The last issue of Update described the background and organization of Marymount University’s innovative pro bono service program, which students are required to complete. This installment discusses practical operational issues in implementing the program.

Marymount has actively supported community service by its students. The Program did not request a specific level of funding for the new pro bono component because the Program already has computers, printers, copier, fax machine, and postage for Program-related activities conducted on campus. The Program Director (as a licensed Virginia attorney) also did not request course release time or additional salary for supervising the pro bono service requirement. She considers this supervision to be part of her own moral obligation to do pro bono service. Malpractice insurance is the Program Director’s personal obligation.

The Program did request, and was given, administrative support in two important areas:
- **Classroom availability.** Classroom availability is important for two reasons: (1) Marymount is centrally located and is easy for our clients to get to, and (2) students can interview the clients in quiet, private rooms (usually a seminar classroom, but sometimes a traditional classroom).
- **Blackboard use.** Blackboard use is essential. We enroll our paralegal students in the Blackboard “course” set up by Marymount for this pro bono service requirement. The calendaring function allows the students to see when training sessions are scheduled, when specific drafting appointments have been requested, and when final review and execution ceremonies are scheduled. Through the communication (continued on page 4)
Note from the Chair of the ABA Standing Committee on Paralegals

News about current initiatives

The Standing Committee has spent a significant amount of time on a number of initiatives that we hope will enhance paralegal utilization. Following is a brief overview of some of these current and ongoing efforts:

Marketing and outreach
The Standing Committee is committed to providing assistance to unapproved programs seeking initial approval. The marketing plan, developed by the Standing Committee last year, is underway. Programs interested in applying can contact the staff for further information. The Standing Committee will receive a report on the progress of this campaign at its next meeting.

Web Site Update
A new feature of the Standing Committee’s website (http://www.abaparalegals.org) is an interactive map that allows users to access a list of approved programs in a particular state. The Standing Committee offered all approved programs the opportunity to enhance their listing on its website to provide specific information about the type of program offered. The Web site is updated as information from approved programs is received. In addition, students and other interested parties are now able to link directly to the program’s Web site for more information.

Model Guidelines for the Utilization of Paralegal Services
The Standing Committee completed revisions to the Model Guidelines at its last meeting and has forwarded its Report with Recommendations to the House of Delegates for approval at the Association’s midyear meeting in February. In addition, the accompanying commentary was extensively revised and updated. The Standing Committee will discuss methods of distributing the Model Guidelines at its next meeting.

Educational Materials
The Standing Committee has been developing educational materials to use in presentations on effective paralegal utilization. The project involves preparing materials on three separate subject areas (one on the economic benefit of utilizing paralegals, one on ethical considerations, and one relating to specific legal practice areas).

There will be several standard components to the materials, including a speaker’s outline, bibliography of reference sources, and a model PowerPoint presentation. The materials are structured to provide a 1½ hour presentation and can be used either as a standalone or in combination with other teaching aids.

Please contact me or Standing Committee staff if you have any questions or suggestions about these ambitious efforts. We will keep you posted about our work in future issues of Update.
Paralegals who help provide free, or pro bono, legal services to the poor benefit in two important ways: they greatly enhance the availability of such vital services to clients and they can reap significant personal and professional rewards. The last issue of Update included the article “Pro Bono and Paralegals: The Basics” (Update, Volume 5, Number 5 – Fall 2003), which discussed some general principles and benefits related to pro bono participation by paralegals. This article discusses several models for paralegal pro bono participation – clinics, consumer assistance projects, and individual case assistance – and describes specific examples. 

**Clinics**

Many legal services providers involve paralegals in pro bono through legal clinics for the poor. Legal services providers may focus clinics on a specific substantive topic, such as divorce or bankruptcy, or may address all civil legal issues clients raise. Clinics may be held on weekdays, in evenings, or on weekends.

Some paralegals participate in clinics by performing intake, including preparing a summary of the client’s legal needs for a volunteer attorney. They may, with appropriate supervision by an attorney, interview the clients to determine legal issues and refer the client to a volunteer attorney for further legal assistance. Paralegals may also assist clients in filling out forms at pro se clinics. If a volunteer attorney at the clinic accepts a case for representation, paralegals may provide support on the case.

**A legal clinic model**

Law firms sometimes sponsor and staff legal clinics with a legal services provider. In Washington, D.C., for example, the Pro Bono Program Law Firm Clinic is a partnership between legal service providers, many of the District’s largest law firms, and several federal agencies. The clinics are held at various locations and provide an opportunity for clients to obtain legal advice, and possibly representation, in civil legal matters. Law firms participating in clinics often facilitate paralegal participation in pro bono by pairing paralegals and attorneys from the firm to staff the clinics. Additionally, the National Capital Area Paralegal

(continued on page 7)
function we send group e-mails announcing service opportunities. The grading function keeps track of completed service hours. Using the document storage function we post estate planning documents in a variety of drafts, and this facilitates faster turnaround time. For example, we need forms for single persons, married couples or no kids, married couples with 1, 2, or 3 kids—with or without guardianships and trusts, and first, second, or third marriage scenarios with or without children from these marriages. We also are working on new forms for unmarried, cohabitating couples and for gay and lesbian couples. Spending time and focusing on the blank document forms means that the students can get the gender and single or plural references correct before we enter client-specific information.

Practical considerations
There have been a few practical issues in setting up the program. Marymount has very limited parking available for faculty and students; therefore, Marymount would not authorize on-site parking for the pro bono service clients. The Florian Foundation overcame this problem by arranging free parking with the Holiday Inn across the street from Marymount. In addition, once the pro bono service requirement was approved by the Program, the Paralegal Advisory Committee, the Dean of the school in which the Program is housed, and Marymount’s administration, there was the normal delay associated with incorporating the requirement into the new catalog. This delay meant that the requirement applies to students entering in Fall 2003, slightly over a year from final approval. Work with The Florian Foundation was not delayed during this time; the delay simply meant that students volunteering during this time were volunteering because they wanted the experience, not because it was a Program requirement.

Scheduling times for the graduate students to work is difficult because the vast majority of these students have full time, day jobs. Our current on-campus appointment schedule for drafting, reviewing, or executing documents is Mondays from 10 am to 3 pm, and we plan to add an evening or weekend slot to accommodate the graduate students. Client training sessions also are scheduled often early in the day or late in the evening to meet shift requirements, in order to explain the need for these estate documents. Sometimes, for example, if the training sessions are scheduled at the clients’ fire station, the alarm will sound and our clients have to leave immediately—leaving students in the lurch, waiting for their return.

To deal with situations like this, we are looking for ways for the supervising attorney, paralegals, and students to make better use of their time while they wait for the clients to return. If we had a Program-dedicated laptop and printer, for example, we could work on documents for other clients during this waiting time.

There also are some legal issues. As mentioned above, Marymount was concerned about the malpractice insurance issue; this became the supervising attorney’s responsibility. Conflict of interest problems arise in second, third, or fourth marriage scenarios with children from some or all of these prior marriages. In some cases this means we can only complete a public safety officer’s documents, but not the current spouse’s documents because of the prior marriage or children’s issues. Posting on Blackboard the names of clients who have scheduled appointments poses a confidentiality problem, but we solved this problem by obtaining the clients’ consent to this method of scheduling. The tax planning and competence issues were resolved by having The Florian Foundation review the clients’ worksheets. Small estates are scheduled at Marymount; larger estates are scheduled with other attorneys who donate their time to...
the Foundation. What the students and our clients have learned

Our students learn extremely valuable hands-on experience: client interview, document preparation, and will execution skills. They develop important oral communication skills when they explain what services will be provided and why the documents we prepare are important to the clients. The students see how reluctant our clients are to discuss what for them is a reality of their daily lives – their possible deaths in the line of duty. Having our free service available makes them focus on these issues, get the documents completed, provide instructions for their families, and then put these issues behind them until significant life events require them to revisit the documents.

Client feedback and response are ongoing and positive. Our clients are incredibly grateful for the hours we spend working on their estate planning documents. We usually say good-bye to them with multiple “thank you’s.” They thank us for the documents we prepared. We thank them for working on our behalf in such dangerous occupations. They thank us for making time in our busy lives to help them take care of their families’ needs. We thank them for showing up when we call 911 or have accidents. At some point, we both realize how much we have benefited from our brief encounter. Speaking on behalf of the students, our professional and personal lives are enhanced in numerous ways for having served these incredible public servants.

For more information about Marymount’s program, contact Cynthia Hathaway at Cynthia.Hathaway@marymount.edu.

Profile of O’Kelly E. McWilliams, III
ABA Board of Governors Liaison

The Standing Committee on Paralegals has a new ABA Board of Governors Liaison – O’Kelly E. McWilliams, III, a partner with Pepper Hamilton LLP and a member of the firm’s Labor and Employment Practice Group and the Litigation Department.

O’Kelly counsels and defends employers in a broad range of employment matters, and his clients include government contractors and commercial entities in the energy, high-technology, university, financial services, telecommunications, retail, hospitality and food service industries. He advises on all aspects of employment relations, including recruiting, hiring, evaluation, compensation and incentive programs, and termination. In addition, O’Kelly has assisted employers with issues of discrimination, equal employment opportunity, global workforce diversity, and workforce restructuring. He also assists clients with the protection of intellectual property, including confidentiality agreements, non-competition and non-solicitation agreements, and protection of trade secrets. O’Kelly has a J.D. from George Mason University School of Law, and was a law clerk to the Honorable Gerald Bruce Lee of the 19th Judicial Circuit, Fairfax, Virginia.

While O’Kelly’s role with the Standing Committee is new, his involvement with paralegals is not. “In my own practice,” he commented, “I depend on paralegals extensively – and not for trivial matters. I work closely with them and they play a significant role in my cases. For example, they help prepare witnesses and, in partnering together, I’ve found I can use my time much more efficiently.” Throughout his legal career, O’Kelly’s bar leadership involvement has been extensive and high-profile. He’s held positions with the ABA’s Young Lawyers Division and served as president of the Virginia State Bar Young Lawyers Conference. Within the community, O’Kelly also is active on numerous advisory boards and civic organizations, including the board of directors of the Longwood University Foundation, Inc., the Emerging Business Forum Advisory Board, the George Mason University Diversity Advisory Board and the National Association of Investment Companies’ Marathon Club.

In terms of his current involvement as the Standing Committee’s liaison to the ABA Board of Governors, O’Kelly says, “I’m learning as much as I can about the Standing Committee’s work, interacting with their staff, and meeting members. My hope is to establish a solid relationship with the Committee so I can present their concerns and issues to the Board, be an advocate for their work, and facilitate real communication and change.”
Surveys are especially important tools to measure the effectiveness of programs, their responsiveness to student needs, and the relevance of curriculum to students and employers of students. And, as administrators and accrediting bodies insist that educational programs demonstrate accountability, it is important, especially for an ABA-approved paralegal program, to regularly perform this kind of evaluation.

While paper surveys typically have served to gather information, it is possible, and sometimes easier, to perform such surveys by electronic means. This discussion will focus on how Microsoft FrontPage® can facilitate this process.

Since FrontPage® software already is installed on most institutional desktop computers, many directors find that the survey and data collection process is much more efficient and dependable.

Creating the Survey

Surveys are created in FrontPage® by using the “Form” option under the “Insert” key. At the “Form” option, first select “Form”, which initializes the form that will already include “reset” and “submit” buttons. Now, text, questions and response fields may be added as desired. For example, if the responder is to answer a question with only one of two or more options, a “Radio Button” (or Option Button) should be selected for each option. After the buttons, with their corresponding answers, are in place, modify the Form Field Properties for each button. You do this by right clicking on the button and selecting Form Field Properties. A dialogue box will appear showing the Group name as R1, the Value as V1, and the Initial state as Selected. The Group name (R1) should be changed to a word or phrase that indicates the question asked. The Value (V1) should be changed to a word or phrase that indicates the answer. (Note that there should be no spaces in the Group name or the Value.) Also, it is possible to have one of the options pre-selected, or not, by choosing one of the Initial state buttons. If the responder may choose any number among several possibilities, the “Check Box” option should be selected. As with the “Radio Button,” this option has Name, Value, and Initial State fields to be completed. Other available forms of response include a Text Box (one line response), a scrolling Text Area (for lengthy answers, such as comments), and a Drop-Down Menu (pre-selected responses, such as the state of residence). Each of these has a set of Form Field Properties that should be defined to make the responses meaningful and useable. Unless definitions are given, the survey responses will look something like this:

<table>
<thead>
<tr>
<th>T1</th>
<th>John Doe, Attorney at Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>CN</td>
<td>ON</td>
</tr>
<tr>
<td>C4</td>
<td>ON</td>
</tr>
<tr>
<td>C5</td>
<td>ON</td>
</tr>
<tr>
<td>R1</td>
<td>V2</td>
</tr>
<tr>
<td>S1</td>
<td>How to use electronic mail</td>
</tr>
<tr>
<td>B1</td>
<td>Submit</td>
</tr>
</tbody>
</table>

At any time, you can preview the form by selecting the “Preview” tab at the bottom of the page.

Once you complete the form draft, you will need to add information (under Form Properties) to tell the system where to send the response. (This will come from the institution’s instructional technology staff.)

Responses

When the survey is ready to access, it will have a URL (supplied by instructional technology staff) that must be communicated to those being surveyed. The best way to do this is by sending an e-mail message. Simply place the URL in the body of the message and request a response. All the responder needs to do is click on the hyperlink. If e-mail addresses are not available, then send a traditional letter by regular mail with the URL. It also is possible to simply place the hyperlink on a paralegal program page and request that the responder visit the page; however, unless there is some type of password protection, this method will not guarantee that all responders belong to the target group for the survey. Depending on the options available through the institution’s server, the response data can be directed to one’s electronic mail inbox or to a spreadsheet.

Tips

Through personal experience, I have learned that, using postal (continued on page 8)
Association publicizes the clinics, as well as other volunteer opportunities, to its members.

**Consumer Assistance Projects**

Assisting consumers with such issues as utility disputes or business complaints is another way paralegals can become involved in providing pro bono services. *Utility Connecticut* and The Worcester Community Action Council (WCAC) in Massachusetts are two consumer assistance model projects that involve paralegals.

**Utility Day**, an annual event sponsored by Connecticut’s paralegal associations, legal aid programs, social service agencies, and utility companies, seeks to help low income clients arrange affordable payment terms to avoid termination of utilities. Paralegals meet with clients, review their budget, and then negotiate a payment plan with utility company representatives. Staff attorneys from the legal services providers are on site to work with paralegals, utility companies, and clients.

The WCAC, an ongoing effort with the Massachusetts State Attorney General’s office, addresses consumer complaints and disputes with Massachusetts businesses. Paralegals may volunteer with the WCAC to interview clients, analyze applicable laws, mediate disputes, and negotiate resolutions, all under the supervision of an attorney. Paralegals may also research specific legal issues for the WCAC.

**Individual Case Assistance**

In some instances, paralegals may also provide pro bono legal assistance in individual cases. Such assistance may include factual research, legal research, drafting documents, and representation where permitted (such as in state agency tribunals). Attorneys providing pro bono legal services often partner with paralegals within the firm to work on pro bono cases.

Many pro bono programs regularly involve paralegals in providing assistance on individual cases. For example, the Indiana Paralegal Association works with the Indiana Pro Bono District Committees to ensure there are pro bono paralegals available in each district and that volunteer attorneys are aware of their availability to assist. Paralegals and attorneys work in pairs to provide assistance on pro bono matters. Many times, the paralegals take on much of the client interaction and document drafting, which gives attorneys more time to accept additional pro bono matters.

**What You Can Do to Involve Paralegals**

Volunteer paralegals often can be incorporated into already existing pro bono efforts fairly easily. Or, new pro bono projects can be structured to include paralegals. Doing this is sometimes as simple as asking whether paralegals want to become involved. Local legal services providers and bar associations can be a resource in identifying appropriate opportunities for attorneys and paralegals. Local paralegal associations also are an excellent resource for locating a talented candidate pool.

As a positive by-product to this collaboration, developing new pro bono projects with paralegals can infuse new energy and perspective to a legal community’s commitment to pro bono legal services.

Attorneys interested in developing a new pro bono project should work closely with local legal services providers to determine the community’s legal needs and how best to address those needs. Involving local bar associations and paralegal associations helps spread the word about opportunities and expands the number of available volunteers. Depending on the nature of the project, it may be necessary to partner with other organizations – such as utility companies – to match the right people to the project. The ABA Center for Pro Bono can provide assistance and guidance in developing specific projects.

For more information in setting up a paralegal pro bono project, please contact Cheryl Zalenski at zalenskic@staff.abanet.org or visit the Center for Pro Bono’s Clearinghouse Library at: www.abaprobono.org/clearinghouselibrary.html.

**Web Resources**

- ABA Center for Pro Bono www.abaprobono.org/paralegals.html
- Central Connecticut Paralegal Association, Inc. (Utility Day) www.paralegals.org/associations/2270/files/probono49.htm
- D.C. Bar Pro Bono Program www.dcbar.org/for_lawyers/pro_bono
- National Capital Area Paralegal Association www.ncapa.com
- National Federation of Paralegal Associations www.paralegals.org

Cheryl Zalenski is Assistant Staff Counsel at the ABA Center for Pro Bono.
Creating Electronic Surveys (continued from page 6)

mail, the response rate improves when responders receive their mail at their desks, where they are already logged onto a computer. This means that, unless graduates receive their surveys at a place of employment, employer surveys typically will elicit a higher rate of return than graduate surveys. Also, it is a good idea to give the potential responder an idea, up front, of how long it will take to complete the survey. Finally, remember to remove the survey once it is completed to avoid having an accidental browser access it during a random search. (Note, you can save it to private disk space if you think you’ll need to access it later).

Georgana Taggart is Associate Professor—Program Director of paralegal studies at College of Mount St. Joseph in Cincinnati. You can reach her at: georgana_taggart@mail.msj.edu

Calendar of Events

ABA Standing Committee on Paralegals March 5-6 and June 4-5
ABA Standing Committee on Paralegals Approval Commission April 16-17
AafPE Regional Conferences Pacific, March 18-20 (Honolulu); Joint South Central and South East, March 19-20 (New Orleans); North East, March 26-27 (Mystic, CT); North Central, March 26-27 (Philadelphia)
ALA 33rd Annual Educational Conference and Exposition, May 17-20 (Philadelphia)
LAMA 20th Anniversary Annual Conference, November 3-6 (Montreal)
NALA 29th Annual Convention July 14-17 (Reno, NV)

NALS Professional Development and Educational Conference March 12-13 (Tulsa)
NFPA 2004 Annual Convention April 1-4 (Nashville)

Article ideas?

If you’ve started a new program, have an interesting approach, or know someone whose work would inspire other educators or paralegals, let us know. Contact Peggy Wallace at the ABA’s Standing Committee on Paralegals at: wallaceP@staff.abanet.org, or Paula Tsurutani, editor of Update, at: tsurutanip@msn.com with your article ideas.

Visit us at:

http://www.abaparalegals.org