

Sixth Edition

The Paralegal Professional

Thomas F. Goldman

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Welcome to the sixth edition of *The Paralegal Professional*. In the time that has passed since the publication of the first edition, the paralegal profession has undergone a dramatic growth in its importance in the delivery of legal services. Today, the paralegal is viewed as an important member of the legal services delivery team and has the well-deserved status of a professional in the field of law. To be a member of the paralegal profession today requires developing not only conceptual knowledge but also professional and analytical skills and a firm understanding of the ethical issues and obligations of the paralegal profession in an increasingly challenging work environment. Our goal in this sixth edition is to provide paralegal students and professionals with the foundation on which to grow and excel in this field today and in the future.

How we teach and how we learn has also changed. Courses are now offered in hybrid, face-to-face, and online formats, so you need the right resources for teaching. The sixth edition is now available in print *and* through Pearson Revel. Revel is an interactive learning environment designed for how you want to teach—and how your students want to learn. All the details about Revel are provided on page xviii.

In preparing this edition, we interviewed and consulted with members of the legal profession with whom paralegals work, including hiring attorneys and human resource directors; current users of the previous editions of the text; full and adjunct instructors in paralegal studies; and numerous students across the country. Our goals are to present a text that will enable each student to achieve his or her potential and to provide a source of information for use in the workplace. The feedback of everyone we interviewed resulted in several important changes and additions to the text that help bring paralegal practice alive and illuminate the roles and tasks that paralegals are asked to assume in today's legal working environment.

The sixth edition is divided into four sections that provide a logical grouping of topics and flexibility as to coverage of the most commonly practiced, substantive areas of law.

Part I: The Paralegal Profession focuses on introducing students to the paralegal profession, career opportunities, the paralegal workplace, ethics, regulations, and the use of technology on the job.

Part II: Introduction to Law provides an overview of law and the American legal system and in succession introduces students to the three areas of procedure: civil, criminal, and administrative. This treatment helps students understand, early in the course, the differences among these three legal arenas.

Part III: Paralegal Skills focuses on introducing students to interviewing, investigating, traditional and online legal researching, and writing and critical thinking in the legal field.

Part IV: Legal Subjects provides an overview of the most common individual legal areas of practice. Sections in each of these chapters inform students of employment opportunities related to the field of practice.

The textbook has been carefully and thoroughly designed to meet the requirements set forth by the American Bar Association (ABA) and the American Association for

Paralegal Education (AAFPE) regarding coverage of paralegal topics, ethical issues, professional skill development, and the other educational requirements of an introductory paralegal education course.

Thomas F. Goldman

Henry R. Cheeseman

DEDICATIONS

Dedicated to Sylvia and Henry, the next generation; they are our future and the promise of a brighter future.

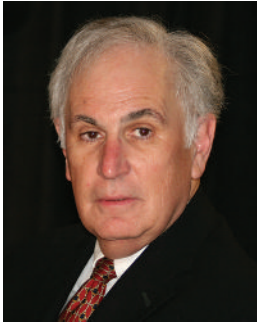
Thomas F. Goldman

“There are two things in life for which we are never truly prepared: twins.” (Josh Billings, 1818–1885)

This book is dedicated to Ziva and Xavier, my young twins.

Henry R. Cheeseman

ABOUT THE AUTHORS



Thomas F. Goldman, JD, is Professor Emeritus of Bucks County Community College, where he was a professor of Law and Management and the Director of the Center for Legal Studies and the Paralegal Studies Program. He was a member of the Paralegal Studies Advisory Board and a mentor at Thomas Edison State College, where he developed an Advanced Litigation Support and Technology Certificate Program in the School of Professional Studies and implemented the online paralegal studies program for the *New York Times* knowledge network.

He is an author of textbooks in paralegal studies and technology, including *Technology in the Law Office*, *Accounting and Taxation for Paralegals*, *Civil Litigation: Process and Procedures*, *Litigation Practice: E-Discovery and Technology*, *Abacus Law: A Hands-On Tutorial and Guide*, *Real Estate Fundamentals*, and *SmartDraw Tutorial and Guide*.

An accounting and economics graduate of Boston University and a graduate of Temple University School of Law, Professor Goldman has an active international law, technology law, and litigation practice. He has worked extensively with paralegals and received the award of the Legal Support Staff Guild. He was elected the Legal Secretaries Association Boss of the Year for contributing to cooperative education and for encouraging the use of paralegals and legal assistants in law offices. He also received the Bucks County Community College Alumni Association Professional Achievement Award. He has been an educational consultant on technology to educational institutions and major corporations and is a frequent speaker and lecturer on educational, legal, and technology issues.



Henry R. Cheeseman is Professor Emeritus of the Marshall School of Business of the University of Southern California (USC), Los Angeles, California, where he was a professor of business law and Director of the Legal Studies in Business Program. Professor Cheeseman taught business law, legal environment, corporate law, securities regulation, cyberlaw, and ethics courses in both the Master of Business Administration (MBA) and the undergraduate programs of the Marshall School of Business of the University of Southern California. He received the Golden Apple Teaching Award on many occasions by being voted by his students as the best professor at the Marshall School of Business. He has also served at the Center for Excellence in teaching at the university.

Professor Cheeseman has earned six degrees, including a bachelor's degree in finance from Marquette University, both a master's in business administration (MBA) and a master's in business taxation (MBT) from the University of Southern California, a juris doctor (JD) degree from the University of California at Los Angeles (UCLA) School of Law, a master's degree with an emphasis on law and economics from the University of Chicago, and a master's in law (LLM) degree in financial institutions law from Boston University.

Professor Cheeseman is an award-winning author of several business law textbooks published by Pearson Education, including the definitive and highly regarded *Business Law*. Other business law and legal environment textbooks authored by Professor Cheeseman and published by Pearson Education include *Contemporary Business Law*, *Legal Environment of Business*, and *Introduction to Law*. In addition to being a co-author with Professor Thomas Goldman of the sixth edition of *The Paralegal Professional*, he is also coauthor of *Contract Law for Paralegals* and *Business Organizations for Paralegals*, all published by Pearson Education.

REVEL FOR THE PARALEGAL PROFESSIONAL



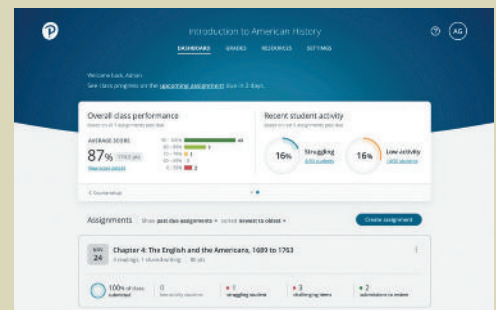
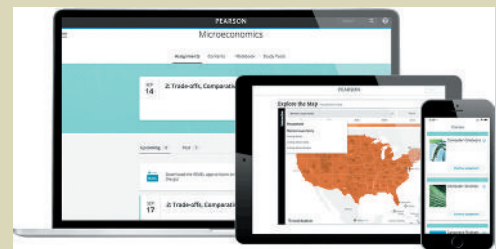
With the sixth edition of *The Paralegal Professional*, teaching and learning how to become a paralegal is now a digital experience delivered through Revel.

Revel is a highly engaging learning environment that gives students everything they need for the course—continuous, integrated learning experience. Highlighting, notetaking, and a glossary let students read and study however they like. Educators can add notes for students, including reminders or study tips. Revel integrates videos, interactives, and assessments directly into the author-created narrative. Because of this media-rich presentation of content, students are more likely to complete their assigned readings and retain what they've read—so they'll show up to class better prepared to participate and learn.

Students can access Revel whenever and wherever they need to on any computer, tablet, or smartphone. With the Revel mobile app, they can read, practice, and study—anywhere, anytime, and on any device. Content is available both online and offline, and the app syncs work across all registered devices automatically, giving students great flexibility. The app also lets students set assignment notifications to stay on top of all due dates.

Revel allows educators to indicate precisely which readings and activities must be completed on which dates. This clear, detailed schedule helps students stay on task by eliminating any ambiguity as to which material will be covered during each class and when homework is due. When they understand exactly what is expected of them, students are better motivated to keep up.

Revel empowers educators to monitor class assignment completion as well as individual student achievement. Actionable information, such as points earned on readings and activities and time spent on tasks, helps educators connect with their students in meaningful ways. For example, the trending column reveals whether students' grades are improving or declining, helping educators identify students who need help to stay on



Chapter 1: Our World and How It Works

Chapter 1: Our World and How It Works

92%

Students

Name	Score	Due Date	Time on task
Joe Anderson	92%	Nov 27, 2018	1:15
Emily Bailey	75%	Nov 27, 2018	3:15
Lee Calhoun	75%	Nov 27, 2018	4:15
Victor Davidson	0%	Nov 27, 2018	0:00
John Deane	75%	Nov 27, 2018	2:15
Emily Brown	0%	Nov 27, 2018	0:00

The writing functionality in Revel enables educators to integrate writing to foster and assess critical thinking, without significantly impacting their grading burden. There are two types of writing activities:

- **Journal Writing** activities pose open-ended questions for students to provide written analysis of a specific question. Students' answers are shared with the instructor for grading.

- Other Activities in *The Paralegal Professional* Revel experience include:**

- of 20 points
- ## Shared Writing: Freedom of Speech
- There is a minimum of 140 characters required to post and earn points. If submitted, your response can be viewed by your classmates and instructor, and you can participate in the class discussion.
- Read the box "Freedom or Safety? You Decide: Should Violent Speech Be Free Speech?" Do you think violent speech should or should not be free speech? Explain your reasoning.
- Write a comment...

0 / 140 minimum
- Save draft

Submit

Writing Assignment 15.1

Status:

Length: no required length

Instructions

1. Paragraph prompt
2. Prompt Question
3. Case Name: SC-044 INCKT0406
4. Topic/Question of discussion for mortgage closing

Using the standard single-family home purchase forms, please complete the promissory note and mortgage for the transaction using the information in the file.

View the video [Real Estate Closing](#) here.

Complete the Promissory Note for the transaction using the information in the file.

1. Prepare the mortgage using the standard single family.
2. Identify items using the information in the file.

Supporting Files:

[Download the files](#)

Scari Writing

[illegible]

BUILD A SOLID FOUNDATION FOR YOUR PARALEGAL CAREER!



Written by an award-winning team, *The Paralegal Professional*, sixth edition, builds a foundation of substantive and procedural legal knowledge and real-world skills that students will need throughout their courses of study. The book emphasizes the following:

DEVELOP CRITICAL THINKING AND PROCEDURAL SKILLS!

End-of-chapter material in this edition focuses on developing critical thinking and hands-on skills, including the following exercises and assignments:

- Critical thinking and writing questions
- Ethics analysis and discussion questions
- Collaborative skill-building exercises
- Legal analysis and writing cases
- Paralegal portfolio-building exercises
- Cases for briefing
- Working with the Language of the Court
- Video Case Studies (Available in Revel only)
- Virtual Law Office Experience Assignments (Available in Revel only)

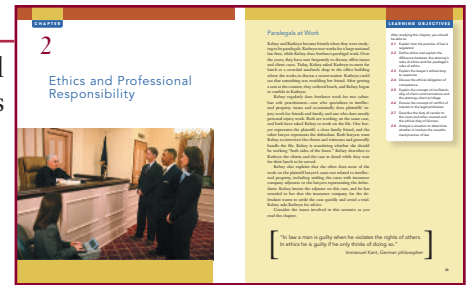
UNDERSTAND HOW TO HANDLE ETHICAL SITUATIONS IN THE WORKPLACE

The Paralegal Professional 6e textbook and Revel are designed to build a strong foundational understanding of ethical principles for paralegals in the introductory course. Resources include Chapter 2, Ethics and Professional Responsibility; Ethical Perspective boxes integrated throughout the textbook; and ethics-related video segments from the Paralegal Professional Classroom Video Series Segments.

KEY FEATURES OF THE TEXTBOOK

PARALEGALS AT WORK CHAPTER OPENER

These opening scenarios offer hypothetical fact situations that a professional paralegal might encounter on the job. They are designed to stimulate a student's interest in the material to be covered in the chapter.



ETHICAL PERSPECTIVE BOXES

These boxes concern hypothetical fact situations and ethical dilemmas that paralegals might face in their professional careers.

ETHICAL PERSPECTIVE

Arkansas Rules of Professional Conduct

RULE 1.7. CONFLICT OF INTEREST: CURRENT CLIENTS

- (a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:
- (1) the representation of one client will be directly adverse to another client; or
 - (2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.
- (b) Notwithstanding the existence of a concurrent conflict of interest under

SIDEBAR BOXES

These boxes provide additional information and commentary on chapter topics.

WISCONSIN RULES OF PROFESSIONAL CONDUCT FOR ATTORNEYS

SIDEBAR

Contrast and compare the Wisconsin Rules of Professional Conduct for Attorneys, at <https://www.wisbar.org/newspublications/wisconsinlawyer/pages/article.aspx?Volume=80&Issue=2&ArticleID=1416> with the

PARALEGALS IN PRACTICE BOXES

In the sixth edition, we include profiles of paralegals practicing in a variety of practices. Their commentaries provide students with insight into the world of practicing paralegals.

Paralegals in Practice

PARALEGAL PROFILE

Vicki Voisin



Vicki Voisin, an Advanced Certified Paralegal, is nationally recognized as an author and speaker on ethical issues related to the paralegal profession. She is the creator and presenter of *Ethics101*, a program designed to raise awareness of ethical concerns by legal professionals and corporate employees. She also publishes an e-magazine titled *Strategies for Paralegals Seeking Excellence* (www.paralegalmentor.com).

Vicki is a past president of the National Association of Legal Assistants (NALA) and currently serves on NALA's Advanced Certification Board. She has more than 20 years of paralegal experience and is currently employed by Running, Wise & Ford in Charlevoix, Michigan.

issues, the ability to communicate clearly with clients, excellent organizational skills, and attentiveness to detail and accuracy.

I also believe that technology plays an important role in the legal profession. Although technology allows attorneys and paralegals to work faster, it does not necessarily guarantee that all of the work results are accurate. Paralegals should be aware of the potential ethical hazards that technology can introduce, especially in the areas of confidentiality and conflicts of interest. For example, unless done properly, redaction (editing) on electronically filed documents can be uncovered, resulting in the disclosure of confidential and/or privileged information to third parties.

All paralegals should be aware of their ethical obligations and those of an attorney. My advice is to familiarize yourself with the American Bar Association's Model Rules of Professional Conduct, as well as its Guidelines for the Utilization of Paralegal Services. Then become acquainted with the related Model Rules and Guidelines for your particular state, if available. Also, join

ADVICE FROM THE FIELD ARTICLES

These articles feature professional advice straight from the experts on interviewing skills, developing a portfolio, developing professionally, handling clients, and more.

Advice from the Field

TECHNOLOGY IS A TOOL, NOT A CASE STRATEGY IN THE COURTROOM

Michael E. Cobo

The latest legal technology products such as animations and courtroom presentation systems can be very alluring to lawyers. After learning about these products, you may be anxious to use them. But you should keep in mind that technology products are only tools to implement a solution and are not solutions in themselves. The key issue is: What is your case strategy and what do you need to present?

larger and hold more visual or textual information. Strategically, some exhibits need to be used in conjunction with others or need to be in the view of the jury more often than not.

ASSESS YOURSELF

Before you spend a dime to develop the visual strategy,

IN THE WORDS OF THE COURT BOXES

Excerpts from key court cases are presented to familiarize students with important legal decisions.

IN THE WORDS OF THE COURT . . .

TEGMAN V. ACCIDENT & MED. INVEST., 107 WN. APP. 868, 875-876, 30 P.3D 8, 13-14, 2001 WASH. APP. LEXIS 1890, 9-11 (WASH. CT. APP. 2001)

. . . Mullen contends that her status as a paralegal precludes a finding that she was engaged in the practice of law. She argues that a paralegal is, by definition, someone who works under the supervision of an attorney, and that it is necessarily the attorney,

INTEGRATE ETHICS INSTRUCTION INTO THE INTRODUCTORY COURSE!

Many paralegal programs struggle with the question of how to integrate dedicated ethics instruction into a paralegal curriculum already packed with coursework. *The Paralegal Professional*, sixth edition, and Revel are designed to build a strong foundational understanding of ethical principles for paralegals in the introductory course. Resources include:

Chapter 2: Ethics and Professional Responsibility

The fundamental ethics issues and principles in the field are presented in Chapter 2.

Ethical Perspective Boxes Integrated Throughout the Textbook

These boxes present hypothetical fact situations and ethical dilemmas that highlight situations paralegals might face in their professional careers.

Paralegal Practice and Ethics-Related Video Case Study Segments

These videos can be accessed through Revel. Many of the segments present situations involving paralegal ethics and illustrate common UPL, Confidentiality, Conflict of Interest, Billing, and Zealous Representation issues.

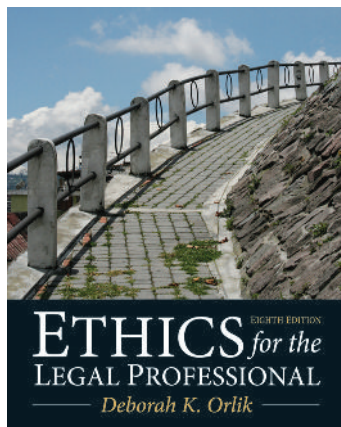
Ethical Analysis and Discussion Questions in Revel

These Shared Writing interactives deliver a discussion-board environment that allows students to easily participate and engage with one another.

Need More Coverage of Ethics in a Handy Supplemental Guide?

Ethics for the Paralegal Profession by Deborah K. Orlik

If more depth in dealing with ethical issues is desired, this handy guide can be purchased separately. (ISBN: 0-13-310929-1)



RESOURCES FOR INSTRUCTORS

INSTRUCTOR'S MANUAL WITH TEST BANK FOR NEW INSTRUCTORS

To access supplementary materials online, instructors need to request an instructor access code. Go to www.pearsonhighered.com/irc, where you can register for an instructor access code. Within 48 hours after registering, you will receive a confirming email including an instructor access code. After you have received your code, go to the site and log on for full instructions on downloading the materials you wish to use.

Instructor's Manual with Test Bank. Includes content outlines for classroom discussion, teaching suggestions, and answers to selected end-of-chapter questions from the textbook. This also contains a Word document version of the test bank.

- Teaching Suggestions
- Students: How the textbook and *Instructor's Manual* will help you
- Preparing for Class
- Model Course Syllabi and Outline
 - One-Semester Course
 - One-Quarter Course
 - Two-Quarter Course
- Use of Computer Technology
- Content Comparison: Miller, *Paralegal Today*, sixth edition
- **Each chapter includes:**
 - Teacher to Teacher Notes
 - Pre-Chapter Warm-up
 - Learning Objectives
 - Paralegals at Work
 - Chapter Outline
- **Answers to: (includes the questions and the answers)**
 - Working the Web
 - Critical Thinking and Writing Questions
 - Ethical Analysis and Discussion Questions
 - Developing Your Collaboration Skills

- Video Case Studies
- Paralegal Portfolio Exercises
- Working with the Language of the Court Case
- Legal Analysis and Writing Cases
- Virtual Law Office

TESTGEN TEST GENERATOR

TestGen. This computerized test generation system gives you maximum flexibility in creating and administering tests on paper, electronically, or online. It provides state-of-the-art features for viewing and editing test bank questions, moving a selected question into a test you are creating, and printing sleek, formatted tests in a variety of layouts. Select test items from test banks included with TestGen for quick test creation or write your own questions. TestGen's random generator provides the option of displaying different text or calculated number values each time questions are used.

POWERPOINT

PowerPoint Presentations. Our presentations offer clear, straightforward outlines and notes to use for class lectures or study materials. Photos, illustrations, charts, and tables from the book are included in the presentations when applicable.

ALTERNATE VERSIONS

eBooks. In addition to Revel, this textbook is also available in multiple eBook formats. These are an exciting choice for students looking to save money. As an alternative to purchasing the printed textbook, students can purchase an electronic version of the same content. With the eBook, students can search the text, make notes online, print out reading assignments that incorporate lecture notes, and bookmark important passages for later review. For more information, visit your favorite online eBook reseller or www.mypearsonstore.com.

ACKNOWLEDGMENTS

A round of applause goes to those whose insights contributed to the learning aspects of the sixth edition. Special thanks go to:

Michael Fitch, for his guidance and encouragement early in the development of this textbook

Kathryn Myers, for her generosity and kindness in allowing the use of her material on portfolios and for the guidance she unknowingly gave by her examples of enthusiasm, dedication, and hard work in support of paralegal education

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