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Res Ipsa Loquitur — Law A Noble Profession

Marissa J. Moran, Esq.

While watching an episode of *Law & Order* with my eldest son, James, I mused about history repeating itself. You see, I grew up watching *Perry Mason* with my Dad. I recall eagerly looking forward to finding out how the humble yet knowledgeable Perry was going to prove the nay sayers wrong by logically demonstrating how, despite all odds, his client was innocent beyond any doubt. Now, as my son views the guilt and innocence of those in the *Law & Order* episodes, I see him thinking and questioning the way I used to. He is intrigued with how the professionals, the attorneys, are able to figure out all the pieces of the puzzle and explain it to the jury so that they may reach a just and fair result.

This budding interest that I had in law proved to be my destiny. I grew up to become an attorney and am currently teaching law. To better prepare my students for what they will experience in the workplace upon graduation, I tell them to think of our class as a law firm and that from the minute they walk in the door they are paralegals working for me, the attorney. Ethics is taught in all of the legal courses at my college, New York City College of Technology. In conjunction with the topic of ethics, I often speak of professionalism and I remind my students to treat every client and his/her case the way they would want their family or loved one treated or their case handled. This usually generates stories of

attorneys whom the students encountered who have demonstrated bad behavior, are yellers and screamers, and who make the paralegals do most of the work, yet take all of the glory.

This sentiment was most recently echoed in a student paper that I read. As part of the course requirement, students in the Introduction to Paralegal course attend a court hearing and report on what they observed and also how it correlates with something we have discussed in class. In other words, students are to relate a real life court observation to some fundamental concept we have discussed in class. While reviewing these “court observations” one student explained that the judge’s law clerk and one of the attorneys inquired what she was doing in the courtroom. When she told them of her assignment they readily assisted her in making sure she obtained accurate information for her report. I continued to read, smiling to myself, since this behavior is consistent with how most attorneys would respond — that of teacher or mentor. This also solidified what I knew from experience and practice, namely that most attorneys are and can be positive role models for paralegals and students in general. However, this triumphant moment was short-lived, for her next comment brought me back to what I have heard all too often. She said they wanted to know why she wasn’t aspiring to become an attorney

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since everyone knows that paralegals do all the real work for the attorneys and get little in the way of recognition and compensation. I have heard similar comments made at paralegal educator conventions and by some of my own colleagues and students. Each time I hear or read stories of this nature about our profession I feel the need to set the record straight.

Not long ago the American Bar Association attempted to turn the tide of public opinion in a more positive light regarding the legal profession. The shark jokes and other such humor had gone unchecked for too long. The many good deeds and acts of kindness to their clients and clients’ families that attorneys perform on a regular basis had seemed to vanish from public opinion. Greed, selfishness and bad tempers make for fascinating headlines, sell stories and provide grist for the mill. Good deed doers and life changing wonderful results, if not of epic Hollywood proportions, simply do not generate much in the way of public attention or interest. It is more appealing to bash attorneys than admire their intellect and ability to affect and

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change human life for the better.

Most people aren't appreciated enough, and the bravest things we do in our lives are usually known only to ourselves. No one throws ticker tape on the man who chose to be faithful to his wife, on the lawyer who didn't take the drug money.... Peggy Noonan

While undoubtedly some of these stories of less than optimal behavior are true, I caution my students that there is good and bad in every profession. I challenge them to think about the scrutiny involved in legal matters, to think about an unending clock where hours never stop and deadlines do not distinguish a Monday from a Sunday. An attorney, a professional, is in that role 24/7 regardless of birthdays, anniversaries or nationally recognized holidays. Work emergencies arise despite personal emergencies and know neither restrictions nor three-day holiday weekends.

I have had the privilege, from the start of my legal career working as a paralegal while in college, to practicing and now teaching law, of knowing and working with many brilliant, even-tempered, and patient judges and lawyers whose hard work, dedication and excellent results never get mentioned or at least not on page one of any newspapers. They have spent their lives cultivating their craft, forever learners and teachers and have not rested on their laurels nor taken their work, their clients, or their profession for granted. While the practice of law

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is a team effort, the team leader is the attorney. While the benefits may be reaped by the attorney so too are the losses and liabilities. The attorney is the one who receives the accolades: however, so too is s/he the one who is on the front line and the risk taker, whose name and reputation is in the public eye. It takes a lifetime of cases with good results to build a reputation, yet just one bad result/case to cast doubt on one's ability or reputation. Money buys you neither character nor conscience!

So what can each attorney do to strengthen our reputation? As attorneys? Attorneys who are judges? Attorneys who are educators? Attorneys who are parents? Each one of us owes it to our profession to make sure that there is a balance in how being an attorney is portrayed and what is said about our profession, especially by us. It is hard to imagine being able to generate interest and desire and team spirit in those wishing to pursue a career as a paralegal if what they hear from those in the field is lack of respect and appreciation for the knowledge and ability needed by one who wishes to study and then practice law. One would have to wonder why someone would devote so much time and effort assisting someone for whom they have little or no respect or than whom they believe they know more.

Imagine, if you will, sports or other professions that rely on team work. Each person plays a role and each role serves a purpose and is regarded as important towards achieving the best results. Coaches and managers are often the first ones thanked by the player(s) for their support, encouragement and direction in guiding these players on how to play their sport; the general, lieutenant, sergeant are thanked for their leadership and decision-making ability in their deployment of troops into the battlefield; chief executive officers, boards of directors, presidents are thanked for recognizing and tapping into their employees' skills and talents by *requiring* these workers to complete challenging projects for the benefit of the company; and conductors are applauded and lauded for their ability to lead the musicians, the ones who actually play and read the notes to perform the musical selections.

In certain professions you must learn and perform all levels of a job before you can obtain the desired position you wanted from the start. Having worked as a paralegal in my last two years of college to learn from an insider's perspective whether law was the right career path for me, I am a firm believer in the benefits received by learning and going through the ranks in any career. I say this so that those who first

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choose to become a paralegal but may ultimately have the drive and aptitude to become an attorney have done so not out of a sense of entitlement due to their paralegal status, but more because they have been exposed to the profession and made a well-informed decision about their career choice. Many sportscasters were once players; sergeants/lieutenants once enlisted personnel; executives were once employees; and teachers were once students, but they appear not to regret the prior role they played in their profession.

Instead, they bring to these new management, supervisory, leadership or commentary

positions, the wisdom of first hand knowledge and, more importantly, the economics of time management in knowing what are realistic deadlines or timeframes. This thinking should be instilled by us since we are responsible for being the catalyst for change in attitude about our profession.

So, for all you attorneys out there, if we take a positive approach and lead by good example, *res ipsa loquitur* ("the thing speaks for itself") will apply, and law thought of as the noble profession we on the inside know it to be. ■

Marissa J. Moran is an associate professor at New York City College of Technology ("City Tech") in the Dept. of Law & Paralegal Studies. After graduating from law school,

she clerked for the chief Federal Bankruptcy Judge in the Southern District of New York and later worked as an associate in the New York law firms: Kaye, Scholer, Fierman, Hays & Handler and Emmet Marvin & Martin. Marissa has served as chair of the Legislative Committee of City Tech's governance body, chair of the Faculty-Student Disciplinary Committee, as club advisor to the Society of Future Legal Professionals, had a column "Ask the Professor" in the department's newsletter, and has been a guest speaker and organizer of City Tech conferences cosponsored with the Brooklyn District Attorney's Office. She is also the mother of three boys, James, JonPaul and Justin.

Managing a Paralegal Program in a Union Environment

Laura Bernard

I wear many hats at Lakeland Community College. My main "job" is Professor of Paralegal Studies. As part of my duties, I receive release time to be the administrator (program director/chair) for the paralegal program. I also play an active role in our full-time faculty union, having served four years as president and in numerous other capacities. At the present time, I chair the union's grievance and negotiations committees. My professional background prior to coming to Lakeland in 1993 includes six years as a labor and

employment lawyer primarily representing management.

Being a pseudo "administrator" in a union environment can be challenging, especially when it is time to staff classes, evaluate instructors and negotiate a collective bargaining agreement. All of these challenges are compounded by the fact that our adjunct/part-time faculty is not

... In the spring semester, when part-timers can be maxed out on hours, the director can face a last minute staffing crisis.

unionized while all of our full-time faculty members are in the bargaining unit.

Lakeland's collective bargaining agreement limits the number of hours which can be taught by a part-time faculty member. Specifically, "part-time teaching faculty shall not be contracted to be assigned more than eighteen

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