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### Whether Student or Paralegal, Balance is Key

Marissa Moran

*CUNY New York City College of Technology*

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# Whether Student or Paralegal, Balance is Key

Marissa J. Moran, New York City College of Technology, Department of Law & Paralegal Studies

This past semester, spring 2005, I had the opportunity to participate in a project at my college titled *Coordinated Undergraduate Education* or “CUE”. An aspect of the CUE project is an initiative to explore new pedagogical models and interdisciplinary approaches for integrating into courses components of general education courses. This is referred to as the “core text” approach. In order to implement the core text method, a professor incorporates in his/her course some element of a revered text not related to the major/discipline or course that s/he is teaching and weaves the core text through an existing assignment demonstrating the correlation to an aspect of the course. The goal is that the students recognize the balance of all courses in their education and assisting the students in obtaining the full college experience and engaging them in becoming life long learners.

## CHALLENGES TO THE LEGAL STUDIES PROFESSOR AND THE PARALEGAL STUDENT

As a professor in a major such as law and paralegal studies, one of the initial challenges I was confronted with was how to incorporate non-course related material in a substantive course with little or no room for another dimension/layer to the course, vital or not to the students’ college life experience. Another concern was that the paralegal studies curriculum is approved by the American Bar Association, an

accrediting body/agency with stated standards and criteria that needed to be adhered to. Add to this mix that the majority of our paralegal studies students are already oversubscribed in terms of time commitment to both work and family.

Human resistance to change posed yet other challenges with the core text approach. Our students are content with the way the legal courses are presently run, chose these courses and the law and paralegal studies major, thus expressing an interest in the content area, and see an immediate correlation with how they will use the knowledge from the legal courses with what they plan to do after college, namely, work as paralegals. The student challenges mirror in some way the professors’ in regard to workload, time management, and immediate and quantifiable gain to the student.

## CUE/CORE TEXT “CHOICE-BASED” ASSIGNMENTS

In truth, many veteran as well as novice professors do incorporate non-related material in their substantive courses. For a few years now, and before CUE evolved, I have created a “Prof. Moran’s Quotes” section in my blackboard courses. I list quotes on education and law. The students post their reflections on these quotes and then reply to two of their classmates’ responses. (See Sample Assignment #1) Participation flows readily and ideas about education and the

reason for acquiring knowledge seem more concrete and meaningful to them. Although I never thought of this famous quote assignment as such, it would appear to fit the definition of the CUE/core text approach. So, came my inspiration for the first core text assignment.

In most of my legal courses, I utilize Blackboard. That is, some aspect of my course is taught online also known as distance learning. Thus, I began working on my first core text assignment, keeping in mind the above stated challenges to both professor and paralegal studies students and certain desired goals. Of importance to me in design and implementation of this assignment was the i.) ability to post my first CUE/core text assignment as part of my students’ online/Blackboard training session; ii.) desire to know my students better and to know their writing capabilities (strengths/weaknesses) from the start; and iii) ease of implementation of this assignment in an intense legal writing course. It was against this backdrop that my first low stakes core text assignment was created.

Like following the fundamental principle espoused in economics, “return follows risk”, I took a leap of faith and allowed the students to choose their revered core text instead of assigning a certain text, reading, poem, play or chapter of a book, etc. The students were able to decide what source, other than the law, they would use to assist

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## Balance is Key *Continued from page 20*

them. (See Sample Assignment #2) My paralegal students readily responded to this assignment. A few students even remarked how refreshing it was to have such a creative assignment in a legal course. On balance, it seemed well received, met with no resistance, and my objectives were achieved. Additional benefits came in the form of students' analysis of the core text. One student shared a personal experience with our legal system and the procedural process by utilizing lyrics from a song and another student did the same with a famous speech.

With the acceptance of the low stakes core text assignment, I embarked on creating another core text assignment for the course. This time it would be high stakes and counted as the final paper/project in the course. (See Sample Assignment #3)

Again, the students seemed to be engaged in the issue at the outset, pleased about the ability to choose their non-legal/non-related sources of information and thus were eager to begin the drafting process. During class discussions and before the paper was submitted, the class seemed to want to complete this project not just for the grade or because it was required. They had become vested in the topic and wanted to weigh in on it.

### ASSESSMENT OF CUE/CORE TEXT BASED TEACHING

I believe success when introducing any new method of pedagogy lies in both planning and attitude. If the professor truly

believes in the value and importance of a learning tool or strategy that will be communicated to and understood by their students and thus, so too will the benefits to the students flow.

“Give a man a fish and you feed him for a day. Teach a man to fish and you feed him for a lifetime.” Chinese Proverb – The International Thesaurus of Quotations, ed. Rhoda Thomas Tripp, p.76, no. 3 (1970).

The concept of knowledge for knowledge sake and the lofty ideal of suffering for your trade are admirable. However, as a practical matter since many of our students are head-of-household or parents who work and go to school full-time, this noble belief in knowledge will for most of our students not be realized until much later on in life/career. It is then that they will have a fuller appreciation for and be able to tap into their college experience and this initiative.

We want our legal studies students to be independent intuitive thinkers, be resourceful in thinking through issues and know that they may and should draw not only from legal authority but also from religion, culture, the great thinkers of past and present, experts in various fields and disciplines, in their quest as legal problem solvers and creative solution experts. Paralegals must be prepared to shift focus, think creatively, and be technologically savvy if they are to be efficient and effective

assistants to attorneys, to clients, and to the legal profession as a whole.

If we show them the way to begin thinking along these lines and allow for them to continually expand their ocean of knowledge, they will become more empowered students, paralegals/legal assistants, husbands/wives, public citizens, community and world leaders. Thus, it matters not at what point in their lives they will use this method of thinking, but more importantly, that we as professors and educators have opened the door and shown them how.

### CONCLUSION

On balance, if the students are equipped with the essential legal knowledge and ability to draw from the endless wealth of valuable information that exists and reach to their own “bank of thought” that they actively invested in, they will craft persuasive and effective arguments that will assist them in not only resolving the immediate issues but also in gaining long term effects and more far reaching consequences. This is after all the greater purpose of educating our paralegal students and will in essence have allowed them to obtain the true benefits of a full college experience and the realization of the seamless web and interdependency of all courses. The key then to achieving this balance is to provide our students with the impetus to choose to never stop learning, questioning and thinking.

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## Balance is Key *Continued*

### SAMPLE ASSIGNMENT #1

Please review/read the quotes listed below. Then, respond (i.e., explain what it means to you, if you agree/disagree with it, etc.) to three (3) of the sayings. Next respond to two (2) of your classmates posted responses.

#### PROF. MORAN'S Quote Picks

- *The foundation of every state is the education of its youth.* —Diogenes
- *I think the one lesson I have learned is that there is no substitute for paying attention.* —Diane Sawyer
- *Imagination is the highest kite one can fly.* —Lauren Bacall
- *Education is the best provision for old age.*— Aristotle
- *If you think education is expensive, try ignorance.* —Derek Bok

### SAMPLE ASSIGNMENT #2

#### Core Text Low Stakes Assignment

Choose a favorite song, ballad, national anthem, poem, slogan, advertisement, section of a book, etc. and relate it to some area of the law that you have learned about thus far in your studies. For example: You can quote a section of the Star Spangled Banner, Pledge of Allegiance, and state how it impacts your belief in the law and our system of government. You can reference portions of books/texts or rules of advice or rules to live by articles i.e., “The Top 7 Habits of Highly Successful People”; you may reference the Bible i.e., commandments, beatitudes, etc. and state how they are similar in concept to the rules of procedure you learned about in civil procedure class why rules are important guidelines. You may also reference the list of tasks and duties/responsibilities of a paralegal which you studied and learned in your Introduction to Paralegal class or Civil Law & Procedure class.

Remember when you refer to the poem, song, text, etc. always properly quote your source—i.e., state where it comes from and whose work it is (author, etc.)

Have fun with this assignment and be as creative as possible.

Please use the following format for the assignment (typed, double spaced).

To: Prof. MJ Moran

Name: Your name, as paralegal

Date: Feb. 10, 2005

Re: Core Text Low Stakes Assignment

### SAMPLE ASSIGNMENT #3

#### Doc. Prep. Final Assignment-Core Text

Prof. MJ Moran

#### Spring 2005

We have been asked by State Senator Joy Family to draft a report regarding the merits of allowing a parent-child privilege to exist in much the same manner as exists for attorney-client; physician-patient; clergy-penitent; psychologist-patient; and husband-/wife. The way the law is now, parents can testify against their children and children can testify against their parents. For example, the parents of Amy Grossberg, the woman accused of killing her newborn son, were subpoenaed to testify as was the mother of Monica Lewinsky. Part of your discussion should include a reference to history, or religion or psychology or text you have used in college, etc.

Please use the format below for your paper. Your paper should be approximately four to five typed pages, double spaced.

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### **Suggested Format:**

To: Prof. MJ Moran  
From: Your name, as paralegal  
Re: New Proposed Legislation  
Due Date: May 20, 2005

### **Statement of Assignment**

You have asked me to conduct research on the proposed Parent-Child Privilege legislation and report back to you in writing regarding my results.

### **Proposed Legislation**

Parent and child should enjoy the same privileges regarding not having to testify against one another at trial or otherwise in the same manner that exists for attorney-client; physician-patient; clergy-penitent; psychologist-patient; and husband-wife.

### **Discussion (YOU SUPPLY THIS)**

Suggested legal authority references and drafting ideas:

Begin with the definitions of the following privileges: attorney-client; physician-patient; clergy-penitent; psychologist-patient; and husband-wife.

Attorney-Client CPLR 4503

Physician-Patient CPLR 4504

Clergy-Penitent CPLR 4505

Psychologist-Patient CPLR 4507

Next, explain the relationship of parent and child. You should refer to history and how it has treated the relationship of parent child (the bond between parent and child/unconditional love). That parents tend to encourage their children to speak freely and to trust them completely and to come to them in times of trouble. In general, children turn to their trusted source, the parent, when frightened or in need. Think about how this trust would be undermined if a parent was forced to testify against their child who had just confided in them or the impact on a child if forced to testify about activities/statements made by their parents. You may refer to religion, parenting books, sociology, psychology textbooks, etc. However, some source other than legal authority must be referred to in your discussion section. Please remember to attach a copy of whatever source you are using for your reference.

### **Conclusion (YOU SUPPLY THIS)**

As you are drafting your proposal, keep in mind that The New York State Law Review Commission has begun consideration of a statutory provision for Parent-Child. However, since congress has not yet definitively spoken on the matter (no congressional enactment) the privilege has been rejected by the federal circuit courts see, *In re Grand Jury*, 103 F3rd 1140 (3rd Cir); *United States v. Davies*, 768 F2d 893 (7th Cir). Also, note that some states are currently either passing or considering passing parental responsibility statutes which would hold parents accountable/liable for the actions of their children. This is due in part because of school shootings and adolescent criminal involvement. ■