

# RED RIVER REVIEW

May 2013

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OFFICIAL NEWSLETTER OF

**RED RIVER VALLEY PARALEGAL ASSOCIATION**

**RRVPA**

## PRESIDENT'S REPORT



Hello RRVPA members! I hope this report finds everyone well and **HAPPY SPRING FINALLY!**

I would like to encourage all of you to take an active role in our organization to help shape it to be what each of you would like it to be. Every member should feel they are an important part of this organization and should take pride in their membership. We have exciting events happening all the time and if you have any questions you can check out our new & improved website [www.rrvpa.org](http://www.rrvpa.org) (thank you Lisa Kilde!) or contact me directly.

I would like to thank all who participated in the Spring Seminar for their hard work and dedication putting together the seminar and finding speakers. Anyone who has organized one of our seminars knows all the time and work that goes into pulling it all off successfully and it is a lot of work! We also had a great effort put forth on our sponsorship for this next year! Before long we will be having our Fall Seminar at some point in September 2013.

Thank you to our current Board for all of their hard work and desire to make our organization successful. You are all awesome! And I want to welcome any new members and students who have joined RRVPA in the past year. Welcome!!

*Stacy Brekke, CLA*  
RRVPA Board President



## CO-VICE PRESIDENTS' REPORT

### Hello RRVPA Members!

The Spring Seminar was held at the Ramada in Grand Forks on March 28, 2013. We tried a different location in Grand Forks, and we hope it was a great experience for everyone that was able to make it! There was a variety of speakers, and hope that you enjoyed the different topics and found them interesting. Thank you again to everyone that attended and participated!

We are working on the Fall 2013 seminar in Fargo. If you have any thoughts or ideas of presenters or topics, please let us know.

Thank you,

*Katie Schatzke*

and

*Andrea Honebrink*



## SECOND VICE PRESIDENT'S REPORT

We currently have a total of **57 MEMBERS!** The total is made up of 52 voting members, 3 student members and 2 sustaining 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.

Just a reminder, August 31, 2013 is the membership Renewal deadline.

Thank you,

*Amanda L. Lee*

amanda@stefansonlaw.com  
218-236-1925

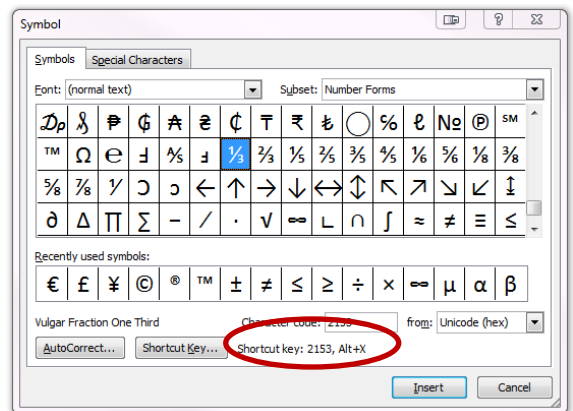


## DID YOU KNOW?

Did you know the shortcut code for the ¶ symbol is Alt + 20? By using this shortcut you can quickly and easily insert the paragraph symbol into your North Dakota pleading to conform with the new requirements. Some other helpful shortcuts are ↓

°	Degree sign	Alt + 0176
±	Plus or minus sign	Alt + 0177
§	Section symbol	Alt + 0167
¢	Cent symbol	Alt + 0162
½	Half fraction	Alt + 171
¼	Quarter fraction	Alt + 172
¾	Three-fourths fraction	Alt + 1090

Please note, symbol shortcuts may differ due to the exact program you are using. To find a shortcut for a symbol, go to your symbol window and select your desired symbol and take note of the shortcut key listed on the bottom, or go to your help icon.



## TREASURER'S REPORT

The RRVPA bank account balance as of April 15, 2013 was \$8,922.91.

*Julie M. Koppelman*  
Treasurer



# AVOIDING TECHNOLOGY TRAPS

## QUESTION:

Do we as paralegals currently have ethical obligations to protect confidential communications that might be more at risk of disclosure because of technology? If so, what are our obligations? Also, are there other ethical issues arising from technology that paralegals should be aware of?

**CANNON:** Paralegals do indeed have a duty of confidentiality that extends to communications that might be more at risk of disclosure because of technology. Because of the dynamic nature of technology, we learn of new risks to confidentiality all the time. Paralegals and others in law firms need to keep up-to-date with the latest in this critical area.

When law firms first started using e-mail to communicate with clients, some bar association committees that issue ethics opinions determined that the use of e-mail might be a breach of ethics because sending e-mail was “like sending a postcard through the mail.” Better security and greater understanding of e-mail technology have resulted in a shift in thinking about its use. In 1999, the American Bar Association issued Ethics Opinion 99-413, which held that sending confidential communications by means of unencrypted e-mail isn’t a breach of the duty of confidentiality “because the mode of transmission affords a reasonable expectation of privacy.” This opinion has been followed in every state, and e-mail now is a common daily means of communicating about privileged matters.

However, the use of e-mail carries high risks of inadvertent disclosure if not used with care. It’s easy to misdirect an e-mail message

by hitting “Reply to All” or selecting the wrong address in your electronic address book. To avoid accidentally sending confidential communications to the wrong person, always double-check who you have on the “To” line before you hit the “Send” button.



In addition, e-mails that contain privileged information, including routine communications with a client, should contain a statement that the communication is privileged and if the recipient receives it in error, he or she should not read it and should inform the sender. While this disclaimer can’t prevent someone else from reading a message, it can help you later make the case that disclosure was inadvertent and that the communication should retain its privileged status. Some firms also use encryption software or have closed networks that add protection for privileged information.

Another major concern in using technology involves the ability to track changes in documents or view metadata. When you send a document to another party, it’s possible for that person to use a tracking feature to follow the changes that have been made to the document before it was sent. This feature allows the reader to see previous versions of the document and comments that might have been directed to the client or others in the law firm. Obviously, revealing this “back story” to the document also might reveal privileged work product, including strategies and even weaknesses in the client’s position, and could be very damaging. As a paralegal, you need to be aware of this and take appropriate steps to only send clean documents by using a metadata removal program.

It’s also important to keep your computers secure. Passwords should not be obvious, such as family names and birthdays. Use smart cards for laptops so they can’t be accessed if they are stolen. Turn off your computer if you will be out so no one can readily access documents. Documents in draft should not be left up on the screen when you are not at your desk. Firms also should have policies regarding which documents should be deleted, when and how.

**HUNT:** Teri has done a great job covering computers, so I am going to talk about other technology traps out there. I am sure there are many of us who accidentally have faxed client material to a wrong fax number. I have faxed draft documents to

Continued on page 4

complete strangers just by misdialing the number. In a classic mistake, I opened a fax cover sheet that I was going to revise, got interrupted by a phone call (I hope this isn't sounding familiar to you), didn't change the phone number on the fax cover sheet, and accidentally sent a draft expert declaration to opposing counsel. Talk about wanting to crawl under my desk and stay there.

Fortunately, there was a very ethical attorney on the other side who immediately called to let me know my error. So even the low-tech and humble fax machine can leave us open for ethical mishandling of client documents. Always double-check the number you have dialed before hitting "Send." Even better, if it's a number that is used often, enter it into the fax machine's directory and let it do the dialing for you.

When cell phones first came on the scene, similar concerns were raised about the interception of phone calls as they now are being raised about the interception of e-mails. This concern also is true of cordless telephones. With simple-to-obtain equipment, snoopers can listen in on wireless transmissions. Although, in his 2000 seminar, "10 Ways to Commit Malpractice on Your Computer," Daryl Teshima, vice president of Strategic Discovery Inc. and former editor of Law Office Computing, said there is more risk of disclosing client confidences in elevators or in a conversation in a restaurant than there is in having a phone call or e-mail intercepted. Along these lines, be careful when using your cell phone outside the office, making sure you discuss client matters away from where people can overhear you.

Regarding e-mail, Teshima provided some ethics opinions from various state bars about how law firms should handle the electronic transmission of confidential client materials. Some bar associations require their members to obtain written consent from clients to do so; others merely encourage attorneys to discuss the dangers with clients or obtain verbal consent. Always check the rules in your state about what is required.

**HELLER:** Teri and Stacey have covered the gamut of technology, but I would like to mention one additional item: the speaker feature on telephones. This hands-free feature makes life a lot easier, particularly when trying to take notes or access files or documents while interviewing clients and witnesses. It's also very handy for playing back voice mail messages while multitasking, something paralegals often do. However, I caution you to close your door or turn down the volume when playing back messages or talking with a client or other party regarding a particular matter.

**YOU DON'T KNOW WHO COULD BE WALKING PAST YOUR OFFICE OR LURKING NEARBY, AND WE HAVE THE SAME DUTY TO PROTECT CLIENT CONFIDENCES ORALLY AS WE DO IN WRITING.**

In addition, when preparing privileged documents using your computer, I encourage you to liberally use notations such as "Confidential Attorney-Client Privileged Communication" or "Confidential: Attorney Work Product Material" as appropriate. Whether you insert this notation as you are preparing the document, or stamp it or Bates label it after the fact, courts are far more likely to protect the document when such statements exist. If you work on a highly sensitive matter and generate a lot of work product in connection with that matter, check with the supervising attorney to find out if he or she would like you to add any protective notations.

Finally, I recommend you use the security features offered by your law firm or company computer system whenever necessary. For example, if you are preparing an employee evaluation or other sensitive document that you don't want others in your place of employment to be able to access from the general computer system, use the lock or other security feature that your system offers.

◆ This article was originally published by Therese A. Cannon, Nancy B. Heller, RP, Stacey Hunt, CLA, CAS for Legal Assistant Today Magazine.s

CHECK OUT RRVPA'S NEW WEBSITE:  
[WWW.RRVPA.ORG](http://WWW.RRVPA.ORG)



## NORTH REGION DIRECTORS' REPORT

Greetings from North Region Co-Directors  
Tiffany Stavish and Karyn Vasek, CP.

In December 2012, the North Region had an extremely successful food drive! The North Region collected food for the Northlands Rescue Mission. We would like to thank everyone who collected, donated, and helped deliver food to Northlands Rescue Mission!



The North Region has had good turnouts for our lunch meetings. We try to hold a lunch meeting once a month. The North Region is planning the following lunch meetings:

Wednesday, May 22<sup>nd</sup> – TBA  
Wednesday, June 26<sup>th</sup> – TBA  
Wednesday, July 24<sup>th</sup> – TBA  
Wednesday, August 28<sup>st</sup> – TBA



We hope to see you at one of our upcoming meetings!

*Tiffany and Karyn*

## 5 TIPS TO ORGANIZE YOUR OFFICE

While I am sure everyone is busy spring cleaning their homes, (OK maybe just opening the windows to let the fresh air in) spring is also the perfect time to organize your office. Decluttering and organizing your office can make your workspace more efficient and better suited to your daily needs. Here are five simple tips to get you started:

- 1. Get rid of the desk clutter.** Tidy up everything that collects in or on your desk, including the piles of paper and drawers full of assorted pens you never use. Only keep the essential office supplies that you need.
- 2. Sort your junk drawer.** Use drawer dividers to give everything a designated space. Doing so will keep everything in an easily accessible location.
- 3. Streamline your workspace.** Sort your work into zones, such as “Need to complete” “Waiting On Reply” and “Reference Materials”. Analyze your paper and file storage needs and add filing baskets and label your storage systems.
- 4. Streamline your computer desktop.** Only keep the most commonly used icons on your desktop. If this still is a lot of icons, create folders to keep them all organized. Also, clear off any sticky notes on your monitor, as these distract you from your work.
- 5. Revise your filing system.** As more offices are moving towards the “paperless” system, try to eliminate paper filings that stack up on your desk. One place to start is to save your emails digitally instead of printing and then filing.

Put a reminder on your calendar for each day, week or month to keep up with your organization. Happy organizing!

*Lisa Kilde*, Editor

## NALA NEWS

The NALA Advanced Paralegal Certification Board has released the much anticipated *Real Estate Principles* course! Real Estate Principles is now available online. To access the course description and to enroll, visit the [www.NALA.org/Certification/Advanced Paralegal Certification](http://www.NALA.org/Certification/Advanced%20Paralegal%20Certification).

The second advanced course for Real Estate paralegals, *Real Estate Principles* presents fundamental concepts related to acquisition, possession, use, and transfer of real property. Real Estate Principles is organized in 11 modules, as follows:

1. Definitions
2. History of Real Estate Law
3. Present Estates
4. Future Interests
5. Future Interests Issues
6. Acquiring and Holding Title
7. Easements
8. Real Covenants and Equitable Servitude
9. Categories of Real Property
10. Defining and Describing Real Property
11. Recording Real Property



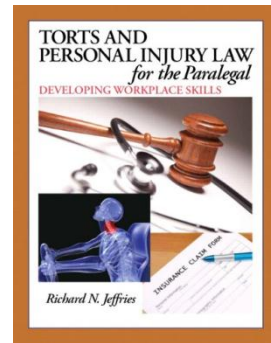
Advanced Paralegal Certification are now available in 20 practice areas for paralegals. The courses are developed by the APC board composed of experienced paralegals, paralegal educators and attorneys, with input for certified paralegals. The APC board also works with experienced technical writers in the production of the on-line, curriculum based courses.

Through this program, Certified Paralegals may achieve advanced certification to enhance their developing careers, or for advanced instruction in practice areas in which they are unfamiliar. The APC program has been growing in popularity since its introduction in 2006. As of March 2013, nearly 3,000 paralegals have achieved advanced certification status.

For more information visit [www.NALA.org](http://www.NALA.org).

## MSUM ADJUNCT AUTHORS TEXTBOOK

Richard N. Jeffries, an adjunct professor for the Personal Injury class in the Paralegal Department, has authored a revolutionary new textbook on torts and personal injury. The textbook, published by Pearson Publishing, became



available nationwide this spring. The book goes far beyond the traditional approach of just teaching the black letter law of torts. The book includes practical hands on assignments, extensive appendices for use by the student, a discussion of medical issues and a discussion of insurance issues with related documents. A particularly unique and helpful aspect of the book includes a multitude of "workplace skills tips" throughout each chapter.

Mr. Jeffries received his B.A. in Business Administration from MSUM in 1965 and his Juris Doctorate with distinction from the University of North Dakota. He spent 37 years practicing law concentrating his practice in the areas of civil litigation personal injury. He was named a Leading Minnesota Attorney, received an "av" rating (the highest available) from Martindale Hubbell. Mr. Jeffries is licensed to practice law in Minnesota, North Dakota, and Florida. He is currently serving as a consulting attorney to an Arizona law firm practicing in the area of construction defects.

Mr. Jeffries is currently co-teaching the Personal Injury class with his former long-time paralegal, Terri Bourcy Smith.



◆ This article was released by Deborah Kukowski, Paralegal Department Chair at Minnesota State University Moorhead.

# PORTLAND

NALA IN THE GREAT NORTHWEST JULY 2013

**38th Annual Convention,  
Institutes & Exhibition  
July 10-12, 2013 • Portland, OR**



**THE ASSOCIATION OF  
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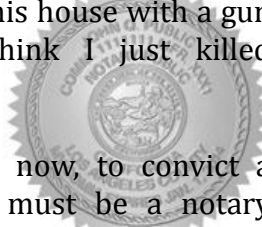
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## HUMOR BREAK

Jay Leno: "As I'm sure you've heard by now, there is a mistrial in the Phil Spector murder case. The jury could not find Spector guilty beyond a reasonable doubt. You know something, I'm beginning to doubt we can find a reasonable jury."

KNBC television reported the vote was 10-2 in favor of conviction. The only two for acquittal? O.J. and Robert Blake. I was surprised. One witness even testified that he heard a shot, then saw Phil Spector run out of his house with a gun in his hand yelling, "I think I just killed somebody!"

But see, apparently in L.A. now, to convict a celebrity of murder, there must be a notary public present at the time of the shooting then you have to get the stamp."



## CALENDAR OF EVENTS



July 10-12, 2013 - NALA 38<sup>th</sup> Annual Convention Portland, OR

August 31, 2013 - Membership Renewal Application Deadline

### NALA Certification Application Filing Deadlines

Exam Window January 1-31.....December 1

Exam Window May 1-31.....April 1

Exam Window September 1-30.....August 1

### North Region Luncheons

\*\*4<sup>th</sup> Wed. of each month (subject to change)\*\*

May 22<sup>nd</sup> ..... To be determined

### South Region Luncheons

May 21<sup>st</sup> ..... Green Mill, Fargo, ND

\*\*Go to [www.rrvpa.com](http://www.rrvpa.com) to view our

Calendar of Events

OR



Like us on Facebook



to keep up to date on RRVPA events! \*\*

## APP-MAZING!

### Announcing our Apple and Google Apps for *Facts & Findings!*

The apps place *F&F* at your fingertips to be read any time, any day on an Android tablet or the iPad. The app includes member password protected access to the current issue of *Facts & Findings*, and access to the last six issues, including the table of contents.

Issues may be downloaded as pdf files for access when the device is not online. The file may be saved in your documents folder on Android or in iBooks. This gives you access to the tools from Adobe, including highlighting and writing notes directly on the pages.



For non-members, there is a guest preview for the latest issue and access to the last six issues as well. Bonus features for the app include a CLE lock up for all Certified Paralegals (password protected); AND a link to NALA's Facebook page. This brings a whole new dimension to NALA and to *Facts & Findings* ... The Journal for all Paralegals!



**THE ASSOCIATION OF LEGAL ASSISTANTS • PARALEGALS**

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PHONE



TABLET



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Legal Assistant Day.....VACANT

INTERESTED IN SERVING RRVPA IN A REWARDING POSITION AS A BOARD MEMBER,  
DIRECTOR OR COMMITTEE CHAIRPERSON? CONTACT STACY BREKKE FOR  
MORE INFORMATION ABOUT HOW YOU CAN FILL A VACANT POSITION.

Red River Review is published two times per year: November and May, by the Red River Valley Paralegal Association. Opinions expressed by authors are those of the authors and do not necessarily represent the views of the Red River Valley Paralegal Association. Articles may not be reprinted without the consent of RRVPA and the author of the article.

<u>Publication Dates</u>	<u>Deadlines for Submissions</u>
November 2013	October 15, 2013
May 2014	April 15, 2014



RED RIVER VALLEY PARALEGAL ASSOCIATION

Red River Valley Paralegal Association 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 at [amanda@stefansonlaw.com](mailto:amanda@stefansonlaw.com) or write to RRVPA, PO Box 1954, Fargo, ND 58107-1954.



## 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 via email at [lkilde@ohnstadlaw.com](mailto:lkilde@ohnstadlaw.com). Thank you.

*Lisa Kilde, Editor*

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