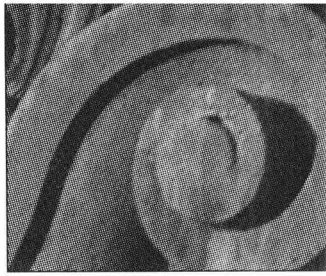


INTRODUCTION TO

PARALEGALISM

Rhonda Carlson



Introduction to Paralegalism

Rhonda Carlson

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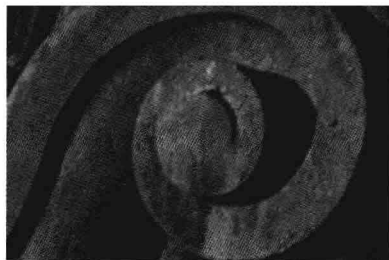
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TO EDWARD J. GAC,
the love of my life whose wit and wisdom have never failed to inspire me.

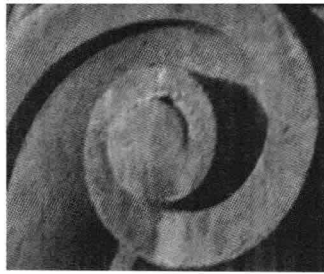


About the Author



Rhonda Carlson received her B.A. in philosophy from the University of Illinois in Urbana, Illinois, her J.D. from the University of California, Hastings College of the Law in San Francisco, and her M.L.S. from the University of California Graduate School of Library and Information Studies at Berkeley. After working as a professional law librarian at the University of Colorado Law Library, where she also taught legal research courses, Ms. Carlson became an editorial executive for Fred B. Rothman Co., a legal publishing company. In 1993, she began a full-time career as a legal writer.

Ms. Carlson's other books include *A Study Guide to Accompany the Legal Environment of Business: A Critical Thinking Approach* (Prentice Hall, 1995); *Asking the Right Questions: A Study Guide for Business Law 2E*, *Teaching the Right Answers: An Instructor's Manual for Business Law 2E*, *Asking the Right Questions II: A Study Guide for Contemporary Business Law*, and *Teaching the Right Answers: An Instructor's Resource Manual for Contemporary Business Law* (Prentice Hall, 1994); and *Researching Copyright Renewal: A Guide to Information and Procedures* (Rothman, 1989). Ms. Carlson's work has been published in such journals as the *Law Library Journal*; the *Colorado Lawyer*; *Real Property, Probate and Trust Journal*; and the *Oil and Gas Tax Quarterly*. She is currently writing a book on legal research on the Internet for paralegals that will be published by Richard D. Irwin.



Preface

When I was approached several years ago by Craig Beytlen of Richard D. Irwin to write *Introduction to Paralegalism*, I was both flattered and pleased. Having written a book about copyright research, a critical thinking study guide, and several commercial law texts, I had no doubt that I could write what was required. As a law school graduate and a former practicing law librarian and teacher, I have always had a keen interest in the paralegal profession. But I thought, what can I add to the growing field of texts being prepared for paralegal education students?

What I believe the Irwin team and I have created is a text that is on the cutting edge of issues of interest to the paralegal profession. It is a true introductory text—it does not attempt to reproduce the materials necessary for a full-blown course in, for example, legal research. What this text does is introduce the paralegal profession and the historical and practical context in which paralegals work. In addition to providing basic information about the paralegal profession, this text highlights current controversial issues such as the role of law vis-à-vis sexual preference and race and the ethics of jury selection. This text also provides information about professional paralegal associations on the Internet. *Introduction to Paralegalism* will be kept up-to-date through Irwin updates via e-mail for those who adopt the text.

Each chapter contains a margin glossary, key terms, and both short answer and complicated essay questions. I believe that the essay questions will act as forums for discussions of a variety of issues raised by each chapter. In addition, the essay questions provide opportunities for students to hone their developing critical thinking skills. Also, each chapter has an integrated ethical component to help students appreciate that ethics are always a consideration in every professional situation. The ethics questions and boxes are designed to act as starting points from which interesting discussions can develop between professors and students. Each chapter in Part One highlights a working paralegal to give readers a sense of the wide range of responsibilities that the title, paralegal, can encompass.

In addition, there is a *Study Guide* that contains a text overview, chapter outline, objective questions and answers, and an essay question and answer. For the professor, there is also an *Instructor's Resource Manual* that contains a text overview, chapter outline, notes on profiles and boxes, answers and teaching suggestions regarding chapter questions, study guide questions and answers, Irwin information and updates, and computer resource information.

In writing this text, I have consistently used the term *paralegal* to describe members of the profession, but that term is synonymous with *legal assistant* and a number of other terms that are used to define paralegal positions. Also, I have attempted to use both the male and female pronouns when describing attorneys and paralegals, except in a historical context where to do so would be inaccurate.

No project of this magnitude is the work of one person. I would like to thank the professionals at Irwin for the opportunity to work with them—Craig Beytien, executive editor; Karen Mellon sponsoring editor; Maryellen Krammer, developmental editor; Robert Preskill, project editor; and all the editorial assistants and production people who made my job much easier than I thought imaginable. Thanks to all for a job well done.

I would like to thank Betsy O'Neil Covington, director of the Denver Paralegal Institute, for her assistance in all aspects of this project. The Paralegal Executive Board also provided valuable input during all phases of this project; they are: Betsy Covington, Denver Paralegal Institute, Katherine Currier, Elms College, Judy Gibbs, Avila College, Bernard G. Hellendorfer, St. John's University, and Clark G. Moscrip, St. Mary's College.

I also would like to thank the reviewers and focus group participants for this project: (Reviewers: Edward J. Gac, University of Colorado College of Business, Frances Miller, Boston University School of Law, Susan Howery, Yavapai College, Nancy Park Cooper, Edison State Community College, Randi Ray, Des Moines Area Community College, Alan Lawson, Mt. San Antonio College, and Hannah Kaufman, University of Maryland University College) (Focus group participants: Sharrie Hildebrandt, William Rainey Harper College, Jean Hellman, Loyola University, Jeanine Pelletiere, Roosevelt University, Kathryn Myers, St. Mary of the Woods, Terrance Mitchell, South Suburban College, Laurel Vietzen, Elgin Community College, Eugene Culberson, Illinois Central College, Todd E. Carlson, Robert Morris College, and Susan Howery, Yavapai College.) You gave wise counsel, and I took your advice almost all of the time.

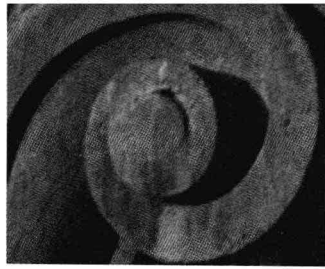
In addition, I would like to thank those people who helped make all the illustrations possible—the practicing paralegals who agreed to be profiled (Dr. John Lyberger, Louise Sliman, Patricia Curtis, Martin Whitehead, Susan Trent, Barbara Hyman, John LaBarbera, Julie Kronenberger, Anita Hong, and Dr. Theresa Priester), the professional associations that provided materials for illustrations (National Association for Legal Assistants, National Federation of Paralegal Associations, Association of Legal Administrators, American Association for Paralegal Education, Legal Assistant Management Association, American Bar Association); the publishers who graciously gave copyright permissions and camera-ready illustrations (West Publishing Co., Shepard's Citations, and Lawyer's Cooperative Publishing Co.); and the libraries and others who supplied graphic materials (Barbara Bintliff, University of Colorado Law Library, Merrie Jo McNally, Holland and Hart); and Mary K. Wilder, University of Denver College of Law, for materials on legal memoranda, Brian Joyner, owner of System Enterprises Inc., for insights on the future of computers in legal practice, Jane Thompson, University of Colorado Law Library, legal research assistance, and Betsy Covington, Denver Paralegal Institute, again, for supplying many of the illustrations.

I know that there are no perfect books, and I am responsible for any errors or omissions in this book. I welcome corrections and suggestions from paralegal educators and other readers of this text. I can be reached through Richard D. Irwin or at my e-mail address: blkcocker@aol.com.

Finally, I am grateful to my husband and best friend for more than 30 years, Professor Edward Gac of the University of Colorado College of Business and Administration, for his contributions to this book and every other writing project in which I have been involved. He continues to inspire both me and his students with his unique perspective and true wisdom, and it is to him that I dedicate this book.

And I have appreciated the companionship of my four black cocker spaniels, T. Bear, Margaux, Julie, and Hellen, who have often been the inspiration for questions and examples and who have taught me so much about love and friendship.

Rhonda Carlson



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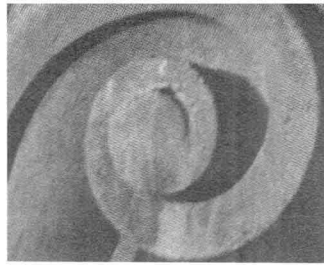
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Part One

The Paralegal Profession



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The Legal System

The Constitution of the United States is not a mere lawyer's document: it is a vehicle of life, and its spirit is always the spirit of the age.

WOODROW WILSON

After you have read and studied this chapter, you should be able to:

- | | | |
|--|--|---|
| <ul style="list-style-type: none">• Define law.• Discuss a brief history of the Constitution.• Describe the Bill of Rights.• Discuss important constitutional clauses including the Supremacy Clause, the Commerce Clause, the Due Process Clause, the Equal Protection Clause, and the Privileges and Immunities Clause. | <ul style="list-style-type: none">• Understand the basic structure of the federal and state court systems.• Understand the purpose and types of alternative dispute resolution. | <ul style="list-style-type: none">• Briefly describe the legislative branch of government.• Briefly describe the executive branch of government. |
|--|--|---|