

MALA MOMENTS

September 2018 Edition

A publication of the Montana Association of Legal Assistants*Paralegals an affiliate of the National Association of Legal Assistants*Paralegals



In this Issue:

- Notice of Quarterly Business Meeting—October 5, 2018
- September Brown Bag Seminar “Writing: Form & Style”
- October Brown Bag Seminar “Mediation in Montana
- CP Review Seminar—October 13, 2018—Chico Hot Springs
- NALA Making a Difference Awards
- Article— *CP Review*
- Article—*Big Case, Small Firm*
- Article—*The Synergy of Ethics & Technology*
- Article—*Cybersecurity Law*

INSIDE THIS ISSUE

President’s Message ..	2
Quarterly Mtg Notice	3
VP Report.....	4
September Seminar ..	5
October Seminar	6
CP Review Seminar....	7
Article.....	9
Making A Difference..	12
Treasurer Report.....	14
Quarterly Minutes	16
Article.....	18
NALA Liaison	21
Member Spotlight.....	26
Puzzle	27
NALA 2019 Conf.....	28
Recipe Corner	29
MALA Library.....	31
Article.....	32
2018-19 BOD.....	35
Puzzle Answer	39
Article.....	40
Voting Proxy	46





President's Message

By Terry Hale, ACP

Well fall is finally here and I'm no where ready for summer to be over and am certainly not looking forward to the snow and cold!!!! I have so many home projects that still need to be completed that I'm on a race to get as many done as I can . And I'm sure all of you are feeling that way as well. But with winter fast approaching, I've decided I'll have to just make the best of it and stay indoors where it is warm and do some indoor projects or better yet, vacation to a warmer location.

So far this year MALA has held some amazing Brown Bag Seminars, but don't worry, there are more to come. September brings us a writing seminar on September 26, 2018. Then on October 24, 2018 Tracy Axelberg will present *Mediation in Montana*, and on October 13, 2018 MALA will be hosting our annual CP Review Course to be held at Chico Hot Springs which should be a fabulous venue. The Seminar committee is working hard at finding speakers for November and December Brown Bags, and I'm sure they will be stellar seminars.

This past few months have been a lot of learning for me. First I attended NALA's Convention in St. Louis on July 11-13, 2018, and as always NALA puts on a stellar conference and St. Louis was an amazing and exciting place to be. Then I just returned from Ft. Lauderdale, Florida from a two-day Criminal Investigator Conference where the topics were intriguing and the speakers phenomenal.

But back to the NALA Conference. During my down time I ate at some amazing restaurants, walked the river, learned a lot of history of St. Louis at the underground museum at the St. Louis Arch, rode to the top of the Arch (736 feet), rode a riverboat down the Mississippi River listening to a jazz band, and attended my first professional baseball game as the St. Louis Cardinal took on the Cincinnati Reds. The Cardinals lost that night but it was still an amazing time. Also during the NALA Conference I was honored to present two sessions; Technology-Internet Sleuthing and Criminal Investigation, but I made sure to made time to attend some fascinating and educational sessions, including "Dealing with Difficult People: Tools for the Paralegal", Using Social Media and Surveillance in your Favor", and "How to Handle your Lawyer". Be sure to be ready to attend NALA's 2019 Conference to be held July 11-13, 2019 in Phoenix/Scottsdale, Arizona.

On Friday, October 5, 2018 at noon we will be hold our Quarterly Meeting. If you are not able to join us at our Quarterly Meeting, be sure to send in your Proxy (Page 46). Your vote counts as to what happens to MALA in the future.

Terry Hale, ACP
President

NOTICE OF MALA'S QUARTERLY BUSINESS MEETING

Friday, October 5, 2018

12:00 pm—1:00 pm

Telephonic **ONLY**

If you are unable to attend, be sure to complete and send in a Proxy Voting Form (Page 46).

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/925609733>

You can also dial in using your phone.

United States: +1 (571) 317-3122

Access Code: 925-609-733

Joining from a video-conferencing room or system?

Dial: 67.217.95.2##925609733

Cisco devices: 925609733@67.217.95.2

First GoToMeeting? Let's do a quick system check:

<https://link.gotomeeting.com/system-check>





Vice President Report

By Heather Bienvenue, CP

Hello Fall and hello Mala Members! With the change of seasons, comes a renewed interest in being inside and catching up on paperwork which for me means finishing up the Criminal ACP course and preparing my presentation on Contracts for the upcoming CP Review Course at Chico. I look forward to meeting members in person.

Currently we have 119 active members. There are 5 pending application for new members and an additional 5 student applications pending. These applications will be reviewed by October 1st and all applicants will be contacted if they need to supply MALA with additional information.

The Membership Committee and Mala President Terry Hale, ACP rewrote the membership application clearly identifying each Active Member category and what membership requirements apply to each. We also created an Associate Membership category for those new to the paralegal profession and who don't qualify for membership under the normal membership categories. Our goal is to maintain the professionalism of MALA while also encouraging those new to the legal industry.

If you have any questions, please feel free to email me at heather.bienvenue@gmail.com.

Volunteers needed!!!

If it weren't for the dedication of our members, Officers and Committee members, MALA would not be making a difference in providing continuing education for paralegals, legal assistants and attorneys; providing professional development opportunities for paralegals to advance their careers, or the general education and promotion of the paralegal profession. Be sure to volunteer on a committee in 2018-19 and keep MALA going strong into the future.





MALA Brown Bag Seminar

The Medium is the Message: Form and Style Tips for Preparing Polished and Professional Legal Documents

Presented by: Jeff Tierney, Esq.

Wednesday, September 26, 2018
12:00 p.m. – 1:00 p.m. MST
Teleconference Only
1 CLE Credit

Effective written advocacy requires more than just good content. Even the most compelling argument, if sloppily presented, loses its punch. But, many attorneys need a little help in ensuring that their work looks its best and gets the attention it deserves. Learn how you can help your firm move past outdated conventions and instead prepare visually-appealing and persuasive legal documents with some easy style, formatting and typography tips, including:

- Thoughtful and appropriate font choices;
- Effective use of tables, charts and embedded images;
- Document processing and avoiding image degradation;
- Style and formatting issues involving headings, justification, white space, and emphasis; and
- Common typographical pitfalls and how to avoid them.



Jeff Tierney, Esq., is a fifth-generation Montanan, where he grew up in Great Falls before attending Yale University, graduating in 2008 with a degree in history. Jeff then attended law school at the University of Wisconsin, where he worked with the Wisconsin Innocence Project to remedy wrongful convictions. Jeff returned to Montana to practice after graduating in 2013. Jeff is licensed to practice in Montana and Wisconsin, as well as the U.S. Court of Appeals for the Ninth Circuit, the U.S. Court of Appeals for the Appeals for the Federal Circuit, and the U.S. Court of Federal Claims.

Registration Deadline – Monday, September 24, 2018

Online Pricing: Register online at www.malanet.org

MALA Member - \$16.00 Non-Member - \$31.00 Paralegal Students - \$9.00

Mail-in Pricing: Email request for registration to mala@malanet.org

Mail checks to: **PO Box 9016, Missoula, MT 59807-9016**

MALA Member - \$20.00 Non-Member - \$35.00 Paralegal Students - \$15.00

NAME: _____
FIRM: _____
ADDRESS: _____
EMAIL: _____
DAYTIME PHONE: _____

Handouts and Call-in information will be emailed – Tuesday, September 25, 2018.



Montana Association of Legal Assistants/Paralegals

MALA Brown Bag Seminar

Mediation in Montana

Presented by: Tracy Axelberg, Esq.
Axelberg Mediation & Arbitration, PLLC

Wednesday, October 24, 2018

12:00 p.m. – 1:00 p.m. MST

Teleconference Only

1 CLE Credit

- History of Mediation Pre-1995 and Post 1995
- Anatomy of an Effective Settlement Brochure
- Mediation Process
- Rule 7 Appellate Mediation



Tracy Axelberg, Esq., was raised in Miles City, Montana. He attended Montana State University, after which he worked as an environmental engineer in Illinois and Louisiana. Tracey then attended law school where he served as an editor of the Montana Law Review. Tracy's litigation career concluded in 2011 when he directed his full professional attention to mediation, arbitration and special master work. His work as a neutral is statewide.

Registration Deadline – Monday, October 15, 2018

Online Pricing: Register online at www.malanet.org

MALA Member - \$16.00 Non-Member - \$31.00 Paralegal Students - \$9.00

Mail-in Pricing: Email request for registration to mala@malanet.org

Mail checks to: **PO Box 9016, Missoula, MT 59807-9016**

MALA Member - \$20.00 Non-Member - \$35.00 Paralegal Students - \$15.00

NAME: _____

FIRM: _____

ADDRESS: _____

EMAIL: _____

DAYTIME PHONE: _____

Handouts and Call-in information will be emailed – Tuesday, October 16, 2018.

Interested in speaking to someone about the benefits of membership in MALA?

Email: mala@malanet.org



Montana Association of Legal Assistants/Paralegals

MALA Certified Paralegal Review Course

7 CLE Credits



Are you looking for your next challenge? The Certified Paralegal Examination might be for you.

For more than 30 years, the Certified Paralegal (CP) credential has been the gold standard for career paralegals. The examination is a rigorous examination that will draw upon your legal education, paralegal experience, and preparation skills. You can visit NALA.org for more information on the Certified Paralegal Exam.

MALA's 2018 Certified Paralegal Review Course provides comprehensive materials that enable you to commence or finalize your preparation for the CP Exam offered by NALA. This review course will be taught by holders of the CP and Advanced Certified Paralegal (ACP) credential as well as an attorney.

This program benefits not only paralegal students and working paralegals planning to sit for the CP examination, but also current CPs and ACPs, or paralegals who need required CLE credits for annual recertification or membership requirements.

This course promises to educate, motivate and empower you in your quest for professionalism.

- Attend the **ONLY** CP examination review course offered in Montana for the new 2018 NALA Certified Paralegal examination
- Learn from experienced paralegals and attorney covering substantive areas of law plus ethics
- Obtain the valuable knowledge you need for further self or group study
- Network with paralegals from across the state and learn more about the Montana Association of Legal Assistants

Schedule:**Saturday, October 13, 2018:**

8:00 am Registration
 8:15 am Opening Remarks
 8:30 am Ethics (Terry Hale, ACP)
 9:30 am US Legal System (Alisia Duganz, CP)
 10:30 am Break
 10:45 am Torts (Bob Baldwin, Esq.)
 11:45 am Critical Thinking (Terry Hale, ACP)
 12:45 am Lunch
 1:45 pm Civil Litigation (Juliet Hahn, CP)
 2:45 pm Break
 3:00 pm Contracts (Heather Bienvenue, CP)
 4:00 pm Criminal Law (Kathy Clark, CP)
 5:00 pm Closing Remarks/Adjourn

Instructors: Attorney and experienced Certified Paralegals and Advanced Certified Paralegals

Suggested study materials:

At this time, using the Certified Paralegal Exam Review Manual, 2nd, 3rd and 4th editions, by Virginia Koerselman Newman will be the most helpful until new books are created. You can still get the newest edition through NALA at <https://www.nala.org/continuing-education/books> and other sources (keep in mind it does not include the additional practice areas to the revised exam).

Registration Information:

Dates: October 13, 2018

Times: 8:00–5:00

Place: Chico Hot Springs

Fees: **ONLINE REGISTRATION ONLY**

Register and pay on-line at www.malanet.org

MALA Member \$100.00

Non-MALA Member \$135.00

Paralegal Student \$75.00

(w/Current School ID)

Price includes Continental Breakfast and Lunch.

Registration Deadline – September 10, 2018

Hotel Information:

A block of rooms has been reserved for attendees specifically for this seminar at:

Chico Hot Springs

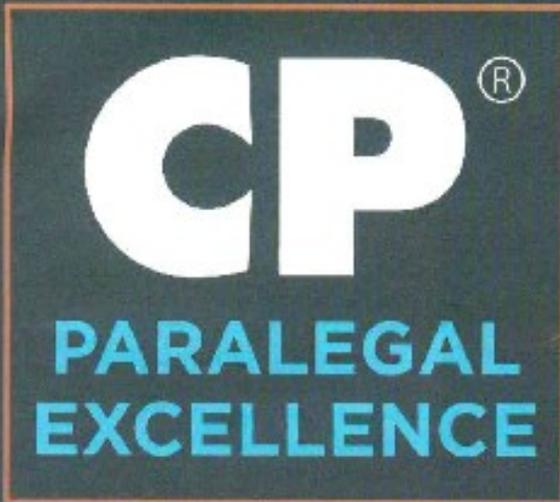
163 Chico Road

Pray, Montana 59065

Call **406-333-4933** to reserve your room.

Be sure to tell them you are coming for MALA. Room price varies on the type of room. There are rooms in the Historic Main Lodge, Warren Wing, Lower Lodge, or Cabins.

Be sure to book before September 1, 2018 as rooms will be released on September 2, 2018.



YOU ARE EXCEPTIONAL.

Becoming a NALA Certified Paralegal signifies that a paralegal is capable of providing superior services to firms and corporations. This credential has become the national standard for paralegal excellence.

This positive, ongoing, voluntary program encourages the growth of the paralegal profession.

BECOME A CP NOW!

► Recognized by the **American Bar Association** and by over 47 legal assistant organizations and numerous bar associations.

► **More than 19,000 Paralegals** have achieved the CP credential, as of 2017.

CP® REVIEW

Written by Kai Ellis, ACP, CAS, CERS

REAL ESTATE and PROPERTY LAW

Real Estate and Property Law is now back on the CP Exam after an absence. Most paralegals will have a basic understanding of real estate and property law simply by virtue of the fact that they live on some type of real property which they may either lease or own pursuant to a deed, lease, mortgage, or some other instrument.

Paralegals work with real estate and property law in many areas such as probate, family, corporate, banking and collection, tax, and litigation. Real estate and property law concerns ownership, use, and succession rights to the property. Those rights are affected not only by the agreements between the parties, and decisions of courts handling matters dealing with particular pieces of property, but also by local and state laws.

An examinee for the CP Exam must have a more thorough knowledge of the various issues relating to real estate and property law including how long and when someone is entitled to own or use the property and what the law allows when a person with an interest, or who is purporting to have an interest, breaches. For this article, we will focus on ownership of property by one or more persons, also known as concurrent ownership. There are five types of concurrent ownership: joint tenancy, tenancy in common, tenancy by the entirety, and community property.

Community property is a form of ownership of real property recognized in only nine community property states: Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, and Wisconsin. Community property is the law that property acquired during a marriage (except by inheritance

or gift) is owned by both spouses. The law is applied differently with respect to each spouses' rights upon termination. For example, in California it is 50-50, whereas Texas law only requires that there be an equitable distribution of the property. Real property is generally owned as community property when a married couple purchase the property together using money they have earned during the marriage. Issues can arise when one spouse has brought a significant amount of money into the marriage that is used to purchase the property or when the spouses maintain separate bank accounts and do not otherwise commingle their assets. There is also a concept known as "quasi community property" which can arise when a couple purchases property prior to marriage or with property acquired together prior to marriage.

However, generally when a married couple purchases real property together the property is held in community property.

Under the concepts of concurrent ownership, each owner generally has the following rights and duties:

1. Right to possession of the entire property.
2. Right and duty to receive and/or provide an accounting of funds used for the property and fire contribution for certain payments.
3. Duty not to commit waste on the property.

Joint tenancy requires that the deed specifically state that the owners own the property in joint tenancy. It provides that upon the death of one or more joint tenants, the property is automatically passed to the remaining

joint tenant(s). It does not become part of the estate of the decedent. The law has very specific requirements regarding the creation of a joint tenancy form of ownership, known as the four unities:

1. Unity of title requires that the owners have acquired the property pursuant to the same instrument;
2. Unity of interest provides that each owner have an equal interest in the property. For example one owner cannot have a fee simple interest while the other merely has a life estate;
3. Unity of possession provides that each party has an equal right to possess the entire property; and
4. Unity of time provides that the owners' interest arose at the same time.

When the parties owning the real property as joint tenants are a married couple, certain states allow for a type of ownership known as tenancy by the entirety. This has all the same characteristics of a joint tenancy with the additional requirement that the parties be married. Tenancy by the entirety provides owners with certain protections from creditors in the event the creditors have a judgment against only one spouse. In order to create a tenancy by the entirety, the four unities of joint tenancy must be present.

With tenancy in common, the owners own the property at the same time. Their ownership interest does not need to be equal, it can be 50-50, but it can also be 10-90 or any other division. The one thing that is common is that the owners have unity of possession so that even if the owner

only has a 10% interest, they have a right to possess the entire property. With tenants in common, there is no right of survivorship and each owner's heirs or estates as provided for in their will or intestate succession will inherit their interest in the property.

The intricacies of each of these forms of ownership will depend on the jurisdiction, but for purposes of the CP Exam, the applicant needs to have a general knowledge of these concepts as applied in this country. This article is not intended to be a complete study guide on the topics discussed. It is an overview of the subjects which, hopefully, will lead the applicant to other reliable resources to study for these topics. Also, be sure to become familiar with any of the concepts or terms that you don't understand that were used in this article. Happy studying!



Kati Eble works as a civil litigative paralegal focusing on complex insurance coverage litigation. She is employed as a paralegal at Haight, Brown & Bonstead LLP. She attended law school in Portland, Oregon, and is a NALA certified

*Advanced Certified Paralegal (ACP) in Trial Practice, Discovery, Litigation, and Workers Compensation; a California Advanced Specialist (CA) in Discovery; and a Certified eDiscovery Specialist (CEDS). She recently taught Civil Litigation at the College of the Canyons in Visalia, California. Kati has served as an officer and director of the Los Angeles Paralegal Association and the California Alliance of Paralegal Associations (CAPA).
E-mail: katie@katiegale.com*

DID YOU KNOW?

The Certified Paralegal Examination is a voluntary comprehensive assessment based on federal law and procedure. This exam will test you on all the legal knowledge you should have already learned.

- ▶ Consists of two exams: Knowledge & Skills.
- ▶ Knowledge Exam is offered year round and is multiple choice.
- ▶ CP Certification is national. So even if you move out of state your certification will transfer with you.
- ▶ Many states require the NALA CP exam be passed before you can be certified in their state.

Learn more about becoming a NALA Certified Paralegal at www.nala.org

Making A Difference

AWARD

The Making a Difference Award is a great way to recognize outstanding contributions to the paralegal profession and communities by NALA members, members of NALA Affiliated Associations, and NALA Affiliated Associations. The award not only acknowledges the accomplishments of the recipients, it provides knowledge about paralegals and associations that may be inspirational to others to become active in their workplace, personal lives, and communities. Nominations for this award can be made by submitting the NALA Making a Difference Recognition Nomination Form to NALA for consideration. This form can be found on the NALA website.



The Montana Association of Legal Assistants/Paralegals (MALA) is fortunate to have three members of the organization as recipients of the Making a Difference Award. Heather Bienvenue, CP, Stephanie Spokas, and Amanda Hewitt contribute to the paralegal field in their roles with MALA and in their communities. The efforts of these women to advance the paralegal profession assist MALA in accomplishing its goals to do the same.



Heather Bienvenue, CP is currently serving her second term as Vice President of MALA. She previously served as MALA's NALA Liaison and on many committees over 10 years as a member of MALA. Ms. Bienvenue was eager to learn how to utilize new membership software to assist MALA in maintaining membership records. She insures that MALA's membership information is current, accurate, and continually explores the application process to make it easy and clear for potential members. Her dedication to MALA is making a difference within the organization. In 2012, Ms. Bienvenue obtained her CP designation from NALA and is currently working towards an Advanced Certification in Criminal Litigation. She holds a degree in English literature and secondary education. Ms. Bienvenue is a paralegal and office manager for Bozeman City Attorney's Office where

she has continually stepped up to learn new information and systems to maintain the office. She constantly looks for ways to refine her skills, and develop her legal knowledge. In discussing the legal profession, Heather stated: "One of the things I love most about my job is working with interns from Montana State University. Each semester we have an undergraduate intern who is interested in law school. It is my responsibility to expose this person to as many aspects of the legal field as I can. One function of our office is to prosecute misdemeanor criminal charges within the City of Bozeman. The interns are very interested in learning the criminal prosecution process, so I make sure they observe daily courtroom functions, attend hearings and jury trials. They work closely with the prosecutors and sometimes do a ride-along with the Bozeman Police Department. I love watching these young people grow and learn. Two of my former interns are currently in law school and one is studying for the LSAT."

Ms. Bienvenue is married with two boys, one a sophomore in high school and the other a sophomore at University of Montana. She enjoys reading, writing, and hiking; nature and sunshine nourish her soul. »



Stephanie Spokas is currently serving a second term as Treasurer for MALA. Ms. Spokas was instrumental in converting MALA's bookkeeping records from a manual system to an electronic system and is diligent in her duties as Treasurer, always keeping MALA's best interest in her focus. In 1991, she received a degree in Paralegal Studies at the University of Providence. Ms. Spokas is a member of the Paralegal Section of the Montana State Bar, Montana Association of Legal Assistants/Paralegals, National Association of Legal Assistants, American Health Lawyer's Association, and the Women's Leadership Network. She has worked in the State government, private sector, and currently freelances with Big Sky Litigation Support, LLC. Her work is focused on litigation support, discovery management, and trial support. Ms. Spokas has experience in class action litigation, income tax, utility regulation,

property tax, liquor law, bankruptcy, health care law, constitutional law, and collections. She enjoys spending time with her husband, son, and daughter. Her hobbies include fishing, hunting, boating, skiing, gardening, quilting, cooking, reading, and traveling.



Amanda Hewitt is currently serving her first term as Secretary of MALA and previously served as Parliamentarian. She has served on many MALA committees including the Community Service Committee. Ms. Hewitt's leadership abilities flourished in this capacity as MALA raised money for a community service project. Her dedication to MALA has made positive differences in the activities of the organization. Ms. Hewitt has been a member of MALA since 2015 and a State Bar member since 2016. In 2014, she obtained an Associate Degree in Paralegal Studies. After completing an internship, she began work as a paralegal with Browning, Koleszyk, Berry & Hoven and currently handles transactional work. Mrs. Hewitt has experience in civil litigation, family law, workers comp, environmental law, estate planning, and probate. She enjoys spending time with her son and together they enjoy outdoor adventures such as hiking and kayaking. Ms. Hewitt also enjoys sports, reading, painting, and cooking.

Is there a member you know who is deserving of special recognition? Nominate him or her for a NALA Making a Difference Award!

Visit our website to learn more about the NALA Awards Program and the Member Recognition Program.
www.nala.org



Treasurer's Report

July 2018—September 2018

Montana Association of Legal Assistants

STATEMENT OF ACTIVITY

June - August, 2018

	TOTAL
Revenue	
CLE	0.00
2018/06 JUNE	560.68
2018/07 JULY	702.32
2018/08 August	515.35
2018/10 October CP Review	780.80
Total CLE	2,559.15
CP Review	96.80
Membership Dues	248.52
Total Revenue	\$2,904.47
GROSS PROFIT	\$2,904.47
Expenditures	
GoTo Meeting	942.58
NALA Association Dues	250.00
NALA Convention	0.00
NALA Convention - 2018 Hotel	1,322.48
NALA Convention - 2018 Postage	70.35
NALA Convention - 2018 Promotional	300.00
NALA Convention- 2018 Member Per Diem	400.00
Total NALA Convention	2,092.83
Wild Apricot	151.65
Total Expenditures	\$3,437.06
NET OPERATING REVENUE	\$ -532.59
Other Revenue	
Interest Earned	6.39
Total Other Revenue	\$6.39
NET OTHER REVENUE	\$6.39
NET REVENUE	\$ -526.20

Montana Association of Legal Assistants

STATEMENT OF FINANCIAL POSITION

As of August 31, 2018

	TOTAL
ASSETS	
Current Assets	
Bank Accounts	
MT Assoc of Legal Assistants Checking (XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX king)	1,674.57
MT Assoc of Legal Assistants Savings (XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX ings)	17,731.39
Total Bank Accounts	\$19,405.96
Total Current Assets	\$19,405.96
TOTAL ASSETS	\$19,405.96
LIABILITIES AND EQUITY	
Liabilities	
Total Liabilities	
Equity	
Opening Balance Equity	21,626.90
Retained Earnings	-1,007.65
Net Revenue	-1,213.29
Total Equity	\$19,405.96
TOTAL LIABILITIES AND EQUITY	\$19,405.96



MALA's Quarterly Meeting Minutes

By Amanda Hewitt

MALA QUARTERLY BUSINESS MEETING
Friday, June 29, 2018 – 12:06 PM
Telephonic

Officers:

- President – Terry Hale, ACP
- Vice President – Heather Bienvenue, CP
- Secretary – Amanda Hewitt
- Treasurer – Stephanie Spokas
- NALA Liaison – Becky Henderson, ACP
- Montana State Bar Liaison – Olga Bobko
- Parliamentarian – Velvet Truzzolino



1. Call to Order – 12:06 PM

2. Officer Reports/ Discussion:

Vice President - 111 Total Members, 50 Members, 2 Students and 59 renewals. Heather will be updating CLE reports over the weekend to ensure that everyone has turned in their reports and renewed memberships.

With the new Bylaws, we don't need to count for a quorum. Parliamentarian has 4 proxies.

Secretary – Annual Meeting Minutes were published in the newsletter. Motion to adopt the minutes as published: Made by Stephanie, Second by Kathy Clark – Motion carried.

Treasurer – Current financials for period ending on May 31st were published in the newsletter. Total for both accounts as of April: \$19932.16. Next moth we'll have Expenses for NALA Meeting, GoToMeeting and maybe a Board meeting. Members are welcome to ask any questions regarding our financials.

NALA Liaison - No additional updates. There were changes to the NALA Certified Paralegal exam that were published in the newsletter. We're getting ready for NALA Annual Convention.

3. Old Business:

Bylaw amendments were approved during Annual Meeting. Bylaws were sent to NALA, additions made and approved by Annette Brown. Those are published on the website.

Heather will get a meeting set up with the Membership Committee regarding working on revised membership applications.

The internship page on our website is not going to go live until someone is seeking internship information.

4. New Business:

Audit Committee has conducted the audit. The Audit Report is on our website and available for review. Stephanie can also email it to anyone who would like to review.

Upcoming Seminars:

Brown Bag CLE: July 18th – Kent Sipe, Electronic Technology and Ethics Rules
October 13th – CP Review. We only one Attorney speaking, the rest are CPs and ACPs.

We are still looking for speakers and topics for August and September.

Annual Meeting will be in Bozeman this year on March 22nd.

Board has decided to assist in helping the Treasurer and other Officers by moving away from payments made by check. We would like to move towards online payments. There will be an increase in fees for payments made by checks.

We are looking for a volunteer to help find a cheaper option for our telephonic webinars. GoToMeeting is charging us more than a flat fee. If interested, send Terry an email.

5. Announcements:

Stephanie is still looking for speakers and topics for Annual Meeting. If anyone has any ideas or suggestions, email them to Stephanie or Terry.

Woman from Stevensville is providing us with some sample soaps and lotions to take and hand out NALA's Annual Convention. We will also have additional items at our Affiliate table during Convention.

NALA Convention next year will be in July in Phoenix.

6. Adjourn - 12:22 PM.

Motion to Adjourn: Seconded and approved.

On a side note: I had the opportunity to attend NALA Convention for the first time this year. If you've never been, you absolutely should try to make it to next year's Convention. It was truly a wonderful experience. I was able to meet so many incredible people and build connections all over the country. NALA provides you with a chance to meet with vendors that can assist in making your day to day legal tasks a little bit easier. Lastly, the speakers that NALA brings to Convention are outstanding. They provided insight on a multitude of topics that have been so helpful in my professional life, and also in my personal life. Thanks so much to MALA for the opportunity to attend NALA Convention. I hope to see you all in Phoenix next year.

Big Case, Small Firm

Leveraging Technology to Handle Complex Cases



While describing my current position as an eDiscovery specialist to a former attorney colleague, he replied, “Wait, you can do the thing, with the emails?” He is a partner in a small boutique law firm with limited staff and, for the most part, handles cases that do not require intensive electronic data collection. That is, his cases do not require this now, but, regardless of practice groups, small firms in any niche should be prepared to litigate cases that require collection of electronic data.

What happens when your boutique firm is up against an AmLaw100 goliath firm with seemingly unlimited resources at its disposal, including numerous contract reviewers, several paralegals supporting the litigation, an IT department, and, more often than not, an entire arsenal of eDiscovery attorneys and vendors? If you are still trying to figure out how to “do the thing, with the emails,” your firm, and your client, are already behind the ball.

Technology can be a great equalizer in litigation. With the right technology, a small firm is evenly matched with the biggest law firms. Selecting an eDiscovery tool that works from both a case management and cost perspective will allow your boutique law firm to leverage its technology to the benefit of your firm’s cases, clients’ satisfaction, and, ultimately, the firm’s bottom line.

Consider Outsourcing Data Collection

The best time to consider eDiscovery needs is at the beginning of a case,

during the planning and collection phase. At this stage in litigation, it is most prudent to interview records custodians, analyze the type of electronic data of which those custodians are in possession, and determine the best method to collect that data. Consulting early with an eDiscovery vendor and/or a forensic collection company – and understanding the benefits of using one tool versus another – avails your firm of the expertise needed in the initial planning stages of handling electronic discovery. Depending on the vendor, a project manager might be utilized to speak with the various custodians and investigate the type of data that exists and needs to be collected. This usually entails email collection of internal documents stored on hard drives, and, possibly, archived information in additional locations. After identifying the documents to be collected and from whom, the eDiscovery vendor can assist with the actual collection, keep track of the chain of evidence, and implement proper quality control measures to ensure that all data to be collected was obtained and that no data was corrupted or otherwise lost in any extraction or exchange. This can be a time consuming and error prone

step in the initial electronic discovery process; by outsourcing these tasks, firms save time and money while obtaining a high quality return.

Choosing an eDiscovery Solution

After collection, the data should then be imported to an eDiscovery software platform. The most common platforms are “on demand” software, also known as “Software as a Service (SaaS)” or “cloud-based,” such as Lexbe, Nextpoint, Cloud 9, and Logikull. There are also “on-premises” solutions such as Concordance, Summation, iPro, and Relativity that are hosted on a firm’s own server. For a small boutique firm, an on-demand solution can be a great bargain by providing a platform that can be accessed from anywhere at any time and is supported by a customer service team. On-demand software solutions usually have no limitations on the number of users and are usually more cost effective than on-premises solutions, as they can often be purchased on a per case basis – usually by the gigabyte – and then cancelled when the case is finished. On-premises solutions, on the other hand, often require expensive per user licenses which are installed on local machines networked on the firm’s own server, making it difficult to work from home or when travelling. Both on-demand and on-premises solutions generally offer the same basic tools, so firms need to analyze the features they are most concerned with and compare the cost benefit of each.

Early Case Assessment and Data Culling

After the data is uploaded to the platform, reviewers begin the early case assessment stage and start working with the documents. During this phase, the eDiscovery software allows reviewers to quickly and inexpensively reduce the collected electronic data to include only documents germane to the case. Before any real work is done on the documents, eDiscovery software is used to apply deduplication to the documents, which will automatically identify duplicative documents in the database that can be excluded from review. Like deduplication, a feature called deNIST eliminates system files and other file types that have low probability of having any usable data. These file types can be suppressed and deleted from a database, saving reviewers more time by eliminating documents with no probative value. Next, reviewers will typically cull electronic data by date ranges, custodians, and keywords to reduce the number of documents in the case.

In addition to the early case analysis, the processing stage of reviewing electronic data will accurately and quickly process the electronic data that was collected to prepare for review and production of the documents. eDiscovery software platforms support most native file types: Outlook email (pst, msg), Microsoft Office Suite files (Word, Excel

“Technology can be a great equalizer in litigation. With the right technology, a small firm is evenly matched with the biggest law firms.”

PowerPoint), Web (html), Images (jpg, png, tif) and most other common native files, including container file (e.g., pst, zip, rar) & email (msg) attachment expansion. This processing step will then generate an index of the documents, making them fully OCRd and searchable, which significantly reduces manual review time. During this processing stage, the eDiscovery software will also automatically extract any related metadata and make it fully searchable, exposing fields such as “date last modified,” “bcc,” “date created,” etc. These fields provide powerful information in litigation and are lost without using an eDiscovery software platform.

In addition to processing the client’s native documents, an eDiscovery platform is immensely helpful in reviewing incoming productions from opposing counsel. If a small firm is up against a large firm, there is little doubt that the small firm will be on the receiving end of a standard eDiscovery production. These productions vary, but are typically in the form of single page TIFF images with load files, pdfs, and/or native files. Leveraging the technology of an eDiscovery platform when receiving these types of production will be invaluable, as it will allow for quick uploading and indexing of documents, making them easy to search and review – which is crucial with a boutique firm’s limited staff and firm pretrial deadlines.

Document Review – Coding and Methodologies

Once the documents are processed, they then need to be reviewed and coded in preparation for production. The goals of document review are:

- 1) Coding documents accurately, quickly, and cost effectively;
- 2) Carefully identifying responsive, privileged, and attorney’s-eyes-only documents; and
- 3) Searching, identifying, and issue coding key documents to aid in preparing for future briefs, hearings, and ultimately trial.

Small firms have the added stress of limited staff to review the documents, so ensuring the platform provides features to speed up the review of documents is key to being able to run a case through review with limited man power. It is also important to obtain adequate training on the software to understand the platform’s review features to eliminate any problems before the production deadline. An eDiscovery platform enables reviewers to quickly identify responsive and privileged documents. Bulk coding of privileged documents based on name and keyword searches will reduce substantial time from the total review. Reviewers can also create custom fields specific to the individual case issues, thus increasing coding capability. This aspect is especially helpful when preparing for depositions, drafting briefs, and organizing documents prior to hearings and trial.

There are several methodologies that can be used when reviewing documents in an eDiscovery software platform that are dependent on various factors; review methodologies should be determined by the case size, type, and budget.

In a linear review, reviewers read, review, and code documents one at a time. Large firms typically use contract attorneys to handle this type of review.

A keyword search review uses keywords to identify responsive and privileged documents. This particular review process is often iterative and depends on the reviewer’s understanding of the contents of the documents, company jargon, and ability to form accurate Boolean search commands.



“Leveraging the technology of an eDiscovery platform will be invaluable...”

While sometimes maligned, with proper use and testing, keyword search review can be as accurate as any other methodology.

Technology Assisted Review (TAR) – sometimes also called computer assisted review – is the process whereby expert reviewers manually review a seed set of documents and provide input to eDiscovery tools in order to train predictive coding algorithms that will automatically code the remaining documents. After this is completed, users will generate and review control sets to evaluate the results.

Simplifying Privilege Review and Record Production

When review is complete, the next stage of discovery is the production stage. Discovery software seamlessly produces documents in many formats, allowing users to have confidence in their productions without the hassle of putting them together manually and spending time checking for inadvertently produced privileged documents. One of the key advantages of using eDiscovery software is the ability to turn around productions very quickly to maximize review time while staying ahead of deadlines. These platforms offer flexible production options, including the ability to produce documents that conform to all industry and court standards, such as the type of production (either single page TIFF vs. PDF), the inclusion of standard load files (opt, dat, lfp, etc.), and the output of most common metadata fields required by standard ESI discovery orders, and fields that may be negotiated or discussed by attorneys in a 16(b) conference. Finally, built in quality control and validation procedures safeguard against inadvertent production of privileged documents.

Adding to the appeal of the production capabilities, some platforms also offer an automatically generated privilege log based on the coding applied to documents during review. These logs can be customized to include any custom fields created to designate special privilege specifications, and can include as much or as little information as needed. One of the most tedious tasks about document production is creating the privilege log, but with the tools available in eDiscovery platforms, small firms can breathe easier knowing that the first steps to creating that log are automated and available for editing.

Preparing for Trial

Finally, after producing documents, preparing for hearings and then trial will be much faster with the help of an eDiscovery platform than doing it on your own. Again, for many of the same reasons, the filtering capabilities, searching power, custom coding, and ability to annotate documents from the platform will significantly reduce the time spent on planning and preparing for briefing schedules related to hearings and the various deadlines related to pretrial motions and trial. Platforms such as Lexbe allow for dynamic fact and issue time lining, which is a powerful way to organize a brief or present a demonstrative exhibit. Users can run reports by deponents, date ranges, or any custom coded issues, and, by uploading transcripts, users can implement key document highlighting and annotation to prepare their supporting evidence and deposition designations ahead of trial. If the case makes it all the way to trial, many platforms also allow for documents and timelines to be exported to Trial Director, Verdict, and other presentation programs, cutting back on additional

time spent building the case from scratch in a different interface.

With the Right Technology, Small Firms Can Prevail

Overall, boutique law firms are on the rise, handling larger and more complex cases than ever. Attorneys and paralegals are working to achieve better work-life balance and also the ability to control the types of cases they want to work on, driving the appeal of forming these smaller firms. Effective boutique firms need to be “lean and mean” with limited overhead, but this does not mean they are unable to quickly and accurately push cases through their procedural postures. The boutique firm environment makes having appropriate eDiscovery tools critical for handling complex document-intensive cases. With the right technology, boutique firms are able to leverage time, expertise, and staff in order to accept and successfully manage complex cases cost effectively. □

Erin Derby, CEDS, is a Senior eDiscovery Specialist with Lexbe, LC. Prior to joining Lexbe, Derby was a litigation paralegal for over a decade for both small boutique plaintiff firms and international defense firms working in a wide range of practice groups. For questions regarding any eDiscovery topics, Derby can be reached at ederby@lexbe.com or via her LinkedIn page: <https://www.linkedin.com/in/erinderby/>.





NALA NEWS

*By Becky Henderson, ACP
NALA Liaison*



Established in 1976, the CLA /CP (Certified Legal Assistant/Certified Paralegal) program has enabled the profession to develop a strong and responsive self-regulatory program offering a nationwide credential for all paralegals. Today over 15,000 paralegals have achieved this esteemed credential.

I wish you could have joined us for the NALA Conference in St. Louis on July 11-13. It was amazing, as always. I learned:

- A bucketload of practical and inspiring advice on dealing with chronic stress, interacting with difficult people, changing unwanted habits, and speaking clearly and succinctly;
- How to be an internet sleuth;
- How to preserve privilege when producing communications between a corporate office and counsel;
- The ins and outs of e-discovery;
- The skills needed to be a great project manager; and
- That social media can tremendously increase or decrease the value of a case and needs to be zealously used.

I hope the stars will align so that you can attend the 2019 Conference and Expo in Scottsdale/Phoenix, Arizona. It will be an unforgettable experience, guaranteed.

Upcoming NALA CLEs

In the interim until the next NALA conference, please consider taking advantage of one of NALA's upcoming live webinars:

Sept. 27 at 12 p.m.– eDiscovery Defensibility Workshop
2 CLE credits
Intermediate level

\$49 for NALA members and \$69 for nonmembers

This eDiscovery "Workshop" is named so because its focus is on a practical approach and protocol to managing the eDiscovery components in cases both small and large. The course comes with a forms practice by which the participants can manage eDiscovery within the litigation context, from preservation (litigation holds) and key custodian interviews to a best practice collection and production. Each of these components is discussed in a fashion that contributes to the practitioner's ability to manage eDiscovery. Each component of complying with both best practice and due diligence obligations at each stage of the EDRM is discussed step by step.



Oct. 4 at 1 p.m.– The Intersection between Law Firm Technology, Competency, and Ethics

1 ethics CLE credit

Intermediate level

\$39 for NALA members and \$59 for nonmembers

This webinar will compare and contrast ethical use of technology in the law firm with the duty of competency required by more than half the states in the country. It will also explore data privacy concerns in the age of nearly every document existing only electronically. Because technology is so fluid, this webinar aims to provide the tools needed to assess uses and risks of technology in general, not necessarily the promotion of any one tool over another. Registrants will explore potential conflicts with using technology to maintain a competitive advantage that may also violate ethical obligations; discuss tips and tricks for conducting due diligence on technology providers; and identify and mitigate security risks related to client data and new technology.

Oct. 9 at 3 p.m. – Overview of Insurance Coverage

1 CLE credit

Basic level

\$39 for NALA members and \$59 for nonmembers

Insurance and issues of insurance coverage are involved in many cases, even though they do not appear to involve insurance coverage questions. As such, it is important to have an understanding of insurance issues when working on a wide variety of cases and matters.

Oct. 12 at 12 p.m. – How to NOT Practice Law

1 Ethics CLE credit

All levels

\$39 for NALA members and \$59 for nonmembers

As paralegals become more sophisticated – better educated, more highly trained, more committed to their careers and professional development – they can veer dangerously close to practicing law. As the profession moves forward and more organizations use more paralegals to do more substantive work, it's important to define what it means to practice law and ensure paralegals recognize it and avoid it. This webinar will examine what paralegals can and can't do, describe the practice of law, and use real world examples to guide paralegals along the right path.

Oct. 16 at 3 p.m. – Accounting 101 for Paralegals

2 CLE credits

Basic level

\$49 for NALA members and \$69 for nonmembers

Debits to the left, credits to the right...but what does that mean? Accounting lingo can be difficult to understand, but nonetheless crucial to understand in order to acquire the information an attorney or accountant might need. You don't need to be a CPA to understand the lingo. Attend this course to get a practical understanding of the accounting terms and financial statements.

Nov. 1 at 1 p.m. – The Care and Feeding of Your Court Clerk
1 Ethics CLE credit
Basic level
\$39 for NALA members and \$59 for nonmembers

Nov. 6 at 3 p.m. – Discovery Issues in Insurance Coverage Lawsuits
1 CLE credit
Intermediate level
\$39 for NALA members and \$59 for nonmembers

New Books!

NALA has released **NEW BOOKS** that focus on specialty practice areas of law that are essential to paralegals. They are available for purchase as a hard copy or electronic version. You can get the electronic version of these books **FREE** when you purchase the corresponding self-study course.

Trial Practice Textbook - This book provides a broad picture of how a case proceeds through the courts, from trial court to appellate courts to the Supreme Court. It reviews how local, state, and federal rules work together; what goes on in a courtroom, from the paralegal's point of view and from the viewpoint of the courts, judges, lawyers, and juries; the technology hardware and software used in producing a trial; and legal thinking, research, and writing, using formats and styles from across the country.
Cost: \$49 for NALA members; \$69 for nonmembers

Business Organizations: Incorporated Entities Textbook - This book is the ultimate guidebook to incorporated entities. It covers both general concepts and specific techniques used in corporate law, from incorporation to merger or dissolution. Some of the topics covered include: incorporation procedures, different business structures, reviewing and understanding financial information, stocks, and bonds. This book provides an in-depth and broad look at business organizations that are incorporated entities.
Cost: \$79 for NALA members; \$99 for nonmembers

Discovery Textbook - This book is the ultimate guidebook to discovery – the investigative stage of a case that is conducted prior to trial. It explains how to draft discovery requests and responses; gather and organize documents and materials; analyze documents and evidence; find, meet with, and interview witnesses; and locate experts.
Cost: \$79 for NALA members; \$99 for nonmembers

E-Discovery Textbook - This book explains the essential concepts of e-discovery and the obligations imposed on litigants to preserve, collect, review, and produce ESI in the discovery process. You'll review the types and characteristics of ESI, along with methods and systems for complying with each step in the e-discovery process. This book explains the essential concepts of e-discovery and the obligations imposed on litigants to preserve, collect, review, and produce ESI in the discovery process. You'll review the types and characteristics of ESI, along with methods and systems for complying with each step in the e-discovery process.
Cost: \$79 for NALA members; \$99 for nonmembers

Family Law – Adoption and Assisted Reproduction Textbook - This book will discuss how to perform legal research and apply it to fact patterns, thereby gaining a richer, broader understanding of the intricacies of adoption and assisted reproduction law.
Cost: \$79 for NALA members; \$99 for nonmembers

Family Law – Child Custody, Support and Visitation Textbook - This book begins with the framework of applicable state, federal, and Constitutional law, followed by discussions of paternity, child custody jurisdiction and determinations; visitation rights and factors; child support obligations, guidelines, and jurisdiction; enforcement and modification of custody, support, and visitation orders within and outside the state of origin; state regulation of the parent-child relationship; and common litigation issues.
Cost: \$79 for NALA members; \$99 for nonmembers

Family Law – Dissolution Case Management Textbook - This book concentrates on practice and procedure in marriage dissolution case management. It begins with the legal framework that provides the substantive and procedural structure for marriage and dissolution; legal requirements, obligations, and benefits of a valid marriage; the process of marriage dissolution; issues to be resolved in dissolution cases; information intake, client interviews, and case assessment; preparation and initiation of a dissolution case; discovery in a dissolution case; and resolution of the case, including entry, enforcement, and modification of court orders.
Cost: \$79 for NALA members; \$99 for nonmembers

Land Use Textbook - This book provides an overview of zoning and land use regulation. Zoning is a type of public control that places many limits on how land is used. Each city or county places all its properties into zones for residential, commercial, industrial, agricultural, or other uses. Land use regulations vary widely from state to state, county to county, and city to city. Property owners can sometimes make requests for changes to the permitted uses and prohibited uses with applications for conditional uses, variances, zoning changes, or other requests. A paralegal can assist an attorney in many ways throughout the approval process for development projects or in challenging the uses or planned uses of land, which have been raised by neighbors, governments, or business entities.
Cost: \$99 for NALA members; \$129 for nonmembers

Utah Nears Licensing of Paralegals to Practice Law in Limited Circumstances

Utah is on track to become the second state to license non-lawyers to practice law in limited circumstances, similar to the limited license legal technician (LLLT) program pioneered by Washington state.

The Utah Supreme Court has approved a new class of legal professional called the licensed paralegal practitioner. New rules governing LPPs take effect Nov. 1, 2018, and classes to train LPPs are slated to begin this fall at Utah Valley University. Court officials expect the first licensing examinations to be conducted next spring and the first licenses to be issued later in 2019.

Please contact me if you need additional information.

Becky Henderson, ACP
NALA Liaison
Bhenders425@msn.com

NALA



Advanced Certified Paralegal

**Advance your paralegal skills with
our specialized self-study courses.**

- ▶ Learn at your own pace, with one year to complete the course.
- ▶ You can take the exams as many times as you need to, until you pass.
- ▶ Self-Study courses include a PDF e-Book.
- ▶ The new interactive format includes many activities to engage learning.

ACP AREAS INCLUDE:

BUSINESS ORGANIZATIONS

CRIMINAL LITIGATION

DISCOVERY

E-DISCOVERY

FAMILY LAW

LAND USE

REAL ESTATE PRINCIPLES

TRIAL PRACTICE

To see a full list of courses available, visit www.nala.org.



MEMBER SPOTLIGHT



STACEY R. KIEFFER



Stacey began her legal career in 1992 when she earned her Associate in Applied Science Degree as a paralegal. In August 2017, she joined Patten, Peterman, Bekkedahl & Green, PLLC, as Patrick G.N. Beddow’s paralegal, whose practice concentrates in the areas of mineral ownership, oil and gas, title curative, quiet title action, probate, estate planning, trusts, real estate transactions and mineral and agricultural leasing in the States of Montana, North Dakota and Wyoming. Stacey joined Patten, Peterman, Bekkedahl & Green, PLLC, with 25 years of extensive legal experience in various areas of law with her primary focus being in probate, estate planning, real estate transactions and municipal law in the State of Minnesota where she began her legal career. She is currently a member of the Montana Association of Legal Assistants/Paralegals (MALA) and the National Association of Legal Assistants/Paralegals (NALA).

PUZZLE

	2					1	4	
	5	1		3		7		
						6	5	8
		2				9	1	6
			6	1	2	8		
6				9	7			4
7		5	2	6				
	6			5	4	2		
				8		5	6	7

	6		4				5	
	4	2			7			8
3				1		4		
8		5	1	9				
		6	5				3	
4			8			5		7
5			3		9		1	
	1					2	8	3
7	8	3						5

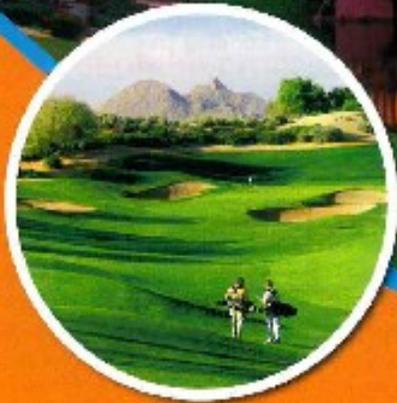
4			9		2			
		9		8		3		4
3	8		4	5				
			5	1	8	7		
	3		2	7				5
			3	6	4	1		
9	7	3				4		
			7			2	6	3
2	6				3			7

	3	5						4
	7			8			5	9
	9		5					7
9	8	4					1	
	5						2	8
	2	6		1			9	
	1		3		8			6
	6	3			4			1
		7	1	6		8		

THE WESTIN KIERLAND

RESORT & SPA

PHOENIX-SCOTTSDALE



2019 NALA CONFERENCE & EXPO

Join us in Arizona on July 11-13 and be a part of our 3-day education event. We hope to see you at the nation's largest paralegal conference!

Cheesy Brat Casserole

RECIPE

Ingredients:

6 fully cooked Polish sausage or bratwurst, cut into 1/2-inch pieces

4 medium potatoes, cooked, peeled, and cubed

1–16 oz. package frozen cut green beans, thawed and drained

1–10 3/4 oz. Can Cream of Mushroom Soup

1 Cup shredded cheddar cheese

1/3 Cup Chopped onion



CORNER

Directions:

In a 3-quart casserole dish, stir together the sausage, potatoes, green beans, soup, cheddar cheese and onion.

Bake, covered in a 350 degrees oven for about 45 minutes or until heated through.

THE MEMBERS OF THE MONTANA COURT REPORTERS ASSOCIATION THANK YOU FOR YOUR CONTINUED SUPPORT OF OUR ORGANIZATION

MTCRA.COM

Like us on facebook



AGAMENONI, JOAN P.
 ASA, JOLENE F., RPR
 BACHELLER, JoANN C., RDR, CRR
 BALDWIN, STACY M., RPR
 BARRY, JAN H., RPR
 BATTS, BARBARA J., RMR, CRR
 BOGGS, DARCY D., CCR
 BRAY, VONNI, R., RPR
 BRILZ, TINA C., RPR, FCRR
 BRINKMAN, LAURINE, RPR
 BRUBAKER, REBECCA M., RPR, CRR
 COSTANZA, CONNIE S., RPR
 CRUTCHER, LAURIE, RPR
 PRATT, VICKIE, RPR
 ROBSON, KATHY, CRR, CBC
 ROHLFS, TERRA, RPR
 ROMSA, CHERYL A.
 SAMPSON, JULIE L., RPR
 USELMAN, CANDI, RPR, CRR

DOIG-MARTIN, PENNY L., RPR
 FISHER, CHARLES
 FISHER, KASEY, RPR
 FRANK, GREGORY A., RPR
 GAUGHAN, SHARON L., RDR, CRR
 GILMAN, BETH, RPR
 GOODMAN, BAMBI A., RPR, CRR
 GRAF, JOHN B.
 HAZLETT, SHERI, RPR
 HENDRICKSON, KATIE
 HEINZE, YVETTE, RPR
 JEFFRIES PETERS, MELODY, RDR, CRR
 JOHNSON, SUSAN, RPR
 LAKE, JULIE M., RDR, CRR
 LESOFSKI, LISA R., RPR
 SAPP, TOM, RPR
 SINDELAR, JOSLYN
 TRAVITZ, GLENDA, RPR

LIVELY, CHRISTINE D., RPR
 MARCHWICK, KIM, RPR, CRR, FCRR
 MARSHALL, BARBARA J.
 MEREDITH, DEBI L., RPR, CRR
 MICHELS, STEPHANIE A., RMR
 MOORHEAD, PHOEBE S., RPR
 MORROW, STEPHANIE A., RPR
 NILES, EMILY, RMR, CRR
 NORDHAGEN, CANDI, RPR
 NORDHAGEN, JONNY
 ORI, ROBYN M.
 PARKER, CERESSE S.
 PERRON, ANNE P., RPR
 SKURVID, NANCY, RPR
 SMITH, T. STERLING
 SULLIVAN, MARY, RMR
 WAYRYNEN, ANN Y.



**KEEP
 CALM
 AND LET THE
 PARALEGAL
 HANDLE IT**



MALA LIBRARY

MALA Members – listed below is a sampling of CLEs available to you via checkout from your MALA library. Each disc is \$15.00. See the full list at malanet.org. Please send a check with a list of CLEs you would like to check out to:

**Jill Broughton
2809 Great Norther Loop, Suite 100
Missoula, MT 59808**

	2015				
Legal Ethics	8/12/15		1	\$15.00	
Technology Rules	11/18/15		1	\$15.00	
	2016				
Guardian Ad Litem	3/14/16	Brock Kolar	1	\$15.00	
Service of Process; Rules and Procedures	4/13/2016		1	\$15.00	
Judgement Collection	6/9/2016	Michael Moore	1	\$15.00	
Criminal Law: Taking the Defensive Side	7/13/2016	Terry Hale, ACP	1	\$15.00	
Indian Law	8/10/16	Melissa Mt. District Attorney	1	\$15.00	
Montana Wrongful Discharge from Employment Act Essentials	11/16/2016	David C. <u>Berkhoff</u> , Esq.	1	\$15.00	
	2017				
Ergonomics	6/2017	Mark Rosenleaf, ARM	1	\$15.00	
LLLT (Limited License Legal Technicians)	7/2017	Paula Littlewood Steve <u>Crossland</u>	1	\$15.00	
E-Discovery	8/9/2017	Dorothe Schuch, ACP	1	\$15.00	
New CP Exam	8/30/2017	Terry Hale, ACP	1	\$15.00	
	2018				
Fitness to Proceed	1/24/2018	Bowman <u>Smelko</u> , PhD	1	\$15.00	
Real Estate for Paralegals	2/13/2018	Patrick <u>Beddaw</u>	1	\$15.00	
Hot Topics	6/20/18	Betsy <u>Brandbord</u> , Esq.	1	\$15.00	
Technology Hot Topics	7/18/18	Kent Sipe, Esq.	1	\$15.00	
The Profitable Paralegal	8/15/18	Terry Hale, ACP	1	\$15.00	

The Synergy of Ethics & Technology

Written by Noelia Vecchio

In a utopian world, lawyers and paralegals would easily use technology to run their law office, and they would all work in perfect harmony, but that is not the case in the real world. In the real world, the latest technologies can be daunting to learn yet they have the power to change the way most paralegals accomplish tasks. New technologies have revolutionized legal processes, functions, and the way many law firms operate.

Due to the nature of their work, paralegals have a lot of contact with the latest technological discoveries. Still, they are limited by several ethics and should pay attention to them while working with various programs. The collision between the continuous development of new technologies and ethics rules has given birth to all sorts of challenges for paralegals. It is important for paralegals to follow the ethics rules and be aware when it comes to online discussions and private client information.

ELECTRONIC MAIL

E-mails have become common in our everyday lives. While they do not seem so threatening, they should be used cautiously. All the states that have embraced the American Bar Association's opinion on the use of emails, are required to follow restrictive procedures before sending electronic messages that contain private client data. Paralegals should take supplementary actions to ensure they preserve the integrity of information they send via online by using various software that allows documents to be encrypted and thus secure. This also includes removing the metadata that usually contains information about the author, as well as the date and time or other confidential data. This will prevent the emails from ending up in the hands of ill intended parties.

USING MOBILE PHONES

Cell phones present many risks as a lot of individuals use them in public places, even though their conversations might be overheard. Mobile devices depend on radio waves to broadcast signals, so the risk of malicious interception is a lot higher than with e-mails. The best approach would be to discuss these risks with the client, and the paralegal should make sure that the consent regarding mobile phones is secured through an agreement.

SENDING FILES BY MISTAKE

Besides the dangers represented by the exposure of electronic mail or the interception of cell phone »

conversations, technology has made it a lot easier for legal professionals to make mistakes when referring to client confidentiality. Sadly, the opportunity for revealing private information is real, so paralegals must do whatever is necessary to avoid disclosure. Inadvertent disclosure can occur in many ways at work – from sending a fax or e-mail to the wrong number/address to negligent talk in elevators or restaurants to sharing work information with family members. Those working in the legal field should not share information with anyone other than their department.

ACCESSING VARIOUS FILES THROUGH OUTSIDE SERVICE PROVIDERS

Access to electronically kept documents by third parties is also an important matter that raises a problem with ethics. It's not at all strange for law firms to use the services of outside operators to assist with office administration. During the 90's, the American Bar Association's ethics committee stated that a law firm could allow a computer maintenance operator to access confidential documents, but with the recommendation that the law firm should as well secure the service provider's assurance of confidentiality by requesting a written statement.

ACCIDENTAL CREATION OF ATTORNEY-CLIENT RELATIONSHIP

The Internet gives many occasions for casual conversation with potential clients and equally as many opportunities for misinterpreting the intentions of attorneys or paralegals. So, a relatively frequent cause of concern regarding chat rooms or other types of electronic communication remains the possibility to create a lawyer-client relationship by accident. In order to prevent such a relationship, both attorneys and paralegals should hold back from obtaining private details from other conversation participants and avoid offering legal advice suited to particular situations.

Some states require disclaimers to be published in order to explain that articles posted on online discussion or responses to e-mail questions should not be considered as legal recommendations and are not meant to generate lawyer-client relationships.

Paralegals who search for clients on behalf of an attorney risk violating the unauthorized practice of law regulations, and independent paralegals who work on the internet should research the types of activities that are considered to be the unauthorized practice of law in their states.

READY, STEADY, GO.

Being completely aware of the confidentiality rules, searching for the opinions of other legal professionals, and

keeping up with the latest trends in technology can be really useful for paralegals, helping them avoid all types of ethical risks related to electronic communication. Paralegals must at all times refrain from discussing delicate matters or using doubtful devices or procedures, especially wireless networks.

Special care must be taken to avoid soliciting clients or giving a wrong impression that a lawyer-client relationship was formed as a result of faulty communications.

Considering all these aspects and roping with the most modern electronic advantages, paralegals can successfully manage all issues that can occur and turn what should have been a clash between ethics and technology into a genuine cooperation.



Ivettia Trevisio is a litigation paralegal with experience in medical malpractice, debt collections, foreclosure, insurance defense and personal injury. She joined The Law Office of Sean M. Cleary in 2008, where she provides office support for attorneys in all that concerns civil litigation, personal injury and document preparation. She takes the challenge of investigating, gathering the necessary documentation to build a case, talking to clients and witnesses and preparing files for court.



YOU MIGHT BE A PARALEGAL IF...

Your attorney has asked
you if he has feelings.

By Kelley Pagals, CP

We would like to publish a "You might be a paralegal if..." in every issue! Please send your version to editor@nala.org.

MIKE'S PRINT & COPY

728-3363 • 1503 S. Russell

1503 S. Russell • Missoula, MT 59801
www.mikesprintandcopy.com • orders@montanacopy.com

406.728.3363

Previously **Denny's Copy Stop**

Color Copies as Low as \$.25

Mounted Exhibits ~ Up to 40" x 54" • Scanning ~ Graphics, OCR, PDF & Bates

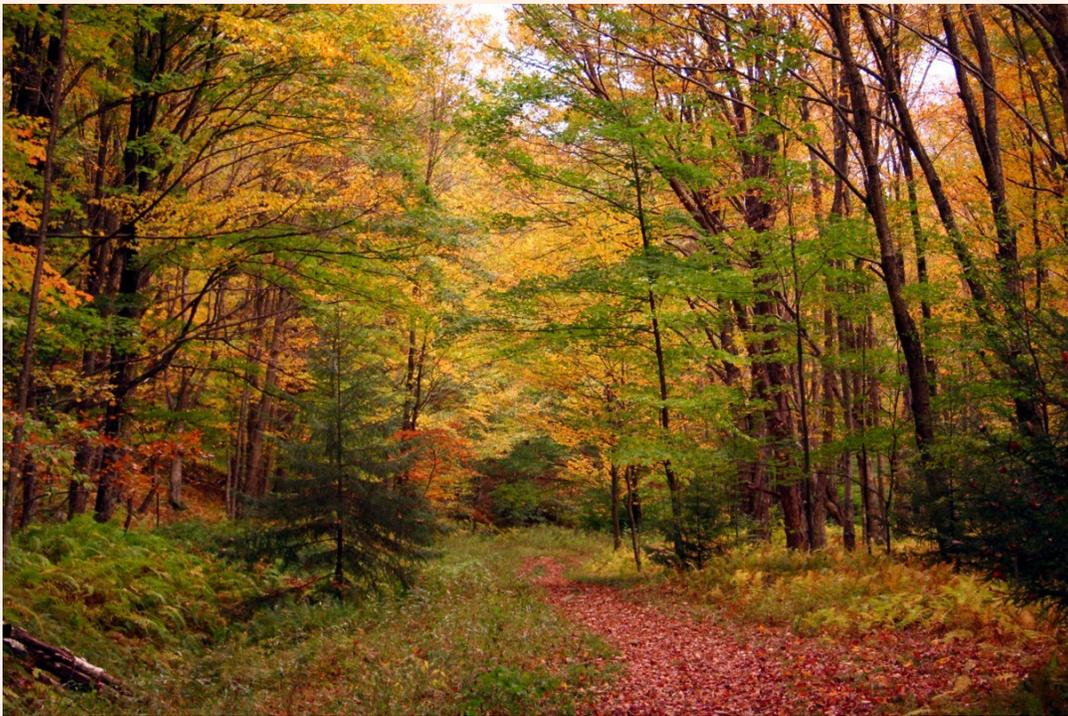
24" x 36" Black Blueprints **\$1.00** / 24"x36" **Color Blueprints \$7.50**

COPY

Scanning
Color Copies
Legal Copies
Mounting
Faxing
Bindery
Laminate
Cutting

PRINT

Envelopes
Letterhead
Newsletters
Business Cards
Raffle Tickets
Booklets
Posters
Postcards



MALA—2018-19 BOARD OF DIRECTORS

President

Terry Hale, ACP
terry.hale@mt.gov

Vice President

Heather Bienvenue, CP
hbienvenue@bozeman.net

Treasurer

Stephanie Spokas
stephspokas@outlook.com

Secretary

Amanda Hewitt
Amanda@bkbh.com

NALA Liaison

Becky Henderson, ACP
bhenders425@msn.com

State Bar Representative

Olga Bobko
obobko@crowleyfleck.com

Parliamentarian

Velvet Truzzolino
VTruzzolino@bigskylawyers.com

PRESIDENT:



Terry Hale, ACP, is a Criminal Investigator with the State of Montana Public Defender's Office in Missoula, Montana who has over 24 years of legal experience in Criminal Law, Employment Law, Insurance Defense, Medical Malpractice, Personal Injury, Family Law and Civil Litigation. In 1996, she received her AAS Degree in paralegal studies and in 2014 her BAS in Sociology with an emphasis in Criminology. Ms. Hale received her CP designation from NALA in 2006, Trial Practice ACP designation in 2007 and Criminal Litigation ACP designation in 2015. Ms. Hale has been a member of MALA since 1996 where she has served as President, Vice-President, NALA Liaison, and on all committees and currently serves as President. Ms. Hale has been a member of NALA since 2002 where she served on the NALA Board of Directors as Region 8 Director from 2009-2013, NALA's 2006-2007 CEC Committee and as the 2007-2008 Chair of NALA Campus LIVE! She serves as a member of the UM –Missoula Para-

legal Advisory Board and has received recognition over the years for her professional accomplishments including two NALA Making a Difference Awards, a NALA Affiliate Award, and a West Educational Publishing Award. She was an adjunct faculty member of the UM –Missoula College where she taught Law Office Management and classes on writing resumes, cover letters and professional portfolios. Ms. Hale has been a speaker for MALA, NALA, the State Bar of Montana and other paralegal organizations on a variety of topics including judgment and analytical ability, communications, team building and leadership, criminal and civil litigation, ethics, trial preparation, cover letters, resumes and professional portfolios and stress management. She is a published author in NALA's magazines *Facts & Findings* and *Career Chronicle*. Ms. Hale loves spending time with her husband Steve, four children, four beautiful granddaughters and two handsome grandsons. Hobbies include yoga, baking and cake decorating, gardening and anything to do with her family.

VICE PRESIDENT:



Heather Bienvenue, CP, is a paralegal and Office Manager for the Bozeman City Attorney's office. She has been a member of MALA for ten years and currently serves as Vice President. With thirteen years of legal experience, Heather is always looking for ways to refine her skills and develop her legal knowledge. Her career at the City Attorney's office has demanded she continually step up and learn new information and systems to keep the office running. Ms. Bienvenue obtained her CP designation in 2012 from the National Association of Legal Assistants and is currently working on Advanced Certification in Criminal Litigation. She has a degree in English literature and secondary education. Heather is married and has two boys, a sophomore in high school and a sophomore at the University of Montana. In her off hours, Heather enjoys reading, writing and hiking. Nature and sunshine nourish her soul. Heather would like to continue as Vice President. MALA has been one of the bright spots of Heather's legal career. The association has provided her with career growth and valuable relationships. This will also be the second year using the Wild Apricot software system to manage our membership and Heather would like the opportunity to master membership process using this program. It's rewarding to watch our membership grow. Heather would like to continue to be involved in MALA's growth.

SECRETARY:



Amanda Hewitt is from Bremerton, WA, and attended high school in Dillon, MT. She has been a MALA member since 2015 and a State Bar member since 2016. She graduated with an Associate’s Degree in Paralegal Studies in 2014. After an internship at Milodragovich, Dale & Steinbrenner in 2014, she began working as a paralegal with Browning, Kaleczyc, Berry & Hoven. Amanda currently handles mostly transactional work. She also has experience in civil litigation, family law, workers comp, environmental law, estate planning, and probate. She enjoys spending time with her son. Together they enjoy outside adventures like hiking and kayaking. Amanda also enjoys sports, reading, painting and cooking.

TREASURER:



Stephanie Spokas is a native Montanan, raised on the Rocky Mountain Front. Stephanie attended the University of Providence and received a degree in Paralegal Studies in 1991. Stephanie moved to Helena in 1994 and has remained in Helena since, performing paralegal work in State government, the private sector, and most recently, as a freelance paralegal with Big Sky Litigation Support, LLC. Stephanie’s work has focused on litigation support, discovery management, and trial support. Stephanie has experience in the areas of class action litigation, income tax, utility regulation, property tax, liquor law, bankruptcy, health care law, constitutional law, and collections. Stephanie has participated in legal proceedings before State administrative agencies, and in state and federal courts. She is a member of the Paralegal Section of the Montana State Bar, the Montana Association of Legal Assistants*Paralegals, the National Association of Legal Assistants, the American Health Lawyer’s Association, the Women’s Leadership Network, and currently serves on two Boards, including the MALA Board. In her free time, Stephanie enjoys spending time with

her husband, son and daughter. Her hobbies include fishing, hunting, boating, skiing, gardening, quilting, cooking, reading and traveling.

NALA LIAISON:



Becky Henderson, ACP, has a BA in Journalism from Brigham Young University and over 20 years of experience as a technical writer/editor and freelance writer. When her corporate marketing specialist/technical editor position was eliminated in 2007 she took it as a sign of great opportunities to come and immediately enrolled in the University of Montana Paralegal Program. She graduated with an A.A.S. in Paralegal Studies with High Honors in May 2009. She received the CP designation from NALA in December 2009 and the ACP designation in Discovery in 2010. Becky is a paralegal at Bulman Law Associates where she specializes in plaintiffs' personal injury, medical malpractice, worker's compensation, and Social Security disability cases. Becky has served as MALA President, Vice President, Secretary, NALA Liaison, and Parliamentarian and has worked on or chaired nearly every MALA committee. She enjoys technical writing, reading

(primarily history), quilting, hiking, and spending as much time as possible with her four children in their home states of Montana, Washington, and California.

PARLIMENTARIAN



Velvet Truzzolino is a civil litigation paralegal at the law firm of Milodragovich, Dale & Steinbrenner, P.C. in Missoula, with more than 15 years of experience in the legal field. Her career began with enrollment in the A.B.A.-approved Paralegal Studies program at the Missoula College of Technology in 2000. Upon earning her A.A.S. degree in 2003, Velvet worked as a civil litigation paralegal for three years before enrolling at the University of Montana in 2005. While attending U.M., she interned at A.S.U.M. Legal Services working with law students to perform paralegal and secretarial duties in civil litigation, family law, criminal law, and lord/tenant matters. Upon graduation in 2008, Velvet earned a B.A.S. degree from the University of Montana with emphasis in Communications, Political Science and Philosophy. She then worked for a personal injury firm before finding her true passion eight years ago - using her impressive organizational skills to juggle a busy defense litigation schedule at the Milodragovich firm. Velvet joined M.A.L.A. in 2003, seeking a resource for education and professional development. Although this is her first opportunity to participate as an Officer on the Board of Directors, Velvet is excited to become more involved in M.A.L.A., both as an Officer and a proud Member of this Association. Born in Butte, Montana, Velvet is proud of her heritage and family-owned business of Truzzolino Tamales, leaving the cooking to her Uncle John and Aunt Janel in Butte. When Velvet is not at the office, she is a busy single mom raising her two children, volunteering time to local service organizations, and enjoying the company of her family, friends and Five Valleys Church of Christ family.

PUZZLE ANSWER

8	2	6	9	7	5	1	4	3
4	5	1	8	3	6	7	9	2
9	3	7	4	2	1	6	5	8
5	7	2	3	4	8	9	1	6
3	9	4	6	1	2	8	7	5
6	1	8	5	9	7	3	2	4
7	8	5	2	6	9	4	3	1
1	6	3	7	5	4	2	8	9
2	4	9	1	8	3	5	6	7

9	6	7	4	3	8	1	5	2
1	4	2	9	5	7	3	6	8
3	5	8	6	1	2	4	7	9
8	7	5	1	9	3	6	2	4
2	9	6	5	7	4	8	3	1
4	3	1	8	2	6	5	9	7
5	2	4	3	8	9	7	1	6
6	1	9	7	4	5	2	8	3
7	8	3	2	6	1	9	4	5

4	1	5	9	3	2	8	7	6
7	2	9	1	8	6	3	5	4
3	8	6	4	5	7	9	1	2
6	4	2	5	1	8	7	3	9
1	3	8	2	7	9	6	4	5
5	9	7	3	6	4	1	2	8
9	7	3	6	2	5	4	8	1
8	5	4	7	9	1	2	6	3
2	6	1	8	4	3	5	9	7

6	3	5	7	9	1	2	8	4
1	7	2	4	8	6	3	5	9
4	9	8	5	2	3	1	6	7
9	8	4	6	3	2	7	1	5
3	5	1	9	4	7	6	2	8
7	2	6	8	1	5	4	9	3
2	1	9	3	7	8	5	4	6
8	6	3	2	5	4	9	7	1
5	4	7	1	6	9	8	3	2

Cybersecurity Law

The Next Frontier in Legal Specialization

According to NATO Review Magazine, one of the first recognized internet worms to affect the world's fledgling cyber infrastructure was the Morris Worm. Discovered in 1988, it largely impacted computers in the United States. Robert Tapan Morris, who created the worm to demonstrate the inadequacies of then-current security measures on computer networks by exploiting security defects he had discovered, was the first person convicted under the United States Computer Fraud and Abuse Act.

Over the years, hackers have launched a number of cyber attacks against governments, federal agencies, and public officials, many of which the public may not have heard about or may not remember. But the 2013 attack on discount retailer Target, in which hackers stole credit and debit card data from up to 40 million customer accounts, fired one of the first warning shots that consumers were at risk. The massive breach cost Target \$18.5 million to settle claims by 47 states and the District of Columbia. It was later discovered that the names, addresses, and phone numbers of 70 million customers were also taken, increasing their risk of identity theft.

In 2014, an attack on Sony Pictures initially led the studio to cancel the release of "The Interview," which portrayed a satirical plot to assassinate North Korean leader Kim Jong-un. The movie was later released, but the hack exposed emails and personal details of some of the most well known stars.

Cyber attacks are becoming all but commonplace today, and it appears no target is off limits — hospitals, nuclear power plants, and the most recent U.S. presidential election, in which the Russians allegedly sought to influence the outcome.

IBM's 12th Annual Cost of Data Breach Study shows that while the global average cost of a data breach is down 10 percent to \$3.62 million, the average size of breaches has increased by 1.8 percent, to more than 24,000 records.

Law Firms are Prime Targets

Law firms are far from immune to cyber attacks. As early as 2009, the FBI warned firms that they were being targeted by organized cybercriminals. In 2011, about 80 major law firms experienced cyber attacks, and in November that year the FBI invited 200 of the nation's largest firms to discuss the rise in attacks against them and concerns that hackers targeted firms as a "backdoor" to obtain sensitive information about their clients.

The American Bar Association's 2016 Legal

Technology Survey Report shows that 14 percent of respondents reported a data breach at their firm. In the case of firms with more than 500 lawyers, 26 percent experienced some type of breach.

Pam Woldow, principal at the consulting firm Legal Leadership, says law firms are especially appealing to hackers. "Law firms hold a treasure chest of information ranging from trade secrets to non-public information about mergers and acquisitions, sales and other transactions," says Woldow. "This is especially true of some of the larger firms, which have very high profile clients."

An Emerging Legal Specialty

Former Concord Law School professor Richard Hermann says cybersecurity is quickly becoming the overriding concern for law firms and their clients. Hermann served as director of the Federal Interagency Task Force on Computerizing Government Emergency Legal Authorities in the mid-1980s. "The task force focused on putting together a database of emergency legal authorities that every agency could go to if there was any event from a flood to an attack on the United States," he says. "I remember at the time that we were concerned about protecting the database we were creating."

This emerging specialty isn't just about protecting law firm data, however, but also about legal professionals as partners in the cybersecurity protection of their clients' data. Daniel Filler, dean of Drexel University Kline School of Law, explains, "Regulations in the area of data privacy are expanding rapidly, and the European Union has strong new data privacy regulations that are coming online over the next two years."

Filler says a number of firms are developing cybersecurity practices to address client concerns surrounding breaches, which will open up the field for lawyers and paralegals. "On the client counseling side at firms, lawyers are assisting clients in developing best practices so they can avoid costs associated with breaches and privacy law violations," he

By Sherry Karabin

adds.

Indeed Chad Mowery, a partner in the Akron, Ohio office of Roetzel & Andress, says he's received more calls from clients requesting assistance in putting together data breach response plans. "The plans detail who all the players will be should a breach occur and each person's responsibility," says Mowery, who focuses on technology, e-discovery, and cybersecurity matters. "The plans include training employees to try and prevent breaches."

"The area is changing," adds Mowery. "As recently as five years ago, this was seen as more of an IT issue; now it's more of a corporate issue that all businesses need to address."

Additionally, technological advances and their possible consequences for consumers and corporations are further driving growth in cybersecurity law.

Filler explains that as technology continues to expand, laws and regulations will change as well.

"We are already starting to see wearable technology and implantable devices that have connections to the web and carry very intimate data," says Filler. "Self-driving cars are also on the horizon, which I foresee creating new legal issues surrounding loans and credit. For example, what happens when the car buyer fails to make a payment and the car is programmed to drive itself back to the dealership? We need to train lawyers and others in the field to prepare for these upcoming changes, which will transform the area

paralegal. "This is so new and so critical that new job titles are being created constantly," Hermann says.

Woldow says that law firms are especially in need of professionals to manage information, create policies, and serve as enforcers. "Those roles can be filled by paralegals, who can serve on the frontline as the nurses of healthy cybersecurity," says Woldow. "Litigation paralegals already handle sensitive data since it is often their job to review the information and prepare it for trial."

"This is true on the transactional side as well," she adds. "If GE, for example, sells off one of its divisions, it is the paralegal who will be handling the documents. Since they are on the frontlines, they understand the type of measures that need to be in place to secure data and could be intimately involved in developing best practices. There is not a lot of upward mobility for paralegals, but paralegals who specialize in preventing cyber attacks could open up many lucrative opportunities for themselves."

Delivering Cutting Edge Cybersecurity Education and Training

As the need for trained cybersecurity professionals continues to grow, schools are responding, providing programs for both J.D. and non-J.D. degree seeking students. Many schools now offer bachelor's degree and master's degree certificates in cybersecurity, while others are offering LL.M. and J.D. programs with extensive course offerings that focus on privacy and cybersecurity.

Georgetown University was one of the first schools to address the need with the launch of its Cyber Project several years ago. Hosted by the school's Institute for Law, Science, and Global Security, the project focuses on the role of international and domestic law in cyber technology and cyber threats.

In Southern California, Loyola Law School, Los Angeles was the first to offer a cyberlaw course and the first to offer a full Cybersecurity & Data Privacy Law Program. Launched in the fall of 2016, the program features cyber/privacy concentrations for both law students (J.D. and LL.M.) and non-legal working professionals who can pursue a Master of Science in Legal Studies. Co-developed with Loyola Marymount University's Seaver College of Science & Engineering, courses range from "Cybersecurity & Regulatory Compliance" and "Cybercrime" to "European Cybersecurity" and "Incident Response and Investigation."

"Cybersecurity is one of the fastest-growing practices areas," says Aaron Ghirardelli, faculty director of Loyola's Cybersecurity & Data Privacy Law Program. "Loyola wanted to be a leader in this field given our location near Silicon Beach and in the center of an international banking and finance hub. Most of the cybersecurity lawyers in the market are self-taught. They usually are originally lawyers with expertise in privacy law and/or intellectual property law who felt the need to assist clients with growing needs."

Adjunct professor Robert Kang, who co-teaches Loyola's "Incident Response and Investigation" class with Pierson Clair, senior director of cybersecurity and investigations at Kroll, a corporate investigations and risk consulting firm based in New York City, says the field of cybersecurity has exploded in recent years.

"While public awareness of data and cyber attacks was once rare, today you can't go a month in the news without hearing of some new incident," Kang says. "As a result, there are more schools around on the East and West coast offering courses and programs. Our goal at Loyola is to go beyond what other law schools in this area offer."

"Loyola is the first school in Southern California to offer a dedicated "Incident Response and Investigation" class," Kang adds. "It will use simulations based on actual incidents to teach



students how to use the cybersecurity skills they acquire in real-world legal, business, and policy settings. Incident response will open up a lot of job possibilities for paralegals who work in the area of litigation as well as those who want to assist in developing cybersecurity and data privacy policies and procedures for employers."

Kang says the growing number of cyber attacks provides a new reason for lawyers to learn more about technology in order to protect themselves and their clients. As a result, Loyola will offer "tech training in plain English" for legal and business professionals. "The courses will also offer some technology training," adds Kang. "Clair is an expert in digital forensics."

Loyola will also offer CLE-style programs for the public, such as 'anti-phishing training' and 'an introduction to the DarkWeb.'

On the East Coast, the Drexel University Kline School of Law unveiled its Master of Legal Studies Program in Cybersecurity and Information Privacy Compliance in the fall of 2017.

"Our program focuses on two pieces: data security regulation — which is designed to prevent hacks, and privacy regulation — which controls how businesses handle and distribute the data they legally possess," says Filler. "We have classes available to both our Master of Legal Studies students as well as those enrolled in the JD program. It is very clear to us that issues related to security, privacy, technology, and law are going to become an increasing bigger part of what lawyers, paralegals, and compliance professionals do."

Paul Flanagan, assistant professor of law at Drexel University Kline School of Law says legal professionals with knowledge of compliance, privacy law, and cybersecurity will find themselves in high demand. "Those who want to work in the area will not need to be computer programmers, but they will need some basic technical knowledge," says

Flanagan. "Our program is designed to help technical and non-technical professionals."

"In the coming years, a plethora of jobs will open up, whether they be entry, mid-level or high-level, for those whose skills overlap in the security, privacy, and compliance world," Flanagan adds.

Cybersecurity Paralegals: Career Forecast

"Students from Loyola's Cybersecurity & Data Privacy Law Program will be the first lawyers trained wholly in cybersecurity law," says Ghiradelli. And, he explains, as more lawyers settle into this specialty, they will need paralegals who are schooled in the area to work alongside them.

Paralegal Michelle Tabb is on course to meeting the need after beginning Loyola Law School's Master in Legal Studies program with a concentration on cybersecurity and data privacy. A native of Los Angeles, California, she received her bachelor's degree in paralegal studies from National University in Los Angeles. Tabb's employment in the legal field spans 28 years, including 15 years as a paralegal. She began the program in the fall of 2016, with the goal of gaining

specialized legal knowledge about privacy frameworks, the cybersecurity legal landscape, federal and state statutes, data breaches, and policy considerations.

"With so many job opportunities available and the vast need to fill them, cybersecurity is definitely providing booming intellectual and lucrative career opportunities for paralegals," says Tabb, a part-time student who will graduate in May 2018. "Contributing to monitoring and protecting society's information and community online is very gratifying."

Julia Dunlap, president of the American Association for Paralegal Education and director of business and legal education at UC San Diego Extension, says most employers looking to hire paralegals in the area of cybersecurity want them to have advanced technology skills. "Paralegals will need to understand how to maintain and recover large amounts of data," says Dunlap. "More and more, paralegal training programs are incorporating this type of instruction in their curriculum.

"Every state and the American Bar Association has changed the rules of professional responsibility to which attorneys must adhere to, requiring not only knowledge of how to maintain

client confidentiality electronically, but also expanding the duty of competency to include technological literacy," adds Dunlap. "Despite these expanded rules, the need to protect client data often falls on the paralegal. Paralegals who seek out education in areas like computer forensics and technology will double their career opportunities."

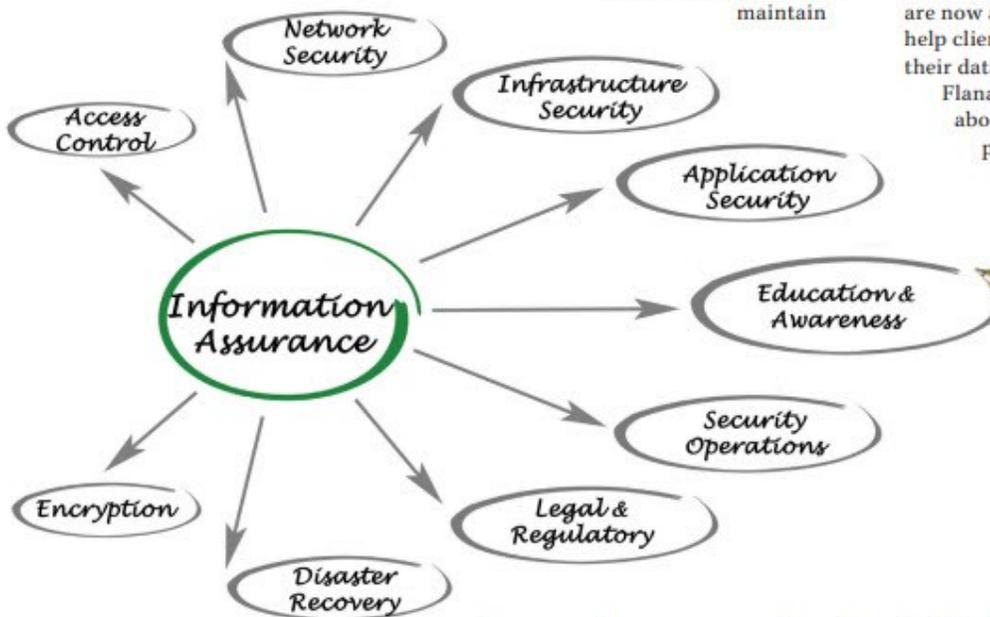
With all this in mind, Dunlaps says, UC San Diego Extension created a two-part online E-Discovery and Litigation Technology Certificate to bridge the gap between "what an entry-level paralegal student is taught about technology in traditional programs, and what a high in demand paralegal should know."

Mowery too sees new roles for paralegals emanating from cybersecurity concerns. "Internally, they play a vital role in protecting our data by following the firm's procedures," says Mowery. "In the event that a client has a breach, the paralegal can work with the client to help identify what information may have been stolen and to aid in the efforts to make sure the client takes certain steps to fulfill all its legal obligations."

Mowery says he's done presentations at the firm demonstrating that cybersecurity is no longer a discrete area of the law, adding that "all practice areas are now affected, and all attorneys must help clients be proactive in protecting their data."

Flanagan says paralegals can learn about compliance on the job, but programs like the Master of Legal Studies offered at Drexel's

CONTINUED ON PAGE 28



"...cybersecurity is definitely providing booming intellectual and lucrative career opportunities for paralegals."



Kline School of Law allow professionals “to master the modern legal landscape and get up to speed on the regulatory environment surrounding cybersecurity and compliance in spheres such as health care, finance, education and human resources that much more quickly.”

Flanagan predicts that the line between what paralegals and compliance professionals do is going to become very blurred. “There is a real shift to new areas of practice,” says Flanagan. “Some of it is novel, while other portions look like existing areas.”

Prepare for the Future

While no one can be sure what the future needs of the workplace may be, one thing seems certain — technology will continue to evolve, providing new legal challenges for those charged with protecting data, whether they be regulators, attorneys, or paralegals.

In the legal profession, experts say paralegals who possess the appropriate skill set will find themselves on the frontline of this battle as they work with attorneys and clients to develop policies and procedures to protect against breaches and respond appropriately should a cyber attack occur.

Like many emerging legal specialties, those who get in on the ground floor will likely reap the benefits of a fruitful career in the near future. □

“Paralegals who seek out education in areas like computer forensics and technology will double their career opportunities”

A native of New York City, Sherry Karabin has a master’s degree in Broadcast Journalism from Northwestern University’s Medill School of Journalism.

She has spent many years as an on-camera cable television news reporter and as a writer for various legal publications. She is currently a regular contributor to the Akron Legal News in Ohio and is a freelance on-camera reporter for WJLP-TV in New Jersey.



Reprinted with permission of Paralegal Today, the article originally appeared in the Paralegal Today Q4—2017, Volume 34 Issue 4 . The article is reprinted here in its entirety. For further information, contact Paralegal Today at Conexion International Media, Inc. info@conexionmedia.com.





Want to know more about MALA?

MALA
PO Box 9016
Missoula, MT 59807-9016

E-mail:
mala@malanet.org

We're on the Web:
www.malanet.org



DESIGNATION OF PROXY

I, _____ an active MALA member, hereby appoint _____, an active MALA member, to serve as my proxy at the MALA Quarterly Meeting on Friday, October 5, 2018.

Dated this _____ day of _____, 2018.

Signature

Email to: vtruzzo@bigskylawyers.com

Mail Original to:

MALA
Attn: Parliamentarian
P.O. Box 9016
Missoula, MT 59806-9016