President’s Message
By Chantel Elkins

Fellow colleagues, I am so excited to see what this year has in store for IAP! I am thrilled and honored to serve as president for the 2016-2017 year. As we all know, this organization would not be where we are without our previous fearless leaders and members. Thank you to all! I would especially like to thank this year’s Board Members: Shannon Menard, Kathryn Brandt, Audra Kerby, Keri Gulberson, Lesa Thomas, Connie Kelley, and of course our courageous past IAP Presidents who still serve on the board as advisors, Kim Schwisow and Maryann Duncan and last, but certainly not least, our Historian, Beth Rountree. This organization is still standing because of each and every one of you!

During our first meeting of the new fiscal year, many items were discussed including the Fall Seminar Survey Results (thank you to all that participated in the survey). There were many exceptional comments about our speakers, the venue, and the agenda. I would definitely chalk this up to be one of the most successful seminars!

As always, please feel free to reach out to a Board Member if you have any questions. We will be sending out an updated member roster shortly with the areas of practice included (that was a great idea by the way!). Moreover, have a wonderful holiday season and I hope to see you at the IAP Holiday Open House on Thursday, December 8th at Smoky Mountain Pizza! More details in the Newsletter!

Warm wishes,
Chantel
Idaho Association of Paralegals

Holiday

Open House Luncheon

Thursday, December 8, 2016
12:00 p.m. - 1:00 p.m.

Smoky Mountain Pizza
415 E Parkcenter Blvd. | Boise, ID 83706
Phone: 429-0011

RSVP BY: November 30, 2016 to cme@aswblaw.com
Fruits and Vegetables
- Canned vegetables
- Fruits canned in juice or extra light syrup
- 100% fruit and/or vegetable juices
- Tomato products and pasta sauces (reduced sodium is best!)

Proteins
- Canned or dried beans and peas
- Unsalted nuts
- Canned meats and fish (low sodium)
- Canned meals (soup, stew, chili, etc.)
- Peanut or other nut butters (all natural with no trans-fat is best)

Grains
- Whole grain pasta
- Regular or instant brown rice
- Plain oats/oatmeal
- Whole grain cereals with low sugar

Dairy
- Non-fat or low-fat milk
- Milk alternatives (rice, soy, almond)
- These items must be boxed, canned, or dehydrated so they are shelf-stable.

Pantry Staples
- Canola or other cooking oils
- Whole wheat or all-purpose flour
- Baking powder and baking soda
- Dried herbs and spices
- Sugar

Personal Care Items
- Toilet paper
- Diapers
- Toothpaste and toothbrushes
- Soap and shampoo
- Deodorant

Please bring any of the above items to the Holiday Luncheon and we will donate them on behalf of the Idaho Association of Paralegals, Inc. to the Idaho Food Bank. Please contact Chantel with any questions at cme@aswblaw.com. Thank you!
Membership News
By Audra Kerby, Vice President of Membership

Welcome to another new year of IAP! Thank you all for renewing your memberships and turning in all of those CLE credits. Please feel free to encourage other paralegals in your office who might not be members to join IAP. We’d love to boost our membership numbers and meet more paralegals around the state. We all know the benefits of the very affordable membership – let’s spread the word!

You will notice that the roster now contains member specialties. If yours isn’t listed, please feel free to email me and I’ll update your information.

Currently, our membership stands at 42 members: 39 Active Status, 1 Active Status Pending, 1 Retired and 1 Supporting.

Have a wonderful holiday season!

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Have a wonderful holiday season!
What is the Litigation Paralegal’s Role at Trial?

By Keri Guiberson, National Affairs Representative

I recently read an article on what the Litigation Paralegal’s role is at trial and found it to be interesting. Having a well-trained and engaged paralegal can be crucial when taking a case to trial. Paralegals can assist with several issues freeing up the attorneys ability to focus on last minute briefs, opening and closing statements, and trial strategy. Below is a list of tasks a Paralegal can handle in preparation of trial:

- Create a master task list with specific deadlines for each task.
- Draft and serve trial subpoenas.
- Identify exhibits to be used at trial and prepare a draft of the trial exhibit list. This includes marking the original exhibits, preparing binders for the Judge, opposing counsel, in-house working copies, transferring exhibits into your trial software.
- Identify witnesses and prepare a draft of the witness list.
- Create a master witness contact information sheet. The Paralegal can be the main point of contact for the witnesses.
- Gather all original deposition transcripts. If there have been video depositions, make sure the video files are synced with the transcripts. Paralegals can create clips of relevant portions of the depositions.
- Draft jury instructions. Oftentimes, the Judge may have a set of jury instructions he or she prefers so the instructions will be tailored to the specific case.
- Assist with the preparation of demonstrative exhibits.
- Set up a dry-run with the Courthouse to ensure all technology will run flawlessly. Most Courthouses have an IT Department you can contact, and meet with, the week before your trial.
- Attend a hearing, or two, before trial. Being familiar with the Judge and meeting the Court Clerk can help understand the Judge and his/her preferences at trial. Paralegals are the best person on the team to be the front-line communication for logistics with the Court.
- Paralegals play an important part in jury selection. There is a lot of information coming very fast and sometimes a non-lawyer perspective can be invaluable. Paralegals can observe the jurors and provide insight on those observations.
- Keep track of the introduction and admission of exhibits.
- Once a trial concludes, Paralegals can be helpful by preparing a juror questionnaire and calling and interviewing jurors.

A valuable member of a winning trial team is an organized and efficient paralegal.

If you would like to receive a copy of the full article, please email me kcg@aswblaw.com
Rule changes and fee changes go into effect on 12/1/2016 in federal court and bankruptcy court. Changes can be accessed from the Court’s website (link below). In particular pay attention to FRCP 6 (d), which is amended to remove service by electronic means under Civil Rule 5(b)(2)(E) from the modes of service that allow three added days to act after being served.

http://www.id.uscourts.gov/clerks/Welcome.cfm
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http://pli.edu/

Lorman
www.lorman.com

Idaho State Bar
www.isb.idaho.gov

West Legal Ed Center
www.westlegaledcenter.com

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Heads Up, Brush Ups, and Dust-Ups
Submitted By: Bernice Myles, Paralegal
Idaho Office of the Attorney General

Heads Up

The new iCourt E-Filing System is up and running in Ada County. Michael Mehall, Court Operations Manager for the Idaho Supreme Court, made a very informative presentation at IAP’s recent Fall Seminar concerning the new online system. As with anything new, there are always “bugs” to work out. Unfortunately, in my first encounter with the new system, I discovered a “bug!”

In my position as a paralegal with the Contracts and Administrative Law Division of the Office of the Attorney General, I am rarely involved in litigation. However, I do assist in collections work for one of our state agency clients. One of the documents we regularly file with the Court is a “Demand for Notice,” which requires the Court to notify our office if a probate action is initiated for a particular individual’s estate. We have filed these notices with the Court by mail for years. The Court has assigned a case number, which then appears on the Court Repository. The new system allows you to create a “new case” or to file a document into an “existing case.” Technically, a Demand for Notice is not really a case, nor is there an existing case in which to file the notice – thus, the “bug.”

Tyler Technologies, the system developer, is currently working to correct the problem. I share this story to let you know that both the Court clerk and the Court’s IT contact were very responsive when I called. Even though I am sure they are inundated daily with questions and concerns, which must be stressful, they could not have been more professional and helpful, following-up with me several times. I’m sure a year from now we will all wonder how we ever functioned without the online system!

Brush Ups

Practice Tip Sheet - A Cite Checking Checklist

I used to love the library as a kid, so spending time in law libraries seems like a natural progression for me, although in this digital age, I spend less time in a physical law library than a virtual one. One of the tasks I am frequently called on to perform in my paralegal career is cite checking legal briefs. At one of my previous law firms, cite checking was a primary duty of the paralegal department and for some of us, it comprised the largest volume of our tasks in any given week. Now that I’m a contract paralegal, I still find myself performing a lot of cite checking for my attorney clients.

What it is? So what exactly do we mean when we talk about cite checking? Cite checking involves reviewing and verifying the accuracy and completeness of all citations contained in a legal brief or memorandum. It typically has two elements: 1) verifying citations to the case law, statutes and other authorities contained in the memorandum; and 2) verifying citations to the record. Why is this important? It is important because in motion practice, accuracy counts! Your attorney may be more focused on the content of his or her arguments than on the details of all those cites. It is surprisingly easy for little typos to slip into citations or quotes, even for the most meticulous writer. A second pair of eyes is often needed to spot and correct those errors. An accurate brief makes our supervising attorneys look good. An accurate brief is in the best interest of our clients. And finally, an accurate brief makes us look good too! Errors in citations may not lose a motion, but...
they certainly do nothing to enhance one’s reputation for professionalism.
So without further ado, here are some tips.

**Checklist for Cite Checking Best Practices:**

1. Gather all case law, statutes and other authorities cited in the brief so you can check them more efficiently.
2. Verify the accuracy of the case name, reporter, page number and year - or author, title and publication year - of each source.
3. Review all case and statute citation formats for conformity to whichever citation scheme your attorney prefers. I became most familiar with the Bluebook early in my career, and that is still the format I use, but defer to your attorney’s preference.
4. For each case citation, make sure the cited page of the case accurately reflects the content in the brief.
5. Carefully check each quotation word for word to assure that it is a verbatim reflection of the language in the case or statute, complete with accurate spelling and punctuation. Use appropriate ellipses and brackets when language is omitted or altered.
6. If requested by your attorney, Shepardize or Keycite each source to assure it is still good law.
7. If requested by your attorney, mark all cases, statutes and treatises in the brief in order to create tables of authorities.
8. Gather all supporting evidence, whether in the form of declaration exhibits, request for judicial notice exhibits, or separate statements of undisputed facts.
9. Review each record citation to assure the correct exhibit and page has been cited.
10. Carefully review all quotations for accuracy to assure the quote in the brief is a verbatim reflection of the language in the exhibit.
11. Compile all exhibits with appropriate slip sheets.
12. If required by your jurisdiction, mark or bracket all referenced pages and lines in preparation for filing with the court.

By following these best practices, you can help assure the accuracy of your attorney’s motion prior to filing with the court, assist your firm’s clients with their cases, and put your own most professional foot forward. It’s a win-win for all!

Reprinted with permission from Daphne A. Drescher, CP. Daphne is a virtual litigation paralegal, owner of California-based Drescher ProParalegal, and former adjunct instructor in the Paralegal Degree program at Empire College in Santa Rosa, CA. For more information, visit Daphne’s website at [http://proparalegal.com](http://proparalegal.com).

**PERFORMING A LEGISLATIVE HISTORY - Source Checklist for Materials in the Idaho Legislative Research Library**

1. **Idaho Code Compiler’s Notes.** The compiler’s notes in brackets at the end of the Idaho Code section provide each Session law year and chapter that added or amended the section. Example: [I.C. § 63-2522, as added by 1987, ch. 254, § 3, p. 517].
Heads Up — cont’d.

2. **Session Law.** Look up the Session Law to see if the language you are interested in was included in that version of the law. If not, go to the next year listed in the compiler’s notes and check that Session law. Repeat the process until you find the Session law that added the pertinent language. Note down the House or Senate bill number under the heading of the Session law chapter, as all other sources in the Legislative Library are organized by year and bill number. (1863 to present available; 2006 to present online).

3. **Bill.** You can view a copy of the bill by checking the library’s bill binders or drawers. If the bill was amended, you can also view the version of the bill as it was first introduced, any amendments and the final engrossed version. (1901 to present available; 1998 to present online).

4. **Bill Status.** Each year’s *Daily Data, Final Edition* (called *Weekly Bill Status* after 2004) contains a procedural history and summary of action, votes and effective date for every introduced bill, listed in numerical order. Additionally, there is a subject index in the back of the volume for all introduced bills, which can be helpful if you don’t know the bill or Session law chapter number. (1970 to present available; 1998 to present online).

5. **Statements of Purpose.** Every bill is issued a Statement of Purpose. There are separate House and Senate volumes for each year: pull the relevant year and body for your bill. Statements of Purpose are organized numerically in the volume. (1963, 1967, 1972 to present available; 1998 to present online).

6. **Committee Minutes.** The Committee Minutes Index lists each committee and date in which a bill was discussed. Pull the relevant House and Senate committee volumes listed in the Index, being careful to note the correct year, body and date. On the first day that a bill is heard in committee it is often referred to by its “RS” number, which is listed in the same row with the bill number and committee dates. Also check behind each listed day of committee minutes for possible attachments, such as typed testimony, reports or presentations. (House: 1960 to present available; Senate: 1970 to present available. From 2003 to present online, except possible attachments to the minutes).

7. **House and Senate Journals (Statements of Legislative Intent).** Check the “House and Senate Journal Index for Legislative Intent” in the spiral bound book on the counter to see if your bill is listed. Only a few bills each year will have a Statement of Legislative Intent. You can also check the indexes in the back of the Senate and House Journals to find the pages on which your bill is introduced, read, voted upon and signed. (1881 to present available. *Index not available online.*).

8. **Interim Committee Minutes.** Check the list of interim study committees in the spiral bound book on the counter to see whether your bill was the subject of an interim study. Check the list for the two years before your bill was introduced. If you find a relevant study committee, the study committee minutes are available in the Library. (1963 to present available; 2003 to present available online).
Heads Up – cont’d.

present online).


DUST-UPS
PARALEGALS IN RECENT CASE LAW

The recent court decisions address, in part, paralegal practice and may be of interest to you in your practice.

In State ex rel. Counsel for Discipline of Nebraska Sup. Ct. v. Martin, 884 N.W.2d 727 (Neb. 2016), the Court held that the attorney’s conduct warranted public reprimand. Attorney Alan Martin was hired by a client to legalize the immigration status of her husband, an undocumented individual. In pertinent part, Martin admitted that his paralegal, who he was led to believe was competent in immigration applications, prepared all immigration forms for the husband client for Martin’s review and signature. After having closed his practice for a time due to illness, when Martin reopened his practice he stated he was very weak and heavily medicated. During that time, Martin admitted that he relied heavily on his paralegal to facilitate intake interviews, but that he made all of the decisions for the clients, predicated in part on information provided by his paralegal. He stated he knew the husband client would have difficulty qualifying for an adjustment of status, and admitted that he was not involved in every conversation between his paralegal and the clients, but claimed that his paralegal told him that the clients wanted to proceed with the adjustment of status application. Martin relied on comments by his paralegal that other immigration lawyers often filed documents hoping that the Department of Homeland Security would approve the documents, without necessarily believing it would. Martin stated he could not say for certain whether requested additional information had been provided to the Department because “this period is hazy in my recollection due to my medical condition.” Martin stated that his responsibility in the matter was his reliance on an experienced paralegal’s assertion that the husband client was eligible for an adjustment of status -- he signed the forms believing what he was told by his paralegal. The Court determined that Martin failed to do any independent research to determine whether the husband client was eligible for an adjustment of status, thus violating his oath of office as an attorney.

The Court of Appeals of Louisiana in Advanced Quality Constr., Inc. v. Amtek of Louisiana, Inc., 2016 WL 6330424 (La. App. 1 Cir. 10/28/16), reduced an award of attorney fees and costs holding in part that invoices contained “numerous entries where paralegal time was billed for tasks that are inherently secretarial, such as making copies, printing emails, making telephone calls, updating calendars, etc.”

In an attorney discipline case, In re Brandes, 2016 WL 6427680 (N.Y. Ct. App. 2016), the New York Court of Appeals affirmed the denial of a disbarred attorney’s application for reinstatement based on his unauthorized practice of law during his disbarment. The lower court found that Joel Brandes engaged in the unauthorized practice of law during his disbarment period when he provided paralegal services over the internet. Under the guise of being a paralegal, Brandes, a noted authority and expert on New York family law and divorce, would give advice to an attorney, who had a difficult case. Brandes would speak to the attorney over the telephone or by e-mail regarding a particular aspect of the difficult case. Upon presentation of the particulars of the case or problem, he would guide the attorney to the applicable statutes and precedent cases, and offer his past experience. Such rendering of legal advice or opinion constitutes the practice of law, since Brandes in so doing, exercised professional

"...affirmed the denial of a disbarred attorney’s application for reinstatement..."
Heads Up – cont’d.

Judgment directed at the legal problem of a particular client, notwithstanding the fact that he had no direct contact or relationship with the client. In many other instances, Brandes contracted to draft briefs and other litigation papers for other attorneys. Given the fact that he was vastly more experienced in matrimonial and domestic relations matters than the attorneys for whom he was performing services, the provision of such services can be deemed to be performing legal services for a client, namely, the attorney for whom he drafted the brief and documents.

Excerpts from Online Paralegal Programs article “TOP 10 MOST GROUNDBREAKING COURT CASES.”

Groundbreaking court cases take into question the laws practiced throughout the nation or individual states for decades or even centuries. These cases can overturn legal decisions, lead to the creation of new laws, determine how citizens exercise their Constitutional rights, and set the precedents for which citizens determine when those rights have been violated.

**Marbury v. Madison (1803)** - This case was the first to apply the principle known as judicial review which gives federal courts the authority to overturn acts of Congress that are in violation of the Constitution. This case played an essential part in making the Supreme Court its own separate branch alongside the executive and legislative branches.

**Plessy v. Ferguson (1896)** – The 1892 Louisiana Separate Care Act legalized the segregation of common carriers. The Supreme Court ruled those segregation laws unconstitutional. This case set the precedent for “separate but equal” facilities for blacks and whites, and the concept went on to be applied to many areas of public life.

**Weeks v. United States (1914)** – In 1914 Missouri, facilitating and participating in gambling activity was illegal. Mr. Fremont Weeks was suspected of being involved in distributing lottery paraphernalia through the mail. Federal agents twice raided his home, searched it and removed some of his personal documents, without showing a search warrant either time. Those materials were then used against Mr. Weeks at trial, where he was convicted. The Supreme Court held that Mr. Weeks had the right to be protected from unreasonable search and seizure and that the authorities were unlawful in searching, seizing and retaining his documents. This decision led to the Exclusionary Rule which prevented evidence seized as a violation of the Constitution from being admitted in trial.

**Brown v. Bd. of Educ. Topeka Kansas (1954)** – as the case was one of five separate cases heard by the Supreme Court regarding segregation in public schools. It began in a Topeka, Kansas school district where a student had to walk miles to attend a black school while a white school was close by. The NAACP challenged the segregation laws on the grounds that they violated the Fourteenth Amendment to the Constitution, which stated that all citizens had the right to receive equal protection under the law. The Supreme Court overturned the precedent set in Plessy v. Ferguson. This decision helped spark the development of the Civil Rights movement.

**Engle v. Vitale (1962)** - In the 1950s the New York State Board of Regents drafted and adopted a prayer they claimed was nondenominational and recommended that the prayer be recited voluntarily by students in public schools at the start of each day. A parent sued arguing this prayer violated students’ First Amendment rights. The school refuted that the nondenominational prayer did not attempt to establish or endorse any religion and thus did not violate the religious establishment clause. The Supreme Court ruled against the school district and upheld the clause that considered prayer in...
Heads Up – cont’d.

School as unconstitutional.

Abington v. Schempp (1963) - A year after the Engle case, another case of religious practice in schools was brought to the Supreme Court. A Pennsylvania law required no less than ten Bible verses to be read daily in public schools. A parent sued the school district claiming this Bible study to be a violation of the First Amendment of the Constitution. The Supreme Court upheld the District Court’s decision ruling that the prayer statute was unconstitutional.

Gideon v. Wainwright (1963) – Mr. Gideon, a former convict, was accused of breaking into a poolroom. He did not have the financial resources to hire his own lawyer and requested that the court appoint one to him. The court denied his request based on the fact that he had not committed a capital crime such as rape or murder. Mr. Gideon was forced to defend himself at trial and was convicted. While in prison, he appealed to the Supreme Court arguing his right to a fair trial was violated. The Supreme Court upheld his position stating that all citizens must be provided with a lawyer in the event they cannot hire their own, regardless of the crime.

Miranda v. Arizona (1966) - Arizona resident Ernesto Miranda was arrested and charged with the kidnap and rape of a local woman. He was interrogated for two hours after his arrest, having never asked for a lawyer. Upon interrogation he confessed to committing the crime. Represented by counsel, Mr. Miranda appealed and was acquitted of the charges. The Supreme Court ruled that all citizens placed under arrest must be informed of their rights before being questioned and that any evidence or defendant statements acquired before the citizen learns of these rights cannot be admitted in court. This case led to what is now commonly known as the “Miranda Rights” stated during arrest.

Epperson v. Arkansas (1968) - In another freedom of religion case, a statute in the state of Arkansas forbade teachers from providing curriculum based on theories that “mankind ascended or descended from a lower order of animals.” One teacher disregarded this law and lost her position. Upon review, the Supreme Court held that the statute violated the First Amendment as well as the Fourteenth and ruled that a state may not remove theories from the curriculum solely based on whether the ideas agree or conflict with the beliefs of particular religions. Such statutes that remove this information must require neutrality of religion.

Roe v. Wade (1973) - Texas citizen Norma McCorvey desired to have her pregnancy willfully terminated, but Texas state laws, and those of most other states, prevented women from having abortions. Under the pseudonym of “Jane Roe” McCorvey sued the state of Texas on claims that it violated her right to privacy by outlawing the abortion. In one of the biggest decisions made by the Supreme Court in the 20th century, the Court ruled that laws prohibiting abortion were a violation of a woman’s right to privacy. This groundbreaking decision made it legal to receive abortions in all 50 states and is still being debated today.

To view the entire article and its expanded case summaries, go to: http://www.online-paralegal-programs.com/top-10-most-groundbreaking-court-cases/.
Congratulations to **KERI GUIBERSON** who was the winner for the AUGUST 2016 newsletter!!

**AUGUST 2016 TRIVIA QUESTIONS AND ANSWERS:**
1. How many Active Status Members does IAP currently have?
   
   47

2. When is the Holiday Open house?
   
   Thursday, December 8, 2016 at noon

3. When is the first BSU football game this year and what time is it and where?
   
   Saturday, September 3, 2016 at 10 am, in Lafayette, Louisiana

4. How many gold medals does Kristin Armstrong have?
   
   3

**NOVEMBER NEWSLETTER TRIVIA QUESTIONS:**
1. What type of work did Joanne Kimey miss?

2. Where is the IAP Holiday Luncheon this year?

3. Who is our newest IAP Board Member?

4. What is the first item in Keri Guiberson’s article regarding trial tasks?

$5 Starbuck Gift Card to the **NINTH** IAP member who emails Shannon Menard, [sdm@aswblaw.com](mailto:sdm@aswblaw.com) with the correct answers.

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**IAP regularly emails job opportunity announcements to IAP members. For additional job opportunities, check the Idaho State Bar’s website at [http://www2.state.id.us/ism/job_announce/announcements.cfm](http://www2.state.id.us/ism/job_announce/announcements.cfm)**
SAVE THE DATE

Spring Seminar - April 21, 2017
Paralegal Day - September 13, 2017
Fall Seminar - October 13, 2017

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SCAM OF THE WEEK: FAKE APPS

The New York Times warned about a new kind of ID theft: App ID theft just in time to deceive holiday shoppers. It's something you need to alert your employees, friends and family about because it can be damaging in several ways.

So-called "retail apps" are cool again, but think before you click! Apple’s App Store is getting crowded with fake impostor apps and Google Play is having the same problem.

The counterfeiters have masqueraded as retail chains like Dollar Tree and Foot Locker, big department stores like Dillard’s and Nordstrom, online product bazaars like Zappos.com and Polyvore, and luxury-goods makers like Jimmy Choo, Christian Dior and Salvatore Ferragamo.

They appear to be legitimate retail store apps — in some cases, they fill a void left by retailers that don’t have apps — but when users install them, the criminals can steal victims’ personal information, or install Trojans that exfiltrate confidential information from smartphones and tablets.

How could this be happening?

Google and Apple's algorithms to keep malware out of the app store are highly automated, and that is where the problem lies. These fake apps don’t have malicious code. They simply aren’t what they say they are, and that takes a human to see. Apple and Google simply cannot keep up.

Consumers initially rejected store-specific apps because there was no real value. Now, like the Starbucks app, these apps have become gift cards with benefits and people love them. So, what changed is “digital stored value” that make apps like debit/credit cards. Other retailers are racing to copy them. Dunkin Donuts was first, then CVS, and now McDonald’s, for example.

The retailers who are most exposed are the ones with no app at all.
SCAM OF THE WEEK: FAKE APPS

Dollar Tree and Dillard’s, for example, have no official iPhone apps, which made it easier to lure their customers to the fake apps.. Consumers are willingly loading credit cards into these apps, which really opens the door for the scam artists..

So, I suggest you send this to your employees, friends and family. You're welcome to copy/paste/edit:

**Watch Out For Fake Apps!**

The holidays are here and the scammers are out in full force. Their latest trick is fake apps. Starbucks started the first "retail app", and many stores have followed..

But scammers are now creating fake apps, trick you into downloading them to your smartphone or tablet, and ask you to load your credit card information in these apps. You can guess what happens next.

*Here are 5 things to think about*

1. Be very judicious in deciding what app to download. Better safe than sorry.

2. If you *do* decide to download an app, first thing to check is the reviews, apps with few reviews or bad reviews are a big red flag.

3. Never click on a link in any email to download a new app. Only go to the website of the retailer to get a link to the legit app on the AppStore or Google Play.

4. Give as little information as possible if you decide to use an app.

5. Be very, very reluctant to link your credit card to any app!

There is more information about this at the New York Times:  
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The spoken word perishes; the written word remains.
Change. I’ve got some first-hand experience with change lately and it’s been great to be outside my box and treading some new water. As many of you know, after 29 ½ years, I left my job at Holland & Hart to move to Powers Tolman and Farley so I could return to doing the tort work I had spent most of my career doing. When H&H phased out its tort practice several years ago, I was disappointed… It’s never easy to see your entire area of practice disappear. It was necessary to move into other areas of litigation – which for me was mostly employment law. I actually enjoyed it, but I missed plowing through medical records – I’m just weird that way. For the past couple of years I had been 100% engaged in working on one large employment case. I managed a huge document collection (we passed the 1 million mark in bates numbering in late 2015 and the number kept going up!). I learned about an entirely new area of law (Fair Labor Standards Act). And I gained an enormous amount of experience working with Excel spreadsheets. But by mid-summer, it was clear that the case was winding up. At just that moment, a position opened up at Powers Tolman for a tort paralegal. I started thinking about how much I’d missed tort work – particularly medical malpractice cases. This position would offer me the opportunity to return to doing the thing that I really love. The timing just seemed right and I jumped. I didn’t expect change to come the way it did, but now with two months under my belt, I can honestly say I’m glad I took the exit. I’m loving my new job. I’m so happy to be back to my roots (albeit working on the defense side instead of plaintiffs… I’m really ok with it!).

Of course one can never be prepared for the REAL change that comes when you leave a firm and a job after so many years. I didn’t know how to do anything!! I couldn’t make a copy or a phone call, didn’t know my phone number or address, and couldn’t retrieve voice mail. Those of you who have changed jobs recently know exactly what I’m talking about! I’m at a much smaller firm so I’m on my own to do some tasks I would have delegated a few months ago, so I’m having to factor those tasks into my assessment of how long a project will take to complete. I’m learning new methods and systems so that I fit into their established protocols, and I have to
really think through things that were just second nature before. But the brain exercise has been good for me. My blood is pumping and I’m feeling challenged. I want to do my best, I want to fit in and I want to prove to my firm and myself that this exercise in change was the right thing to do.

I had a lot of people tell me that they were impressed that I was willing to take the risk. Almost all of them said they would be too afraid to do it. Well, I have to say I’m kind of proud of myself in that regard. It is easier not to take the risk – especially once you reach a certain age or a certain longevity in a position. But really, when you come down to it, it’s important that you enjoy how you spend your 8 hours at work. And though I liked the cases I had been working on – I missed tort work. Plain and simple I knew I could be happier. When the opportunity presented itself, I just decided to go for it.

Change has risk. And it has rewards. You have to weigh it out and decide if it’s worth it. Are you happy (really happy) about where you are and what you are doing? If not, can you consider change? It will be a risk, but being happy is worth it. I decided to take a chance and I hoped I would find that the gamble paid off. So far, so good.

I once had a colleague who was leaving for a new opportunity tell me that he “had a spring in his step” for the first time in a long time. I understand that now. I’m proving to myself day by day that I CAN do this and I feel good at the end of every day. I encourage you to take stock and decide if you’re in your happy place. Life is too short to settle for less than the things that will make YOU happy.

As we approach the holiday season, may you have time to reflect on your many blessings. From my family to yours – including my sweet little Grandson Grayson -- Happy Thanksgiving, Merry Christmas and Happy New Year!
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