

The Brief on Appeal



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Affiliated Chapter of: NALS...the Association for Legal Professionals and NALS of Missouri

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KCLSA – Celebrating Over 50 years!

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PRESIDENT'S MESSAGE by

Nichola Engle, PP, PLS

How Does Our Garden Grow?

October has me thinking of Halloween and how so many people look forward to dressing up and being someone else for a time. It makes me think of all the different roles we choose to be all at once. September was an especially busy month for me at work and at home. I am a paralegal, wife, mom, Secretary of the PTA, housekeeper, cook, Secretary of NALS of Missouri, friend etc.

I take all of my roles very seriously, especially the one I currently hold for KCLSA as President. I am not only the KCLSA President, but I am a member too. It has been a pleasure to be on the board and able to see KCLSA function as it does. I do not think you can truly appreciate all the work that is put in by members until you sit on the board and see the plethora of volunteers. I also get to see the enthusiasm that comes along with it. I feel very fortunate to be able

to catch this glimpse of the organization and its members.

I hope you all take your role in KCLSA as seriously as I do. Your commitment and enthusiasm is what makes this group roll like it does. Whether you decide to take on the role of a Board Member or serve on a committee or faithfully attend membership meetings, it is because of you that KCLSA exists like it does. Now with that being said...who would like to volunteer? ☺

Keep being who you are in the organizations and keep looking for opportunities for us and YOU to grow!

Nicci



From the Executive Director

NALS appreciates all our members and your continued dedication to the association. Just as you show us your overwhelming dedication, we also want to show you our support and dedication in your time of need. If you are a *continuing* member of NALS and are unemployed at the time of renewal and payment of your dues creates a hardship for you, NALS will waive your dues for one year. [You only need to fill out this form](#) and submit it to [Saundra Bates](#) at the NALS Resource Center. Be sure to utilize your NALS network and resources during your job search, and together we can create a brighter tomorrow.

Tammy L. Hailey, CAE
NALS Executive Director

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**Elected Officers
2011 – 2012**

President Nicci Engle, PP, PLS
Nichola@shepherdelderlaw.com (816) 505-1999

Vice President..... Jaime Munoz
jmunoz@sls-law.com (816) 931-0500

Secretary Robin Bish, PP, PLS
rbish@sls-law.com (816) 931-0500

Treasurer Peggy Sullivan, PP, PLS
psullivan@shb.com (816) 559-2157

Service Director Marcia Gathright
MGathright@session.com 816-842-4949

Education Director Micki Warnecker, PP, PLS
MWarnecker@shb.com (816) 474-6550

Finance Director..... Maria Majia, ALS
Maria_kesslerlaw@kc.rr.com (913) 621-4400

NALS Liaison Michelle Haughey, PP, PLS
mhaughey@sirosmithdickson.com (816) 308-1657

Brief on Appeal Editor:
Laura J. Stevenson, P LS
Van Osdol & Magruder, PC
911 Main St., Suite 2400
Kansas City, MO 64105
ljestevenson@vomere.com

Phone: 816-421-0644 Fax: 816-421-0758

**HAPPY
HALLOWEEN**



Code of Ethics

Members of NALS are bound by the objectives of this association and the standards of conduct required of the legal profession. Every member shall:

- Encourage respect for the law and the administration of justice;
- Observe rules governing privileged communications and confidential information;
- Promote and exemplify high standards of loyalty, cooperation and courtesy;
- Perform all duties of the profession with integrity and competence; and
- Pursue a high order of professional attainment.



Mission Statement

NALS is dedicated to enhancing the competencies and contributions of members in the legal service profession. It accomplishes its mission and supports the public interest through:

- Continuing legal education and resource materials;
- Networking opportunities at the local, state, regional and national levels;
- Commitment to a Code of Ethics & Professional Responsibility; and
- Professional certification programs and designations.

HONORING SPECIAL MEMBERS

KCLSA HONORARY MEMBERS

**John M. Bowen
The Honorable Thomas C. Clark
Dwight Elliott
Brienne Hampton
Cherie Kennedy
Mary Ann McClure
Mike Murphy
Honorable Thomas Sims
Patrick Young**

KCLSA LIFE MEMBERS

**Kristen Bailey
Ruth French
Miriam Gemperle
Rita Hallowell
Michelle Haughey, PP, PLS
Linda Hoffman, PLS
Diane Kennedy, PP, PLS
Marian Neal, Barbara Nelson
Judy O'Hara
Janice Rider
Carrie Tyner, PLS
Peggy Sullivan, PP, PLS**

NALS LIFE MEMBERS

**Delores Champ, PP, PLS
Linda Hoffman, PLS
Martha Miller, PLS**

BRIEF BUDDIES!!

**DONATE YOUR \$5.00 TO SEE YOUR NAME
HERE!!!**

**Peggy Sullivan Janice Rider Donna Young Patrick Young
Dee Champ Joyce Bassett Nicci Engle**

These people have pledged their support to KCLSA by donating \$5.00 to our treasury. If you'd like to show your support and have your name listed above every month in the *Brief on Appeal*, please notify the Editor and forward your \$5.00 to our Treasurer.



PLEASE JOIN US! Hope to see you there!

KCLSA 2011 Bosses' Night Celebration

Wednesday, October 12, 2011

Cocktails: 5:30 p.m. (cash bar)

Dinner: 6:30 p.m.



Buca di Beppo
310 West 47th Street
Kansas City, Missouri

Menu:

Mixed Green Salad & Caesar Salad

Fettucine Alfredo

Baked Rigatoni

Chicken Parmigiana

Cannoli

Unlimited Soft drinks, Coffee & Tea

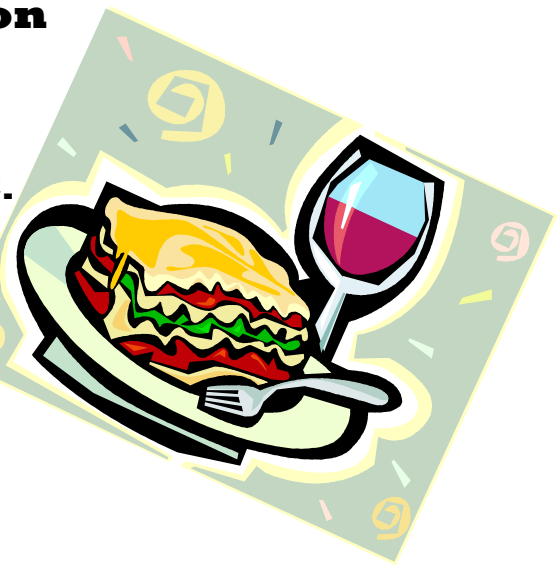
Reservations required by October 4, 2011

ONLY \$40.00 per person

Contact Information:

Laura J. Stevenson, PLS
Van Osdol & Magruder, P.C.
911 Main St., Suite 2400
Kansas City, MO 64105
816-421-0644

l Stevenson@vom er.com

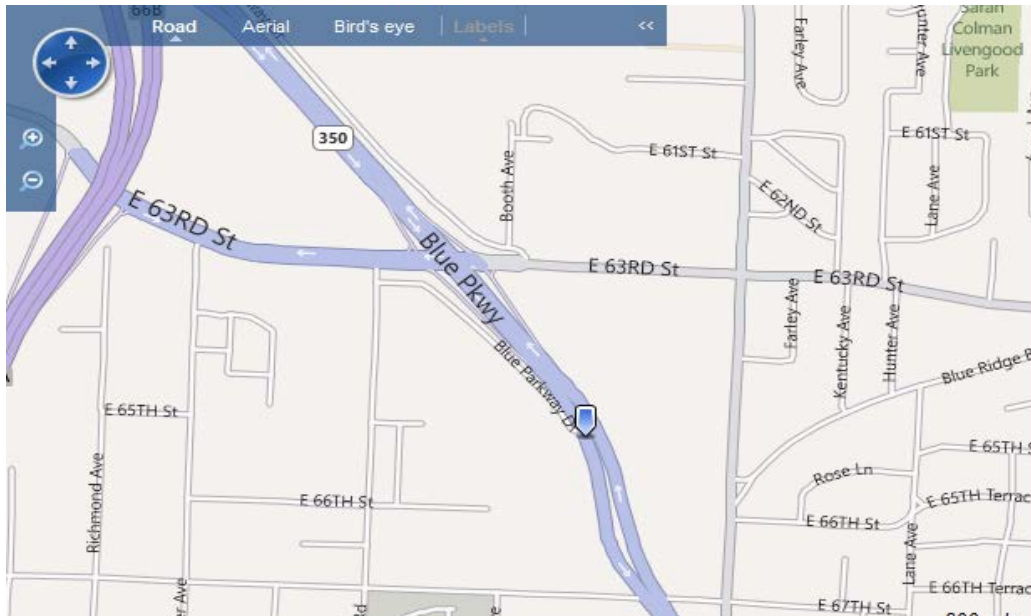


KCLSA IS HOSTING NALS OF MISSOURI 2012 WINTER BOARD

KCLSA will be hosting the Winter Membership Meeting on February 10-11, 2011, at the Holiday Inn Express & Suites Sports Complex Area, 8551 E. Blue Parkway, Kansas City, Missouri 64133 (close to 435 and 350 Hwy, Raytown). This is a very new hotel located near I-435 and Hwy 350 (southeast part of Kansas City). Our theme is “Escape on a Winter Cruise.” Even though some preliminary planning has been done, there are still many areas in which you can become involved. We will have a short meeting after the November chapter meeting, but I would love to hear from you before then if you would like to help. If you have never been to a state meeting, this is a fun way to get involved and find out what it’s all about!

Some of the areas we are working on include:

- Obtain speakers (we need 4 for Saturday per the agenda below)
- Nametags
- Manning the reservation table on Friday afternoon and Saturday morning
- Boodle bags (Michelle Haughey)
- Friday night welcome party (Diane Kennedy)
 - Charity
 - Games? Activities?
 - Food
- Saturday
 - Do we want a color guard?
 - Lunch
 - Table decorations
 - Favors
- Saturday evening
 - Usually organize outing to a restaurant. Plaza? Not a bad drive from the hotel.



Friday, February 10		
2:00 – 4:00 pm	NALS Board of Directors Meeting	
3:00 - 5:30 pm	Registration	
4:00 – 5:30 pm	Certification	
6:30 – 8:00 pm	Welcome Reception	
Saturday, February 11		
8:30 – 9:00	Registration	
9:00 – 9:15	Welcome – opening remarks	
9:15 – 10:30	1 st speaker	
10:30 – 10:45	Break	
10:45 – 12:00	2 nd speaker	
12:00 – 1:15	Luncheon	
1:15 – 2:30	3 rd speaker	
2:30 – 2:45	Break	
2:45 – 3:45	4 th speaker	
3:45 – 4:00	Set up for business meeting	
4:00 – 5:00	Business meeting	



[Do Attorneys Still Practice Law? Are Paralegals Now Practicing Law Instead?](#)



Back in 1977 when I began working for law firms, there was no such thing as a paralegal. Instead, we were called: legal secretaries. This is because the attorney studied the law, looked up the law in their office law books and became their own law clerk. In fact, the attorney learned every aspect of the field of law they chose to operate in and most of them enjoyed it. By knowing the law they were able to advise their clients properly and write their own pleadings and briefs. After writing or dictating their pleading or brief, this was given to a legal secretary and we

typed out the legal document. We did not practice law in any manner and we respected the attorney for his or her knowledge.

But in the mid-1980s some attorneys began assigning jobs to their legal secretaries that were similar to what a law clerk performs today. The problem was that they did not raise their salary and continued to pay them a legal secretarial wage. The legal secretaries revolted and developed the paralegal role; which was a higher paying position than a legal secretary.

I was one of the few who revolted against this concept. I believed that attorneys should continue practicing law and legal secretaries should continue in their role and not practice law, but as you know, this is not what happened. Instead the paralegal role was developed and today we have non-attorneys who are committing unauthorized practice of law, but it is disguised due to the fact the paralegal is employed by an attorney.

Over the years, a large segment of attorneys continued to get lazy. Many of them depended on their non-attorney staff to know the law and keep them informed of any changes. These types of attorneys lost the desire and the passion to know the law and practice it with a diligent effort to protect their clients and win their cases. How do I know this? I have worked for many of them and I see the increase of this behavior, especially in the bankruptcy field.

Prior to 2005, the bankruptcy field was filled with excellent attorneys who knew the bankruptcy law inside and out. (I was trained by many of these attorneys.) If an attorney wanted to practice in the bankruptcy arena, he or she would work as a type of apprentice for one of these experienced bankruptcy attorneys and learn the bankruptcy law inside and out also.

But when rumors of the changes in the bankruptcy law began to surface, a large number of these experienced bankruptcy attorneys transitioned into another area of law. You can look up arguments that attorneys published on the internet from that time period and you will see all the various reasons they opposed the new 2005 bankruptcy law. Their arguments are too numerous to cover in this short article so I will leave the research to those who are interested in this particular topic.

However, the fact remains that when a large number of experienced bankruptcy attorneys left the field, this opened the field for many new attorneys who did not have this experience. The number of bankruptcy cases did not stop; in fact, they increased. And this increase caused many attorneys to open up practices and have little time to learn their bankruptcy laws. Instead, a large number of them relied on their non-attorney staff to know this information which was the biggest mistake an attorney can make.

How do I know all this? Not only have I worked in the legal field since 1977, but during the past 90 days I have come into contact with two bankruptcy attorneys who demanded that I know their specific state exemption codes in order to prepare their petitions. When I argued that the attorney should practice law and know their own exemptions they became angry and fired me. Both of these attorneys were young (under 40) and both of these attorneys were hard driven to make money, not practice law.

Personally, I find this situation very sad. I hope that an experienced bankruptcy attorney will read this article and write other articles for legal magazines that stress the importance of why

attorneys should practice law and not depend on their non-attorney staff to do the job for them. Here are just a few of the problems that could develop for a law firm that bases their practice on these principles:

** The attorney cannot possibly represent and advise their client properly. Sure, they can make it appear to the client that they are knowledgeable in the law, but they will overlook loopholes that could benefit the client and loopholes the attorney does not take advantage of for their clients protection.

** The attorney will show his or her ignorance of the law when they go to the 341 Meeting or interact with other attorneys who do know the law. For example, bankruptcy trustees are very smart. They process hundreds (perhaps thousands) of bankruptcy cases per year and they know the bankruptcy law inside and out. A trustee can look at a bankruptcy petition and pick out the flaws. When they question the attorney, they know from their response if they know the law or not.

Note: I worked for one attorney who actually had a system of filing his petitions on certain days of the week so he could be assured of getting Trustees assigned to the case who did not give him a hard time. In my opinion, if the attorney knew the bankruptcy law, he would not need to hand pick Trustees; he would be able to argue his clients case with any Trustee and gain a solid reputation in the court.

** The attorney will lose the passion and feeling of accomplishment that occurs when they know the law. There is no better feeling when you are trying to protect a client from wrongdoing by the opposing party and you find the loophole you need to win your case. I have worked for attorneys like this, and they are so overjoyed and happy, we have had office parties to celebrate these victories.

Summary

If you are an attorney who depends on your non-attorney staff to know the law, stop this behavior now. Join groups at your local bar association and mentor with experienced attorneys in your field who know the type of law you practice. Seek them out, hang out with them, and study the law over and over again until you know it well.

If you are not an attorney, make sure you know the type of attorney you hire or work for. One way to know this is to ask the attorney a series of questions. If they cannot rapidly answer you (and need to make a call or consult with someone else to find the answer) be very leery of this attorney.

Perhaps in recognizing this problem and not tolerating this behavior from attorneys who choose not to practice law, the problem will not become so rampant in our society. Thank you for doing your part.

SERVICE REPORT

First, I would like to ask all of you to remember Christy Wittmaier in your thoughts and prayers in the pass of her father. Christy is our NALS of Missouri State Treasurer. I am forwarding a card to her and her family on behalf of KCLSA, letting them know we are thinking of them in their time of sorrow.

Also, please keep Michelle Greubel and her family in your thoughts and prayers as well, as she continues to deal with her husband's illness. KCLSA has ordered items from Honey Baked Ham to be delivered to Michelle and family and I am also forwarding a card to her, letting her know we are thinking of them.

Our current service project is a BOOK DRIVE for donations to schools, libraries, the Boys & Girls Club, Operation Breakthrough and/or nursing homes. Let's see what we can gather up and donate to keep everyone reading.

We only received 1 child's book at the September 14 membership meeting from Diane Kennedy who decided she would give it directly to someone she knew. Ladies, I know money is tight for everyone, but you could donate some of your gently used books that you know you may not read again. Come on, grab a couple of dollars and head to the dollar stores or thrift stores in your areas and pick up a book or two. Last week I found about 6 great books on the clearance shelf at a BigLots for only 50¢ each...it can be done.

Remember, I am more than happy to pick your books up at a convenient location ... please give me a call if you have any questions or would like to donate \$\$ @ 816/841-6416 or shoot me an email mgathright@session.com.

Birthdays

October 3
October 22
October 29

Joyce A. Bassett PP, PLS
Janice E. Rider
Wendy Mentzer

Anniversaries

October 12
October 21

Marcia L. Gathright
Donna M. Young

7 years
7 years

Hope your days are full of fun & laughter

If I've missed anyone it's because your dates are not listed on our Roster... please let me know your dates so you can be included in the future.

Marcia L. Gathright
Service Director

PUBLICATION INFORMATION

The Brief on Appeal is published by Kansas City Legal Secretaries Association (KCLSA). The materials in *The Brief on Appeal* are provided for general information purposes only; they are not intended to, and do not constitute, legal advice. For specific legal advice, readers are encouraged to consult with counsel of choice.

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Visit us on the web at www.kclsa.net



JOIN US

The Kansas City Legal Secretaries Association (KCLSA) is a multi-level association, affiliated with NALS, Region 6 and NALS of Missouri.

Our organization is open to anyone who is employed in work of a legal nature. Dues are \$135 (includes a \$10 one time processing fee).

Benefits include monthly issues of *The Brief on Appeal* newsletter from KCLSA, issues of *The Briefcase* from NALS of Missouri, and *@Law* from NALS.

NALS members are eligible for discounts on a variety of goods and services such as insurance, travel services and rental cars.

To receive membership information, contact KCLSA's Vice President, Jaime Munoz, jmunoz@sls-law.com, (816) 931-0500. Learn more about our multi-level association by visiting us at www.kclsa.net.

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THIS IS WHAT'S COMING UP!!!

- October 5, 2011.....KCLSA Board of Directors Meeting (Shepherd Firm)
- October 7, 2011..... Yom Kippur Begins
- October 8, 2011..... Rhythm & Ribs Jazz & Blues Festival, American Jazz Museum
- October 10, 2011.....Columbus Day
- October 12, 2011.....KCLSA Bosses' Night – Buca da Beppo
- October 17, 2011..... International Day of Action to Eradicate Global Poverty
- October 24, 2011..... United Nations Day
- October 31, 2011..... Halloween



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