, our new fiscal year of RRVPA begins! With a new year comes new goals for what RRVPA can achieve.

This fall RRVPA will be concentrating on amending our committee responsibilities and even adding or removing some committees. This is so the RRVPA can function at a higher level and provide more benefits for our members. With our new committees we will need the help of our members so that we can utilize the great skills each of you possess! We will be discussing the new committees and responsibilities at our upcoming Annual Meeting and even holding round table discussions for each committee.



Keep an eye out for more information on the upcoming Fall Seminar and Annual Meeting. See you all then!

*Lisa R. Kilde*

# TREASURER'S REPORT

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The RRVPA bank account balance as of May 31, 2016 was \$11,077.23

*Julie Koppelman*

# SECOND VICE PRESIDENT'S REPORT

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The annual renewal form for RRVPA was due August 1, 2016.

We currently have a total of 74 members!

- 62 voting members
- 4 student members
- 2 sustaining members
- 6 associate members

If you know of anyone who would be interested in joining RRVPA or would like information on our association, please give them my contact information below.

*Amanda Lee*



# TWEETING JURORS AND THE "GOOGLE MISTRIAL"

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Originally published by Daphne Drescher, CP

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**I**n Arkansas, a death row murder conviction was overturned when the defense counsel proved a juror had repeatedly tweeted about the case mid-trial.

In New Jersey, a mistrial was declared in a child sexual assault case because a juror had done internet research, printed out his findings and shared them with fellow jurors.

A Michigan juror was removed from the jury, fined \$250, and required to write an essay on the Sixth Amendment because she posted a pre-verdict comment on Facebook announcing the defendant was going to be found guilty.

Last year in Great Britain, a juror was actually sentenced to eight months in jail for Facebook friending a defendant in a drug trial.

It seems an increasing number of mistrials are being declared, and convictions and verdicts are being overturned due to alleged juror misuse of internet research and social media.

## JUST HOW BIG IS THE PROBLEM?

After all, trial attorneys will say there have always been instances of jurors doing their own research outside the courtroom, even though they're instructed not to. And jurors have always been able to communicate their thoughts about trial goings on to friends and family, despite admonishments not to do so.

It's just that decades ago, if jurors wished to conduct independent research, they had to physically go somewhere to do it – the public library, or the alleged crime scene, etc. Now they just need Google. And up until the common use of smart phones, they at least couldn't share their comments about the trial with others from the court room itself.

Is use of internet research and social media by jurors mid-trial really a serious problem impacting the furtherance of justice in the court system? Or have these activities just become another issue for counsel to use to appeal a conviction or verdict they aren't happy with?

## WHAT'S THE REAL ISSUE HERE?

We all know that whether in a civil or criminal trial, jurors are instructed not to consider any facts outside of what they see and hear inside the court room, and not to discuss the trial with friends or family. But why are these things so important?

They are important because our judicial system relies on the premise that a fair trial results from jurors forming their verdict based only and entirely upon what they see and hear inside the courtroom. Each side has an expectation that decisions will be made by jurors based on evidence the parties know about and have themselves presented.

When jurors do independent research, their decisions may be influenced by inaccurate, misleading or incomplete information that hasn't been vetted by the judge or tested by cross-examination.

When jurors exchange their opinions with others in any fashion, whether in conversation, in email, or on Facebook or Twitter, they risk revealing deliberations before they're intended to be public. They may give an appearance of bias, which can call their verdict into question. They may begin a conversation with others that can influence their decisions.

When jurors entertain information, comments or opinions they gather outside the courtroom, they deny the parties a fair trial.



## WHAT CAN THE COURTS DO?

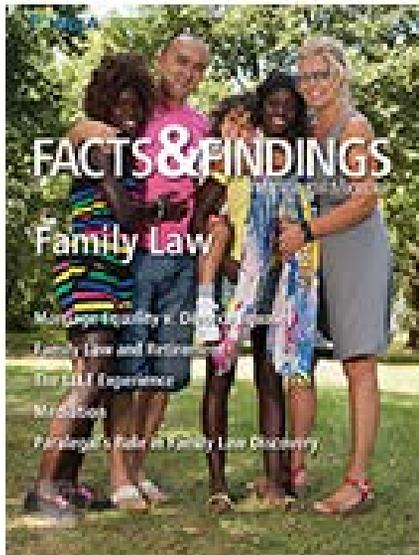
Model Jury Instructions in most jurisdictions now contain specific admonishments to jurors that they must refrain from discussing the case in any manner, and refrain from performing any outside research, including on their computers and smartphones.

New York federal court Judge Scheindlin of Zubulake fame is considering making jurors sign a pledge promising they won't use the Internet to research the case and subjecting them to perjury charges if they do so. At least one San Diego judge has already done this, in high profile cases.

Some courts are considering banning cell phones, Blackberries and other electronic devices in the jury room.

In California, a new law has made it illegal for jurors to willfully disobey jury instructions prohibiting them from using electronic or wireless communications, or from conducting Internet research about a trial. (See Code Civ. P. §§611, 613, 1209, and Penal Code §166) ■

*Daphne is a virtual litigation paralegal, owner of California-based Drescher ProParalegal, and former adjunct instructor in the Paralegal Degree program at Empire College. For more information, visit Daphne's website <http://proparalegal.com> where you can subscribe to the free ProParalegal Newsletter full of litigation practice tips and resources for legal professionals.*



# SPECIAL FACTS & FINDINGS

## SUBSCRIPTION DEAL FOR AFFILIATE MEMBERS

Members of NALA affiliated associations are eligible for a special \$25 annual subscription to *Facts & Findings* magazine. This is a significant discount off the non-member annual rate of \$35 and is good for renewal as long as you remain a member of your NALA affiliated association. Should rates increase in the future, you will still receive a 30 percent discount off the published rates.

## Simple as...

-  1 Advise your NALA affiliated association officer you would like to subscribe. Obtain their email address or daytime phone number. This will be needed to complete the subscription form.
-  2 Visit the NALA website. Find the subscription form on any page under "Facts & Findings" in the left sidebar. The form is also on the NALA Forms Page (link is found on the home page) under Affiliated Associations Forms.
-  3 Complete the subscription form and follow instructions for submitting payment.

If you should decide to take the next logical step of becoming an individual member of NALA in order to receive the benefits of this national association, you will receive a \$25 credit toward your first year's dues. Visit the NALA website to learn more about *Facts & Findings* and about membership in NALA!



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This issue of *Facts & Findings* focuses on Family Law. The feature articles in this issue include:

- **Paralegal's Role in Family Law Discovery Process** by Elizabeth Tener, Esq.
- **Family Law and Retirement** by Belinda Thomas, ACP, NCCP
- **Mediation** by Kristin D. Arnett, Esq.
- **Family Law** by John A. Birmingham, Jr., Esq.
- **Marriage Equality v. Divorce Equality** by Aurora Osborn, ACP
- **The LLLT Experience** by Michelle Cummings, LLLT
- **Parental Alienation** by Joshua P. Stokes, Esq. and Sara Turner, Esq.
- **Paralegal's Role in the Law Office** by Dana Goggans, APC
- **The Litigation Paralegal's Trial Survivor Kit** by Teresa L. Semerena, APC
- **Election/Bylaws Section**

# CALENDAR OF EVENTS

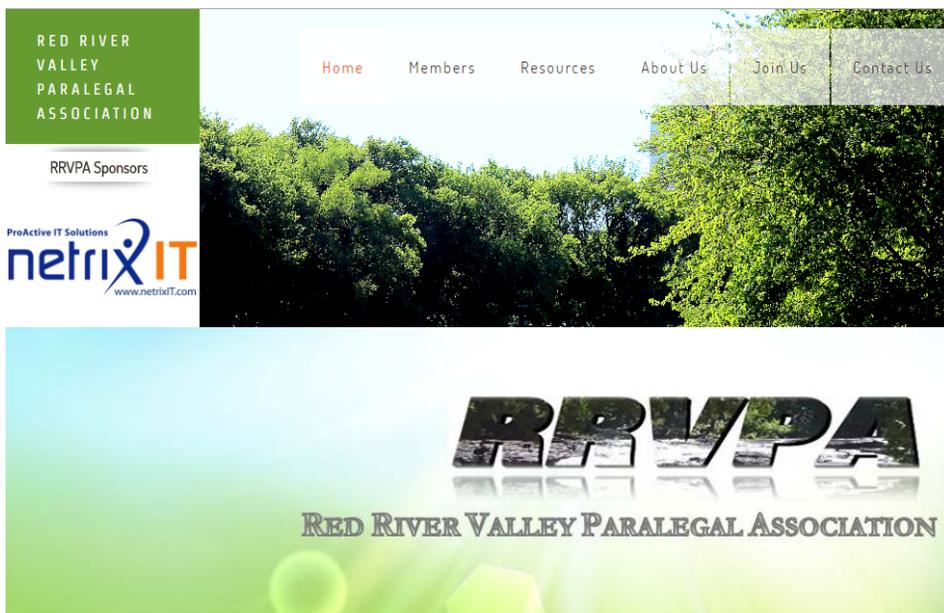
## Events

August 25, 2016 – North Region Lunch at Fuji  
August 25, 2016 – South Region Location TBD

## NALA Certification Application Filing Deadlines

Exam Window  
January 1-31  
May 1-31  
September 1-30

Application Due  
December 1  
April 1  
August 1



Go to  
[www.rrvpa.org](http://www.rrvpa.org) to  
view our  
Calendar of Events

OR

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# SECRETARY'S REPORT

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## RED RIVER VALLEY PARALEGAL ASSOCIATION BOARD MEETING MINUTES

April 28, 2016

11:05 a.m. to 11:31 a.m.

Ohnstad Twichell, PC



*Andrea Miller*



The meeting was called to order by President, Lisa Kilde. Roll call was held and the following members were present: Magen Pavlicek and Andrea Miller, Lisa Kilde, Erin Nodland, Josh Roaldson, Amanda Lee, Hannah Gilbert, and Dona Schock. Julie Koppelman was absent.

This meeting was held via tele-conference. Members were able to participate by telephone and/or their computer. It was very easy to use this system and this will be used as a way for members who are not in the Fargo/Moorhead area to attend events such as the Lunch and Learns.

The Lunch and Learns will be starting in the very near future. Some individuals who have indicated they would be willing to be speakers are Pat Monson, Mark Western, Chris McShane and Katie Stearns. There was also a discussion of in the future having paralegals lead the Lunch and Learns. To comply with the NALA requirements, the Lunch and Learns will be 50 minutes long. Those who attend will receive a certificate of attendance to comply with CLE reporting.

Our membership is currently at 74 members.

The Officer Reports for the Red River Review are due to Lisa, via email, by May 16, 2016. There will be a May 2016 publication of the Red River Review.

The South Region is going to hold a creatively uncorked event for Paralegal Day. The North Region is going to hold a happy hour type of thing for Paralegal Day. These events will be updated to members via email.

The committees of RRVPA are defined in Bylaw Article XI. There was discussion of if the Bylaws would have to be amended in order to form new committees as new committees that actually address our current needs would be nice to have. There was further discussion of if we change the Bylaws would they have to be approved through NALA and if it would be easier to just update within the committees. This will be looked into and discussed at a future meeting.

RRVPA no longer has a PO Box and the mail is being delivered to Ohnstad Twichell.

The sponsorship drive is going to begin in June. All members will be contacted about the sponsorship drive and volunteers to assist with the drive will be needed.

On or about July 1, 2016, the membership renewal applications are going to be sent out by Amanda. The deadline to return the application will be August 1, 2016.

It sounds like Dona, Magen and Andrea will all be attending the NALA Annual Conference in Las Vegas this year.

The next Board Meeting is scheduled for July 28, 2016. During that meeting, the annual seminar in September will be discussed.

The meeting was adjourned by Lisa. ▀

## MSUM AMERICAN BAR ASSOCIATION RE-APPROVAL

The Paralegal Program at Minnesota State University Moorhead is pleased to announce that it has received formal notice that the American Bar Association has granted Re-Approval to the program. The MSUM Paralegal Program has been approved by the American Bar Association continuously since initial approval in 1995. The ABA Re-Approval process involves an intensive review of the Paralegal curriculum, faculty, students and resources culminating with a two-day site visit. The most recent site visit in September of 2015 involved meetings with faculty, administration, students, staff, graduates and the Paralegal Advisory Board.

ABA approval is granted to only approximately 78 of the educational programs offering a four-year paralegal degree. ABA approval is considered the “gold standard” assessment of paralegal programs by employers and students. As one of the few four-year ABA-approved paralegal programs in the tri-state area, the MSUM Paralegal Program is proud of the hard work and dedication put into meeting the stringent standards necessary to achieve this prominent recognition. ▀



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# NALA | THE PARALEGAL ASSOCIATION

# NEWS

**Available for the 1st time! The NALA Playback Works Collection.**

See the 2016 NALA Conference Complete Listing of Recordings on Page 25 of this newsletter. Sessions all recorded live at the 2016 Conference are available in 3 packages: Fast Pass, Season Pass and Flash Drive Works Package.

**6 Month Fast Pass Streaming only: \$99 (after July 15th - \$199)**

**12 Month Season Pass Streaming & downloading: \$149 (after July 15th - \$249)**

**Works Streaming, downloading & USB Flash Drive: \$199 (after July 15th - \$299)**

See more at:

<http://www.playbacknala.com/catalog/product/view/id/24828#sthash.VGhkLIYL.dpuf>



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## NALA LIAISON'S REPORT



The NALA Conference in Las Vegas is fast approaching! It will be held at the Paris Hotel July 13-15th. Each year NALA attendees are invited to contribute to a charity – this year's charity is Three Square. Three Square is a food bank that provides whole-some food to hungry people

in southern Nevada. If you feel called to donate to this charity, please check out their website at [www.threesquare.org](http://www.threesquare.org) and click on the Give Now link. Please consider leaving a "NALA" comment in their comment box for tracking purposes. Attendees of the conference can also donate in person. This is one of my favorite things about the conference – please consider donating to this worthy cause. Their website indicate that \$0.94 of every dollar donated goes directly to their food programs.

Thinking about taking the CP Exam? There is now an Online Study Group! Please go to <https://www.nala.org/news/cp-online-study-group> for more information.

Please feel free to contact me regarding any questions you have about NALA.

*Dona Schock, ACP*

## NALA EDUCATION

NALA offers a variety of continuing education. NALA Campus and NALA Campus LIVE! use the power of the internet to offer continuing legal education seminars for paralegals and legal assistants nationwide. These seminars may be used:



- For general continuing education
- To prepare for the Certified Paralegal Examination
- To support in-house training programs for law firms and corporations
- By Certified Paralegals to meet educational requirements to maintain the CP credential
- To supplement formal, classroom instruction

NALA Advanced Paralegal Certification courses and NALA Campus self study programs are now available for tablets in the Apple Store, and in Google Play. ■



# SIX REASONS TECHNOLOGY IS IMPORTANT TO YOUR CAREER

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Article by Angela D. Masciulli, ACP, MPS

Significant change is underway in the legal industry. Technology is revolutionizing legal processes, court functions, and how many attorneys and firms work and manage cases. Judge and client expectations are evolving with new technologies too. Now is the time for paralegals to adapt to a rapidly changing legal market, not only to do their best in their current positions, but potentially expand their career.

Attorneys should also encourage the paralegals they work with to advance their technology knowledge, as well seek tech savvy paralegals to assist them with their cases. Paralegals who understand the importance of legal technology in today's legal market are an asset to your legal team.

Here are six reasons why technology is critical to your paralegal career no matter your specialty:

## 1. Rule Changes

Electronically stored information, more commonly referred to as ESI, was first addressed in the Federal Rules of Civil Procedure decades ago. The most recent significant changes to The Federal Rules of Civil Procedure ("FRCP") regarding ESI was in 2006, and more changes are on track for adoption in December 2015. Although I won't go through each change to the FRCP and its impact on ESI and E-Discovery, one message is clear: courts expect attorneys to know more about ESI and discovery of electronic data than ever before. Since discovery is the phase of litigation with tasks most often delegated to paralegals, paralegals must also know more about ESI and e-Discovery to assist legal teams. Numerous state jurisdictions have also adopted rules regarding ESI. Paralegals must be aware of their obligations to ethically and professionally assist attorneys under court rules.

## 2. Ethics and Professionalism

Many legal commentators point to one ethics amendment that shifted the legal technology conversation: the American Bar Association's 2012 amendment to Comment 8 to Model Rule 1.1. The Model Rule that influences an attorney's duty of competence in many states, was changed to include relevant technical knowledge to an attorney's duty to be competent in the law and its practice. ABA Model Rule of Professional Conduct 1.6 has long required attorneys to keep client information confidential, including electronic data. Several states have similar rules to Model Rule 1.1 and 1.6, but some states bar associations are going further to specify exact technical skills attorneys must have (or obtain through expert consultants) to competently represent their clients.

Two states in particular have adopted opinions related to an attorney's duty to be knowledgeable about technology. The New Hampshire Bar Association, in Advisory Opinion #2012-13/4, specifically addressed an attorney's duty to not only have a fundamental understanding of technology, but the regulations related to cyber security when cloud



computing. California's Formal Ethics Opinion No. 2015-193, lists nine tasks attorneys should be able to complete individually, with co-counsel, or through expert consultants, to competently represent clients. More states are developing similar, specific ethical requirements that, while directed at attorneys, may potentially apply to paralegals.

NALA or NFPA certified paralegals conduct must conform to the rules of professional responsibility for attorneys in the jurisdiction where they assist attorneys. Various states have their own specific requirements for paralegal education and competency too, in addition to attorney competency requirements. Paralegals must align themselves with the proper rules directly and indirectly governing paralegal ethics and professionalism in the jurisdictions where they assist attorneys.

### **3. ESI Explosion**

The amount of electronically stored information created each day is fueling many court rule, ethics, and professional obligation changes. The rate at which the world is creating ESI is almost incomprehensible. It is estimated that the world sends 60 billion emails daily. Some estimate that nine out of ten documents created today are electronic documents. Computers today can store 40 million pages of documents, and soon electronic devices will outnumber people. Again, since many tasks delegated to paralegals concern discovery, paralegals must obtain the technical knowledge to assist with the exponential growth of electronic data possible in every case. Processing electronic data, however, can be expensive. Paralegals should also learn to manage electronic information timely and efficiently.

### **4. Cost & Efficiency**

Cost is one of the biggest legal technology obstacles to overcome. Legal technology costs are overall lower than they were a decade ago because of more flat fee pricing and competition, but processing, storing, and searching electronic data still make up the majority of case costs. Clients are in the practice of analyzing bills like never before to keep legal costs down. Clients are unwilling to pay for time spent on inefficient processes. Since no two cases are alike, knowledge of a variety of technological tools and processes is also important to apply to a variety of circumstances. Paralegals who can efficiently utilize technology in a defensible manner, thereby reducing firm and client cost burden, are indispensable.

### **5. Employer/Client Value**

If you have spent more than a week on the job in a law firm or legal department, I don't need to tell you that attorneys are slow to change how they practice law. Rule changes, client expectations, and pervasive electronic data demand a new legal mindset. Paralegals who act as technology ambassadors – ready to assist with electronic data efficiently and compliant with new rules – are highly valuable to all legal teams. Position yourself now with new technical skills so when the time arrives to lend your assistance, you can help with the technology learning curve.

## 6. Career Growth and Earnings Potential

Increasing your employer/client value can also broaden your earnings potential and career opportunities. Paralegals are breaking through prior salary and career limits with the help of technology. New opportunities for litigation paralegals to specialize in e-Discovery now exist, thereby increasing their value to employers and commanding higher salaries. Legal project management is also an emerging profession for paralegals. Firms and companies are hiring project managers with legal expertise to execute manage litigation more efficiently (and at a lower cost), especially concerning e-Discovery. The greatest earnings potential, however, may exist for paralegals who combine their legal knowledge with advanced technical skills in litigation support roles. Litigation support average salaries often exceed the top ten percent of paralegal salaries. Roles in information governance, compliance, and cyber security also present previously nonexistent opportunities to ambitious paralegals with a technical aptitude.

Now that you have read how important technology is to your paralegal career, you may be feeling a little overwhelmed. Do not worry, but do not delay learning about technology any longer either.

Here are some next steps you can take right now to integrate more technology in your paralegal career:

- Be proactive and create a plan. Reading legal technology position descriptions and requirements can be helpful to learn about certifications, software, and skills to set you apart.
- Learn legal technology vocabulary.
- Volunteer to work on cases involving e-Discovery, receive training, and get education.
- Critically assess your own experience for technology skills you may not realize you are applying.
- Accept vendor offers for demos and ask questions.
- Read industry blogs and sign up for free webinars on relevant topics.
- Be willing to invest your own time and money in your career, if necessary.
- Find a mentor. ▀

*Angela Masciulli joined our team of e-Paralegals™ in February 2015 to offer her litigation paralegal skills on a contract basis utilizing cloud technology, project management tools, and virtual legal resources. At Digital Paralegal Services, LLC, Angela serves as eDiscovery Project Coordinator and Litigation Support Analyst to develop the company's services in this demanding field.*

**TAKE ANY CHALLENGE AS  
A CREATIVE OPPORTUNITY.**

— Alexandra Watkins

## HUMOR BREAK

Sorry you need winter clothes to endure the temperature in your office during summer.



someecards

IF I SAY "FIRST OF ALL"

RUN AWAY BECAUSE  
I HAVE PREPARED  
RESEARCH, DATA, CHARTS  
AND WILL DESTROY YOU.

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### Avista Management v. Wausau Underwriters Insurance U.S. Dist. Court Mid. Dist. Fla. (June 6, 2006)

In a case where a hotel investment firm sued an insurance company for allegedly not paying an insurance claim fast enough after Hurricane Charley, attorneys for the parties seemed at odds with each other from the get-go. When it came down to where to depose a witness, the attorneys would do no better. Not being able to select a location between themselves, the court was asked to intervene. U.S. District Judge Gregory A. Presnell was not amused. After chastising the attorneys for not being able to agree on even the most simplest of things, Judge Presnell issued his written ruling:

"[T]he Court will fashion a new form of alternative dispute resolution, to wit: at 4:00 P.M. on Friday, June 30, 2006, counsel shall convene at a neutral site agreeable to both parties. If counsel cannot agree on a neutral site, they shall meet on the front steps of the [Courthouse]. Each lawyer shall be entitled to be accompanied by one paralegal who shall act as an attendant and witness. At that time and location, counsel shall engage in one (1) game of 'rock, paper, scissors.' The winner of this engagement shall be entitled to select the location for the 30(b)(6) deposition to be held somewhere in Hillsborough County during the period July 11-12, 2006."

\*\* The two lawyers met on June 7, 2006, a day later, and agreed to the location for the deposition, making the game unnecessary. For fear of being held in contempt of court, defense counsel filed a motion asking the judge to call the game off. Plaintiff's counsel joined in the motion. The judge vacated his previous ruling with the following, "With civility restored (at least for now), it is ordered that the motion is granted."

# ALL ABOUT METADATA

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## WHAT IS METADATA?

Personally, I don't find the standard "data about data" definition that helpful, do you? But try this on for size:

[M]etadata is information associated with—and made part of—an electronic document that is not visible in the normal viewing or printing of that document. (Patrick Zeller, Technology: Recent cases help evolve guidelines for producing metadata, Inside Counsel Blog, posted July 29, 2011.)

Word or WordPerfect, Excel, and PowerPoint files all generate and store a lot of information about a document's author, revisions, templates, deleted text, and more. Even PDF documents contain some metadata, although much less.

## IS METADATA GOOD OR BAD?

Well, the answer is a favorite in the legal profession: It depends!

That's right, it largely depends on whose metadata it is, and in what context the metadata is likely to be discovered or reviewed.

## CONFIDENTIALITY, PRIVILEGE, AND WORK PRODUCT

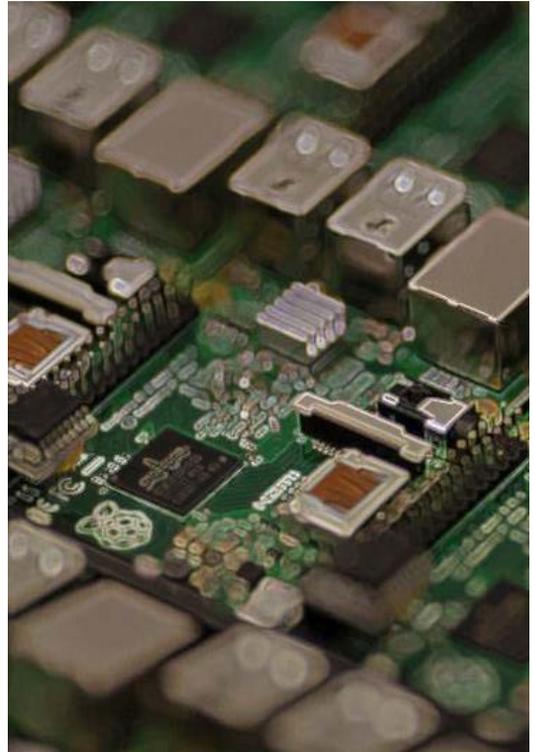
If the document is internal to the law office, that means attorneys and staff have likely generated it, reviewed it, revised it, and possibly commented on it. The document will contain embedded metadata that records all those events. Perhaps a document has even been reviewed, revised, and commented on by a client.

In this case, the metadata contained in the document may well fall under any of – or all three of – the above-listed categories. In that case, an attorney and her staff have an ethical obligation to protect that metadata from being seen by anyone not directly involved in the client's representation.

## DISCOVERY OF ELECTRONICALLY STORED INFORMATION (ESI)

On the other hand, if the metadata is contained in discoverable documents that are relevant to the claims or defenses at issue in the case, then the metadata is probably discoverable too.

In fact, increasingly parties are including metadata in their discovery requests, requiring that ESI be produced with its associated metadata intact. Sometimes this is accomplished by producing ESI in its native format, together with all original metadata. Other times this is accomplished by processing ESI into TIFFs, and producing them with load files that contain the documents' original metadata.



## ETHICAL OBLIGATIONS

Attorneys and their staffs have ethical obligations in either case with respect to handling the metadata associated with electronic documents.

## CLIENT CONFIDENCES

In the case of metadata potentially containing confidential, privileged or attorney work product information, the lawyer has an ethical duty to take steps to prevent its disclosure.

An increasing number of ethics opinions have been issued by state bar associations relating to a sending attorney's obligations to prevent disclosure of confidential metadata, as well as a receiving attorney's ethical obligations in the event of receiving metadata that was inadvertently shared.

On the latter issue, there is some disagreement among the states. However on the issue of the sending lawyer's obligations, there is broad agreement that Model Rule 1.6 requires an attorney to assure that in the process of transmitting electronic documents, he does not inadvertently disclose his client's confidential information.

## DISCOVERABLE EVIDENCE

On the other hand, when metadata is embedded in documents relevant to the issues in the litigation, the lawyer has an ethical duty to take steps, and to urge her client to take steps, to see the metadata is not altered, destroyed or withheld from production, if requested.

In fact in federal court, stipulated orders are becoming commonplace concerning protocols for producing ESI which require production of specified metadata. In addition, the issue of whether metadata should be included in productions of ESI is the subject of motions to compel, and while the rulings are often very fact specific, courts are increasingly requiring that metadata be produced. (See, e.g., *Younes v. 7-Eleven*, Nos. 13-3500, 13-3715, 13-4578 (D.N.J. Mar. 18, 2015); *Nat'l Day Laborer Or. Network v. United States Immigration & Customs Enforcement Agency*, No. 10-civ-3488 (S.D. NY Feb. 7, 2011).) ■

## EDITOR'S NOTE

I hope this newsletter is informative and enjoyable for all to read. If you have any suggestions for topics you would like to see in future newsletters please contact me. I am always thankful for your ideas!

Red River Review is published two times per year: November and May, by the Red River Valley Paralegal Association (RRVPA). Submission deadlines are October 15<sup>th</sup> and April 15<sup>th</sup>, respectively. Opinions expressed by authors are those of the authors and do not necessarily represent the views of RRVPA. Articles may not be reprinted without the consent of RRVPA and the author of the article.



RED RIVER VALLEY PARALEGAL ASSOCIATION

RRVPA is a professional association committed to the professional development and continuing legal education of legal assistants/paralegals. For membership information please contact your Regional Director or Second Vice President, Amanda Lee.

*Lisa Kilde, Editor*

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# PARALEGAL TIPS FOR BETTER TIME MANAGEMENT

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**Originally published by My Paralegal Place | [www.myparalegalplace.com](http://www.myparalegalplace.com)**

**Article by Jenny Tucker**

Most of us are eager to work smarter, not longer—hours. Below are some tips for overloaded paralegals to help get out of the permanent time crunch.

## —— Managing priorities ——

“The key is not to prioritize what’s on your schedule, but to schedule your priorities.”

The truth is probably that most lawyers don’t overload their paralegals because they are plotting to drive them towards insanity. They act in accordance with the pressures that they are under themselves and some of their demands may be due to their own lack of overview of their paralegals’ workload. One remedy can be to put together a list of all the tasks you have been given. Then, realistically, go through the list and attach time frames to each of these tasks. Finally, assign numbers according to what you believe are your boss’s top priorities. Then share that list with your lawyer.

The next step is to find the courage to set up an “efficiency” meeting with your boss during which you will hand her/him your lists and ask if you’ve accurately numbered the priority tasks. By discussing how as a team you could handle the overflow, you will likely appear as a problem-solver as opposed to a problem creator while negotiating what you know you can deliver.

This way you have achieved two important goals: one, you know you are on the same page in terms of what is deemed most urgent and most important. And two, you know that your boss has a proper overview of the current state of your workload, which can avoid a situation where new work is piled on without regard to what is already on your plate.

Focusing on the right priorities can help you work faster and in the end, your boss will be more appreciative of your work, delivering the results that s/he expects and that you have agreed upon. Hopefully so!

## —— Managing email overload ——

You will never hear someone say that he spent the whole day taking care of voice mail, so e-mail should not control you in that way either. You have to find the combination that works best for you and your practice. Some touch each email only once and dispose of it, others only check emails at designated times of the day.

You can also develop a schedule, in the morning glance over most emails and addressing only the critical ones right away, then some hours later, check progress on the critical emails you addressed in the morning, and half an hour before leaving your office, bulk-clear what has been treated and work on smaller tasks.

### — Know your productivity limits —

Most people have a maximum for productivity, and when this limit is reached, total productivity starts to drop, so make sure you know your limits and those of your boss, too!

Once in a while, when you feel your lawyer is in a really good mood, you can try to remind him that 8 hours of work by a healthy, well-rested paralegal are easily worth 12 hours of work by a tired and frustrated one! In any case, as working around the clock won't fix the problem of being overloaded, you can either be clear about your limits (as well as about your productivity and performance) or be set up for failure in the long run!

Many experts recommend working in segments, with 20 minutes segments being usually a good rule of thumb. But the best way is to find your own rhythm and schedule. Observe your schedule and notice the patterns you follow on your most productive days. Then build a schedule around those patterns.

### — Put up boundaries and take breaks —

The array of ways we connect with each other can sometimes make us want to literally hide in a cave in order to be able to get work done. So, if possible, on deadline days, try to put up an electronic version of the “do not disturb” sign, with no logging into social media accounts, no outgoing e-mail (the less you send, the less you'll receive), and no phone calls until you're finished.

And if your mind starts wandering, it is usually a good sign that you need a break, just getting up and going away from your desk for a short while can restore your mental productivity level for the rest of the day! ■

*I have learned so much in my career as a paralegal. Most of it I did not learn at school, but the hard way through trial and error and experience. My goal with My Paralegal Place is to provide paralegals with trusted resources, timely articles and advice to achieve success and happiness in their careers! I'm an 8 year paralegal and published writer who just ended my employment at a mid size litigation firm in Kansas City, Missouri. Currently I am working in a freelance capacity for several firms across the US, and trying to get through the insanity that is a paralegal's world! I specialize in Toxic Tort, Nursing Home Negligence and Medical Device litigation. I also organize social group events and am actively involved in the planning and hosting of charity events in the Kansas City area. Contact me at [paralegalplace@gmail.com](mailto:paralegalplace@gmail.com)*



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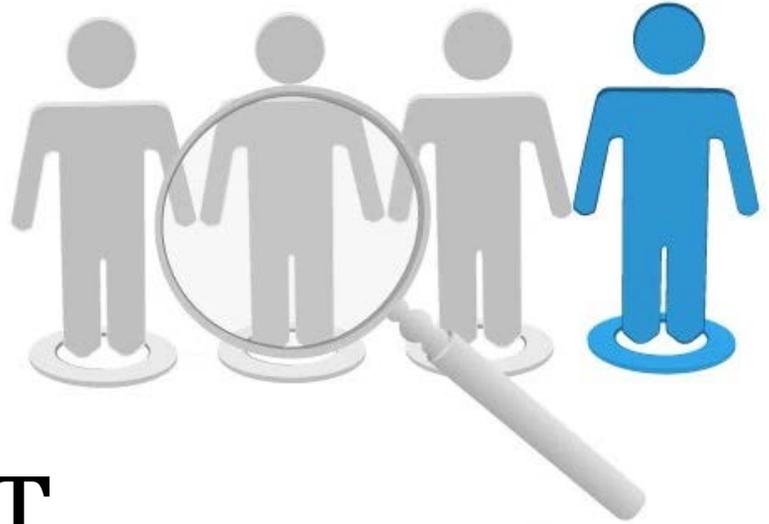
## STRATEGIES FOR LOCATING PEOPLE ONLINE

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**T**here are many instances when a paralegal will be asked to locate someone. The attorney may need to find out where the potential Defendant lives prior to filing a lawsuit, or there may be a missing witness that is out there somewhere. This article discusses a few tips to keep handy when initiating a search.

If you are able to, the first place to start is Accurint. This is a subscription service that is provided by LexisNexis, and is widely regarded as the database leader in the legal industry for finding people. If you know the person's name, last known address and some identifier (such as date of birth or social security number) Accurint is most likely going to be able to find the person you are looking for.

Check all of the social media sites as well. You could get lucky and find someone's work information on LinkedIn or Facebook. This will obviously save you hundreds of dollars on paying a private investigator to find this out. Even if this data does not appear to be obvious at first glance, you might be able to find out where the person lives by reviewing the friend and comment activity. Photos are invaluable tools as well. Once you think you have found the city and state where the person might reside, you can move on to the Tax Assessor's website for that county to verify ownership of a property.

If you have a last known address or even if you just know the person's full name, check the online records for the County's Tax Assessor website. These sites will typically list the property address, owner, and a mailing address. If the mailing address does not match the property address, this could indicate that the owner is renting out the property and lives elsewhere. You can then move forward with your search in the jurisdiction that matches the mailing address.

Some other great free online research tools can typically be found on your state's Secretary of State website. You can data mine these sites to pull voter's records, Registered Agent and Company Officer information, and even see if someone maintains any sort of professional license. All of these categories will typically list the person's name and an associated address.

Lastly, if the person has a website or blog, do not forget to run the IP address through a free website such as: <http://whatismyipaddress.com>. This will tell you immediately what city the person is in.

Living in this day and age, it is very hard for someone to not leave an electronic paper trail. If you do not have access to a paid subscription service that will locate people, there are many other ways that you can go online and search for people for free. Play detective for a few minutes, and you may find that you are able to locate the person your attorney is looking for without incurring additional case costs. If you are unable to find any online traces of the witness, your attorney may conclude that the defendant is judgment proof or that the witness is purposefully hiding, both presenting their own unique set of issues. ■

If you would like more information on the topic Paralegal Resource is hosting a live webinar on June 29, 2016. If you are unable to attend the live webinar, they will also have materials you can purchase our their website. Visit <http://www.theparalegalresource.com/live-webinar/399091> for more information.



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RED RIVER VALLEY PARALEGAL ASSOCIATION  
BOARD MEETING MINUTES  
July 28, 2016 11:14 a.m. to 11:54 a.m. Ohnstad Twichell, PC

The meeting was called to order by President, Lisa Kilde. Roll call was held and the following members were present: Magen Pavlicek, Andrea Miller, Lisa Kilde, Amanda Lee, Hannah Gilbert, Dona Schock, and Julie Koppelman. Erin Nodland and Josh Roaldson were absent.

The Annual Fall Seminar was discussed. This is going to be held in September in Fargo. Plans for the location and speakers are still being made.

The Lunch & Learn events are still being worked on. We are hopeful to have about one per month starting in the new fiscal year. Dona will also be checking into webinars that are provided by NALA.

We currently have 74 members. The membership drive is currently going on and members are to have their renewals for membership in to Amanda by August 1.

The sponsorship drive will be starting on August 1st. All of the Board Members will assist with the sponsorship drive. We are hoping to have all of the sponsorships in before the Annual Fall Seminar. Julie will be updating the sponsorship information to be sent out this year.

It may be necessary to make some changes to our committees. Erin reviewed how to change our Committees. We need to have a meeting with RRVPA with a vote to change the committees. Any changes then need to be reported to NALA within 60 days. There was discussion of eliminating the Nominations and Elections Committee and just making the job of this committee a duty of the Secretary. Legal Assistant Day might also not need to be a committee making the job of this committee the duties of the Regional Directors. Some potential new committees that were discussed were volunteering, outreach and member benefits. There will be continued discussion to determine how the committees are divided, what committees are needed and which committee is responsible for what activities.

The Red River Review will be published again at the end of July.

Julie provided the Board Members with the financial information for the end of the fiscal year. There was discussion of again making a donation to a non-profit. Animal shelters were discussed. If anyone has any idea, please let the Board know.

Once college starts again in the fall, we will again be working with the students to continue the mentor program.

The meeting was adjourned by Lisa.

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LEGAL ASSISTANT DAY..... VACANT

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IT'S  
A BEAUTIFUL  
THING WHEN  
A CAREER AND  
A PASSION COME  
TOGETHER.



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RED RIVER VALLEY PARALEGAL ASSOCIATION



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