

Legal Personnel of South Central Wisconsin

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MANDATUM



December 2007
Vol. XLIII, No. 4

Legal Personnel of South Central Wisconsin

Business Meeting
December 12, 2007

Place: Coliseum Bar
Madison, WI

Time: 6:00 p.m. Dinner
6:45 p.m. Meeting

Menu: Chicken Caesar Wrap with a
side of fruit (\$16),

or

Steak salad (\$10)

LPSCW OFFICERS 2007-2008

PRESIDENT

Carol (Meyskens) Mays
cmeyskens@shannondemarb.com

PRESIDENT-ELECT

Gail Wolfe
(608) 755-8100
gkwolfe@nowlan.com

VICE PRESIDENT

Hilary Williams
(608) 258-4335
hwilliams@foleylaw.com

SECRETARY

Mary Cuppy, PP, PLS
(608) 283-5527
mtc@dewittross.com

TREASURER

Cindy Frank, PLS
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Email: cfrank@lawtoncates.com

**RESERVATIONS ARE DUE BY NOON,
December 10, 2007, to:**

Sonja Schade
sonja.schade@wicourts.gov

LPSCW COMMITTEES

2007-2008

Bulletin	Beth Koerber, PP, PLS
Certification	Renae Ehle, PP, PLS
Employment	Lisa Checkai
Fundraising.....	Helen Running, PP, PLS Debra Taugher
Historian	Helen Running, PP, PLS
Legal Education	Hilary Williams
Installation/Member Recognition Night	Kim Starr Leanne Nelson Sonja Schade
Membership Services	Carol J. Mays
Nominations/ Elections	Gail Wolfe
Program.....	Hilary Williams
Publicity	Deb Taugher
Reservations	Sonja Schade
Scholarship	Kim Starr
Standing Rules/Bylaws	Mary Cuppy PP, PLS
Technology	Beth Koerber, PP, PLS

PRESIDENT MESSAGE

It's hard to believe this year is winding down and the holidays are upon us. I hope you have all had an enjoyable year with family, friends and loved ones. There have been changes for many of us—new jobs, marriage, etc. And there have been some changes with LPSCW. Some we are trying now; some will be implemented as we go along. More changes will be discussed at the December meeting and I am hoping you can all attend. Remember, this is *your* organization and *your* ideas are important. Please come and share them with us.

Also, this is just a reminder of the WALP meeting in Green Bay on December 1, 2007. These meetings are always fun and interesting, and I hope some of you can attend.

I hope you all have a very happy and safe holiday season and a Happy New Year!

Carol Mays
President

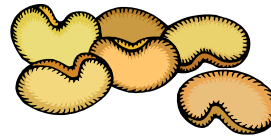


LPSCW 2007-2008 PROGRAM

9/19/07	Business Meeting Coliseum Bar, Madison, WI
10/10/07	<i>Learn about the Wisconsin Supreme Court and Court of Appeals (Part 1 of 2) - Meet and Greet the Clerk of the Wisconsin Supreme Court and Court of Appeals</i> David Schanker, Clerk of Courts, Wisconsin Supreme Court Coliseum Bar, Madison, WI
11/14/07	<i>Learn about the Wisconsin Supreme Court and Court of Appeals (Part 2 of 2) - Meet and Greet the Clerk of the Wisconsin Supreme Court and Court of Appeals</i> David Schanker, Clerk of Courts, Wisconsin Supreme Court Coliseum Bar, Madison, WI
12/12/07	LPSCW Business Meeting Coliseum Bar, Madison, WI
01/09/08	TBD LPSCW Education Meeting Coliseum Bar, Madison, WI
02/13/08	<i>Basic First Aid for Your Office</i> David Williams, Paramedic for the City of Middleton, WI LPSCW Education Meeting Coliseum Bar, Madison, WI
03/12/08	TBD LPSCW Education Meeting Coliseum Bar, Madison, WI

04/08/08	LPSCW Annual Meeting Coliseum Bar, Madison, WI
05/14/08	LPSCW Installation of Officers/Member Recognition
6/11/08	Roundtable/planning meeting for upcoming year

ANNUAL NUT SALE



Hopefully by now everyone has sold all of their cases of nuts. If you need more, give me a call as I have two cases left. I am not sure if I will make it to the December meeting (I am going to a play in Wisconsin Dells at noon that day and don't know what time I will get back), I would appreciate it if all money could be sent to me as soon as possible. If you have cash, would you mind taking the cash and writing a check to LPSCW for the cash amount. We certainly don't want cash sent through the mail this time of year. My home address is 3057 Rebel Drive, Sun Prairie, WI 53590.

Thanks to everyone who helped in this fund-raising event.

Helen C. Running, PP, PLS
837.7526
mhrrunning@charter.net



December

Kim Starr	12/4
Debra Steaffens	12/6
Kathy Brickl	12/19
Gail Wolfe	12/22
Kristie Knitter	12/25

**NALS ONLINE LEARNING
CENTER SCHEDULE**

Note: All on-line classes start at 8:00 pm (CT)

12/5/07	Online Learning Center Immigration
1/8/08	Online Study Group Part 1 of the ALS, PLS, and PP exams
1/9/08	Online Learning Center Retention & Recognizing Your Members
1/15/08	Online Study Group Part 2 of the ALS, PLS, and PP exams
1/22/08	Online Study Group Part 3 of the ALS, PLS, and PP exams
1/23/08	Online Learning Center Writing Briefer Briefs
1/29/08	Online Study Group Part 4 of the PLS and PP exams
2/5/08	Online Study Group ALS Review
2/6 /08	Online Learning Center Time Management and Outlook

2/12/08	Online Study Group PLS Review
2/19/08	Online Study Group Professional Paralegal (PP) Review
2/20/08	Online Learning Center NALS Foundation
2/26/08	Online Study Group Test Taking Tips
3/26/08	Online Learning Center TBA

***UPL - Unauthorized Practice of Law
DON'T CROSS THAT LINE!***

By Michelle S. Maki, PLS

*Reprinted from e-Learn@NALS November
2007 Edition*

Although the American Bar Association ("ABA") has stated that it is not necessary nor even desirable to specifically define what constitutes the practice of law, the ABA has indicated that "Functionally, the practice of law relates to the rendition of services for others that call for the professional judgment of a lawyer. The essence of the professional judgment of the lawyer is his educated ability to relate the general body and philosophy of law to a specific legal problem of a client..."

Generally, the practice of law includes:

1. Accepting cases from a client;
2. Setting fees;
3. Giving legal advice, thereby rendering independent legal judgment on behalf of a client;
4. Preparing or signing legal documents; and

5. Appearing in a representative capacity before a court or other adjudicatory body.

The greatest area of risk for traditional paralegals and legal assistants is giving legal advice instead of giving general legal information.

The punishments associated with UPL can range from a small fine to a first-degree misdemeanor charge.

What can the traditional paralegal/legal assistant do to avoid UPL? Here are some tips:

1. Make certain that those with whom you communicate (both verbally and in written correspondence) realize that you are a paralegal or legal assistant, that you are not an attorney and cannot give legal advice. Be sure to have your title clearly indicated with your name on all letters, faxes, e-mails and business cards.
2. When conveying information which may be construed as legal advice, you should clearly identify the source of the advice as the attorney, e.g., "I questioned Mr. Jones regarding your concerns and the attorney's opinion is that..."
3. Have all legal documents or correspondence which may include information that could be construed as a legal opinion reviewed and approved by your supervising attorney.
4. Make certain that you communicate effectively with the attorney and keep him/her advised of your work and activities. Ensure that all your work is reviewed and approved by the attorney.
5. Be careful about "casually" giving advice to friends and family or helping them to fill out legal forms.

6. Any time you are unsure that the information you give a client may constitute legal advice, always ask your supervising attorney.

Paralegals/legal assistants are not the only ones at risk: accountants, real estate agents, notaries public and insurance agents are at a particular risk of inadvertently giving legal advice to a client.

All paralegals and legal assistants, no matter what their area or type of practice, must be aware of the UPL provisions in their state and must be careful to stay within the boundaries of accepted practice.

IF YOU HAVE ANY QUESTIONS OR COMMENTS REGARDING THE MANDATUM, PLEASE CONTACT BETH KOERBER, PP, PLS, AT BKOERBER@LAWTONCATES.COM OR (608) 282-6243.