



Ab Initio

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DO PARALEGALS NEED TO BE CERTIFIED?

By Nancy Knurek, Certified Paralegal

The paralegal profession has grown since its beginning in the 1960's. Tasks once handled by over-worked lawyers are now passed directly to the person who has the skills, training and education in the legal field and who can complete assignments in a quick and efficient manner. Although the paralegal profession has gained recognition in the legal community, there are no formal educational requirements in West Virginia for entering the profession. It seems anyone can 'walk' into a law office, identify herself/himself as a paralegal, and get hired.

Many paralegals around the state are college graduates and others have obtained a paralegal certificate from an ABA-approved program. However, how is an employer able to ferret out the 'walk-in' paralegal from the 'genuine product'? One way might be to have the West Virginia State Bar institute a certification program for paralegals. Currently, there are no regulations for paralegals in West Virginia, although other states have adopted voluntary certification. North Carolina's certification is voluntary and Wisconsin's Supreme Court is reviewing proposed paralegal certification guidelines. California and Maine have laws

that regulate nonlawyers who perform specific legal tasks. The State of Florida established the Paralegal Association of Florida Inc.'s Certification program (CFLA) in 1980. Its purpose is to provide a standard for measurement of advanced skills and knowledge in Florida law of those persons who have already achieved national certification.

Today there are three nationally recognized paralegal associations that offer voluntary certification programs, namely the American Alliance of Paralegals (AAPI); the National Association of Legal Assistants (NALA); and the National Federal of Paralegals (NFPA). NALA and NFPA offer a testing program, while AAPI's standards require a college program and minimum of five years substantive legal experience. Once the paralegal attains certification they must acquire a minimum number of continuing legal education credits each year, including ethics, to maintain certification. Both NALA-affiliated paralegal organizations in West Virginia, AWVP (Association of West Virginia Paralegals) and LAPSWV (Legal Assistants/Paralegals of Southern West Virginia), agree that guidelines and standards for the education and professional conduct of paralegals are important to the profession. A Bar-sanctioned, voluntary program of certification

in West Virginia would identify individuals who are qualified by education and training and who have demonstrated knowledge, skills, and proficiency to perform substantive legal work, supervised by a lawyer.

So, what would be the *quid pro quo*? What would lawyers gain by employing a paralegal who has been certified by the State Bar? What benefits would paralegals get from such certification? One of the obvious benefits would be the recognition that certified paralegals would receive by having "gone the extra mile." Law firms and corporations could publish those paralegals' names on their letterhead showing that they have "certified" paralegals in their employ. Such a notation would surely add to the firm's prestige. Paralegals would also gain recognition from their peers. While paralegals have long recognized that any type of professional certification is not designed to be a substitute for a license to practice law, West Virginia's certified paralegals should seek to validate their experience and job skills through the creation of a **cont'd on page 7**

Upcoming Events:

May 11-17, 2008

WV Paralegal
Recognition Week

June 6, 2008

LAPSWV 4th Annual Seminar &
Meeting
Cabell County Library
Huntington, WV



L-R: Rhonda Swartz, CLA, President; Cynthia Lowther, ACP, 1st Vice-President; Donna Losey, CLA, 2nd Vice-President; Loretta Stevens, CP, Secretary; V. Jane Lambert, CLA, Historian & Parliamentarian; and Lorena Shingleton, ACP, NALA Liaison; Not pictured: Karen Nichols, CLA, Treasurer

2007 - 2008 LAPSWV OFFICERS

President

Rhonda Swartz, CLA
rl_swartz@msn.com

First Vice-President

Cynthia Lowther, ACP
lowthercyn@yahoo.com

Second Vice-President

Donna Losey, CLA
dgl@lampodell.com

Secretary

Loretta Stevens, CP
l.stevens@kaycasto.com

Treasurer

Karen S. Nichols, CLA
knichols@jacksonkelly.com

NALA Liaison

Lorena Shingleton, ACP
lorena.shingleton@steptoe-johnson.com

Historian/Parliamentarian:

V. Jane Lambert, CLA
vjane.lambert@gmail.com

VOLUNTEERS NEEDED

Want to be more involved with LAPSWV? We need members who want to serve on committees. If you're interested, contact a member of the Executive Committee and say "I want to be involved."

2007-2008 LAPSWV STANDING and SPECIAL COMMITTEES

Advertising

Donna Losey, CLA - Co-Chair
Anna Skaggs, CLA - Co-Chair
Cynthia Lowther, ACP
Lorena Shingleton, ACP

Audit

To be appointed by President

CLA Study Program

V. Jane Lambert, CLA
Lorena Shingleton, ACP

Educational Programs

Cynthia Lowther, ACP

Finance

Karen Nichols, CLA

Fund-Raising

Karen Nichols, CLA - Chair
Brandy Hayton
V. Jane Lambert, CLA
Tracey Long
Lorena Shingleton, ACP
Anna Skaggs, CP

Membership

Donna Losey, CLA - Chair
Jill Francisco, ACP
V. Jane Lambert, CLA
Cynthia Lowther, ACP
Patricia Schoolcraft, CLA

Newsletter

Cynthia Lowther, ACP - Chair
Dionne Bartley
Karrie Mattox
Lorena Shingleton, ACP

Nominations/Elections

Patricia Schoolcraft, CLA—Chair
Renee Clay, CLA
Jill Francisco, CLA
Randall Wagner, CLA

Public Relations/Community Services

To be appointed

Website

Lorena Shingleton, ACP - Chair
Cynthia Lowther, ACP

CURRENT MEMBERSHIP INFORMATION:

78 MEMBERS
as of 04/28/2008

71 Active members;
3 Student members;
2 Sustaining members;
and
2 Provisional member.
(4 ACP & 27 CLAs/CPs)



BIRTHDAY WISHES TO OUR MEMBERS

April

Susan Knight
Michelle Richards
Lorena Shingleton, ACP
Gail Stepp, CLA

May

Elizabeth Bennett
Cynthia Hammons
Cynthia Lowther, ACP
Karrie Mattox
Pamala Taylor
Tiffani Young

June

Maria Cain
Judy Hammonds, CLA
Debbie Platt
Cari Reed

**We do our best to make sure we acknowledge every member's birthday. If we miss your birthday, please forgive us AND let us know so we make sure our records are updated.*



LEGAL ASSISTANTS/PARALEGALS OF SOUTHERN WEST VIRGINIA
(An Affiliate of the National Association of Legal Assistants)
www.lapswv.org

**FOURTH ANNUAL
 SEMINAR & MEETING**

June 6, 2008

Cabell County Public Library
 3rd Floor Conference Room
 455 Ninth Street Plaza
 Huntington, WV

- 8:45 -9:15 **Registration and Continental Breakfast**
- 9:15 -9:30 **Welcome Remarks**
 Rhonda Swartz, CLA -President, LAPSWV
 Sharon G. Robertson, ACP -NALA Affiliated Associations Director
- 9:30 -10:30 **Basics of Social Security Representation**
 Kathleen DeWeese, Senior Attorney -ODAR –Huntington
 Social Security Administration
- 10:30 -10:40 **Break**
- 10:40 -11:30 **Legislative Update**
 Rick Thompson, Esquire -Speaker of the House
 West Virginia House of Delegates
- 11:30 -12:30 **Paralegals and the Attorneys’ Rules of Professional Conduct**
 Charles A. Jones, III -Lawyer Disciplinary Counsel
 Office of Disciplinary Counsel -WV State Bar
- 12:30 -1:30 **Membership Luncheon – LAPSWV Annual Meeting
 Officer Reports & Election of 2008-2009 Officers
 (lunch provided)**
- 1:30 -2:30 **The Good, Bad and Ugly of Using Expert Witnesses**
 Charlie Guinther, CSP, CMR
 S.E.A., Ltd.
- 2:30 -2:45 **Break**
- 2:45 -3:45 **Stormwater Exemption under the Energy Policy Act of 2005**
 Richard L. Lewis, II, Esquire / Marc C. Bryson, Esquire
 Steptoe & Johnson PLLC
- 3:45 -4:45 **Identity Theft -It Could Happen to You!**
 Jerry Cole -National Intelligence Specialist
 USDOJ SDWV -United States Attorneys Office
- 4:45 -5:00 Closing Remarks



CONTINUING LEGAL EDUCATION CREDIT:

The annual seminar meets NALA requirements for .6 CLAE units (6 hours) toward maintenance of the CLA credential by the Certifying Board of NALA for those attending the entire seminar.

REGISTRATION:

Registration deadline is May 30, 2008. Please complete the registration form and forward along with your check or money order to:

Karen Nichols, CLA, Treasurer
LAPSWV
P OBox 11488
Charleston, WV 25339

Checks should be payable to LAPSWV for the total amount of the fee. Your cancelled check will serve as registration confirmation. For more information, contact: Lorena Shingleton, ACP, at (304) 561-5591; or Cynthia Lowther, ACP, at (304) 552-9120.

DRIVING DIRECTIONS: (from Interstate 64)

Take Exit 8 (5th Street); Turn Left onto 5th Street toward Huntington (*If coming from Ashland*); Turn Right onto 5th Street toward Huntington (*If coming from Charleston*); Turn Right onto 8th Avenue; Turn Left onto 8th Street; Turn Right onto 5th Avenue and get into the far left lane; Turn Left onto 9th Street/Center Plaza - Cabell County Library is the first building on left; Continue straight, driving through 2 traffic signals (across 4th Avenue and 3rd Avenue) and you will enter Pullman Square; Parking garages will be on your left and right (\$1 for 4 hours parking); Just a short walk back up 9th Street to the Cabell County Library

=====

REGISTRATION FORM
Registration deadline: May 30, 2008

Name Firm

Street/P.O. Box City State Zip Code

Business Telephone Home Telephone

E-mail (REQUIRED): _____

FEE (includes Continental Breakfast, Lunch and Handbook)

Please check one box below:

- \$ 75.00 LAPSWV Member: Active/Provisional/Sustaining*
- \$ 25.00 Student Member*
- \$ 85.00 Non-Member †

*Membership Status: LAPSWV Member is defined as a registrant who holds an "individual member" status with Legal Assistants/Paralegals of Southern West Virginia

†Pay only \$75.00 and receive a gift valued at \$25.00 for any non-member who submits a completed membership application and the appropriate membership fee (visit www.lapswv.org for a membership application and fee information) along with his or her seminar registration form.



LAPSWV CLA SCHOLARSHIP
2008 CLA EXAM FEE AWARD
\$250 NALA Members
\$275 Non-NALA Members

Applicant must be a LAPSWV member in good standing and meet the NALA eligibility requirements for one (1) of the following categories before applying for the CLA Exam Fee Award:

Category 1:

Graduated from a legal assistant program that is:

- a. approved by the American Bar Association; or
- b. an associate degree program; or
- c. a post-baccalaureate certificate program in legal assistant studies; or
- d. a bachelor's degree program in legal assistant studies; or
- e. a legal assistant program which consists of a minimum of 60 semester hours of which at least 15 semester hours are substantive legal courses.

Category 2:

Possess a bachelor's degree in any field plus one (1) year of experience as a legal assistant. Successful completion of at least 15 semester hours or substantive legal assistant courses is equivalent to the one (1) year legal experience.

Category 3:

Possess a high school diploma or equivalent plus seven (7) years experience as a legal assistant, plus a minimum of twenty (20) hours of continuing legal education completed within a two-year period prior to application for the examination.

For more information concerning the CLA exam, you may obtain the NALA publication, "The CLA/CP Program," from the website, www.nala.org, or by contacting Lorena Shingleton, ACP,2 NALA Liaison, or Cynthia Lowther, ACP,3 First Vice President. Applicants are not required to be NALA members.

2 Lorena.Shingleton@steptoe-johnson.com

3 lowthercyn@yahoo.com

Please complete the attached application and submit it by mail before May 16, 2008 to:

LAPSWV - Scholarship Committee
P. O. Box 11488
Charleston, WV 25339

The scholarship recipient will be notified prior to LAPSWV's Annual Meeting and Seminar on June 6, 2008, and the award will be presented at the Annual Meeting. The scholarship fee will be paid directly to NALA and the recipient will have one (1) year from the date of the award to sit for the exam. The fee will be refunded to LAPSWV if the recipient does not sit for the exam within the one-year time requirement.



**LEGAL ASSISTANTS/PARALEGALS OF SOUTHERN WEST VIRGINIA
(LAPSWV)
SCHOLARSHIP COMMITTEE
P. O. Box 11488
Charleston, WV 25339
www.lapswv.org**

2008 CLA EXAM AWARD APPLICATION

Name: _____

SSN: _____ Phone: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

NALA Eligibility Category: (1, 2, or 3)⁴

Education: (In chronological order, beginning with the most recent, list the names and addresses of all schools you have attended, including high school. Mention any degrees/certificates earned and honors/scholarships received, if applicable. Attach additional sheet if additional information is necessary.)

Employment: (Beginning with the most recent (for the past 10 years only), list the names, addresses and phone numbers of employers, position title, names of supervisors, beginning and ending dates of employment, and whether such employment was full or part-time. Attach a copy of your resume, if available.)

College/University Currently Attending:

Credits/Classes of Legal Assistant Program Completed:

Additional Relevant Information:

Brief Narrative of applicant's interest in the Legal Assistant/Paralegal profession, statement of goals, educational objectives, etc. (Please attach a separate sheet, if necessary.)

Send application to (Application must be received no later than May 16, 2008):

**LAPSWV Scholarship Committee
2008 CLA EXAM AWARD
P. O. Box 11488
Charleston, WV 25339**

⁴ As described in the NALA publication, The CLA/CP Program.



2008 APC SCHOLARSHIP AWARD

LAPSWV will award a \$250 APC scholarship to a qualifying LAPSWV member who currently holds the CLA designation

Drawing for the \$250 APC scholarship will be held at LAPSWV's 4TH Annual Seminar & Meeting on June 6, 2008.

Please complete this form and bring it to the meeting. **Winner must be present at time of drawing to win.**

Name: _____

Date Certification Obtained: _____

Address: _____

Phone No. _____ Fax No. _____

I am currently a member in good standing with LAPSWV who currently holds the CLA/CP designation and I would like to take the advanced paralegal certification course for _____ currently being offered by NALA.

Please enter my name in the APC Scholarship Award.



cont'd from page 1

statewide program that would enhance and develop the profession. It is hoped that West Virginia lawyers would welcome the same.

Nancy Knurek CP received an Associate of Arts degree in Legal Studies from Morris Harvey

College (n/k/a the University of Charleston) in 1974. Ms. Knurek has 23 years of experience in secretarial and paralegal defense litigation and is currently a paralegal in the Charleston office of Steptoe & Johnson PLLC. She passed the National Association of Legal Assistant's Certified Legal Assistant examination in December 2003 and is one of 116 Certified Paralegals in West Virginia.

[Editor's Note: This article was originally published in the Winter 2008 issue of the *Defense Trial Counsel of West Virginia Newsletter* and is reprinted here with the permission of the author.]

Advanced Paralegal Certification (APC) Program is now on-line!!

NALA's APC program is now on-line with four courses currently available in the areas of Discovery, Contract Management/Contract Administration, Social Security Disability, and Trial Practice.

For further details and course descriptions, visit the APC website at www.nala.org/apcweb/index.html

CLA EXAM SCHEDULE

Exam - July 11-12, 2008

Application Deadline: 05/15/08

Late Application Deadline: 05/30/08

Exam - December 5-6, 2008

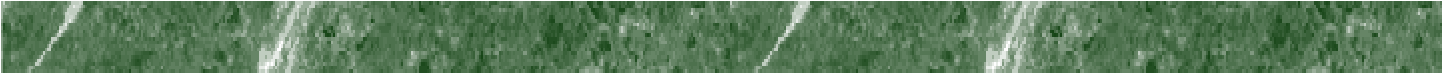
Application Deadline: 10/01/08

Late Application Deadline: 10/16/07

Contact any LAPSWV officer for study group information for exams and retakes. See "Officers" at www.lapswv.org

A Source of Trivia

U.S. District Courts of West Virginia Legislative History	
June 11, 1864 13 Stat. 124	Congress reorganized the Western District of Virginia to conform to the boundaries of the new state of West Virginia and renamed it the District of West Virginia. The judge of the Western District of Virginia became judge of the district court in West Virginia and continued to exercise the powers authorized for the earlier court, including its circuit court jurisdiction in all matters except appeals and writs of error, which were the jurisdiction of the U.S. circuit court meeting in Lewisburg. The new district continued to be included in the Fourth Circuit.
February 6, 1889 25 Stat. 655	Congress repealed the circuit court jurisdiction of the district court in West Virginia and established a U.S. Circuit Court for the District of West Virginia.
January 22, 1901 31 Stat. 736	Congress divided West Virginia into two judicial districts, the Northern and the Southern, with a separate judgeship authorized for each district.
June 25, 1921 42 Stat. 67	One temporary judgeship authorized for the Southern District. This position was never made permanent.
June 22, 1936 49 Stat. 1805	One temporary judgeship authorized to serve both districts.
February 10, 1954 68 Stat. 8	Temporary judgeship authorized in 1936 to serve both districts was made permanent.
June 2, 1970 84 Stat. 294	One additional judgeship authorized for the Southern District.
October 20, 1978 92 Stat. 1629	One additional permanent judgeship and one temporary judgeship authorized for the Southern District.
January 14, 1983 96 Stat. 2601	The judgeship authorized to serve both districts was assigned to the Southern District exclusively and the temporary judgeship authorized in 1978 for the Southern District was reassigned to the Northern District and made permanent.
December 1, 1990 104 Stat. 5089	One additional judgeship authorized for the Northern District and one additional for the Southern District.



AUTHORIZED JUDGESHIPS

	West Virginia District	Northern District	Southern District	Total Judgeships
1864	1			1
1901		1	1	2
1921 (Jun)		1	2	3
1921 (Aug)		1	1	2
1936		2	2	4
1970		2	3	5
1983		2	4	6
1990		3	5	8



Wheeling, West Virginia

U.S. Custom House (1901)
Completed in 1860.

Supervising Architect:
Ammi B. Young

The U.S. District Court for the Western District of Virginia met here until the establishment of federal courts in the State of West Virginia in 1864; the U.S. District Court for the District of West Virginia met here from 1864 until the creation of the Northern District in 1901; the U.S. District Court for the Northern District of West Virginia met here from 1901 until 1907; the U.S. Circuit Court for the District of West Virginia met here from 1892 until the creation of the Northern District in 1901; the U.S. Circuit Court for the Northern District of West Virginia met here from 1901 until 1907.

Now in use as a museum and renamed West Virginia Independence Hall.

Trivia Information provided by Loretta Stevens, CP, and found at: www.fjc.gov/history

33RD NALA ANNUAL CONVENTION & EDUCATION WORKSHOPS

JULY 30 - AUGUST 2, 2008

OKLAHOMA CITY, OK

Renaissance Oklahoma City Convention Center

10 N. Broadway

Oklahoma City, OK 73102

Visit www.nala.org for more information on the 2008 convention and to complete a registration form on-line or to print out a registration form to mail in.



**LEGAL ASSISTANTS/PARALEGALS
OF SOUTHERN WEST VIRGINIA**

P O Box 11488
Charleston WV 25339

Direct Comments/Questions to:
Cynthia L. Lowther, ACP, Chair
LAPSWV Newsletter Committee
Ph: (304) 556-8226
E-mail: lowthercyn@yahoo.com



Legal Assistants/Paralegals
of Southern West Virginia
(LAPSWV)

WE'RE ON THE WEB:
WWW.LAPSWV.ORG

LEGAL ASSISTANTS/PARALEGALS OF SOUTHERN WEST VIRGINIA

Legal Assistants/Paralegals of Southern West Virginia ("LAPSWV") is a non-profit organization established in 2004 in Charleston and Huntington, West Virginia.

LAPSWV promotes high standards in the legal assistant profession, establishes networking resources for legal assistants/paralegals, and provides integrity in the legal community. LAPSWV also contributes to the community by participating in a number of charitable programs.

LAPSWV's members are employed by law firms, governmental agencies, and corporations in Southern West Virginia.

LAPSWV strives to raise professional standards in the legal assistant/paralegal profession. LAPSWV promotes continuing legal education by offering "Lunch and Learn" meetings along with special dinner meetings with speakers covering various legal topics.

Ab Initio is a quarterly publication of Legal Assistants/Paralegals of Southern West Virginia (LAPSWV). None of the information contained herein is intended to be nor should it be construed as legal advice.

**BEHIND EVERY SUCCESSFUL ATTORNEY
IS AN EXHAUSTED PARALEGAL!!**

LAPSWV T-SHIRT ORDER FORM

Short-sleeve T-shirts only \$10 each. Choice of White (*limited availability*) or Gray. LAPSWV logo over front, left chest area; "***Behind every successful attorney is an exhausted Paralegal***" on back. Please make your checks payable to LAPSWV, and mail your order form and check to the following:

Fund-Raising Committee
LAPSWV
P. O. Box 11488
Charleston, WV 25339

Name: _____

No. of shirts ordered: _____

Mailing Address: _____

Color: _____ White _____ Gray

Size: _____ S _____ M _____ L _____ XL _____ 2X

Daytime Phone No: _____

Amount enclosed: _____