

SPECIAL POINTS OF INTEREST:

Case Spotlight: The Underground Aquifer Case—Whose Water Is It?

Practice Tips: What Every Paralegal Should Know

Language Skills for the Paralegal

Success Stories: Paralegal Alumni Share Their Stories and How Their Paralegal Education Helped Them Get Where They Are Today

LEGAL CHRONICLE

Newsletter for the University of Memphis Paralegal Studies Program

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Preparing for the Job Market

In today's economy, preparing to enter the job market can be a daunting task, but the Paralegal Studies Program is here to help. Students and alumni of the program are sent information via a listserv about job postings submitted to the program by employers, and the University-wide Career Services Department offers numerous resources to students preparing to enter the job market. Additionally, students can gain valuable networking experience by participating in organizations such as the Greater Memphis Paralegal Alliance, Memphis Paralegal Association, and Lambda Epsilon Chi.

So, what can you do to prepare for the job market? First, take advantage of services such as the

listserv and Career Services to help find jobs and to make sure that you have professional and effective resumes, cover letters, and interviewing skills. Second, don't stop there, network and search other job postings. Oftentimes, the best jobs are the ones that can only be found through contacts you've made by networking or doing some



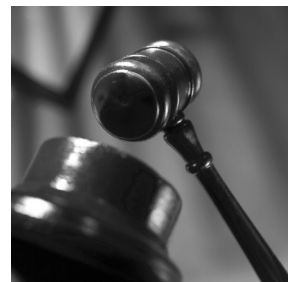
research on your own. Third, participate in extra-curricular and community service activities. Not only do these experiences add to what you bring to a job, but they also look great on a resume. Fourth, learn what skills are needed in the job market and develop them. Language skills are particularly important in the current market, but it is often hard to find applicants with both language skills and legal training.

Preparing for the job market may be daunting, but by following these steps to success and the advice contained in this newsletter, it can become a rewarding experience that will stay with you throughout your career.

Eleven Common Job Application Mistakes

*Provided by The University of Memphis Career Services
400 Wilder Tower*

1. Grammatical/spelling/formatting mistakes on application materials (resume, cover letter, reference list, application, personal statement, other requested documents)
2. Failure to follow specific instructions provided by employers for the application process
3. Unprofessional email address or voicemail message
4. Failing to target documents to specific employers (no one-size-fits-all application)
5. Inappropriate content on social networking sites or blogs
6. Using texting language in emails or letters to employers
7. Ineffectual social skills or rude behavior; unprofessional dress or use of unprofessional language (go the extra mile when interacting with employers)
8. No plan or motivation
9. Forgetting that searching for a job *is* a job (don't expect others to do it for you)
10. Failing to research a company before your interview
11. Not utilizing free career advising services (www.memphis.edu/careerservices)



Submitted by
Katina Hicks,
Family-Based
Immigration
Paralegal for
the Frager Law
Firm, P.C. and
alumnus of the
Paralegal
Studies
Program

Success Stories: From Paralegal Student to Immigration Paralegal

Don't forget about our job postings listserv. Students and Alumni, make sure your contact information is up-to-date with our office. Employers, to post on the listserv, simply call 901-678-2716 for posting instructions.

The Paralegal Studies Program Extends Congratulations to Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C. for being recognized by Fortune 500 Magazine as one of the 100 Best Companies to Work for and as the Top Paying Company.

I attended college in California, Washington, and New Jersey and changed my college major three times prior to my enrollment at the University of Memphis. After prudent research and careful consideration, I enrolled in the Paralegal Studies Program at the University of Memphis during the 2005 spring semester. As a 29 year-old, married mother with a 1-year-old son and a fulltime job, I wasn't a "traditional student;" however, the Paralegal Studies Program seemed geared towards students like me. It offered numerous night classes; many of the students had families and worked during the day, ironically, as paralegals looking to further their education and increase their marketability in the job market.

The curriculum for the American Bar Association approved Paralegal Studies program at the University of

Memphis offers a wide variety of engaging classes in which to gain insight and practical application in a specific area of law and, in many cases, develop a predilection for one of them. From Bankruptcy law to Contract law, and from Legal Code and Procedure to Legal Research and Writing it was a challenging and gratifying program and by the time I graduated in August 2007 I was educated and well-trained in some of the most valuable and lucrative areas of law. I was ready to enter the job market as a highly competent paralegal. In fact, I landed a job a week before graduation, with no real work experience aside from the internship I had completed to fulfill the Paralegal Studies Program's requirements.

I hit the ground running at my new workplace and soon was promoted

to an employment-based immigration team leader and then to Senior Paralegal in just a little over 2 years. I have even considered attending law school, as many of the graduates from the Paralegal Studies Program have done. The Paralegal Studies Program is one of the most relevant and useful majors to undertake if one's goal is to attend law school.

Nevertheless, the Paralegal Studies Program is a solid, well-rounded program designed to develop, among other things: writing, analytical, and problem-solving abilities; and practical knowledge in many areas of the law, which in today's competitive job market, are extremely valuable and sought-after qualities.



How to Brief a Case

The ability to brief a case is an integral skill when conducting legal research. Through case briefs, a researcher summarizes the important points of cases so that all involved can quickly decide a case's bearing on their issue/case. So, how do you brief a case? Most case briefs contain:

Facts: What are the key facts in the case? Not every fact in an opinion is included here, but, rather, what facts were important to the court in making its decision, and what facts are important for comparing the case to yours?

Procedural History: What has happened previously (or in some circumstances, subsequently) in this case? Here is where you note what decisions any other courts have made (i.e. found for plaintiff/defendant; certiorari denied, etc...).

Issue(s): What were the issues before the court? This part of the brief can be particularly important because it is where you determine if the court directly dealt with the issue in your case.

Alleged Error: Why was this case appealed? What is the appellant asserting as the reason the lower court should be reversed?

Holding: What did the court ultimately decide? What are the 1-2 sentences that basically sum up the court's opinion?

Reasoning: What support does the court give for its holding? This part of the brief is vital for determining how you can show that your case is similar to or needs to be distinguished from the case being briefed.

Disposition: What was the result of the court's decision (i.e. reversed/affirmed/remanded, etc...)?

Depending on the complexity of the case, you might also need to add a section to the case brief for concurrences and dissents. Although they are not binding as the decision of the court, the concurrences and dissents can, among other things, give insight into the case and help with formulating arguments for your case/issue. Not every case brief will contain all the parts listed; adjustments will have to be made depending on the case being briefed. For an example of a case brief, see our case spotlight on page 4.

Greater Memphis Paralegal Alliance

The Greater Memphis Paralegal Alliance is an organization dedicated to the fellowship of and continuing education of legal assistants and paralegals. They offer many opportunities for students and alumni of the Paralegal Studies Program to get involved.

First, students can attend GMPA's monthly luncheon. The meetings are the 3rd Wednesday of each month at the University Club, at Central and Lamar. Lunch begins at 11:30 am

(\$18 for members; \$25 for non-members) with a speaker beginning at noon. Reservations for the monthly luncheon should be turned in to GMPA's 1st VP / Education Chair Jillian Jewell by noon the Monday before the meeting at: gmpa.membership@gmail.com.

Second, students can join GMPA. The membership fee is \$25 a year and membership offers the opportunity to network with others in the legal field.

Provided by Clara Murray, Human Resources Manager for the Shelby County Fire Dept. and Treasurer for GMPA.

GMPA invites everyone to visit the National Association of Legal Assistants' website at www.nala.org and the GMPA website at www.memphisparalegals.org.

GMPA sponsors a Study Group for the CLA / CP Exam for members of GMPA. GMPA welcomes student members of GMPA to the Study Group. Students may find information about qualification for sitting for the exam on the NALA website.

Language Skills for the Paralegal

You've got the grades, you've got the recommendations, maybe you've even got the experience. You certainly have the personality. Now if you can only get the interview to prove it.

As the Managing Attorney of what might be considered a mid-sized immigration law firm, I see paralegal resumes come across my desk all the time. So how do you get into my first round of draft picks to get that all-important interview? Provide me with a neat, clear resume that shows me not only your education and experience, but that you are organized in your thoughts, and can put together a professional-looking document. I'm certainly not going to trust you with drafting my legal documents if you can't spell or you can't use word-processing software.

Grades have some importance, and

experience is always a big plus. But the thing -- especially in my field of law -- that will get you the interview is a second language.

In today's global market, a bilingual or multilingual paralegal can be a tremendous asset. The need for bilingual paralegals in the immigration field is obvious, but other areas of law have just as great a need. The 2000 Census reported that over 8% of people living in America speak English less than "Very Well." Consider that as 8% of your firm's potential clients, and you see how you can either increase business or help service the needs of existing clients. This makes you, if you are bilingual, very marketable.

Many law firms actively seek bilingual or multilingual paralegals. Other firms may not know they need your language skills until you pique their interest with your cleverly written cover letter explaining how you can help them expand and support their non-English speaking market. Do your research and market yourself wisely. Spanish speakers will have an easier time marketing to any field of law, simply by virtue of

Submitted by Kimberly Sutton, J.D., Managing Attorney for the Frager Law Firm, P.C. and alumnus of the Cecil C. Humphreys School of Law

the fact that most non-English speakers in the U.S. speak Spanish. If you speak Japanese, you'd do well to find out what law firms do business with Japan or with Japanese-owned businesses in the U.S.

So don't hide your language skills as an afterthought in the "other skills" section of your resume. Devote some space in your cover letter to touting this skill that can set you apart from other applicants with the same qualifications. It just might get you that interview.



Submitted by Kathy Mathis, Office Manager and Paralegal for UT Health Science Center's Office of the General Counsel & Secretary

Success Stories: Life as a Paralegal

Suggestions for Future Paralegals:

Get plugged into a paralegal association while they are in school. Student memberships are very inexpensive. This is the best way to network, volunteer and get to know people in the legal community. So, you should be in touch with the two Memphis paralegal associations. They are GMPA (Greater Memphis Paralegal Alliance) www.memphisparalegals.org and Memphis Paralegal Association www.memphisparalegalassociation.org

I graduated May 17, 1999.
I have been at UT since 2000.
I am the office manager and one of two Paralegals in the office.
I obtained my Associates Degree in Legal Assistant Technology in 1993 from Southwest.
I took a \$3,000 a year pay cut to get into the legal field.
I started off as a data entry clerk for a firm representing Bankruptcy debtors.
I then moved on to a firm representing Bankruptcy Creditors.

From there I moved into litigation. I have sat with an attorney at the 6th Circuit Court of Appeals in Cincinnati, OH. I have traveled and worked on product liability cases. I was out-of-town on one of these cases for 3 weeks reviewing crash test videos and documents. I was the person who discovered the alternative design that we were looking for in a major case. Our office represents the UT resident physicians sued in malpractice cases. We do mainly malpractice defense in this office but also employment law and other contract and administrative matters. I enjoy my career and am glad I made the choices I have made. I am still paying student loans which I'm sure many people have to do for many years in order to obtain a good education and a good job.

Upcoming Events and Postings

National Mock Trial Tournament
April 16-18, 2010
For more information, contact:
Whitney Faust: 901.843.3818 or
Marcus Pohlmann: 901.843.3843

The University of Memphis Chapter of Golden Key International Honour Society sponsors many volunteer activities throughout the year and welcomes help from both members and non-members. For more information, please contact the chapter at gkmemphis@gmail.com.

There are several volunteer opportunities available through Mark Berryhill of the Shelby County Sheriff's Office. One event is the

Saturday Legal Clinic with MALS at the Ben Hooks Library on Poplar Ave. Upcoming dates for the legal clinic are: April 10, May 8, June 12, July 10, August 4, September 11, October 9, November 13, and December 11, 2010. For more information and/or to be added to the Paralegal ProBono Newsletter email distribution list, please contact Mr. Berryhill at 901-545-5220 or mark.berryhill@shelby-sheriff.org

Memphis Area Legal Services has many volunteer opportunities available on its website. Attached to this newsletter is the volunteer enrollment form, which should be turned in along with a copy of your resume if you would like to volunteer through MALS. Please go to

<http://malsi.org/volunteer.php> for a list of volunteer opportunities or contact Linda Seely at 901-255-3417 or lseely@malsi.org for more information on how you can get involved in helping MALS serve our community.

For other volunteer opportunities, please go to:

TN Bar Association:
http://tba.org/CPB_2009/CPBgrid.html#Anchor-Memphis-33869

Memphis Bar Association:
<http://www.memphisbar.org/calendar.cfm> or legalhelp.memphisbar.org

Students—Don't forget about LEX. We need students willing to take on leadership roles and become officers for LEX. Whether you want to be in a leadership position or just a member, membership in a career-field-specific honor society is a GREAT resume-builder.

CASE SPOTLIGHT: THE UNDERGROUND AQUIFER CASE – WHOSE WATER IS IT?

Hood, ex rel State of Mississippi v. City of Memphis, 570 F.3d 625 (5th Cir. 2010)

FACTS: This suit arose from the State of Mississippi's claim for conversion due to the groundwater pumping conducted by MLGW for the City of Memphis from the underground aquifer lying beneath Tennessee, Mississippi, and Arkansas. Mississippi asserts that the pumping has led to the City of Memphis' acquisition of water that was the property of Mississippi; and, as such, Mississippi should be compensated for the loss of the water.

PROCEDURAL HISTORY: Suit was filed in the Northern District of Mississippi in February 2005. The District Court dismissed the suit in January 2008 for failure to include Tennessee as a party. Mississippi appealed to the 5th Circuit (opinion summarized herein). Following the decision of the 5th Circuit, the U.S. Supreme Court denied certiorari in January 2010.

ISSUE: Is Tennessee an indispensable party to a suit between Mississippi and the City of Memphis over the use of water in the underground aquifer?

COURT'S REASONING: The 5th Circuit first set forth Fed. R. Civ. P. 19(a) and undertook an inquiry for determining whether or not a party is indispensable to a suit. The 5th Circuit determined that because the aquifer is an interstate water source, Tennessee is an indispensable party to the suit; finding that whether the City of Memphis has taken water belonging to Mississippi from the aquifer cannot be determined until there is an equitable apportionment of the water between the states. In so holding, the 5th Circuit stated that "[t]he fact that this particular water source is located underground, as opposed to resting above the ground as a lake, is of not analytical significance" and determined that "the [a]quifer is not a fixed resource like a mineral seam, but instead migrates across state boundaries." *Id.* at 630 Based on this finding, the 5th Circuit upheld the district court's determination that original and exclusive jurisdiction for the suit rests with the U.S. Supreme Court under 28 U.S.C. §1251(a) because the requirement for equitable apportionment creates a suit between two states. The court notes that there can be no finding that the City of Memphis acted wrongfully unless there was a certain amount of water allocated through equitable apportionment, and that "Tennessee's water rights are clearly implicated, even if Mississippi has sued only Memphis." *Id.* at 632. The 5th Circuit stated that even though it is affirming the dismissal of this claim, Mississippi still has access to an adequate remedy because Mississippi can seek to bring an equitable apportionment action in the U.S. Supreme Court and/or can negotiate an interstate compact allocating the water between the states.

HOLDING: Where an interstate resource, such as an underground aquifer, is at issue in a suit, equitable apportionment is a required prerequisite to a finding of a wrongful taking of the resource by a state or its municipalities. Therefore, both states implicated in the suit must be joined as parties, creating a suit between the states and invoking the exclusive original jurisdiction of the U.S. Supreme Court.

DISPOSITION: The 5th Circuit affirmed the decision of the Northern District of Mississippi, finding that there was no abuse of discretion in the district court's dismissal of the suit due to its holding that Tennessee was an indispensable party to the suit and that, as such, the U.S. Supreme Court had exclusive original jurisdiction over the suit.

Where an interstate resource, such as an underground aquifer, is at issue in a suit, equitable apportionment is a required prerequisite to a finding of a wrongful taking of the resource by a state or its municipalities. Therefore, both states implicated in the suit must be joined as parties, creating a suit between the states and invoking the exclusive original jurisdiction of the U.S. Supreme Court.



Practice Tips:

What Every Paralegal Should Know

Submitted by Kathleen Baxter,
Litigation Paralegal

I have been a paralegal for over 15 years, and have experience in both the defense and plaintiff sides of the law. My passion is in fighting for the rights of the injured and falsely accused. I credit my professors from the University of Memphis' Paralegal Studies Program, through their teaching, experience, and insight, for instilling in me a strong work ethic and the determination to do my job as thoroughly as possible. Below are some of the insights that I share with the paralegal interns and new paralegals who come across my path.

Imagine: The litigation paralegal is out for a few days and an attorney has asked you, a legal secretary, to draft a Response to Defendant's Motion for Summary Judgment with numerous issues but did not explain which issue(s) she/he wants you to cover, much less how to do it, but simply said to "do it" while running out the door. The term is vaguely familiar, so you research it on the internet and/or grab one or two of those books you pass everyday in the office library, bound and determined you will **NOT** ask a co-worker. After you read a few descriptions, it dawns on you that **CAN** do it and you go back to school.

A paralegal, as defined by the National Federation of Paralegal Associations, "is a qualified person through education, training or work experience to perform substantive legal work that requires the knowledge of legal concepts. This person may be retained or employed by a lawyer, law office, or governmental agency, or may be authorized by administrative, statutory or court authority to perform this work. Substantive shall mean work requiring recognition, evaluation, organization, analysis, and communication of relevant facts and legal concepts that a paralegal is trained to recognize."

Paralegals perform many legal tasks for lawyers and are essential for a litigation practice. However, paralegals cannot present cases in court, give legal advice, or set fees as that is considered practicing law. Although a paralegal works under the supervision of the attorney, the paralegal has daily duties that include:

Conducting client interviews; maintaining contact with the client; locating and interviewing witnesses; conducting investigations; conducting legal and documentary research; drafting legal documents, such as complaints and all correlating discovery pleadings and correspondence; calendaring all deadlines in cases; scheduling and preparing clients for depositions; summarizing deposition testimony; drafting and filing pre-trial Motions and Orders; preparing trial notebooks; correlating all trial exhibits; and preparing clients for trial.

Depending on what type of law your law firm practices, some other very important functions are:

Preparing all documents for and attending executions of wills; preparing all documents for leases or real estate closings; assisting lawyers in preparing for corporate meetings; preparing bankruptcy documents; preparing Complaints for Divorce; preparing documents for Social Security claims; and preparing copyright applications.

Below is a brief description from the National Federation of Paralegal Associations of the various terms used above and terms that a trained paralegal has tattooed on the inside of his/her brain:

Pleadings - Litigation paralegals on the plaintiff side may assist in drafting pleadings, including the summons, complaint, and supporting affidavits. Paralegals on the defense side may collaborate with the client to investigate the allegations and formulate responses. Litigation paralegals are often charged with the task of creating and maintaining pleadings indexes and filing pleadings with the court. Paralegals also calendar hearing dates and filing deadlines.

Discovery - The majority of a litigation paralegal's time is spent in discovery. Litigation paralegals help attorneys in drafting Interrogatories, Requests for Production, Requests for Admissions, and other discovery. Paralegals on the defense side may track down knowledgeable persons within the client organization to help develop responses to Interrogatories, Requests for Production, and other discovery requests. Paralegals also

create and maintain discovery indexes; organize voluminous case files; calendar discovery deadlines; organize, review, and analyze documents for production; prepare deposition summaries; organize, summarize and analyze medical records, and assist with e-discovery. Litigation paralegals often conduct legal research, analyze issues and craft legal memos along with conducting factual research through gathering relevant information from a variety of resources, such as newspapers, libraries, police and fire departments, trade associations, and the media.

Pre-Trial - The litigation paralegal's communication and organization skills are invaluable in pre-trial litigation. Litigation paralegals organize and index exhibits; prepare trial binders; and manage document-intensive files. Litigation paralegals also serve as a liaison between the trial team and third parties such as witnesses, clients, vendors, experts, and courtroom personnel. If the trial will take place out-of-town, litigation paralegals often coordinate logistics such as setting up the war room, reserving hotel and office space, and acquiring equipment.

Trial - At trial, litigation paralegals are the attorney's right hand; organizing exhibits, documents and evidence; arranging for transporting and setting up files and exhibits in the courtroom; preparing and issuing subpoenas; assisting in preparing witnesses; researching and evaluating prospective jurors; and serving as a liaison between clients, witnesses, experts, vendors, and the trial team. In the courtroom, litigation paralegals assist with voir dire and jury selection; handle exhibits; pull needed documents; prep witnesses; prepare witness files; observe the jury; take notes on the attorney's behalf; order and review trial transcripts; and interact with clients, vendors, experts and courtroom personnel. Paralegals may also help prepare jury instructions and conduct post-trial interviews of the jurors.

Appeal - Litigation paralegals assist with identifying issues for appeal; gathering and organizing documents for a record on appeal and/or a joint appendix; indexing cases for a table of authorities; assisting in the research and drafting of appellate documents; and filing documents with the court.



Mentor-Mentee Program

The Paralegal Studies Program is in the process of developing a mentor-mentee program. If you are a legal professional and interested in mentoring a paralegal student or a paralegal student looking for a mentor, please let us know.



University of Memphis

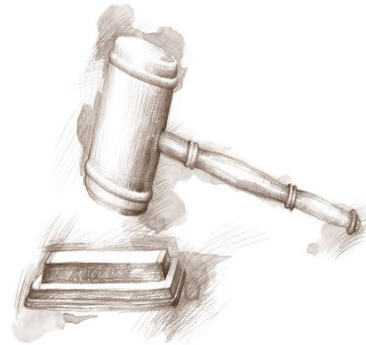
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Submissions for Future Newsletters Needed

The success of the Paralegal Studies Program and this newsletter depends on its students and alumni. The best thing students and alumni can do to help maintain a strong program is to stay involved. One way to do that is to submit articles, announcements, recognition for special achievements, and job postings pertaining to the local legal community for publication in the newsletter.

So, why contribute? For students, this is a great opportunity to expand your writing skills and have something to show to potential employers and graduate programs how you added to the breadth of your undergraduate experience. For alumni, you are the glue that keeps the program going. Without alumni helping create contacts in the legal community, it would be very difficult to place interns and graduates into meaningful positions. Also, you, as alumni, have been there and seen what a paralegal education can do for you. Whether you look back and say "I'm

glad that I took this class or did that activity" or whether you look back and see things you wish that you had done, your advice to current students is invaluable to helping them get the most out of their education.



If you want to get involved but do not want to submit something for the newsletter, there are other opportunities for you. Alert the program about

opportunities in the legal community or volunteer to be a speaker at an event for LEX. Or, volunteer to be a mentor for a paralegal student and offer them advice and tidbits of knowledge from your experiences. If none of these opportunities fit you, we are open to ideas for expanding the involvement of the Paralegal Studies Program in the legal community and vice-versa, so feel free to contact us with suggestions.

Dottie Mainord,
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