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The GWU Paralegal Sentinel

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Summer is here. The Class of 2012 has moved on to the next part of their journey. The rest of us have yet to finish the path we have charted. Summer can be a time to relax and refresh or it can be a time to continue pursuit of that degree. What will you choose this summer?



Latin Latin Latin

Lex Angliae (leks ang-glee-ee) [Latin] The law of England; the common law.

Lex loci contractus (leks loh-si ken-trak-tes) [Latin] The law of the place where a contract is executed or to be performed. *Lex loci contractus* is often the proper law by which to decide contractual disputes. – Often shortened to *lex loci*; *lex contractus*.

Res nova (rays noh-ve) [Latin “new thing”] 1. An undecided question of law.
2. A case of first impression. – Also termed *res integra*.



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Ethics

Two national organizations lead the standard for paralegals with regard to ethics: the National Association for Legal Assistants, Inc. (NALA) and the National Federation of Paralegal Associations (NFPA). Similar to the American Bar Association (ABA), NALA and NFPA have model codes of conduct to maintain high ethical standards in the legal profession specific to paralegals.

NALA's Code of Ethics and Professional Responsibility – Canon 1.

“A legal assistant must not perform any of the duties that lawyers only may perform nor take any actions that attorneys may not take.”

NFPA's Model Code of Ethics and Professional Responsibility – 1.1

“A paralegal shall achieve and maintain a high level of competence.

EC 1.1(a) – A paralegal shall achieve competency through education, training and work experience.

EC 1.1(b) – A paralegal shall aspire to participate in a minimum of twelve (12) hours of continuing legal education, to include at least one (1) hour of ethics every two years in order to remain current on developments in the law.

EC 1.1(c) – A paralegal shall perform all assignments promptly and efficiently.”



View NALA's Code: www.nala.org

View NFPA's Model Code: www.paralegals.org

Citing the law

Shepardizing: the process or method used to determine whether a case is still good law.

Case Law Procedure

1. Look for case references in a digest
2. Read the case – LexisNexis or Westlaw
3. Shepards® Citations or CiteCheck

Constitutions or Statutes

1. Find Constitution or Statute section – online or index
2. Read the section
3. Check for any updates relevant to the section

Citing the law



A Perspective on Civil Disobedience

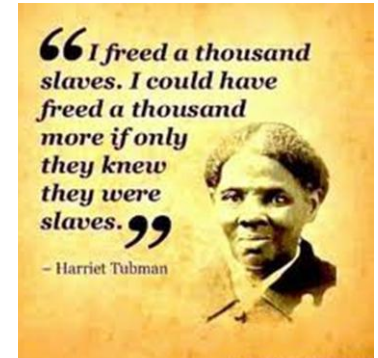
by Pam Heathcote

Justice Oliver Wendell Holmes, Jr. said, "In order to know what it is, we must know what it has been, and what it tends to become." He was referring to American common law. The interpretation of American common law is laced with the character and influence of natural law; a rights-based philosophy that has nature, the universe and / or God at its core. Many brilliant legal minds have made contributions to this school of thought such as Aristotle, Justinian, Dr. Martin Luther King, Jr. and Henry David Thoreau. It is

Thoreau's paper on The Duty of Civil Disobedience that will be the subject of this writing.

In 1849, Thoreau wrote about his conviction "that government is best which governs least." The country was in the midst of considerable change as it had just acquired 500,000 square miles of land from Mexico. Harriet Tubman began working with the Underground Railroad to help slaves escape before the Civil War. Americans were being taxed to pay for the Mexican War, a tax Thoreau disagreed with.

Thoreau reasoned that men imposed government restrictions on themselves to their disadvantage. He did not believe the government gave anything to the people that they did not possess or accomplish on their own. Legislators were credited with putting unnecessary obstacles in the way of progress. Thoreau spoke against people allowing government to control their conscience. He reasoned that law did not make men just. A man's conscience made him just.



Fugitive Slave Act of 1850

Thoreau found fault with many in that they served the government, "not as men, but as machines." Doing what they were told without regard for their own conscience. Thoreau wrote that a man knows within himself what revolution is yet most people would rather complain than actively protest the law. Men marched to war to kill under the service of an unscrupulous man they had not met; indeed, one that cared only about his own power. A president

Writ of Replevin

that was chosen from among professional politicians at some convention the average citizen would not attend.

To his disappointment, Thoreau witnessed law that imposed prison sentences on people for acting according to conscience. Unjust law he believed made an enemy of people. Law also made people fear because of the threat of imprisonment if they were caught aiding a slave or not paying their taxes. Some could not earn

Certificates of Freedom

enough to pay the tax, yet were required to pay it even if they had no property. The Constitution did not provide an avenue for a man to petition the government if he wanted to complain. Despite all this Thoreau encouraged men to stand for their conscience sake; to resist as men, not machines.

This theory of law extends from a

"Thoreau wrote that a man knows within himself what revolution is yet most people would rather complain than actively protest the law."

Continued on page 6

Litigation

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LITRA KOOBEN 5

ALPEYRRMINI ITJINOCNNU 4 18

WRKO DORCUTP 10

CEORYSVDI 1

XE RAEPT 12

RATOTBINIRA 3

NOMOTI CARPICET 11

TESB VEICEDNE ELUR 2

IDCUJLIA NECTIO 17 16 6

SYTVIIDER 9

NUSMOMS DAN COTMINLAP 8

BETHIIX 14

TERFAIFAVIM FEDNESE 13 15

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
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Unscramble each of the clue words.
 Copy the letters in the numbered cells to other cells with the same number.
 Answers on Page 6.



GWU Student Paralegal Association Upcoming Events

An August Afternoon in Alexandria, VA



USPTO Tour

Watch for details!!



Don't miss PSA's
Ice Cream Social
1st Week of
September!!

Pro Bono

DC Employment Justice
Center Needs Help
www.dcejc.org

ABA Nationwide Volunteer
Link
http://www.probono.net/aba_oppsguide/?goback=%2Egde_1072727_member_108223969

Design Our T-Shirts & PSA Logo

The signature of any organization is its logo.

Recognition becomes instant. In the midst of stars, distinct identity is achieved.

Let your creativity flow.

Submit your design by: **Sunday, July 22, 2012**

Entries can be emailed to: cmv6686@gwmail.gwu.edu





To Join PSA

CONTACT

Jackie Van Dyke

hoope70@gwmail.gwu.edu

Or

Michael Faber

michael.w.faber@gmail.com

Annual Membership

Dues: \$20

See us soon on the Web!

The site is under
construction.

A Perspective on Civil Disobedience

continued from Pg. 3

relationship between morality and human nature, rather than from law. Natural theory issues are the toughest to deal with in the legal profession, as natural law theory is not popular among many legal theorists. And law is not always based on morality.

This type of issue has within its very core the ability to divide people. Some would find themselves as staunch supporters of the letter of the law, at any cost. Others would find themselves wanting to act from their hearts, at any cost.

As a paralegal, the ground to stand on would be from the ethics you choose to abide by as a professional.

Litigation
Puzzle
Answers

Jurisdiction; Trial Notebook; Preliminary Injunction; Work Product; Discovery; Ex Parte; Arbitration; Motion Practice; Best Evidence Rule; Judicial Notice; Diversity; Summons and Complaint; Exhibit; Affirmative Defense

Recent D.C. Appellate Decision.....

United States v. Jones No. 10–1259. Argued November 8, 2011—Decided January 23, 2012

The Government obtained a search warrant permitting it to install a Global-Positioning-System (GPS) tracking device on a vehicle registered to respondent Jones's wife. The warrant authorized installation in the District of Columbia and within 10 days, but agents installed the device on the 11th day and in Maryland. The Government then tracked the vehicle's movements for 28 days. It subsequently secured an indictment of Jones and others on drug trafficking conspiracy charges. The District Court suppressed the GPS data obtained while the vehicle was parked at Jones's residence, but held the remaining data admissible because Jones had no reasonable expectation of privacy when the vehicle was on public streets. Jones was convicted. The D. C. Circuit reversed, concluding that admission of the evidence obtained by warrantless use of the GPS device violated the Fourth Amendment.

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**"I find the great in this world is not so much
Where we stand, as in what direction we are
Moving; to reach the port of heaven, we must
Sail sometimes with the wind and sometimes against
It, but we must sail, and not drift, not lie at anchor."
Oliver Wendell Holmes
The Autocrat of the Breakfast Table (1891)**