



NCPA

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The Association of
Legal Assistants • Paralegals

The NCPA is an
Affiliate Member
of the
National Association
of Legal Assistants, Inc.

North Carolina Paralegal Association, Inc. Spring 2005

Forum

noun [C]; fôr-əm
an occasion or a place for talking about a matter of public interest



"The North Carolina Paralegal Association, Inc. proudly celebrates a quarter-century of promoting and enhancing the paralegal profession in the state of North Carolina and throughout the United States of America. Come celebrate with us at our 25th Annual Meeting and Seminar, March 10-12, 2005 in Wrightsville Beach, NC!"

In This Issue...

- What You Should Know About Forensic Audio
- Chronology Best Practices
- What's In It For Me? The Benefits of Membership in Paralegal Professional Organizations
- Meet the Candidates - Statements of Paralegals Running for Office at the 25th Annual Meeting and Seminar
- Professional Development: Power

The NCPA Forum

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Table of Contents

President's Message.....2

Chairman's Message.....2

Editor's Court2

Reports

Parliamentarian3

NALA Liason.....4

Membership5

Articles

Chronology Best Practices.....6-7

What You Should Know About Forensic Audio.....11-12

What's In It For Me? The Benefits of Membership in Paralegal Professional
Organizations.....16

Professional Development: Power.....19

Bonus Feature

Have You Attended One of the NCPA Directors' Meet & Greet Breakfasts.....15

Meet the Candidates.....17

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President's Message

Belinda Ann Thomas, CLAS



This is my final message as NCPA President to you. The last two years have been a wonderful experience with many challenges as well. Being President brings on a whole new definition of responsibility. There are emails and letters to answer every day, meetings to plan and lead, emergency issues to address, committees to appoint, contracts to review and sign and a host of other obligations. I know this sounds overwhelming (and at times it has been), but I have been blessed with an incredible Executive Committee both years and a Board of Directors that is loyal to NCPA and its goals.

The paralegal profession has been a part of history in the making for the past 2 years and NCPA has been in the forefront of involvement. Paralegal certification has become a reality. The North Carolina State Bar Board of Paralegal Certification has been formed and two meetings have been held. The Regulation Task Force (RTF) of NCPA met with Chairman Terry Irvin, CLA and me many times in the past two years. I cannot express enough my gratitude to Terry, Sharon L. Wall, CLAS, Richard H. Reich, Gayle D. Green, CLA, and Linda Lee Marion, CLA for their unwavering dedication to this massive undertaking. We are embarking on a new course in our profession thanks to the RTF.

There have been numerous ethics issues that have arisen. I have been privileged to attend meetings at the State Bar to watch as decisions were made. We as an organization are grateful to those men and women who are willing to listen. I have learned they make the decisions which are difficult, yet try to keep an open mind to do the best for all involved.

As President I was honored to attend the National Association of Legal Assistants (NALA) Conventions in 2003 in San Antonio, Texas, and in 2004 in Reno, Nevada. Both years I was asked to speak at the conventions. This has been a wonderful experience for me. In October, I taught my first on-line course with NALA. I was very honored to have the opportunity to be in the first group of instructors for NALA-Online. NCPA has opened a whole new world for me in education and leadership.

I want to thank you, the members of NCPA, for your support and encouragement. I have come to know many of you personally and consider you to be friends (very dear ones at that!). I look forward to seeing you all in March at the Annual Meeting and Seminar where we'll celebrate our 25th anniversary.

In closing, I would like to thank all the attorneys at Vernon, Vernon, Wooten, Brown, Andrews and Garrett, P.A. who have supported me and allowed me the time and assistance to be President of NCPA. I am especially grateful to Wiley P. Wooten, Esquire and Carol V. Miller, Esquire, my supervising attorneys, who have been sources of continual encouragement and understanding. You two are the best!

Editor's Court

Brenda Mareski, CP, Senior Editor



It has been said that members of an association who complain the loudest are those least willing to assume leadership positions or volunteer for projects designed to improve the overall association.

How loud is your voice? In the five+ years I have been serving NCPA, I've found that the best way not only to be heard, but to be listened to, is to become a part of the process you seek to improve. Volunteering for a position with NCPA has been a rich and rewarding way for me to be more involved in the overall direction of the association. In addition, it has been a huge factor in my professional and social growth. The people I have met and with whom I have worked are a smart, intelligent, immensely fun group of folks, and the old expression "Many hands make light work" is very true when applied to this bunch. Each takes a share of the things that need to be done, and by sharing, not only does each task get completed quickly and professionally, but the end result is a well thought-out, well-rounded product, which is made better by the contributions of the entire group.

I encourage each of you to think about volunteering with NCPA. You don't have to tackle a large job - there are many one-time tasks that need doing, and those smaller jobs may be just the thing with which to get your feet wet. Of course, I hope you find that, having done one thing with NCPA, you will find the experience fulfilling enough that you want to become a more frequent participant.

So if you see something you feel could be improved, need an issue addressed, or just have a suggestion for NCPA, think about what you can do to make a difference. After all, your input could be just the thing to bring about the change you desire!
"We must become the change we want to see." - Mahatma Gandhi

Chairman's Message

Theresa (Terry) Irvin, CLA



"Twenty years from now you will be more disappointed by the things that you didn't do than by the ones you did do. So throw off the bowlines. Sail away from the safe harbor. Catch the trade winds in your sails. Explore. Dream. Discover." Mark Twain

Did you know - that as early as 1978, the North Carolina Academy of Trial Lawyers looked into the possibility of organizing a legal assistants division? Bylaws were drawn and submitted to NCATL's Board of Governors. In 1979, another group of paralegals was working together to form a state organization. When the legal assistants division concept was rejected by NCATL's Board of Governors, the two groups of paraprofessionals joined together in late 1979 to organize and draft bylaws for NCPA. The North Carolina Paralegal Association became a reality in 1980. Thus, NCPA was formed by a concerned, dedicated group of professionals who recognized the

continued on next page

Chairman's Message cont...

need for a statewide organization in order to provide its membership with a continued flow of current national information.

The above paragraph is taken directly from the history section of the membership directory. We should all feel a sense of pride when we read this section in the directory, which provides a synopsis of NCPA's twenty-five years. Everyone should also take time to review the names in the Board of Director History and the Officer History contained in the membership directory. We should all appreciate the leaders NCPA has been fortunate enough to have to bring about the changes, realize the goals and take the actions that are summarized in the written history.

How long have you been a member of this association? How long do you foresee continuing to be a member? We are fortunate enough to have two founding members of NCPA still actively involved even today. We owe a lot to District III Director Trudy Rutherford for all she has done and continues to do for NCPA and her district. She made it her personal goal as Director to obtain one member from each county in her district and she has just about done that while increasing membership and obtaining an affiliate member – the Cumberland County Paralegal Association. Job Bank Chair Sandy Carter is also a founding member still doing her part for NCPA. As with Trudy, Sandy has served in many capacities and still gives of her time to NCPA.

NCPA is twenty-five years old and we have so much to celebrate! We have accomplished so much and we are recognized at the national level as a leading state organization. Our

quarterly publication, the NCPA FORUM, is a high quality publication that has long passed the newsletter format. We have embraced technology with the launch of our website and monthly email broadcasts. We have stood up for our profession as issues have arisen before the North Carolina State Bar and other groups. We were instrumental in the formation of the Legal Assistants Division of the North Carolina Bar Association. We spearheaded the certification to be offered by the North Carolina State Bar. And we did all this while we continued our mission of serving, teaching, building, learning, sharing and growing our members and our profession.

It has been a pleasure serving you as Chairman of the Board and I cannot begin to express my personal gratitude to all the District Directors, Officers, Committee Chairs and Committee Members for all they have done for me and for you, the members. Please flip to the back cover and read each name listed there. To each and everyone listed there, I say "Thank You." The strength of an organization is determined by its members and it is because of you that we are celebrating this milestone.

You should all feel proud to be a member of the North Carolina Paralegal Association, Inc. and on behalf of the Board and Executive Committee, we look forward to learning and celebrating with you at the 25th Annual Meeting and Seminar in March.

"To accomplish great things, we must not only act, but also dream, not only plan, but also believe." Anatole France

Report



Parliamentarian D. Grace Carter, CLA Bylaws Amendments

The following proposed amendments to the NCPA Bylaws will be voted on at the March 11, 2005 Annual Meeting of the NCPA Membership. The amendments are as follows:

Article IV.2(a)(i), (iii) and 2(c)

- (i) has completed ~~an accredited~~ paralegal training school or program and is, or has been, employed under the direct supervision of a licensed, practicing attorney;
- (iii) is a Certified Paralegal or Certified Legal Assistant (CP® or CLA®) in good standing. **[amended 3/21/1997]**
- * * * * *
- (c) Student Member. Student Membership is open to any individual living in North Carolina who is enrolled as a student in ~~an accredited~~ paralegal training school or program ~~in North Carolina~~.

Article IX.2(c)

- (c) "Paralegal Educator Liaison" shall be a person employed in or possessing a background in the field of education and currently involved in ~~an accredited~~ paralegal program, appointed by the Board to represent the state's paralegal student population (the "Students") to NCPA, communicating the opinions and needs of the Students as future members of NCPA. The Paralegal Educator Liaison shall assist NCPA in addressing the issues brought before it in the interests of the Students and in effecting a just resolution of such issues. The Paralegal Educator Liaison shall be a non-voting ex-officio member of the Board. **[effective 3/21/1997]**

* * * * *

As stated in Article XVIII, bylaw amendments may be adopted by two-thirds (2/3) of the membership present, in person or by proxy, at any annual or special meeting called for that purpose.

Report

NALA Liaison

Mary Parrish Coley, CLA



In the last edition of the Forum, I announced that Debra J. Monke, CLAS, President of NALA, would be attending NCPA's 25th Annual Meeting and Seminar being held on March 10-12, 2005, in Wrightsville Beach. Debra will speak at the CLA breakfast on that Saturday morning and the title of her speech is "Do You Wake Up Happy?" Additionally, Debra will swear in our new officers elected at the annual meeting Friday afternoon, March 11.

In September of 2004, NALA began offering live on-line seminars. To participate, you must have the following: a computer with Internet Explorer (6.0 or higher), a high speed internet connection and a telephone. The seminar uses a telephone conference for the audio portion and slides accessed via the internet for the visual portion. Below is a sample of the seminars offered this spring. For more information and for a complete list of Live! Seminar offerings, please visit "Nala.org".

February 8, 2005 NALA Campus Live! Basic Business Organizations
 February 9, 2005 NALA Campus Live! Evictions
 February 14, 2005 NALA Campus Live! Ethics
 February 25, 2005 NALA Campus Live! Written Communications
 February 26, 2005 NALA Campus Live! Discovery – Investigation
 March 1, 2005 NALA Campus Live! Power Point for Paralegals

*An amazing seventeen (17) applicants passed the CLA Exam given in December 2004!
 Congratulations to the following:*

Christine M. Blount, CLA, of Apex
 Tracy Lynn Bowling, CLA, of Holly Springs
 Christy L. Brown, CLA, of Raleigh
 Rebecca C. Brown, CLA, of Rocky Mount
 Trisha L. Crabtree, CLA, of Clayton
 Richard W. H. Harper, CLA, of Durham
 Hillary N. Harris, CLA, of Timberlake
 Whitney D. Horn, CLA, of Holly Springs
 Teresa P. Loftin, CLA, of Belmont
 Elizabeth M. Manso, CLA, of Fayetteville
 Karen L. Mendorf, CLA, of Raleigh
 Lynn Darden Neary, CLA, of Alexander
 Carol P. Prevette, CLA, of Greensboro
 Angelia T. Smith, CLA, of Raleigh
 Yolanda N. Smith, CLA, of Zebulon
 Anita L. Steward, CLA, of High Point
 Philip Weinbrecht, CLA, of Raleigh

Upcoming NALA dates and deadlines:

March 18-29, 2005 **CLA Exam**

July 13-16, 2005 **NALA 30th Annual Convention, Kansas City, Missouri**

For further information on NALA or the CLA/CLAS exams, please contact me at mcoley@bandt.com or (704) 954-1706.

Report

Membership



Darlene M. Patz, CP, Second Vice President

The current membership breakdown is as follows (New members reported from October 15, 2004 through January 21, 2005):

General members:	364
Associate members:	51
Student members:	78
Affiliate members:	4
Sustaining members	<u>1</u>
Total	498

NCPA sends a warm welcome to our newest (G)eneral, (A)ssociate, and (S)tudent members who are as follows:

Martha Blackman-Hughes, Apex(A)	George Glaser, Greensboro(G)	Vicki Sgro, Charlotte(G)
Donna Britt, Mt. Pleasant(G)	Christina Hill, Winston-Salem(A)	Gina Surratt, Greensboro(G)
Sara Cole, Leicester(S)	Carrie Johnson, Kannapolis(S)	Sarah Swanson, Concord(G)
Melanie Deal, Greensboro(A)	Kevin Klumpp, Raleigh(A)	Jennifer Tew, Clinton(A)
Mary Fogleman, Burlington(A)	Melissa Sauls, Carthage(G)	Sarah Washburn, Wendell(S)

NCPA is proud to recognize the following Sustaining member:



NCPA also recognizes the following Affiliate members:

Alamance County Paralegal Association,
 Cumberland County Paralegal Association,
 Greensboro Paralegal Association and
 Pitt County Paralegal Association, Inc.

MEMBERSHIP

NCPA invites paralegals, paralegal students, attorneys, educators, paralegal associations and those related to the legal profession to become members. There are seven membership categories: General, Associate, Student, Patron, Sustaining, Affiliate and Paralegal Educational Program. Each membership category has its own requirements.

Learn more about the benefits of membership at <http://www.ncparalegal.org/membership/terms.htm>, where you will also find applications for General, Associate and Student membership.

If you would like to speak with an NCPA representative, please contact the following individuals:

MEMBERSHIP TYPE	CONTACT	TELEPHONE	EMAIL
General / Associate / Student Membership	Darlene Patz, CP, Second Vice President	803.325.6152	darlene.patz@celaneseacetate.com
Patron / Sustaining Membership	Teresa Nichols Smith Patron / Sustaining Chair	910.509.9827	tns@cshlaw.com
Affiliate Membership	Teresa A. Stacey Affiliate Director	336.227.8851	tas@vernonlaw.com
Paralegal Educational Program Membership Relations Chair	Erin N. Burris, CLA, Student/Schools	919.472.1201	erin.burris@sonyericsson.com

Chronology Best Practices

Greg Kehel

INTRODUCTION: A fact chronology can be a tremendous asset as you prepare a case for trial. Yet, the majority of chronologies fail to live up to their full potential. Here are some simple steps that will help you get the most out of yours.

From the starting gate to the finish line, assembling case facts in an accessible format can put you on track to courtroom victory. The advantages are numerous. Chronologies are thinking tools. The very act of getting facts down on paper or in your computer clarifies thinking and makes the story of the case clear. Chronologies help ensure complete discovery. Which facts still need sources that will be acceptable in court? A good chronology makes it easy for everyone on the trial team to share case knowledge. Chronologies can also be used in a myriad of concrete ways. Use them when preparing for depositions, when developing motions for summary judgment and pretrial motions, in settlement conferences, and during trial.

Despite such benefits, during 15 years of jury research work, I've consulted on many cases where the effort to create a case chronology was abandoned during the discovery process. Even the simplest of cases contains more facts than an attorney can keep in mind or organize meaningfully on paper. It's unrealistic to expect anyone to track notes scattered across many legal pads, much less to memorize 100 critical facts from 20 cases. When an opponent is using modern technology to organize and explore case information, the litigator with a paper system is operating under a dangerous handicap. Unfortunately, those litigators who do stick with the task of creating a chronology often end up with unsatisfactory results. Many times, they end up with a list of case documents, sorted by date. Well, a document index is certainly useful when you need to get a piece of paper pronto. But it's hardly a chronology of case facts. Still other trial teams focus on facts, not documents, but create chronologies that contain just two or three columns: date, fact, and (sometimes) source. These layouts are a start, but they fail to capture critical information about the facts, information that can make the chronology far more valuable. What's the solution? I have developed the following set of chronology best practices.

DON'T WAIT: Start a chronology as soon as you hear from a client.

From your first conversation with a prospective client, you're gaining critical knowledge about the problem that led the individual or corporation to seek counsel. You should begin to create the case chronology immediately upon returning from your first client meeting. No matter how early you are in the case, and no matter how "small" the case may seem, as soon as your client has given you an overview of the dispute, you have been told more facts than you can easily memorize and manipulate in your head. And why even try? Your mind should be reserved for thinking, not memorization. Memorization is a job for your software.

If you start your chronology immediately, it can be used to good effect very early in the case. Take copies of the initial

chronology to your second client meeting, and use them to clear up any misconceptions. Do the facts listed accurately reflect the client's understanding of the case? Can your client supply any missing dates? Can your client indicate which potential witnesses and what documents might be sources for these facts? Use the chronology also to focus your client on potential sins of omission. Is your client aware of any particularly favorable or unfavorable facts that don't appear in the chronology?

DEFINE FACT BROADLY: Include prospective facts and disputed facts in your chronology.

Some chronologies exclude facts for which a court-acceptable source has yet to be developed. Others exclude facts that are disputed. Both tactics are a mistake. If you don't enter a fact into your chronology because it's disputed or because you have yet to develop a court acceptable source for it, what's the result? First, you're turning yourself from a thinker of immeasurable value into a \$100 disk drive. You end up having to memorize all of date order.

GET STUPID: Move everything you know about a fact and its implications from your head into the chronology.

When you enter a fact into your chronology, make sure you get stupid about it. In other words, empty your head of all knowledge regarding it. Your chronology should be a memory replacement, not a memory jogger. If you don't get the complete fact into the chronology, you fail to clear your head of minutiae so that you can focus on thinking. And you derail the communication benefits chronologies offer. If a critical part of the meaning of the fact is still hidden in your head, others on the trial team won't know about it when they read the chronology. Every time you enter a fact into your chronology, pause and read it before you continue. Put yourself in the shoes of someone who doesn't know the case – say a new member of the trial team reading the chronology for the first time. Does what you've written represent your total knowledge regarding the fact? If not, edit the fact. While you're at it, ask yourself, "So what?" Does what you've written make the implications of the fact clear? If not, edit the fact. Further, if there isn't much of an answer to the "So what?" question, give the fact a good once over, and make sure it belongs in the chronology in the first place.

INDICATE DISPUTED STATUS: Each fact should be flagged as being disputed or undisputed.

I've already argued that your chronology should include disputed facts. If your chronology contains a mixture of disputed and undisputed items, it makes good sense to create a column which indicates whether a given fact is undisputed or disputed, and if so, by which party. Consider titling your column Disputed Status and using these values: Disputed by Opposition, Disputed by Us, Undisputed, Unsure. Once you've marked facts as being disputed or undisputed, your chronology becomes a tremendous aid in the preparation of motions for summary judgment and

continued on next page

Chronology Best Practices cont...

pre-trial motions. For example, instead of creating a last minute list of facts to which you are willing to stipulate, you simply filter down to the undisputed items and print. If you've begun your chronology early in case preparation, you can use this information to organize your examination of adverse witnesses.

SHOW ISSUE RELATIONSHIPS: To create a great chronology, you need issues as well as facts.

The vast majority of cases involve multiple issues. Assessing the strength and weakness of your case is really an exercise in assessing your strength or weakness in relation to each of the issues in it. Here again, your chronology should be an important aid. Add another column to your chronology and develop a list of case issues. Include any topic that might influence juror thinking. For example, if you are working on defense in a products case, you might want to include this issue: The Plaintiff Is Motivated by Greed, Not a Desire for Justice. Even though you would never make such an argument explicitly, it would be interesting to see what facts point to plaintiff greed, allowing jurors to reach such a conclusion on their own.

Name the issue or issues on which each fact bears. You can capture issue relationships as you first enter the facts. Another alternative is to forego entering this information initially and ripple through the chronology at a later point focusing on issue analysis.

Establishing relationships between facts and issues is also a logical place to parse work among members of the trial team. Junior members of the team can cull facts from documents and depositions. Senior members of the team can make links between facts and issues. Creating links between facts and issues makes it easy to print chronologies of just those facts that relate to a particular issue – a capability that has great value when you analyze your case and develop strategy.

TAKE AN ISSUE DRIVEN APPROACH: Use your issue list to ensure you have a complete chronology and to generate a fact "wish list."

As you develop your chronology, consider taking a "top-down" or "issue-driven" approach to your case. As case preparation begins, and one or two times a year thereafter, conduct a brainstorming session in which you think about your facts on an issue-by issue basis. Prepare by printing for each issue a mini-chronology of the facts that bear on it. Begin the brainstorming session by reviewing the chronology of facts related to the first issue in your issue list. Then set the list of facts aside, and think about other facts of which you're aware that bear on this issue. Enter these additional items into your chron. Next, think about the facts you wish you had for this issue. If you think there's any chance of developing such a fact, enter it in the chronology and list any potential sources that come to mind. Repeat this process for each issue in the case.

PUT YOUR CHRONOLOGY TO WORK: Your chronology should be far more than a thinking tool. It should be a practical aid in communicating about your case with your client, the opposition, and the trier of fact.

Use your chronology to communicate with your client. Send your client the chronology on a regular basis, perhaps

quarterly. If you are using database software that stamps each fact with the date when it's entered into the chronology, have the software mark with an icon each fact that was entered since you last sent your client the chronology. By tagging new facts in this way, the report will give your client the complete story of the case, but it will be easy for them to focus on the new evidence.

Use your chronology at settlement conferences. Show opposition counsel and their client why the facts back your view of the case. Show them that you're organized and will be a formidable opponent if they choose to be unreasonable.

Use your chronology to make a powerful case to judge and jury. Chronologies are great tools for educating the jury during opening statement and for illustrating your arguments during closing.

You can even use chronologies to expedite the development of your new associates' case analysis skills. The day they arrive at the firm, assign each new associate to one or more cases, and make them responsible for developing a chronology for each. At set intervals (once a month?), have each associate submit a chronology that contains just the new facts they have entered. Critique the verbiage used to describe each fact, their determination of whether the fact is disputed or undisputed, their evaluation, and their analysis of the issues on which the fact bears.

SUMMARY: A chronology has the potential to be a tremendous aid as you organize and explore case knowledge. If you adopt the practices outlined above, I believe you'll realize this potential in full. I would appreciate your feedback. Please contact me at: gkrehel@casesoft.com.

ABOUT THE AUTHOR:

Greg Krehel is CEO of DecisionQuest's CaseSoft division (www.casesoft.com). CaseSoft is the developer of litigation software tools including CaseMap and TimeMap. CaseMap makes it easy to organize and explore the facts, the cast of characters, and the issues in any case. TimeMap makes it a cinch to create chronology visuals for use during hearings and trials, client meetings and brainstorming sessions. In addition to his background in software development, Mr. Krehel has over 15 years of trial consulting experience.

Moving?

Be sure to let us know!

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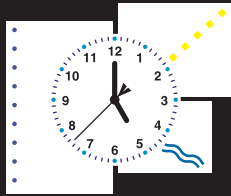
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The North Carolina Paralegal Association, Inc.

P. O. Box 36264

Charlotte, NC 28236-6264



2005 Meredith R. Pollette, CLAS Scholarship Award

**THINKING ABOUT TAKING
THE CLA OR CLAS EXAM . . .
WORRIED ABOUT THE
EXAM FEE? THIS IS FOR YOU . . .**

TWO AWARD SCHOLARSHIPS ARE NOW AVAILABLE!

**One for the CLA exam fee AND
one for the CLAS exam fee!!**

CLA EXAM FEE AWARD

Submit an essay on one of the following two topics:

***"Discuss the Advantages and Disadvantages
of Certification and Licensure for the
Legal Assistant Profession"***

or

***"What the CLA Designation and
the CLA Program Mean to Me"***

CLAS EXAM FEE AWARD

Submit an essay on:

"I am pursuing the CLAS designation because ..."

All essays must be 1,000 to 1,500 words in length,
typewritten and
postmarked on or before **August 15, 2005**

Participants do not need to be NALA members, but must be NCPA members in good standing and meet the eligibility criteria for sitting for the CLA or CLAS Exam. Finalists will be notified by September 15, 2005. Scholarship fees will be paid directly to NALA and the finalists will have one year from the date of the awards to sit for the exams. The fees will be refunded to NCPA if the finalists do not sit for the exam within the one-year time requirement.

Send your typewritten essay by August 15, 2005 to:

North Carolina Paralegal Association
c/o Chairman of the Board
P.O. Box 36264
Charlotte, NC 28236-6264

For additional information, please call:

NALA Liaison 704-535-3363

Has your



address changed?

**Please be sure to let us know so we can
keep you informed of what's happening
in our profession.**

Send your old and new email addresses to:

info@ncparalegal.org

Corrections

The Winter 2004 issue should have reported that North Carolina Bar President Gray Mitchell would be addressing the NCPA Friday night banquet at our 25th Anniversary Annual Meeting.

CERTIFICATION UPDATE

The North Carolina State Supreme Court adopted the Plan for Certification of Paralegals on October 6, 2004. The plan (27 N.C.A.C. Section 01G) may be found at the following link to the North Carolina Administrative Code:

ncrules.state.nc.us/ncadministrativ_/title27statebar_/chapter01rulesa_/subchaptergrule/subchaptergrule.doc

The North Carolina State Bar is targeting July 1, 2005 as the date to start accepting applications. There will be an initial application fee of \$125 with a \$50 annual renewal fee. Applicants certified between July 1, 2005 and November 30, 2005 will not have to renew their certification until January 1, 2007. Keep checking this website for the latest information regarding the certification.



stewart is north carolina

Stewart Title knows North Carolina. From the sands of Emerald Isle to the peaks of the Great Smoky Mountains, you'll find us in every local community.

Experience, strength, and service have built our reputation.

Technology, security and vision are building our future.

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What You Should Know About Forensic Audio

Kip Williams

We have all seen the movies where the police lab takes an audio recording of two people whispering while standing behind a roaring jet engine, they push the magic button and the sound of the engine vanishes leaving only the whispers of the criminals confessing to their crime. Hollywood movie magic is wonderful, but this fictional use of forensic audio is no more realistic than Tommy Lee Jones redirecting the path of an oncoming volcano to circumvent its collision with the city of LA. Just remember NOTHING is impossible in the movies, but in real life there are limits. After over 30 years of effort from the very best forensic audio labs, the 18-minute gap of erased material has yet to be recovered from the Watergate tapes.

So what is forensic audio and what can be expected? Real life forensic audio is the study of recorded audio material that may be used as evidence in a court of law. This material may be obtained from cassette or micro-cassette recorders, videotapes, answering machines / voice mail, emergency 911 logging recorders, and other sources. The field of forensic audio can be normally divided into three areas of study: audio restoration & enhancement, audio signal identification, and authentication. I will attempt to briefly describe each of these fields in non-technical terms.

The first and most common field of forensic audio is enhancement and restoration. Enhancement is the use of electronic signal processing equipment and computer software programs to reduce tape hiss, telephone line hum, tape machine rumble, room reverberations, and other unwanted environmental and background noises, to improve a recording's intelligibility. Many enhancements of recordings can be successfully accomplished, while not to the extent as in the movies. There is no magic button and each recording must be examined on a case-by-case basis. It can take hours to recover several seconds of recorded information. Every sound present in an audio recording has been electronically and acoustically mixed together. Separating these sounds back out of the mix can be compared to mixing a batter, baking a cake, and then remove the eggs from the cake, AFTER it comes out of the oven. Tape restoration is

the recovery of information from broken or damaged tapes; this could be a tape that had been cut into hundreds of pieces or recovery of recorded material made on battery-operated recorders with weak batteries.

The second field of study is signal identification. The most common type of audio identification involves examining a voice recording in order to confirm or negate the speaker's identity. This is done by matching a known speaker's phonetic components (voice print or sonogram) with those of an unknown speaker on a recorded tape. Other types of audio identification

can include identifying a background sound on a recording or identifying a phone number dialed by analyzing pulses or tones recorded on a tape.

Tape authentication is the third and most difficult type of forensic audio work. Tape authentication is used to determine if a recording is the original or a copy, and if a recording has been edited or tampered with. This is often accomplished by looking at the electromagnetic signatures left on a tape by the recording device (similar to matching characters in a typed letter to a particular typewriter). It is also possible to test tape stock to find the tape manufacturer and the date of manufacturing.

Regardless of the type of forensic audio service you may find yourself needing, there are several important rules to remember. First, recorded media (both audio and video) should be stored in a cool environment (65 to 75 deg. F) with low relative humidity

(35% to 45%), and tapes should be stored away from magnetic fields or electrical equipment (power panels, transformers, TVs, speakers, computers, etc.). Audio quality will also degrade over time; the sooner a poor quality tape is enhanced, the more likely that the enhancement will be successful. One item that is often forgotten is that the original recording equipment should be considered evidence along with ANY other recordings made on that machine. Often this equipment is needed to correct certain playback problems or to authenticate an original recording. Once evidence tapes are received, have professional duplicates of original material made as soon as possible. Don't forget the

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continued on next page

What You Should Know cont...

paperwork; maintain the chain of custody for all original tapes and any duplicate recordings that may be submitted as evidence. Original tapes should only be played for the purpose of making copies. Every time an original tape is played the quality of the recording will be slightly degraded. Also, any time a tape is played, there is always the risk of the material accidentally being erased or eaten by an under-nourished tape player. Duplication of evidence tapes often involves the transfer between various audio formats. Often cassette or micro cassette tapes can be transferred to a digital audio format with little loss of audio data quality.

Cassette to cassette (analog) copies will always suffer from a generation loss (much like making a photo copy of a photo copy); the copies will never be as good as the original. Transfer of valuable evidence

tapes to a digital format has many advantages over other analog formats. Information recorded to CDs cannot be accidentally erased or changed, the sound quality will not be degraded by repeated playing of the recording, and accurate times can be logged from the CD for quick location of specific sections at a later date. CDs also offer a longer shelf life than many of the tape based storage formats.

I hope that this information has been helpful in the understanding of the basics of forensic audio, its capabilities and its limits. The material presented in this article is offered in an attempt to assist readers in avoiding common mistakes made when handling forensic audio recordings and to provide information needed to increase the chances of a successful outcome for related cases. Feedback regarding this column can be sent to abayaforensic@yahoo.com

By: Kip Williams
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Kip Williams, president of Abaya Technologies, Inc., has over 20 years experience in electronics engineering, audio recording, audio restoration, and related technologies. He possesses numerous copyrights for computer software products and holds a US Patent for various audio mixer designs. He is a member of the National Association of Music Manufacturers (NAMM), the National Association of Broadcasters (NAB), and the Audio Engineering Society (AES).

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Have you attended one of the NCPA Directors' Meet & Greet Breakfasts?

On Saturday, January 22, 2005, District III Director Trudy Rutherford hosted a Meet & Greet Breakfast for members and guests at the Holiday Inn Bordeaux Café, Fayetteville, N.C. Despite inclement weather, ten paralegals attended. They had come from Pinebluff, Aberdeen, Sanford, Raeford, and of course Fayetteville. With the two guest speakers, the two NCPA officials, and the head of the Methodist College Paralegal program, it was a commendable turnout.

The morning began with a networking breakfast, which was followed by excellent information by the two speakers. Renny Deese, who is on the N.C. Bar's Board for Paralegal Certification had the latest progress report from the board which had met that week. It seems that the target date for getting applications criteria together is July 1st, 2005, and that the initial fee will be \$ 125.00, with renewal fee set at \$ 50.00. One thing about the criteria that is certain is that all applicants will have to have 3-hour-credits of ethics.

The featured speaker, Appellate Court Judge, John M. Tyson, commented on the need for paralegals to become certified. He likened it to the effort he makes every year to remain certified in the Commercial Real Estate Specialty. He accumulates his needed CLE by teaching courses on that topic at Campbell Law School, and with speaking engagements. Judge Tyson then gave an overview of his duties as appellate court judge and made it easy to follow along with the flow charts he had passed around.

When the event ended, the comments from attendees were all very positive.

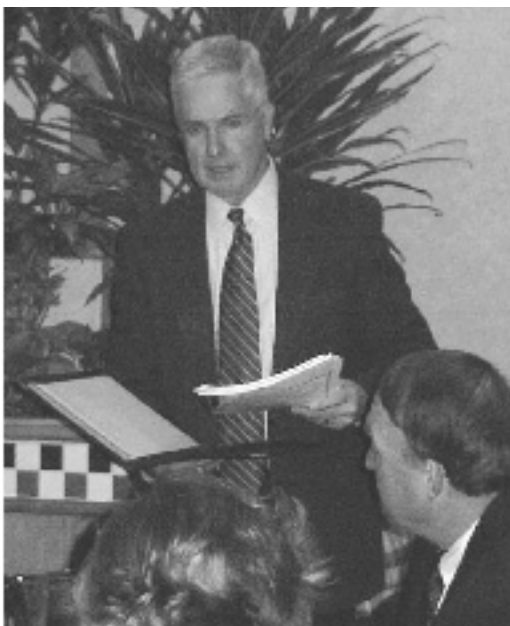


District III Members enjoy breakfast

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North Carolina Appellate Court Judge
John Tyson



Fayetteville attorney and NC Bar Certification Board District III Director Trudy Rutherford, Renny Deese and Judge Tyson Member Renny Deese speaks about the State Bar paralegal certification plan.



WHAT'S IN IT FOR ME?

The Benefits of Membership in Paralegal Professional Organizations

Darlene M. Patz, CP

Early on in my paralegal career there was a point in time when I felt as though I had hit a brick wall. After successful completion of a paralegal program I was employed as a paralegal in the law firm where I had started my legal career as a receptionist. Although grateful for the opportunity afforded me by my current employer it was time to make a change. I applied for every paralegal position that became available with no success. Most often I wasn't even granted an initial interview.

Then I made a decision that completely changed the course of my paralegal career. I joined the state's paralegal organization. I volunteered to work on the quarterly newsletter, attended meet & greets and was elected to the office of secretary. One day I received a phone call from the current state president. She asked me if I would have any interest in a position at her firm as there was an opening and she thought of me. I thanked her and asked if I could use her as a reference. Less than a year after unsuccessfully applying at that same firm I was hired.

Coincidence? I think not. I had successfully utilized one of the many benefits of joining and being actively involved in a professional organization – networking.

Let's take a look at some of the other benefits of membership in paralegal organizations whether on the local, regional, state or national level:

- continuing legal educational programs/seminars/workshops usually at a reduced rate for members
- fostering of working relationships with local and national bar associations, educational institutions, other paralegal organizations and businesses serving the legal community
- publications with calendar of events, salary surveys, articles and advertising of local, state and national interest to paralegals regarding legislation, case law and ethics' opinions affecting the profession
- support of a paralegal "Code of Ethics."
- medical, dental and vision care plans, Medicare supplements, group and individual plans, and retirement programs designed with the paralegal in mind
- credit union membership
- scholarships for use toward paralegal education
- specialty law sections
- certification and certification study groups
- membership directory
- job bank
- discounts on professional services - including car rentals, credit cards, professional liability insurance, hotel

- references, list serve and other legal research tips and tools to use on the Internet
- being a part of shaping the direction of YOUR profession

Can't afford the membership fees? From my experience, joining one's local and national paralegal organizations is the best career investment one will ever make.

What's in it for you? You owe it to yourself to find out.



Darlene M. Patz, CP
Certified Paralegal
 NCPA 2nd VP, Membership



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MEET THE CANDIDATES



*The Slate of NCPA
Officer Candidates
for the 2005-2006
year is presented for
your consideration.*

Nominations were received for the following officer positions:

- Erin N. Burris
for the Office of President
- Brenda Mareski, CP
for the Office of Second Vice President
- Yolanda Nicole Smith
for the Office of Secretary
- Darlene Patz, CP
for the Office of NALA Liaison
- Beverly S. Jones, CLA
for the Office of Parliamentarian

Ballots will be cast at the Annual Membership Meeting on March 11, 2004 at 3:30 p.m. at the Holiday Inn Sunspree Resort, Wrightsville Beach, NC. Please read the candidate statements below.

The following recommendations for District Directors were received:

Two Year Term - District II:
Patricia F. Clapper, CLAS, Apex, NC

Two Year Term - District IV:
Teresa A. Stacey, Graham, NC

Interim Term – District V:
Alison R. VanDyke, Charlotte, NC

Pursuant to Standing Rule VIII(C)(7)(c) they will be declared Directors by acclamation of the Board at the March meeting.

DECLARATION OF CANDIDACY FOR THE OFFICE OF PRESIDENT



My name is Erin N. Burris, and I am running for the Office of President for 2005-2006. I graduated from the University of North Carolina at Chapel Hill in 1998 and from Meredith College's Paralegal Program in 2001. In 2002 I passed the Certified Legal Assistant designation from the National Association of Legal Assistants. I recently joined the intellectual property department at Sony Ericsson Mobile Communications (USA) Inc. in RTP, NC. Prior to joining Sony Ericsson, I was employed with Closure Medical Corporation in Raleigh, NC.

I have been a member of the North Carolina Paralegal Association since 2000. In 2001 I was asked to serve on NCPA's Executive Committee as the Student/School Relations Chair and jumped at the opportunity. What a great way to get involved with the paralegal profession! In addition to serving as Student/School Relations Chair, for the past two years I have served as District II Director. Through these positions, I have learned the importance of having NCPA's support system in my professional and personal lives.

As part of the Executive Committee and Board of Directors, I have had a front seat view into North Carolina paralegals' wants and concerns. NCPA continues to give me the opportunity to learn through its educational programs. Being an NCPA member also allowed me to vote for the regulation of paralegals in our state. Through email, phone conversations, and through a variety of speaking opportunities & seminars, I have shared my experiences with those in our field seeking to grow professionally and with those who are seeking information on joining our field. The latter has allowed me to inform prospective paralegals of the importance of a good paralegal educational program.

I am eager to help, to learn, and to spread the word about our association and its benefits. I look forward to having the opportunity of serving as your President.

DECLARATION OF CANDIDACY FOR THE OFFICE OF SECOND VICE PRESIDENT



My name is Brenda Mareski, CP, and I have declared myself a candidate for the position of Second Vice President. I'm very pleased that you are reading my statement, because it means that you are interested in and concerned about the leadership of NCPA. That's important, because members like you will determine the people who will lead NCPA through its next year. I want to be one of those individuals – that is why I am running for the position of Second Vice President, responsible for Membership. I would like to tell you about myself, my qualifications, and the

continued on next page

Meet the Candidates cont...

reasons I want to continue to serve NCPA.

I grew up in suburban Detroit, attended Central Michigan University in the early 1980s, served four years in the United States Army, and settled in Charlotte in 1988. I attended night school during the late 80s and early 90s in order to obtain my Paralegal Certificate. Over the last fourteen years I have moved from a job at a local law firm, to the legal department of the area's largest hospital group, and into my present position as a banking paralegal with Bank of America. Along the way I obtained a wealth of legal experience, and earned my CLA credential from the National Association of Legal Assistants, although I currently choose to use the credential "Certified Paralegal" (CP). In addition to my membership in NCPA, I am a member of Metrolina Paralegal Association and the National Association of Legal Assistants.

I have served NCPA as Interim District V Director (2000-2001), Treasurer (2001-2003), and since March 2003 I have served as Senior Editor and Public Relations Chair, responsible for the NCPA FORUM which you receive in your mail each quarter. I am proud to say that the NCPA FORUM has become a professional, useful tool for the paralegals in our organization.

Over the past five years, I have come to know the people who are active in NCPA leadership, and many who have declared their candidacy for the coming term, and have a good working rapport with those individuals. I have met many NCPA members at our Annual and Mid-Year Seminars, at local events, and in social settings. The paralegal community is well represented in NCPA, and I would be privileged to serve my peers in the capacity of Second Vice President.

At the NCPA Annual Meeting in Wrightsville Beach, you will choose the next NCPA leaders. If you allow me to serve as Second Vice President, I pledge to fulfill the duties of the office with care and integrity. I would appreciate your support and vote in March.

DECLARATION OF CANDIDACY FOR THE OFFICE OF NALA LIAISON



Hello, I am Darlene Patz, CP, and I have declared my candidacy for Office of NALA Liaison. I currently hold the Office of NCPA Second Vice President (2nd term). I have a B.S. in Animal Science from the University of Vermont and a paralegal certificate from Burlington College in Vermont as well. For the past four and a half years I have been employed in the Legal Department of Celanese Acetate at its Charlotte area location. I support the general counsel and manage the intellectual property files. Previously, I was employed at several law firms in the State of Vermont performing mainly insurance defense support.

I believe strongly in membership, involvement and support of one's professional organizations. While in Vermont I was a member of the Vermont Paralegal Organization and its national affiliate NFPA. I have held membership in both NCPA and NALA since relocating to North Carolina several years

ago. A year ago I successfully achieved the CLA designation from NALA. I look forward to enthusiastically promoting and encouraging others to take advantage of the opportunities offered through NALA.

Thank you for your support and your vote.

DECLARATION OF CANDIDACY FOR THE OFFICE OF SECRETARY



My name is Yolanda Smith, and I have declared my candidacy for the office of Secretary. Wow, this has been a momentous year not only for the North Carolina Paralegal Association membership but for paralegals across the state. The State Bar's approval of the Plan for Paralegal Certification will have a lasting and far reaching affect on the paralegal profession. Hi, I'm Yolanda N. Smith current NCPA Secretary. While serving the membership this year as Secretary to the Board and Executive Committee, I was able to observe first hand how NCPA's leadership kept its members informed of the status of the Plan and other issues involving our profession. As NCPA celebrates its 25th anniversary, I want to be actively involved so that NCPA continues to grow and continues to be strong and vibrant at our 50th anniversary. It has been an honor for me to serve the NCPA membership this year and I ask that in March you allow me to serve you for another term as Secretary.

DECLARATION OF CANDIDACY FOR THE OFFICE OF NALA LIAISON

My name is Beverly S. Jones, CLA, and I have declared myself a candidate for the office of Parliamentarian. As a brand new "empty-nester" I now find myself looking for more things to do. For some time I have wanted to become more involved in NCPA (and NALA, too), but working two full-time jobs - paralegal and mom - has precluded my further involvement until now. Since both daughters are now off to college, I have a lot of free time and am looking for more challenges. If I am elected your Parliamentarian, I promise jump in with both feet and work to the very best of my ability. I would appreciate your vote in March!

Can't Attend the Annual Meeting?

Be sure to vote your Proxy!

Your vote is important because it allows your voice to be heard, and informs the Board of Directors and Executive Committee about the direction in which you feel NCPA should be moving.

C'mon - Send It In!!

PROFESSIONAL DEVELOPMENT: POWER

by Charlsye J. Smith, CLAS



I stood at the end of the conference room table, next to a secretary, examining rows of folders lined up along the table's edges. The folders swelled with paper as copies were made and inserted appropriately. Another colleague sat at the other end writing labels with a black pen, creating labels with a boldness that seemed, well, seductive.

I wanted to get involved, to organize, to sort the papers that had to be filed tomorrow morning at 8 a.m., a mere 11 hours away. I am good at organizing, and even though this is not my project, the rush of beating the clock, getting drunk on diet cola, and eating floppy celery at 2 a.m. makes me crazy; it provides a sense of power that I can beat the clock again.

It also makes me, I am certain, an adrenaline junkie.

"Just walk away," the secretary said.

"Hmm," I said, distracted by a stray black marker I found on the table. I twirled it in my hand, pushed the cap on and off using the plastic clip.

"Put down the pen and just walk away. This isn't your project," she said, and I finally heard her.

And, with great effort, I put down the marker, followed her out the door and went home. This all-nighter would not be mine. I would not feel the power of finalizing a project started six months before.

Power, I've learned, comes in several forms. The kinds we have and the kinds we must give away to maintain. In this column, I want to talk about three kinds of power: the power to walk, the power to get, and the power to lead.

The Power to Walk The power to walk is the kind of power that I wish we could all achieve. It's the power we have to say: "I can leave at anytime. I am here because I choose to be here.

The politics (don't we all have politics in our offices) of being here are worth the challenge. With me, I carry the power to walk—to leave this job without a worry—if I ever find myself no longer choosing to be here." This kind of power is not possible for everyone. For example, some areas have so few positions that we are lucky to have the job we have—despite the negativity we feel by being in the environment.

This kind of power is personal. You own it. You can feel it in your blood. It gives you confidence to go about your work. I like this kind of power because it provides an independence that other kinds of power don't provide.

To achieve this kind of power, we must be in demand. If we leave a current work situation, we have an alternative. The power to walk is a special power, but it's not a power achievable by everyone in every situation. Don't be frustrated if your situation precludes you from achieving this power. If everyone had this power, no one would fully commit to anything.

The Power to Get I have felt this power only once. It's amazing. Have you ever felt the power to get? "Hello, I need 30,000 notebooks delivered by tomorrow afternoon... Oh, you don't have those available? Hmm...well, I work for Giant and Powerful, LLP...Oh, you do have 30,000 notebooks and I can have them today. Great. Thank you so much." Unlike the power to walk, the power to get is only ours to borrow (unless your name is on half the buildings in a city). I have only had the power to get at one job in my life.

The Power to Lead The power to lead is the best power, the most difficult to obtain, and the most difficult to recognize within our-

selves. The power to lead means that you have such a good reputation that you are able to turn your reputation and skill outward to get others to do good work as well. To have this power, we must let go of it, and letting go of it makes it a scary power. Just the idea of letting go makes us imagine we no longer have the power.

Let me see if I can explain. I once knew an administrator who tried to do everything. She didn't just try; she did everything.

She worked very hard. She earned every bit of her reputation by working, by navigating some of the nastiest political wars I've ever seen a woman face, and by earning a national reputation for her work.

She holds the power to walk (she could go anywhere) and the power to get (she works for a powerhouse). She deserves the impressive reputation she has; yet she remains somewhat unsatisfied in her work.

I think that she never achieved the power to lead. If she had, she would have had a happier co-existence with other colleagues and she wouldn't have been locked away in her office working in solitude without the energy that collaboration at work can provide. Through her power to walk she could have effected change within her own department and this change would have rippled out to other departments.

Instead, she chose to exercise the power to walk, and by moving to another powerhouse, she still has the power to get, but without the power to lead, she continues to be only partially happy in her new position.

The power to lead enables a person to manage collaborative efforts so that the results are better than the individual parts. It requires letting go of pieces of a job to others who are stronger.

By showing others how to shine on their own merits, we strengthen our own power as managers, mentors, and colleagues.

Navigating Power I've had my share of all-night war room occupations, and I find them incredibly satisfying. The night I stood in the conference room, I knew I'd feel the power of adrenaline if I stayed.

The power I would feel would be my own need to feel the rush of adrenaline, a power that, ironically, isn't a power at all. It's a need to feel needed.

The project leader asked for my help with one piece of the project. With that piece complete, I was dismissed. If I had stayed, I would have been interloping on the power of another to lead, to focus a group's individual expertise into a collaborative whole. By putting down the marker and leaving the room, I allowed the project leader to bring our best efforts together in a final project. It wasn't my power to lead that I let go of, but another person's power to lead that I respected.

Power, is a shifty, often elusive, thing. Working on our personal power first, enables us to gain enough confidence to let go and let others do what they need to do. It's true that we must work hard to obtain power, but we must let go to maintain it.

Charlsye J. Smith, CLAS, PhD, is an assistant professor at the University of Hartford, West Hartford, CT. cdiaz@hartford.edu.

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