



Message from the Chair

by Danielle Davis

Distinguished Paralegal of the Year



J. Robyn Dotterer, CP was nominated and was awarded the 2014 Distinguished Paralegal of the Year Award at the annual Paralegal Day Luncheon on May 15, 2014.

Robyn has worked as a paralegal for over twenty-five years. She has worked for Dunn & Dunn for eleven years, during which time she achieved her Certified Paralegal in 1994. She has been employed with Strong & Hanni for fifteen years. She has an outstanding knowledge of the law, demonstrates high ethical standards, and is very dedicated, not only to Strong & Hanni, but also to the community.

Robyn was nominated by Ron Mangone, the Executive Director at Strong & Hanni, as well as several of her attorneys. Mr. Mangone had this to say about Robyn in his nomination:

Robyn has toiled countless hours in unison with her attorneys, staff, and other paralegals to insure that clients receive the best legal representation possible.

Her attorneys rely explicitly on her not only for her quantitative work but also her qualitative skills in analyzing and strategizing a case. She is a vital part of making Strong & Hanni the firm they are.

Robyn has been an active member in the Paralegal Division and the Utah Paralegal Association for many years, serving on various committees. She was a Director-at-Large, co-chair of the Community Service Committee, YLD Liaison for several years, chair of the Utilization Committee, and has continued to dedicate time and knowledge to the Division, Bar, and community. She has published several articles in the *Utah Bar Journal* on the subject of utilization of paralegals and has reported on the salary surveys which she headed-up while serving on the Paralegal Division Board of Directors. Robyn has acted as the Paralegal Division representative on the Disaster Legal Response Committee. She has been instrumental in facilitating several clothing drives and community service projects and has assisted with Wills for Heroes, where you will also find her husband, Duane, not far from her side, assisting her with her adventures throughout the community. Congratulations Robyn Dotterer!

Did you know?

When the Utah Supreme Court granted the Petition filed by the Utah State Bar for the creation of the Legal Assistant Division (now the Paralegal Division), it adopted the same definition of a Legal Assistant that was adopted by the ABA as follows:

Definition of "Legal Assistant"

A legal assistant is a person, qualified through education, training or work experience, who is employed or retained by a lawyer, law office, governmental agency, or other entity, in a capacity or function which involves the performance, under

the ultimate direction and supervision of an attorney, of specifically delegated substantive legal work, which work, for the most part, requires a sufficient knowledge of legal concepts that, absent such assistant, the attorney would perform the task.

The term "Legal Assistant" is synonymous with the term "Paralegal."

The definition of a "Legal Assistant or Paralegal" includes paralegals on a contract or freelance basis who work under the supervision of a lawyer or who

produces work directly for a lawyer for which a lawyer is accountable.

Petition for Creation of a Legal Assistant Division of the Utah State Bar

In August of 1997, the ABA updated their definition of a paralegal/legal assistant. According to the ABA's website, the ABA's policy making body, the House of Delegates, adopted the current definition of "legal assistant/paralegal," as recommended by the Standing Committee on Legal Assistants. The current definition reads as follows: "A legal assistant or paralegal is a person, qualified by education, training or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible."

The current definition of "legal assistant/paralegal" replaces the definition adopted by the ABA Board of Governors in 1986. It adds the term "paralegal" since the terms "legal assistant" and "paralegal" are, in practice, used interchangeably. The term that is preferred generally depends on what part of the country one is from. The current definition streamlines the 1986 definition and more accurately reflects how legal assistants are presently being utilized in the delivery of legal services. (ABA website)

There is an increasing trend with Utah law firms to give their legal secretaries the title of Legal Assistant. It is important for attorneys and law firm administrators to be aware that the definition of a Paralegal/Legal Assistant has not changed and that the terms are still synonymous and interchangeable according to the Petition granted by the Utah Supreme Court in 1996. By using the title inappropriately, it creates confusion with clients, other attorneys, administrative agencies, and with the courts. It is a misrepresentation of the job description and could result in rules violations. Further, one of the Canons of Ethics for paralegals requires paralegals/legal assistants to properly identify their status. This raises the question of how would you ever know if the legal assistant is, in fact, a legal assistant or a legal secretary with a different title?

Canons of Ethics

As a general guide intended to aid paralegals and attorneys, the Paralegal Division and the Board of Bar Commissioners of the Utah State Bar have approved the following Canons of Ethics for paralegals:

Canon 1 – A paralegal shall not perform any of the duties that attorneys only may perform nor take any actions that attorneys may not take.

Canon 2 – A paralegal shall not:

- a) establish an attorney–client relationship;
- b) establish the amount of a fee to be charged for legal services;
- c) give legal opinions or advice;
- d) represent a client before a court or agency unless so authorized by that court or agency;
- e) engage in, encourage, or contribute to any act which would constitute the unauthorized practice of law; and
- f) engage in any conduct or take any action, which would assist or involve the attorney in a violation of professional ethics or give the appearance of professional impropriety.

Canon 3 – A paralegal may perform any task which is properly delegated and supervised by an attorney provided the attorney maintains responsibility for the work product, maintains a direct relationship with the client, and maintains responsibility to the client.

Canon 4 – A paralegal shall take reasonable measures to ensure that his or her status as a paralegal is established at the outset of any professional relationship with a client, court or administrative agency, a member of the general public or other lawyers.

Canon 5 – A paralegal shall ensure that all client confidences are preserved.

Canon 6 – A paralegal shall take reasonable measures to prevent conflict of interest resulting from his or her employment affiliates, or outside interests.

Canon 7 – A paralegal must strive to maintain integrity and a high degree of competency through education and training with respect to professional responsibility, local rules and practice, and through continuing education in substantive areas of law to better assist the legal profession in fulfilling its duty to provide legal services.

Canon 8 – A paralegal shall abide by all court rules, agency rules and statutes, as well as the Utah State Bar's Rules of Professional Conduct.

“Yes, Virginia, there is a Santa Claus!”

by Carma J. Harper, CP

Like the article, which appeared in the *New York Sun* on September 21, 1897, I too am hoping to capture the attention of my readers with this article.

The Paralegal Division of the Utah State Bar was created by the Utah Supreme Court in April 1996. As members of the Paralegal Division of the Utah State Bar, we receive a Bar number and a Bar Card with our Bar number on it. We are required to obtain ten hours of Mandatory Continuing Legal Education (CLE) per year prior to our renewal of membership along with being held to the same Standards of Professionalism and Civility, found in Article 3 of the Rules Governing the Utah State Bar. The Rules can be located on the Bar's website at <http://utahbar.org>. We are a part of and an extension of the Utah State Bar and are expected to act accordingly while being held to the same ethical standards as the attorneys.

As members, we have many of the same benefits available to us as do the attorneys. I would strongly suggest going to the Bar's website and seeing what benefits are available for your use. As a note of interest, you can also access the Paralegal's website from the Bar's website by selecting sections, scrolling down the screen to locate, in bold, Utah State Bar Paralegal Division, or

go to <http://paralegals.utahbar.org>. We also have a Facebook page where you can go and get news and updates of our Paralegal Division's current and upcoming activities.

As always, there are a variety of activities and committees the Paralegal Division is involved in throughout our communities. Projects are an ongoing process and we are always looking for volunteers. Please go to our website and let the Paralegal Division know that you want to participate on a committee or just volunteer for a specific event.

Our Continuing Legal Education Committee is hard at work coordinating outstanding CLE opportunities to help paralegals and attorneys maintain the highest standards, while providing affordable CLE seminars to all of the legal community.

In addition, the Paralegal Division as a whole is committed to assisting the Bar in furthering its purposes and mission and to assist with the Bar's goal of providing affordable and accessible legal services to the citizens of this state and our various communities. Remember to “Pay It Forward.”

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