

PARALEGAL PRESS



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Upcoming Events

- December 18, 2014 LVVPA Social at the CCBA Offices for Members and Vendors only
- January 15, 2015 general meeting at CCBA – Speaker regarding Corporate Governance
- February 19, 2015 general meeting at CCBA - Speaker to be announced



MERRY CHRISTMAS LVVPA FAMILY!

Whew!!! What a year. The LVVPA has had many changes this year. The new Board has many plans in store for the coming year.

Right now, the focus is on membership and the benefits a paralegal can obtain from being a member of the LVVPA.

With new topics on the horizon for monthly CLE's and some great ideas to add to our annual seminar, stay tuned for

fantastic opportunities to come.

One theme remains constant for the LVVPA, your board remains committed to the excellence of this organization and the delivery of relevant CLE topics and presentations for the members.

We always look for input from our members. After all, the board is here for the

members. As always, your comments and suggestions, articles and support are desired and welcome.

If you are interested in submitting an article for a future publication, please email comments and requests to admin@LVVPA.org.

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Linda Soeder, ACP
Connie Valentine, Pres.

TWAS THE WEEK BEFORE CHRISTMAS: 5 STRATEGIES TO SURVIVE THE HOLIDAYS

BY VICKI VOISIN, ACP (DEC. 20, 2012)

'Twas the week before Christmas when all through our house,
There was clutter and chaos... but, thankfully, no mouse!

The mantle was bare, the wreath still in my car,
Not a cookie was baked, not even a bar!

I'd addressed not a card, not a gift had been wrapped,
The jet lag had got me, I just wanted to nap!

One tree was half decorated, the other not bought,
The stockings still packed and the Village was naught.

Ornaments and tissue paper were strewn all about,
I was tempted to say, 'We'll just do without!'

But our children and grandchildren will be here next week,

And I know it's a peaceful, joyful holiday they seek.

So rally I must, this is really a test,
Can I do it? Can I make this Christmas one of the best?

I'll put on some music, brew some tea, make a list,
I'll do what I can, the rest won't be missed.

That we have our health and our loved ones are near,
Is all that we need for our holiday cheer!

Now, for those five strategies for surviving the next seven days:

Lower expectations. There's not time to do everything but there's time to do the important things. Even Martha Stewart would have to make choices with this limited amount of time.

The trees will be decorated but the lights and the beads do not have to be perfect; perhaps there will not be so many ornaments as in years past. I'll bake some cookies, but just enough for us to enjoy.

Plan menus to do double duty. The ham and the turkey will do their work for main meals and then appear again as sandwiches, Turkey Curry, and a couple of luscious soups that'll grow like Topsy when I add some noodles or beans with vegetables. I'll also make one trip to the store just to stock up on paper goods, dish soap and laundry soap. This is not the time to run out of those staples, especially toilet paper!

Do things in chunks of time. Instead of racing from one project to the next, I'll spend one afternoon decorating the



Wacky Laws

Public Eateries in Bristow, Oklahoma, are required to serve each patron a peanut with a shell for every glass of water served.

Kissing on the lips in Riverside CA, is in violation of a local health ordinance, unless both parties first wipe their lips with carbonized rose water.



CERTIFIED PARALEGALS

Occasionally, people call themselves “certified paralegals” by virtue of completing a paralegal training course or other type of preparatory education. Although an educational institution may award a certificate of completion, being certified is not the same as earning a professional certification.*

The National Association of Legal Assistants, Inc. (NALA) has developed and sponsored a substantive exam for legal assistants/paralegals. Established in 1976, the Certified Legal Assistant/Paralegal (CLA/CP) program has enabled the profession to develop a strong and responsive self-regulatory program offering a national credential for paralegals and legal assistants. The CLA/CP program establishes and serves as a:

- National professional standard for paralegals/legal assistants.
- Means of identifying those who have reached this standard.
- Credentialing program responsive to the needs of paralegals/legal assistants and responsive to the fact that this form of self-regulation is necessary to strengthen and expand development of this career field.
- Positive, ongoing, voluntary program to encourage growth of the paralegal/legal assistant profession, attesting to and encouraging a high level of achievement.

***Professional certification is a voluntary process by which a**

nongovernmental entity grants a time-limited recognition to an individual after verifying that the individual has met predetermined, standardized criteria. (Source: Rops, Mickie S., CAE, *Understanding the Language of Credentialing*, American Society of Association Executives, May 2002.)

To verify whether a person has been certified or to obtain further information on certification please visit the NALA website at www.NALA.org. Click on “Certification,” then page down to section entitled “Current Directory of Certified Paralegals” in the left margin.

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TWAS THE NIGHT... CONT'D

dining room, one decorating the living room. I'll spend one evening baking cookies, another addressing envelopes and yet another doing the layout for the Christmas letter. In those chunks of time, the biggest projects...those that I deem most important... will be done.

Buy some time. There's just not time to clean the entire house so I'll hire someone to do the main areas and leave

the rest. Clean beds and clean bathrooms top my list. The rest is just fine.

Take time for self-care. The best gift I can give my family is to be relaxed and just enjoy this holiday with them. My mood will set the tone for the entire celebration. I'll get some rest, a bit of exercise, and give myself permission not to be perfect.

No matter how much or how little I do, December 25th will

be here soon. I can choose to be stressed or I can relax and enjoy the season. I choose the latter.

It's truly the best time of the year. May you all have a blessed holiday with your family and friends!

Vicki Voisin, also known as The Paralegal Mentor, publishes the bi-weekly ezine '**Strategies for Paralegals Seeking Excellence.**' (See paralegalmentor.com)

COMMUNITY CORNER BY THE EDITORS

Just a quick note as we near the holidays. Please don't forget the more unfortunate of our society. Especially over the holiday season, there are ever more reasons to provide your financial or emotional support to any number of good causes. We remind you of the following:

- Catholic Charities
 - Nevada SPCA
 - HELP of Southern Nevada
 - St. Jude's Cancer Clinic for Children
 - The Leukemia Lymphoma Society
 - The American Red Cross
 - Big Brothers & Big Sisters
 - The United Way
 - Backpack Program for kids of Nevada
 - The Southern Nevada Women's Shelter
 - Autism Society
- Remembering and assisting those who are less fortunate than we are is always a blessing and part of the miracle of the Christmas Season.

PRESIDENT'S MESSAGE

BY CONNIE VALENTINE

As we look back on the accomplishments of the past 12 months, we have had some great guest speakers at our General Meetings, and our 2014 Annual Seminar last April was a success. A new Board of Directors was elected in May. We continue meeting at the Clark County Bar Association office for our General Meetings on the 3rd Thursday of the month.

The new website at www.lvpa.org has had a lot of changes made and it is easier to navigate. Now you can register and pay for memberships and special events through our PayPal account.

We are also able to send out our General Meeting notices from the website. **Be sure to register on the website to get our emails.** We will also be adding some features to make it easier for members to complete renewal applications and for new members to sign up.

We thank the vendors who have graciously hosted our meetings each month and to the Clark County Bar Association for continuing to allow us to meet there. To show our thanks to them and to our members, our December meeting will be for members and past vendors only.

We have started planning the Annual Seminar for April



2015, and will be providing additional information as soon as the location and date are confirmed. (We are aiming for April 18th—**so save the date.**) Our topic will be geared to security on the Internet and in our personal lives. And we will continue to offer a variety of guest speakers and topics at our General Meetings. **HAPPY HOLIDAYS TO ALL AND A VERY HAPPY NEW YEAR!**



ETHICS UPDATE

BY MICHAEL RAINEY

According to the By-Laws of the Las Vegas Valley Paralegal Association, which were aligned with the Legal Assistants Division of the State Bar of Nevada and Nevada Paralegal Association, "a legal assistant (also known as a paralegal) is a person, qualified through education, training or work experience, who is employed or retained by a lawyer, law office, governmental agency, or other entity ..." There are ethical guidelines, known as cannons, by which a person working in the legal field in the capacity of legal assistant/paralegal must conduct themselves.

The cannons were adopted by the State of Nevada in 1994. They exist to protect attorneys and non-attorneys from inappropriate acts, which can mean illegal practices. In addition to those ten cannons, there are also Nevada Rules of Professional Conduct and the Nevada Supreme Court Rules.

The violation of the ethical standards set for our profession may result in discipline in the form of a public or private reprimand, suspension, or disbarment. A reprimand can be either public or private. Although a reprimand may not prevent a person from working in the field, they bring serious violations to the attention of the Nevada Bar Association. The accumulation of reprimands is taken into consideration in the event that further violations occur.

Discipline involving fines up to \$1,000, restitution, and the cost of conducting disciplinary proceedings can all be weighed against an offending firm. Also, with public reprimands, the offending party must cover the cost of publication in local newspapers and in official State Bar publications. But, the damage that is done to the reputation of the parties involved is not something that can be scaled.

A suspension can result in a

misdemeanor, as well as a two-year period barring a paralegal/legal assistant from working in the field of law. Multiple violations within a seven-year period will result in further suspension, as well as possible fines that must be paid before a person is allowed to return to work in the field of law.

Regardless of what process is involved in working through a suspension, as professionals, we are responsible for disclosing these matters to any and all future employers for as long as the matter is relevant. It is best to err on the side of caution when considering whether an act crosses the line of what a paralegal/legal assistant is allowed to do and not do.

Actions resulting in disbarment mean a paralegal/legal assistant will be banned from working in any capacity in the legal field. When prior discipline has not curbed misconduct, and there are multiple offenses and continuing violations, disbarment is warranted. Depending on the severity of the violation, a person who is disbarred may not only be banned from working in the legal field, but may be ordered to pay fines and restitution.

There is much to be mindful of in the day-to-day operations of a firm. Paralegals/legal assistants can be held accountable for professional misconduct. Understanding the rules that govern our profession can aid in avoiding and preventing violations of ethical standards.

You can find further information on the rules of professional conduct by referring to the Nevada Rules of Professional Conduct, as well as the Legal Assistant Code of Ethics (cannons) on the Nevada Bar Association website at <http://www.nvbar.org/content/paralegal-division>.



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LVVPA BENEFITS OF MEMBERSHIP

BY JOY JONES, CP

Haven't been to a general meeting of the LVVPA recently? Don't know what benefit you would get from attending? Then that old adage of 'you don't know what you don't know' applies to you! It is a great place to network for jobs or get ideas on ways to handle a difficult project or new area of law.

We have top notch speakers with complementing vendors, speaking on topics we have not had before.

- **June:** Marshal Willick spoke on "A Matter of Interest (and Penalties): Collection of Full Arrearages on Nevada Judgments." QUIVX (Jon Holpuch), provided information about the services they provide.

- **September** (after the summer break): Kim Cooper informed us about the FDCPA and what we could and could not say when asked to help with collections calls. [If you don't know what FDCPA stands for, you should have attended the meeting!] LexisNexis (Kevin Tilton), taught us about a new feature for finding people and their assets.

- **October:** Brian Shapiro spoke about Bankruptcy from the Trustee's Perspective. Norton Consulting and Investigations (Layban Green) taught us the security aspect of investigating/getting a debtor's assets.

- **November:** we has so many attendees, we had to check the maximum capacity of the room! Bryce Earl provided an overview of "Privacy: Protecting Personal Information in Life and Business." Read those website privacy policies! Cragin & Pike (Matt Engle) shared information about insurance coverage for businesses and individuals to protect against computer hackers and identity theft.

- **December:** for members and vendors only. Since the state court has not finished the changes to the EDCR (our intended topic for December), the Board decided to give back to those who support the organization by hosting dinner (by invitation only)! Come enjoy good food and have a chance to mingle.

- **January 2015:** Julie Lim, General Counsel for Global Cash, will discuss corporate governance. Regardless of your area of law, it always helps to know how a corporation is supposed to operate. Junes Legal Service, Inc., a local litigation support service, will be sponsoring that meeting.

- **February and March:** To be announced, hopefully ethics and obtaining/protecting medical records.

- **April 18th:** Target date for the annual seminar—**save that date!!** More to follow. We need volunteers (who are willing and reliable) to lend a hand. Please email admin@lvvpa.org to volunteer.

We hope this year is energizing everyone, as May elections will be here before you know it. Our organization is only as strong as those who actively participate in the behind-the-scenes preparation of meetings and events. It is never too early to think about what YOU can do to keep us strong.

Wishing you all good health, special blessings, and a happy new year!

SECURITIES REGULATION AND THE ROLE OF THE PARALEGAL BY SCOTT FISCHBACH

Prior to 1930 regulation securities was limited. The "Roaring Twenties" lead to the Stock Market Crash of 1930 caused by three main factors: excessive use of *margin*, which is using borrowed funds to buy stock, and a lack of disclosure around *securities* being offered and sold. Lastly, fifty percent of the securities being offered during the 1920's ended up worthless. (www.sec.gov)

Two primary federal statutes were enacted as part of the New Deal legislation in response to the Stock Market Crash of 1929, the Securities Act of 1933 and the Securities Exchange Act of 1934. The guiding principles of Federal Securities Laws are that companies that offer securities to the public for investment dollars must tell the public the truth about their businesses, the securities

they are selling, and the risks involved in investing. People who sell and trade securities – brokers, dealers, and exchanges – must treat investors fairly and honestly, putting investors' interests first. (www.sec.gov)

Securities Laws generally focus on three things: (1) the type of security being offered – stock, LLC, interest, promissory notes, mutual fund interest, and the like; (2) the parties offering or selling the securities; and (3) that the disclosures are provided to prospective investors about the company and securities being offered. Strip away all the technical and legal jargon, and securities offerings are all about helping companies and entrepreneurs raise money to grow their businesses. Capital raising formation is a fundamental cornerstone to the American economy and driver of innovation for new companies and job creation.

This is the essence of securities offerings. When a business is first starting or expanding, the source of that growth is money. Money that comes from: savings, credit cards, friends and family, investors, venture capital/private equity, banks/investment banks.

Legal issues in securities begin to arise as soon as an owner decides to take money from someone other than the owner. Litigation in securities comes about when investments go bad.

Securities paralegals find employment with corporate/securities law firms, commercial litigation firms, in house at publicly traded companies, with SEC and State securities agencies, as well as in house at Broker-Dealers. Gaming compliance paralegals are well suited to work at Broker-Dealers because a lot of the registration requirements and disclosures for Broker-Dealers are similar to gaming license applications.