

# GAZETTE

VOLUME 45, SPRING 2013

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# NOTES FROM THE EDITOR

With the new year there comes new changes. My goals for 2013 will give our members more information about our associations in Georgia along with upcoming events in our region. I can't do this alone though. With all of our members' help I can get the information out to everyone. Please if you would like to share an event, conference, membership drive, special events, or just a get together for everyone to enjoy please let me know and put it in the Gazette.

Also, I would love suggestions on how I could improve the information of the Gazette, and how to get it out to our members fast.

Please feel free to email me anytime at [tmcgowan.paralegal@gmail.com](mailto:tmcgowan.paralegal@gmail.com) and let me know and I will put it in.

Thanks everyone and let's get some news out!!

Tiffany McGowan  
Editor

## Coming Events & Deadlines

Professional Development  
February 28-March 2, 2013 |  
Tulsa, Oklahoma

Atlanta NALS Conference  
October 17-20, 2013  
Atlanta, GA

Cobb County Legal  
Professionals Luncheons  
3rd Thursday of each Month/  
guest speakers

NALS of Atlanta  
Monthly meetings with guest  
speakers  
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# Meet our Representatives

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# Attributes of Excellent Client Service

*By Fran McClean, PLS*



When you think of client service, what comes to mind? Think about it. Client service is all about how we treat our clients. Take a moment to think about your day. Are you providing excellent or proper client service (both internally and externally)? If you are not sure how you can improve the quality of service, below are a few attributes to consider:

1. **Be friendly.** When we interact with other people, we generally seek a positive response. Being friendly has a lot to do with how others respond to you. Be sure to greet with a smile; be affable, inviting, and always professional.
2. **Make customers feel important and appreciated.** Always use their name and find ways to compliment them, but be sincere. People value sincerity—it creates good feeling and trust.
3. **Be approachable.** Use body language that says they can feel comfortable coming to you. Standing with a frown and arms crossed with a head down says “I do not wish to be bothered” or “I am not in the mood.” It puts people off when you show that you are put off by their presence. Before any words are spoken, your body does the talking for you. Always be aware of how you come across.
4. **Appreciate the power of “Yes.”** Always look for ways to help your clients. When they have a request (as long as it is reasonable), tell them that you can do it. Figure out how afterwards. Look for ways to make doing business with you easy. Always do what you say you are going to do.
5. **Be proactive.** Show a sense of urgency, particularly if something goes wrong. Do not make excuses; tell the client that you will see what can be done and then follow up promptly with your solution. Clients must know they are in good hands regardless of their issues. When something goes wrong, apologize.



6. Be positive. Maintain a reputation of excellence. “We are what we repeatedly do.” This means practice makes perfect and it will soon become a habit. What you do in a daily routine contributes to your character. Being positive and demonstrating consistent diligence and efficiency will give clients confidence in your abilities. They will come back to you because once they feel they have the best, there is no need to look any further.
7. Be mindful of your tone of voice. Your voice can speak volumes about you, even through the phone. Did you know when you answer the phone promptly and smile, people can actually hear it? So make sure your tone of voice speaks with smiles and empathy.
8. Be a good listener. Take the time to identify client needs by asking questions and concentrating on what the client is really saying. Beware of making assumptions. People appreciate it when they feel you want to understand their point of view.
9. Be organized. Keeping a clean, organized, and clutter-free work space (or not) says a lot about you. So, keep your work space organized; it provides a perception of competency, efficiency, and quality.
10. Be careful with email. Remember, once it is out there, it is out there! Thoughtful care with words written in an email is extremely important. What you say is indelible and you cannot take it back. When dealing with emails with multiple addressees, do not automatically hit “reply all”—it is often unnecessary and it can become quite annoying. You might use the phone instead of email unless email is totally necessary. Your voice is easier to interpret than the tone of any email.

### **Remember**

- Sometimes the client just needs to vent.
- Perhaps you are the third, fourth, or fifth person they have talked to about the same thing.
- They may be in a time crunch and cannot spend a lot of time trying to take care of the matter.
- Most people are well intended and you just caught them at the wrong moment.
- You have a lot of power and responsibility to ensure the client has made the right decision to use your service.
- Send the client away with something. Whether it is something you can give them free, the ability to resolve the situation, or the assurance that you will follow up, let them know they have been heard and their concerns will be addressed.

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## Follow up

To conclude, strive for intentional excellence. Be on top of your game each day. Set a daily intention to be the best you can be in your profession. Find joy and gratification in doing your job well!

## References

- Tips for Providing Excellent Customer Service, Student Success Center Renton Technical College, Renton, WA, [www.RTC.edu](http://www.RTC.edu).
- 12 Characteristics of Excellent Customer Service, Center for Sight, [www.centerforsight.net](http://www.centerforsight.net).
- The Ten Commandments of Great Customer Service, from Susan A. Friedman, [www.marketing.about.com](http://www.marketing.about.com).

| *the NALS docket* |

*Fran McClean, PLS is a member of NALS. . .the association for legal professionals and a member of NALS of Northeast Ohio. She is also the secretarial support services manager at Thompson Hine LLP in Cleveland, Ohio.*

# NEW MEMBERS



New Member? Want people to know a little bit about you?

Email me then at  
[Tmcgowan.paralegal@gmail.com](mailto:Tmcgowan.paralegal@gmail.com)

Send me a picture and something about you, hobbies, interest, career, schooling, or anything you want to share.

**LETS GET TO KNOW YOU!**

## A NOTE FROM OUR FACILITATOR

Nancy Mikacevich,  
PLS

We are now well into 2013 and that date isn't so hard to type anymore! While all of our country has had crazy weather recently, Georgia seems to be on a warming trend, which makes us all think of spring and upcoming trips. By the time you read this issue the NALS Professional Development Conference in Tulsa will be behind us, and the next NALS conference will be held in Atlanta in October! Mary Jo Denman, PP, PLS, Chair, 2013 National Forum Task Force, with the aid of her committee, has been busy lining up great CLE. What a grand opportunity for our members who have been unable to attend a NALS conference in the past. More details will soon be available; in the meantime, save the dates of October 17-20, 2013, for an awesome Atlanta NALS conference.

I have been working for law firms since 1965—joining NALS in 1966 in St. Paul, Minnesota!! I can still remember my first law firm job and how kind the four attorneys were. How time flies when you are having fun!!! My focus has changed a little now, however, and I have taken the plunge and joined my husband in retirement! I am looking forward to more time with the grandchildren, more traveling, and more time to smell the roses! I still plan to be involved in all NALS activities as in the past, but my contact information is now different. It may take me longer to respond, even with my iPhone and pad, but I am never far from these fabulous tools--unless the grandkids have them or I am in the middle of *Ruzzle!*

Enjoy this issue—it contains wonderful CLE articles. Thank you, **Karen Caldwell**, for securing the guest writers.

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## Fighting As Their Champion

By: **Carlos J. Rodriguez, Esq.**

As attorneys, we're entrusted with a client's personal, painful, embarrassing, and often unbelievably interesting stories. These stories normally detail the need for a lawyer, and in the world of criminal defense, clients charged with crimes expect their lawyers to spare them the judgment that they face from all of those around them.

At social functions, family dinners, and the like, criminal defense attorneys are constantly asked, "How can you represent someone that you know is guilty?"

First - the nerdy, and likely unsatisfying, answer: The State of Georgia Bar Rules of Ethics and Professionalism, Rule 1.0 defines *knows* as "actual knowledge of the fact in question." The attorney was not present at the incident that led to the client's arrest and criminal charges. If one would rather ask "How can you represent someone that you *believe (or think)* is guilty?"

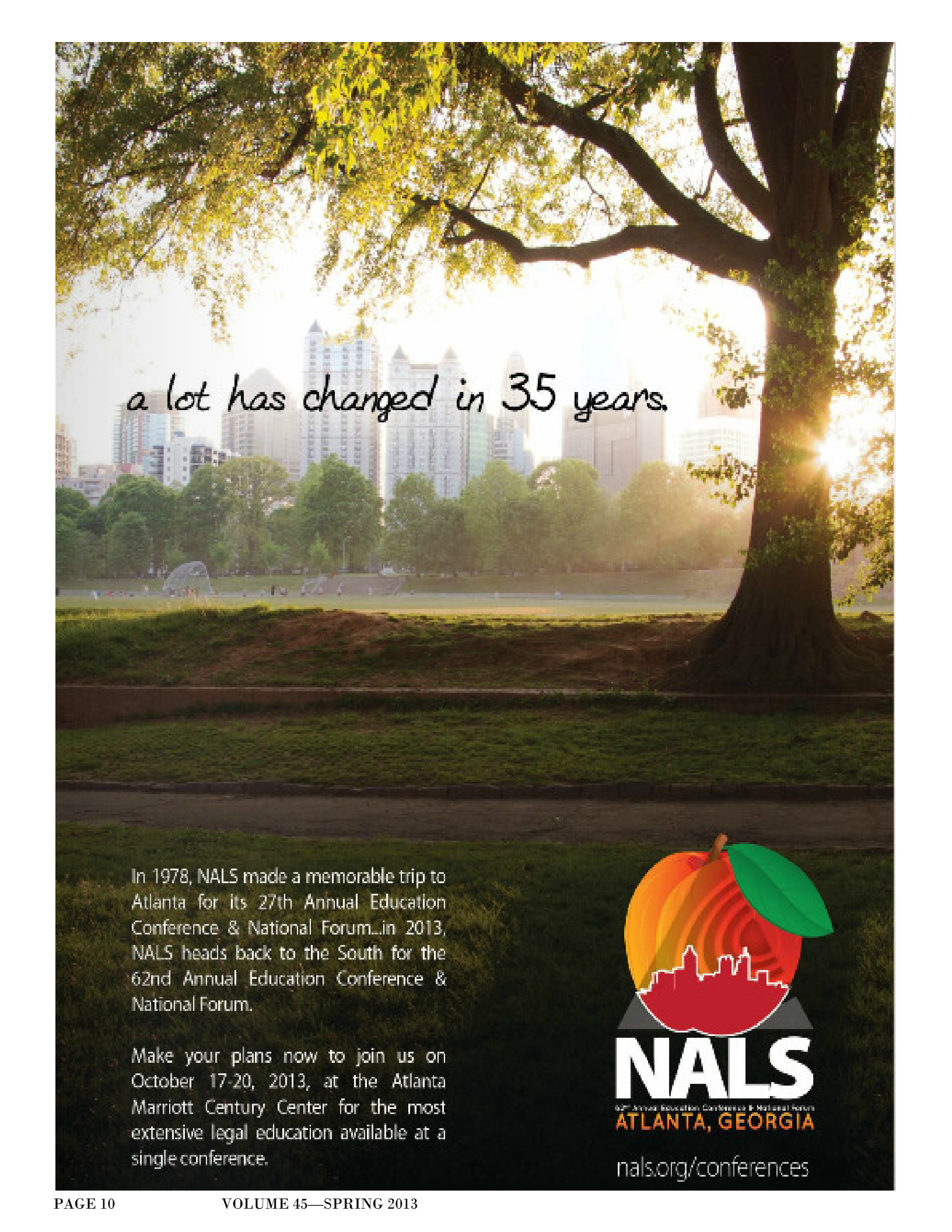
Now - hopefully a more satisfying answer: Admittedly, it's impossible to mechanically force yourself from forming an opinion on the likelihood that your client committed the alleged acts. But if that thought or opinion clouds a lawyer's judgment and remotely impacts their ability to defend their client, then that lawyer has a personal conflict of interest. Even worse, maybe the wrong line of work.

A client facing criminal charges ultimately wants you to fight and win for them. And winning is always relative because a zealous defense of a client can come in very different forms. One can *win* for a client by saving them from a sentence of prison and receiving probation instead; By convincing a jury to find them not guilty of one, two, or all of the charges; By showing the Judge how law enforcement illegally obtained evidence; By convincing a prosecutor to reduce the charged offense to a more appropriate or less stigmatizing charge.

My law partner spent much of his accomplished legal career representing the State of Georgia by prosecuting criminals as an Assistant District Attorney and upholding their convictions with the Attorney General's Office. He is forever humbled by the fact that he never received a hug or a thank you card until he became a criminal defense attorney.

Thus, I can represent someone that may very well be guilty of something by leveling the playing field - by fighting as their champion in the courtroom - by guiding them through the most difficult time of their life.

**Carlos J. Rodriguez, Esq.**  
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# Criminal Law 101 for those Enduring and Inescapable Questions

By: Scott Semrau, Esq.  
Semrau Law Firm

Because we work in the legal field our friends, acquaintances and clients assume we know *everything* about the law, especially criminal law. How many times have you been to a party and heard this: “Oh, you work at a law firm, well let me ask you a question....” I can’t help you with the questions on the derelict Executor or the car that turned into a lemon, but if it’s a criminal law question, then I got it covered. Below you will find 20 years of criminal defense experience condensed so that you too can answer those common and pesky questions.

**Traffic Tickets.** Should I fight my traffic ticket? Answer: Yes, a little. Just about everyone has had or will get a traffic ticket. My advice is to tell your friends to resist the impulse to just pay the ticket. Instead, tell them to go to court. I’m not suggesting they bring a six-foot Google Map or demand a jury trial. Rather, tell them to go on their scheduled court date and ask the judge or prosecutor for a reduced fine or charge. Tell them to be nice, give a reasonable excuse and smile. This method has a 90% success rate. One word of caution: if the judge or prosecutor recommends getting a lawyer, then beware, trouble is coming—ask for a continuance and get a lawyer!

**Arrest and Bond.** When someone is arrested the first question is always: what should we do? Answer: Bond them out. A couple days in jail can teach a powerful lesson, but eventually my advice is always to post bond and get them out of jail. Here are some key terms:

Signature Bond / Recognizance Bond - here a defendant is released merely on a signature and a promise to return.

Cash Bond – here cash is given as collateral to the jailer as a guarantee for the return of the defendant. The cash is refunded in full upon completion of the case.

Property Bond – same as a cash bond but the jailer takes a lien against a house or land instead of cash.

Bonding Company –use a bonding company if there isn’t enough cash or property to pay the bond amount. A bonding company gives the jailer the required cash bond in exchange for a fee that is usually about 15% of the total bond amount. Bonding Companies are really just money-lenders: they give people money to pay the bond amount in exchange for a fee. TIP -- always call two or three bonding companies and try to negotiate a lower fee.

**Hiring a Lawyer.** Question: Should we hire a lawyer? Answer, yes, as soon as possible hire the best lawyer you can afford. Interview three lawyers in person and then make a choice. Be wary of Public Defenders who are too often overworked and underpaid, but *never* hire a lawyer on the cheap to avoid a public defender—nobody works for free.

**Criminal Procedure.** All criminal cases follow the same path: Arraignment, Motions, Trial.

**Arraignment:** This is when the court reads the charges in open court and the defendant answers guilty or not guilty. Once upon a time, back in the middle-ages when all felonies were punished by death, the public announcement of charges was pretty exciting. But today, Arraignment is mostly administrative, charges are seldom read in open court and everybody pleads not guilty at Arraignment—usually the defendant does not have to appear to enter a not-guilty plea.

**Motions:** This is a pre-trial hearing when the Judge hears from both parties, State and Defense, and makes decisions on matters that might affect the trial of the case, usually evidentiary, such as a motion to suppress evidence collected by an illegal search or a motion to admit or exclude a prior conviction of a witness. Cases often are won and lost at this stage—if there is no evidence, then there is nothing to prosecute.

**Trial:** A criminal trial will be a *jury* trial, and for the most part, jury trials are fairly well portrayed on television, except much longer than 60 minutes. One exception is jury selection, which is boring and never happens on TV. Selecting the jury often takes a full day and in major cases can last weeks. And to say that we “pick” or even “select” a jury is misleading. Actually, we interview a group of jurors and then are given the opportunity to exclude those jurors who we feel cannot be fair to our side. Those jurors left who have not been excluded become the jury—so it’s more like rejecting the jury, but that wouldn’t sound good, so we say “picking” the jury. One other fact that gets glossed over: a criminal jury verdict must be unanimous. If the jury cannot reach a unanimous verdict, then the case is declared a mistrial, the jury is dismissed and another trial begins again from scratch.

**Plea Bargaining.** As most people arrested are guilty of *something*, plea bargaining is a good thing for those who’ve done bad. A plea bargain is when the State prosecutor recommends reduced charges and or a reduced sentence in exchange for a guilty plea. State and County courts would grind to a halt in one week without plea bargaining because each Judge is responsible for completing many, many, many more cases than could possibly be resolved by jury trials alone. Our firm is very litigious, conducting 4-6 jury trials per year which is far above the average. Nevertheless, my advice: unless there is no other choice, trials are risky, emotionally taxing and expensive--take the plea bargain!

**Media Event Jury Trials** - Whether its O.J. Simpson, Casey Anthony, Scott Peterson or Rodney King the question for us is always the same: Do you think they are guilty? My answer: I have no idea, but the really important question is, *can the State prosecutors prove guilt beyond a reasonable doubt to 12 incredibly opinionated people?* Big trials are spectacular staged dramas of the first degree. The winner will impress, entertain, wow, and ultimately persuade the jury to vote for them.

**Sentencing** – The sentence is the punishment for the crime. The typical question here asks you to explain a perceived *unjust* sentence. Answer: (shrug your shoulders and say): Be glad we don’t live in Iran, and also, tell them that criminal sentences are subject to a *huge* amount of individual discretion. First, most crimes carry a big range of potential sentences, such as 1-20 years imprisonment and the actual sentence is completely subject to the judge’s discretion. Second, judges tend to give disproportionate breaks to those who plead guilty and severe punishments to those who risk trial and are convicted. Third, no two judges are the same, thus two judges working in the same Courthouse might give vastly different sentences for the exact same crime. And fourth, State prosecutors, who are often inexperienced and ridiculously young, also have a huge amount of discretion in their sentence recommendation.

I hope this article gives you a good start to answering just about any criminal law question. And if you get a really tough question, just turned it around and say, “what do you think?” Remember, intelligence is measured by the question, not the answer. Good luck.

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