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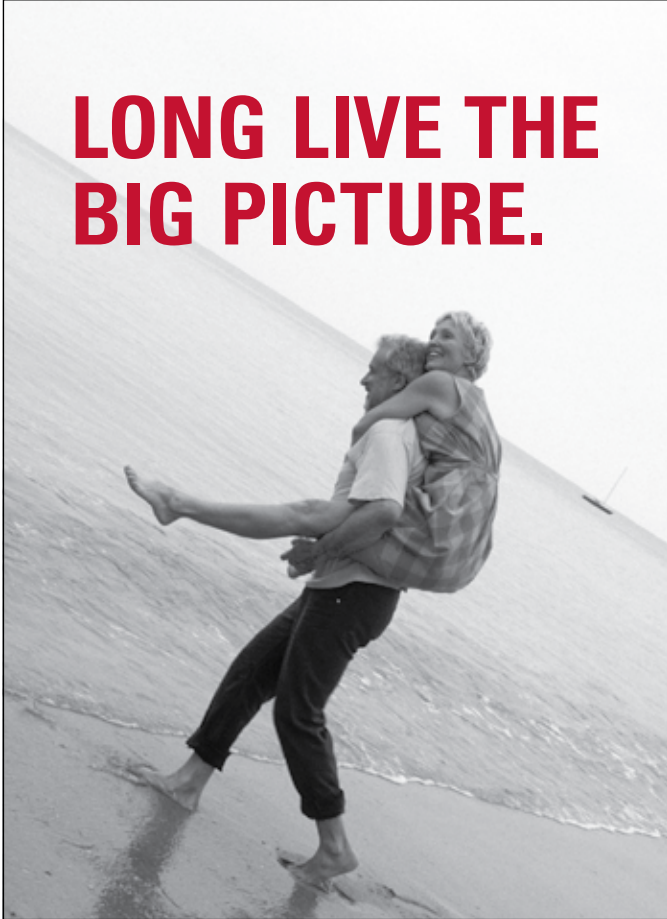
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Paralegal Trends



in New Mexico

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What Paralegals Can Do for YOU

By Jeanne Adams



Utilizing paralegals to assist with the delivery of legal services can be an asset to attorneys in all types and sizes of law practices, including corporate and government agency practices.

Services Provided by a Paralegal

- **Case Management**
 - Review case to identify issues in order to develop efficient and cost-effective management of projects
 - Participate in the discussion and implementation of case strategy and focus
 - Provide input regarding inconsistencies and observations
 - Consult and assist in development of case procedures and their implementation
 - Organize and manage information for case discovery and development
 - Utilize technology to facilitate the efficient completion of projects
 - Provide specialized expertise or training
 - Prepare written procedure manuals and training aids
- **Investigation, Witnesses and Fact Gathering**
 - Interviews
 - Investigation
 - Witness preparation
 - Document review
 - Factual searches and development of fact content

• Document Management

- Produce documents
- Perform necessary services to prepare document intensive cases
- Design, organize and implement database
- Summarize case information into database
- Design and generate relevant reports
- Assist in drafting and preparation of documents
- Prepare summaries, including analytical observations
- Create chronology and timelines
- Research and analyze

• Trial

- Pre-trial preparation
- Preparation of demonstrative exhibits
- Trial attendance and assistance with jury panel research and selection, witnesses, jury instructions and trial logistics
- Electronic presentation of evidence
- Post-trial juror interviews
- Representation of clients before state or federal administrative agencies as authorized by law

The utilization of a contract paralegal is an option some law practices might choose in order to avoid having to assume long-term commitments. The type of arrangement depends on the assistance needed. Checks should be conducted to avoid potential problems with conflicts of interest.

Benefits of Utilizing Contract Paralegals

- Delivery of legal services in an affordable and efficient manner by paying only for billable hours
- Customization of support services to the needs of each law practice
- Limitation of potential increases in overhead costs since contract paralegals have their own offices and equipment and can be set up to access internal networks remotely
- Reduction in employee overhead costs
- Access to additional resources on large cases without making long-term commitments in hiring additional staff
- Expertise that supplements capabilities of in-house staff
- Assistance to alleviate overworked staff
- Support for times when hiring additional permanent staff is not justified
- Delegation of appropriate tasks to free attorney's time to focus on aspects requiring the attorney's attention and expertise

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"Paralegals fill in the gaps and keep the work moving."

—Monica Garcia, Esq., Butt Thornton & Baehr PC

An Overview



Paralegal Division Board of Directors Meeting: Tom Wade, Sheila McGlothlin, Bonita Ortiz, Yolanda Ortega, Kay Homan and Nettie Condit

The genesis of the Paralegal Division was a meeting in 1989 of several working paralegals whose goal was to raise standards for the profession in New Mexico. They approached Justice Gene Franchini of the New Mexico Supreme Court for guidance. Other supporters included Judge Michael Bustamante (then an attorney with the firm of Ortega & Snead PA) and Arturo Jaramillo (then president of the State Bar of New Mexico). By order dated Feb. 7, 1995, the New Mexico Supreme Court amended Rule 24-101(B) NMRA of the Rules Governing the New Mexico Bar, creating a State Bar division for legal assistants. The Paralegal Division is the only statewide professional organization for New Mexico paralegals and is one of only a handful of state bar paralegal divisions nationwide.

The Paralegal Division seeks “to promote the interests of the paralegal profession in the State of New Mexico; to improve the relationships between the profession, the

legal community and the public; to promote and provide continuing legal education in technical fields of substantive law and practice; to promote and support the needs of all members; and to foster and maintain high ideals of integrity, learning, competence and public service.” The division chair serves as a liaison to the Board of Bar Commissioners, and division members serve on State Bar committees, boards, and practice sections.

To qualify for membership, a paralegal must meet a combination of education or certification and experience criteria established in Rule 24-101A NMRA 2004 of the Rules Governing the New Mexico Bar and earn 12 hours of continuing legal education each year to maintain membership. Currently, the statewide membership consists of 144 active members and 18 inactive paralegals.

The division sponsors seminars independently or in partnership with the State Bar to provide economical, high quality legal education. Division members make presentations to attorneys, administrators, employment agencies, public groups, paralegal education providers and students on effective and proper utilization of paralegals. In addition, members participate in State Bar and community pro bono activities such as the Wills for Heroes program and the recent Pro Bono Week.

Membership in the division represents a level of professionalism that attorneys have come to recognize when hiring a paralegal.

What Paralegals Can Do For You

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Regardless of the employment arrangement, hiring a paralegal can translate into lower fees to clients, greater client satisfaction and retention, and improvement in a lawyer’s quality of life. For more information on the economic benefits of paralegal utilization, visit the ABA Standing Committee web page at <http://www.abanet.org/legalservices/paralegals/>.

About the Author

Jeanne Adams is the founder of Jencor Associates, Inc., a contract paralegal, investigation and training services company providing services in New Mexico since 1989. She is the chair of the division’s Independent Contractor Committee.

“An experienced paralegal enables an attorney to give better service to the client, charge the client less money, and still benefit financially. If the attorney has sufficient work to keep the paralegal busy, the attorney’s net income should actually increase from the use of the paralegal. It should be a win-win situation for all concerned.”

— Paul Fish, Esq., Modrall Law Firm

Trends in the Paralegal Profession

What You Always Wanted to Know (About Paralegals) But Never Asked

By Kathleen F. Campbell, Marcie G. Kercher, and Deborah R. Tope

Paralegal or Legal Assistant?

Confused about the difference? You're not alone. Paralegals who have been in the field for a few years are well aware of this conundrum. The terms have been used synonymously for years and, until recently, it was not uncommon to hear a legal assistant or even a legal secretary addressed as a paralegal and vice versa.

During the 1960s, lawyers began to recognize that legal secretaries who desired to do more than their customary duties were perfectly capable of performing substantive work. Thus, the term—and profession—“legal assistant” was born. The American Bar Association officially endorsed the use of legal assistants in 1967 and established the first committee on paralegals in 1968.¹ Two national organizations, the National Association of Legal Assistants and the National Federation of Paralegal Associations, recruited members and designed voluntary certification programs. Beginning in the mid-1990s, the term “paralegal” began to be adopted on a national basis as the preferred term. New Mexico followed suit in 2003-2004 by amending its paralegal rules. In New Mexico, the terms “paralegal” and “legal assistant” are not synonymous. The term “paralegal” identifies a highly-trained, highly-skilled legal support staff member who engages primarily in substantive work—work that the attorney otherwise would perform.

The paralegal profession has witnessed tremendous growth since the 1960s. The Department of Labor projects a 22 percent increase in the number of paralegals by 2016.²

Licensed, Certified, Certificated or Registered?

Do all of these terms have you scratching your head as to their meanings and how they apply to the world of paralegal professionals? Regulation of paralegals has been the focus of a number of state initiatives in recent years although none of those initiatives has resulted in adoption of a formal regulatory scheme. Regulation can be voluntary or mandatory and requirements vary from state to state. Our Paralegal Division is most similar to a voluntary registration program because the division itself does not have a certification program of its own; rather it bases eligibility on an applicant having demonstrated competency through other qualifying institutions. The most common forms of regulation from state to state are:

- **Licensure:** a process mandated by legislation in which an agency or branch of the government requires a person to meet predetermined qualifications before it grants permission to use a particular title and oversees or regulates the licensee thereafter
- **Certification:** administered through private organizations or public agencies and is used to acknowledge a person's skill



level in specific areas such as the NALA's certified paralegal program, and the NFPA's registered paralegal program.³

• **Registration:** a process by which individuals or institutions associate with a particular entity or agency that usually requires the applicant to attest to certain eligibility criteria such as education, training, or a combination of both.

New Mexico Supreme Court Rule 20-102A defines *paralegal* as:

“a person who: (1) contracts with or is employed by an attorney, law firm, corporation, governmental agency or other entity; (2) performs substantive legal work under the supervision of a licensed attorney who assumes professional responsibility for the final work product; and (3) meets one or more of the education, training or work experience qualifications set forth in Rule 20-115 NMRA of these rules.”

Rule 20-115F sets forth the minimum requirement in New Mexico for calling oneself a paralegal: a high school diploma plus seven years of experience performing substantive legal work under the supervision of an attorney. Further, *substantive work* is defined in Rule 20-102B as:

“work that requires knowledge of legal concepts and is customarily, but not exclusively, performed by a lawyer. Examples of substantive legal work performed by a paralegal include case planning, development and management; legal research and analysis; interviewing clients; fact gathering and retrieving information; drafting legal documents; collecting, compiling, and utilizing technical information to make an independent decision and recommendation to the supervising attorney; and representing clients before a state or federal administrative agency if that representation is authorized by law.”

The New Mexico rule discourages the use of the designation *paralegal* for persons not meeting the definition of a paralegal or to identify non-lawyer support staff unless such staff qualifies as a paralegal pursuant to the rules.

To Bill or Not to Bill

The U.S. Supreme Court has long upheld attorneys' billing of clients for paralegal services. In *Missouri v. Jenkins*,⁴ the Court first ruled that fees charged by attorneys for paralegals were recoverable at prevailing market rates. Most recently in *Richlin v. Chertoff*⁵ the Court confirmed that that recovery is not limited to the attorney's cost but recovery is allowed according to “the practice in the relevant

market.”⁶ The Court rationalized in *Jenkins* that a reasonable attorney’s fee cannot have been meant to compensate only work performed personally by members of the bar, but rather the term must refer to a reasonable fee for the work product of an attorney.⁷ Further, the Court said, “[b]y encouraging the use of lower cost paralegals rather than attorneys wherever possible, permitting market-rate billing of paralegal hours ‘encourages cost-effective delivery of legal services and, by reducing the spiraling cost of civil rights litigation, furthers the policies underlying civil rights statutes.’”⁸ The Court recognized that purely clerical or secretarial tasks should not be billed at a paralegal rate, regardless of who performs them.⁹

*“Central New Mexico Community College has the only
ABA accredited program in the state”*

Unauthorized Practice of Law

An attorney may think it sounds like there is nothing a paralegal cannot do and decide to hire paralegals instead of associates to save money. True, attorneys will save money by hiring paralegals, but there is a limit to what a paralegal can do absent licensure as discussed above. A paralegal must work under the supervision of an attorney and the attorney is ultimately responsible for the paralegal’s work under New Mexico Supreme Court Rules 16-503, 20-110, and 20-112. Division members are bound by a code of ethics. Canon 3 of that code provides that a paralegal must not:

- (a) engage in, encourage, or contribute to any act which could constitute the unauthorized practice of law;
- (b) establish attorney-client relationships, set fees, give legal opinions or advice or represent a client before a court or agency unless so authorized by that court or agency; and
- (c) engage in conduct or take any action which would assist or involve the attorney in a violation of professional ethics or give the appearance of professional impropriety.

While the Supreme Court has declined to define what constitutes the practice of law, it has indicated that drafting pleadings and other legal documents without proper supervision of a licensed attorney and allowing the non-lawyer to conduct primary interactions with clients and render legal advice may constitute the unauthorized practice of law.¹⁰ New Mexico Supreme Court Rule 20-102B exempts paralegal work performed under the supervision of a licensed attorney from the constitution of unauthorized practice of law.

Education, training and/or experience?

Many paralegals today have no formal paralegal education and began their paralegal careers as secretaries, clerks or runners. Some have received on-the-job training and worked their way through the ranks performing delegated substantive legal work. Many of those paralegals have been grandfathered into professional organizations such as the Paralegal Division, NALA and NFPA and/or gone on to sit for certification examinations or complete

formal secondary education programs. Those paralegals are responsible for giving birth to the paralegal profession as it is known today by having created

a niche needed by attorneys to provide more efficient legal services to their clients. The fact that organizations such as the Paralegal Division, NALA and NFPA now have educational and experience requirements for members is a tribute to the pioneers of our profession who led the way.

With the evolution of the profession, educators recognized the need to develop paralegal education programs. The AAFPE was established in 1981 with the mission of promoting higher standards in paralegal education and is now a valuable resource for educators and others wanting to investigate or evaluate a paralegal program.¹¹ In addition, the ABA has a rigorous accreditation process for paralegal education programs. Degree-granting programs range from associates to masters. Other programs award certificates; however, those programs can be completed in a matter of weeks and do not provide the comprehensive education that is believed by some to successfully prepare one for paralegal work. Because there are no educational requirements for entering the profession, these programs offer individuals an educational choice prior to entering the field or as a means of advancing their careers once employed. There are a number of paralegal education programs in New Mexico from which an aspiring or motivated paralegal can choose. At this time, however, Central New Mexico Community College has the only ABA accredited program in the state. These programs play an instrumental role in increasing the value and interest in the paralegal profession—so much so that many employers are now requiring education as a prerequisite to hiring a paralegal.

The Paralegal Division was founded on the premise that a paralegal should meet certain levels of education and experience to successfully perform substantive legal work.¹² The division’s requirements are more stringent than the rule defining a paralegal as they do not allow admission based on experience, thus promoting attainment of a higher standard. In addition, division members are required to obtain the same number of credit hours of continuing legal education as are attorneys.

Freelance, firm or in-house?

Paralegal services are available through several different types of arrangements such as employment by law firms, in-house law departments and government offices, or through independent contract paralegals also known as freelance paralegals.¹³ In addition, a new trend is emerging in the independent paralegal environment known as a *virtual paralegal*. That individual may perform paralegal services via virtual workspaces such as the Internet rather than on-site. Those arrangements all require that the paralegal work under the supervision of an attorney and not provide services directly to the public.

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“Paralegals, including contract paralegals, can be invaluable. However, before delegating a project to a paralegal, an attorney needs to make sure that both the attorney and the paralegal know the attorney’s responsibilities and the legal limits on what a paralegal can and cannot do.”
—Victor E. Carlin, Esq., Moses, Dunn, Farmer & Tuthill PC

An Attorney's Perspective

By Stacey Scherer, Esq.



As an in-house attorney for an insurer who hires outside counsel to defend policyholders, I often review attorneys' bills. There are certain tasks I expect to see billed by a paralegal, an associate and a supervising attorney. From beginning to end of a litigated file, there are areas a client may view as more uniquely and appropriately billed by a paralegal, whether that paralegal is on staff or contracted for the particular case.

When a file is sent to defense counsel, I expect to see a paralegal receive the file, set up the file, organize the documents, and draft initial correspondence both to the insurer and to the client-insured. I do not expect to see a paralegal bill for time drafting an answer to the complaint or analyzing legal issues. If the litigation involves personal injury, the paralegal is likely the appropriate person to request medical records, receive those records, and summarize and organize the records. I do not expect an office with staff paralegals to bill for an associate to summarize medical records.

Discovery may be more complicated. Often there are numerous documents produced in discovery and it is particularly appropriate for a paralegal to maintain, organize and Bates-number documents, bill for time requesting documents from the client, and compile documents to be produced to another party. Even if the paralegal drafts initial discovery responses, I look for time billed by an associate and/or supervising attorney to finalize and complete discovery

requests and responses. Similarly, an attorney who bills for attending, conducting or defending a deposition may have a paralegal attend if he or she anticipates substantial documents to be involved. I do not expect to see an associate billed in addition to a lead attorney for a deposition with the associate handling documents—a task I think ought to be accomplished by the paralegal.

It is a "red flag" when I see duplicative billing for a task—one or more attorneys billing for the same pleading. It appears to be duplicative billing. If the paralegal is billing for opening and forwarding mail to the attorney, it appears the paralegal is being used—and billed to the client—for secretarial work rather than paralegal work.

I do expect to see paralegal time billed for trials. The use of a paralegal to assist with compiling, preparing and handling documents, exhibits, trial notebooks and jury questionnaires seems appropriate. However, a paralegal should not draft jury instructions, draft motions, research complicated

legal issues, or prepare for examination of witnesses. Paralegals should generally not appear on billings related to post-trial issues other than closing a file. Concerns can arise where paralegals appear to be conducting legal tasks just as when conducting secretarial tasks. There may be a fine line between what a paralegal rather than an associate does at trial; however, that line is important for the insurer who must have confidence that its policyholder is receiving legal representation by the assigned attorney rather than the paralegal.

If you have an insurer reviewing legal bills, be aware that the insurer does look for and evaluate attorneys' bills with an eye to which tasks are being billed and whether those tasks are being completed efficiently and by the appropriate person; i.e., paralegal, associate or supervising attorney. Although the insurer may not question each individual billing entry, it will be obvious when a paralegal is being over, or under, utilized.

About the Author

Stacey Scherer is the insurance counsel for Mountain States Insurance Group. Prior to becoming in-house, she worked for several defense firms and has experience billing time as well as reviewing legal bills.

"Paralegals are an integral part of the practice of law. The practice has changed so much over the years that lawyers have to rely on them. Concomitantly, we have a duty to supervise them; but we also have a greater responsibility to train them, which is definitely a two-way street. Most successful paralegal-attorney partnerships endure because both are willing to invest the time."

—Esteban A. Aguilar, Sr., Esq., Aguilar & Aguilar PC.

Surveys with Salary, Benefits and Utilization Information

2007 Paralegal Compensation, Utilization and Benefits Survey

By Deborah R. Tope

In 2007, the Paralegal Division conducted a survey on paralegal compensation, utilization, and benefits in New Mexico. The following are highlights from that survey.

29.65% of the respondents hold a four-year paralegal degree as their highest level of education.

Most work full time and one-third report regularly working over 40 hours per week.

69% work in a private law firm setting; 13% work in the public sector.

The average paralegal works in a firm with 2.77 attorneys for each paralegal; the median is one paralegal for every attorney.

The average salary was \$42,521; 20% made \$50,000 or more. Overall salaries had increased just over 10% since the 2004 survey.

84% draft pleadings; 82.3% draft discovery responses; 84% organize documents; and 84% provide case management.

A general positive relationship exists between paralegal qualifications and paralegal salaries. The group having the highest qualifications made an average salary of \$53,295.

U.S. Bureau of Labor Statistics salary data show a mean annual salary of \$45,357 and a median annual salary of \$41,063 (available at <http://www.stats.bls.gov/ncs/ocs/sp/ncbl0910.pdf>).

25% reported that their services were billed at rates over \$80.

18.6% have a national certification designation. (19 of those are division members.)

19.5% perform advanced legal research.

80.5% of employers support continuing education by paying related fees; nearly one-third offer tuition reimbursement.

One paralegal reported earning less than \$20,000 per year; one earned just under \$100,000; Two earned more than \$100,000 per year.

**Average annual salaries in New Mexico:
Santa Fe—\$44,379; Albuquerque—\$37,813;
Las Cruces—\$35,526; Roswell—\$30,793.**

There is a general positive relationship between years of experience and average salaries when no other variable was considered. Over 25 years of experience reflected an average salary of \$47,526.

The average salary for paralegals with national certifications was \$48,000; the average salary without national certification was \$41,373. With no other variables considered, paralegals with national certification earn just over 16% more than those without.

Over three-quarters of employers provided employee health insurance to their paralegals.

Visit <http://www.nmbar.org/AboutSBNM/ParalegalDivision/SalaryUtilizationSurveys.html> for the complete survey results.

Nationally, the National Association of Legal Assistants and the National Federation of Paralegal Associations conduct salary and utilization surveys approximately every two years. The surveys contain information concerning salaries, benefits, billing rates, overtime pay, raises and more. Another source for this type of information is the *Legal Assistant Today* magazine where trends in the paralegal profession are analyzed. Access to national information is also available at the website above.

PARALEGALS TACKLE E-DISCOVERY

By Robin Gomez and Patricia M. Marsh

Mention e-discovery to any number of litigators and you will likely get a variety of responses. E-discovery can be complicated and involves not only great attention to detail but also dedicated resources. It can, however, be successfully tackled with practice and the assistance of an experienced paralegal.

While there is no substitute for experience, the best place to start to understand e-discovery is with a review of the Federal Rules of Civil Procedure 16, 26, 33, 34, 37, 45 and 50. The recent amendments to these rules have had a profound impact on the way attorneys and paralegals handle discovery in federal court cases and case management with clients. A working familiarity with these rules is essential for the litigator and assigned paralegal.

Because failure to implement a timely litigation hold for potential evidence has been found to be gross negligence,¹ it requires strict attention. Depending on the case, it may require a timely reminder to the opposing party that the litigation hold is in immediate effect relating to their materials. It is also critical that the attorney confers with the client(s) to ensure its importance is understood. Many attorneys make it their practice to include information regarding the litigation hold requirement with the engagement letter, enclosing a form for the client's use, and requesting proof that it has been distributed to all pertinent client parties. This procedure provides a precaution that may be critical in the event an issue of spoliation arises. A reminder that preservation applies to inaccessible data, backup tapes, and relevant information stored offsite (i.e., home computers) should also be included. The paralegal should maintain proof of the distribution as well as redistribute the litigation hold information every six months or more often, if necessary, to ensure that all of the client's employees are aware of the policy. The paralegal should also maintain contact with a representative of the client to field any questions that arise and refer those to the attorney when appropriate. The paralegal can play a valuable role in this process.

Other areas that are potentially problematic include the framing of e-discovery requests, the abuse of the e-discovery process through ignorance or misconduct, and discovery violations such as unintentional disclosure of confidential information.² Producing and controlling confidential and privileged information is of key importance. Paralegals are well suited for this type of case management. While most documents exchanged during discovery are not filed with the court, many become exhibits to pleadings that are often made accessible to the public. Counsel has an obligation to protect the private information contained in these documents by redacting information regarding social security numbers, names of children, birth dates, financial account numbers, etc. The E-Government Act of 2002³ provides specific guidelines on these and other areas of information that must be protected. A trained paralegal can assist with drafting interrogatories and requests for production of documents to avoid abuse of



process and identification and protection of confidential information.

The current economic climate dictates the importance of controlling the costs of e-discovery. Preparing a budget to help keep the litigation team within boundaries and keeping as much work as possible in-house by utilizing a paralegal are methods of achieving cost-efficiency. In the e-discovery process, the paralegal can scan and maintain one set of working documents for the entire litigation team so that the original documents can be stored safely away. Maintaining one set of

scanned documents as a working set on a system and making that set available for each member of the team to view and record electronic notes provides a running history of the document as the case progresses. *Legal Times* recently published an article providing insightful ideas to help control costs.⁴

With the advent of the new e-discovery rules, vendors who previously limited their services to Bates-numbering and copying expanded their capabilities, and a whole new industry was created for hosting Web-based document repositories, also known as virtual workrooms or collaborative environments. If the budget allows, the virtual workroom is a good tool, particularly for those cases with parties or counsel in multiple locations. In a virtual workroom, generally a document is received from parties, assigned an identifying number, and stored in electronic form. (Some vendors even maintain privileged documents that require different treatment, but this article will refer only to treatment of non-privileged documents.) Each authorized person (usually attorneys and/or paralegals) is given a password, assigned appropriate security access, and can log on to the vendor's website to view and print the needed documents. The integrity of the documents is maintained in a secure site while the amount of paper is reduced. Some systems also permit parties to download pleadings, depositions, and exhibits. These sites also permit coding and analyzing documents for use in the case. Even the drudgery of entering the objective data relating to a document can be supplanted in some cases by the use of metadata and/or Optical Character Recognition (OCR) versions of documents, which then allow automatic entry of that data. Once the database has been coded, it can be searched in the course of the litigation and is particularly useful for deposition and trial preparation to identify potential exhibits. While the attorney makes the final decision on which documents will be used, directed searches of the database by the paralegal can reduce the amount of superfluous material the attorney needs to review. In addition, paralegals generally are assigned to monitor the database and serve as the contact person with the vendor and are frequently involved in all aspects of the document review process, initially identifying relevant and privileged documents.

Whether one is using a virtual workroom for cases involving multiple parties, or solely as a tool to manage cases in-house, there are many

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Paralegals Tackle E-Discovery

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database programs available to serve as the core of the virtual workroom by providing the means for indexing and searching the discovery documents. Summation and Concordance are two of the most popular programs and are similar in functionality. The ability to use them effectively can be acquired by savvy paralegals fairly quickly. The Microsoft Access program, on the other hand, while powerful, highly effective and equally popular, requires a fair amount of training to design and use.

Numerous sources are available for those seeking to understand the ever-evolving issues surrounding e-discovery. Free on-line newsletters provide an abundance of information ranging from software to white papers to blogs. For example, *Law Technology News Daily Alert* (<http://www.law.com/jsp/legaltechnology/subscribeIMLT.jsp>) provides insightful information and tips on e-discovery. Kroll OnTrack (<http://www.krollontrack.com/newsletter-center/>) is a great source for case law updates regarding spoliation, “claw back” issues and many more topics relating directly to e-discovery.

E-discovery is a time-consuming and expensive aspect of litigation practice today. Because it is the way of the future, it is of utmost importance for attorneys and paralegals to become familiar with the rules and case law as well as state-of-the-art technology. It is also an area in which paralegals can play a significant case management role, adding value by impacting the attorney’s bottom line and increasing the client’s satisfaction.

(Endnotes)

¹*ACORN v. County of Nassau, No. CV 05-2301 (JFB) (WDW), 2009 WL 605859 (E.D.N.Y. Mar. 9, 2009)*

²*Qualcomm Incorporated v. Broadcom Corporation, No. 05cv1958-B (BLM), 2008 U.S. Dist. Lexis 911 (S.D. Calif. Jan. 7, 2008), Vacated by, in part, Remanded by Qualcomm Inc. v. Broadcom Corp., 2008 U.S. Dist. LEXIS 16897 (S.D. Cal., Mar. 5, 2008)*

³*E-Government Act of 2002* (http://www.regulations.gov/search/images/eGov_Law.pdf)

⁴*E-Discovery on the Cheap, Frederick Chockley III, Elizabeth Scully, and Rebecca Barnes, Legal Times, April 28, 2009, http://www.law.com/jsp/article.jsp?id=1202430286420*

About the Authors

Robin Gomez is the office manager and litigation paralegal at Brownstein Hyatt Farber Schreck, LLP’s Albuquerque office. She is also a member of the Central New Mexico Community College’s Paralegal Advisory Committee and is the president-elect of the New Mexico Chapter of Association of Legal Administrators. She has served in various officer and committee positions in the Paralegal Division.

Patricia M. Marsh, CP, is a paralegal at Freedman Boyd Holland Goldberg & Ives, P.A. She was a charter member of the Paralegal Division, has served as secretary and treasurer, and is currently chair of the Scholarship Committee.

Trends in the Paralegal Profession

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To view a list of regulation-related activities across the nation, visit the Legal Assistant Today website at www.legalassistanttoday.com. NALA has a collection of news and articles about regulation, exempt status, and other issues related to paralegals on its website at <http://www.nala.org/allnews.aspx>. NFPA offers an assortment of position papers and information on its Web site at <http://www.paralegals.org/displaycommon.cfm?an=1&subarticlenbr=794>.

(Endnotes)

¹<http://www.abanet.org/legalservices/paralegals/lawyers.html#4>.

²Bureau of Labor Statistics, U.S. Department of Labor, Occupational Outlook Handbook, 2008–09 Edition, Paralegals and Legal Assistants, on the Internet at <http://www.bls.gov/oco/ocos114.htm>.

³The term “certified” means that the person took and passed a national (or state) exam, similar to the national certification programs mentioned above. A “certificated” paralegal is one who has earned a certificate in a paralegal studies program as opposed to a degree. Length of time and number of class hours distinguish certificated programs from degree programs. For example, a certificate program may be completed in a matter of weeks, while a degree program is completed over a period of several semesters. Many employers require certification at a minimum and some require an associates degree or above. A prospective paralegal employer should always check the length and substantive nature of the education listed on a resume to get a realistic picture of just what education the prospective paralegal will bring .

⁴491 U.S. 274 (1989).

⁵128 S.Ct. 2007 (2008).

⁶*Id.* at 2014.

⁷491 U.S. 274, 288.

⁸*Id.*

⁹*Id.*

¹⁰*Norvell v. Credit Bureau, 85 NM 521 (1973), State Bar v. Guardian Abstract & Title, 91 NM 434 (1978), Matter of Martinez, 107 NM 171 (1988), Matter of Houston, 127 NM 582 (1999), and Matter of Chavez, 129 NM 35 (2000).*

¹¹www.aafpe.org/m_search/detail.asp.

¹²Division membership qualifications can be found at NMRA 24-101A.

¹³The DOL classifies paralegals hired as employees as nonexempt; therefore, employers are required to pay overtime for hours in excess of a 40-hour week. This has been a long-standing position of the DOL and did not change in 2004 when the DOL issued new regulations.

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We are pleased to announce the addition of

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Matt is Yup'ik from The Village of Gambell, St. Lawrence Island, Alaska. He obtained his bachelors degree from Fort Lewis College in 2004 and his JD in 2008 from the Sandra Day O'Connor College of Law at Arizona State University with a certificate in Indian Law and a Dean's Award for academics. Matt clerked for the Honorable Judge Irvine of the Arizona Court of Appeals, Division One, August 2008-09.

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