

Writing Samples:

Law

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If my doctor told me that I had only six minutes to live, I wouldn't brood. I'd type a little faster.

~ Isaac Asimov

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September 19, 2018

10 Steps to Launching Your Legal Career

You're about to complete your law degree, or perhaps you have already completed your law degree program. Either way, you're excited to be launching what is sure to be an outstanding law career.

But where do you begin your legal career in the real world? You've seen your career counselor looking for inroads into legal jobs. It may be that you are not sure you wish to become a practicing attorney. You know that you have or soon will have a law degree, but it's a huge decision to make on what may seem to be the final answer for what you will be doing for the rest of your life.

First of all, the path you choose today may or may not last for the rest of your life. Many changes occur in a person's professional life these days. Second, there are steps you can take right now that will help you make a decision or launch you on a successful path to legal glory. [Kangan Institute](#) suggests the first five steps.

1. Many lawyers choose to specialize in their law careers. If this sounds like you, go ahead and take an advanced degree. If you can get any kind of certification in this field, avail yourself of the opportunity. These two actions will enhance your credibility and advance your knowledge in your area of choice.
2. Assess your skills, aptitudes and experience to analyze if a law career is for you. According to Kangan, "The skills required for all legal professionals include strong writing and communication skills, strict adherence to deadlines, highly organized, strong attention to details and strong technology skills." Be as sure as you can at this point in your life

that you would be good at and enjoy being an attorney.

3. If you were an accountant, nurse or engineer in your previous life, use these areas of expertise to enhance your law career. There are many legal jobs where previous experience is invaluable.
4. You should research your potential field. Of course, it doesn't hurt to say it anyway. Read, read and read more about your desired job. Talk to attorneys or other legal professionals in the field and pick their brains.
5. Networking is and always will be a vital activity if you choose one of the many available legal jobs out there. Whether you decide to work in a big law firm or go solo, this skill will sustain you through the great times and scarce times. Go to meetings, conferences and seminars. Finding a mentor is the gold mine of networking.

What can you do with a law degree? Many legal jobs are available, including becoming a practicing attorney and others that follow the path of law careers but where you don't practice law. There are many legal jobs available today where you can use your law degree to launch a successful career. The [University of Mississippi School of Law](#) mentions several options for a law career.

6. Decide where you wish to use your law degree. There are six areas where legal training can take you. If you choose to pursue the attorney route, you can work in private practice, government, public interest, in-house,

or find a judicial clerkship. All offer fine law careers.

You can also choose a non-lawyer career route. Some legal jobs include law firm administration, politics, legal publishing and journalism, higher education, financial planning, investment banking or estate planning.

If you've chosen to become a practicing attorney, there are many steps of which you should be mindful immediately as you launch your career. In [Tips for Successfully Launching Your Legal Career](#), Anthony Grumbach has four great tips to serve you in your first legal job and sustain you throughout your career. Let's say you're working in a successful law firm, and you just got your first real assignment.

7. First things first. You must get your assignment right. Grumbach lists five ways to do this.
 - a. Restate the assignment back to the person who gave it to you.
 - b. Get a clear deadline.
 - c. Clarify when and how to check-in.
 - d. Ask the best place to start; and
 - e. Ask how long it should take.
8. Own the case. Take the initiative. Here's how to do that, according to Grumbach:
 - a. See the big picture. Remember, there is a client on the other side of this work, and that client has a clear goal. Align your work with that goal. Your client will appreciate it, your supervising attorney will appreciate it, and your law firm will appreciate it.
 - b. Speak up! Contribute ideas and make recommendations. Think things through; don't shoot from the hip. Develop practical solutions or arguments that the assigning attorney may not have considered.
- c. Organize projects and create schedules. This will help you as well as your supervising attorney.
- d. Propose priorities. Don't let your novice status prevent you from setting priorities. Don't wait for someone to do it for you. After selecting the priorities, check in to ensure you're on the right track with them.
- e. Play by the rules. Enter your time as quickly as possible. Attend and participate in group meetings, training, and events your law firm sponsors. Treat the staff courteously.
9. Inspire confidence in yourself and your work. Use your attitude and actions to accomplish this. Show interest and enthusiasm for your work, colleagues and clients. If you find yourself bored, look at the work as a challenge. If you uncover a problem, explore a solution before bringing it to your supervising attorney.
 - a. Honor deadlines and provide status updates. Don't make your supervising attorney nervous – check in every so often.
 - b. Organize your talking point. You want the person to whom you are speaking immediately to know what you're doing there and what your point is. Grumbach advises, "If you're reporting back on research or analysis that you've been asked to perform, lead with your conclusion or recommendation, explain why that's the best answer and what you did to reach that answer, and be prepared to discuss potential limitations, weaknesses, and alternatives."

- c. Deliver client-ready, error-free work products. Don't make your supervising attorney have to fill in incomplete work or correct mistakes. Proofread a hard copy and ask someone else to proofread the document. It's an old axiom: you can't proof your own work accurately.
 - d. Learn to be a great lawyer. Take advantage of learning events that your law firm sponsors, find a mentor, complete your CLEs. Never stop learning.
10. Focus on others' needs. In the initial phase of your career, you'll need some help. Inspire others to help you when you need it by helping others when they need your help.
- a. Find out what they need. Find out about your clients' and colleagues' work styles, preferences and quirks. Adapt your style to suit their needs.
 - b. Listen. Don't simply wait for the other person to quit talking so you can slip in your two cents. Think about what the other person is trying to convey.
 - c. Focus on helping others shine. For instance, think of that outline you're drafting as an instrument to help your partner shine. Treat the staff impeccably. Treat your client's team well, too.
 - d. Be a successful giver. Give your time and effort to others but do this in a way that does not damage your schedule or efforts.

There are many types of legal jobs available. You may wind up in a large or small law firm, a public interest group fighting for the indigent, or ensuring that a law firm runs like a perfectly oiled machine. It largely depends on your research, your hard work and your inclinations. One thing is for sure, if played right, you have one of the most valuable academic degrees possible. Use it wisely.



September 23, 2018

Preparing for an Investigative Hearing for a Board of Bar Examiners

The Florida Board of Bar Examiners has just notified you that you are set to undergo an investigative hearing. It is essential to understand what an investigative hearing is and how you became subject to undergo the hearing.

At the turn of the last century, these screenings aimed to prevent anyone who wasn't in the mainstream from becoming an attorney. People were denied entrance due to race, class or ethnicity. During the 1950s and 1960s, people were denied if they were affiliated with the Communist Party. At this time, the bar of examiners focuses on conduct.

In Florida, investigative hearings determine whether an applicant should be admitted to the bar, notwithstanding past conduct. [Disqualifying conduct](#) includes the following:

- a. unlawful conduct;
- b. academic misconduct;
- c. making or procuring any false or misleading statement or omission of relevant information, including any false or misleading statement or omission on the Bar Application, or any amendment, or in any testimony or sworn statement submitted to the board;
- d. misconduct in employment;
- e. acts involving dishonesty, fraud, deceit, or misrepresentation;
- f. abuse of legal process;
- g. financial irresponsibility;
- h. neglect of professional obligations;
- i. violation of an order of a court;
- j. evidence of mental or emotional instability;
- k. evidence of drug or alcohol dependency;
- l. denial of admission to the bar in another jurisdiction on character and fitness grounds;
- m. disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction; or
- n. any other conduct that reflects adversely on the character or fitness of the applicant.

The most damaging mistake is not acting with complete candor. This includes not performing honestly on the bar application but also things such as a law school application, a driver's license form or other legal information-gathering tools. During a background investigation, make no mistake: the bar of examiners will uncover dishonesty. Behavior without candor will get an applicant pulled before an investigative hearing.

Before you submit your application, doing an extensive background on yourself is a good idea. Talk to many friends, acquaintances old and new, family and employers past and present.

You can check your employment history through the social security administration's office. This will help you put your timelines in order.

Pull your credit reports from all three reporting agencies. Be sure there aren't any nasty surpris-

es that will cause the board of examiners to take a closer look.

Ensure you are upfront and honest with creditors or put those issues in order before submitting your application. It should be noted that you can have debt; just don't be dishonest with your creditors is the key.

To avoid an investigative hearing before the board of examiners, disclose everything, even the most remote, seemingly trivial information. Far better to over-prepare than be caught short.

If you find yourself in an investigative hearing, prepare for it as if it is your first trial. Again, being overly prepared is much better than not being as prepared as possible. Three things can happen at the end of the board of examiner's investigative hearing: denial of entrance into the bar, a formal hearing or the imposition of proposed settlements such as community service hours. It is best to perform these hours and write a brief before the investigative hearing to show your commitment to righting past wrongs.

As for the question of bringing in character witnesses to testify in front of the board of examiners, it is customary to submit a letter in support of affidavits instead. This takes up less time during the hearing, for which the board of examiners will be grateful.

Once called before the board of examiners for an investigative hearing, gather all pertinent documents. This may be documents in your possession, the board of examiner's or a third party's possession. Analyze each document for the past actions of the board of examiners to determine how they handled similar issues.

If you've been called before the board for an investigative hearing, determine the issues that caused the board to have a problem with you, correct the error you made as much as possible, and show remorse in the form of volunteer community services hours and an extensive legal brief. You want to be sure the board is clear that you have become an honorable citizen who will make a fine addition to the Florida bar regardless of your past.



October 13, 2018

LSAT Enters the 21st Century with Digital Testing

The Law School Admission Council announced in early October that it is [going digital](#). Starting in July 2019, the Law School Admission Test will be administered on a tablet with its program developed and patented by the LSAC. The digital version offers more robust security to provide a better experience for the test taker.

The goal of the change is to modernize law school admissions and make it easier for students to go through the law school admissions process. Along with the new format, the LSAC also announced the expansion of test dates from [six to nine testing dates](#).

Some test-takers will still use a pencil and paper for the July testing. The LSAC will decide who takes the digital version and who remains with the old paper and pencil version. Beginning with the September 2019 test, the LSAT will be full-on digital.

In a stroke of luck, those taking the test in July will have the option to cancel their LSAT scores if the scores don't match up to expectations, regardless of the format. This option is the only time it will be offered as it is an effort to make the transition a little less anxiety-prone, notwithstanding that many exams are now digitally administered, such as the GRE. Those who cancel their tests can retake the test through April 2020 with no additional fee.

"The structure of the test sections and test questions will not be any different than the paper-and-pencil LSAT, and we'll be providing free online tutorials, so we don't think test-takers will have any problems moving to the digital version," said [Kellye Testy, President and CEO](#)

[of LSAC](#) "In our field tests, candidates found the Digital LSAT easy to use. That said, we wanted to provide additional options for those who register for our July transitional test."

The LSAC tablet is sharp. It has a built-in screen reader, and the user can change the fonts and adapt other features that make the tablet easy to use for those with disabilities. The new format will also allow faster score reporting to schools.

Aside from the tablet, students will now be given scrap paper for diagramming. It wasn't allowed with the old format.

Kaplan Test Prep is on board. "While change is not always easy, digital testing should allow for a more consistent test-taking experience for students and allow scores to be in students' hands faster, which are both positive developments," said [Jeff Thomas](#), executive director of pre-law programs. He continued, "Kaplan Test Prep will, of course, provide ample digital LSAT preparation tools and practice opportunities for those who end up sitting for a digital LSAT administration."

Some seem to suspect that the LSAC developed the new format to remain in competition with the Graduate Record Exam, which has been digitally administered for some time. Some schools have even begun to accept GRE results in place of LSAT scores. However, the LSAC had been testing its digital version before accepting GRE results began.

"For 99% of law school candidates, their enrollment journey begins with the LSAT," said Testy. "Our goal is to make it easy and convenient for candidates to pursue their passion for law and justice."

December 6, 2018

5 Challenges of Being a Lawyer

If you are looking for a career, you could do worse than become a lawyer. Done right, it can be quite a rewarding experience. Lawyers indeed get the opportunity to help those who cannot help themselves, which can be a wonderful feeling.

Most worthwhile pursuits have their challenges, and a career as a lawyer is no different. To get into a good law school, you must get top grades from a suitable undergraduate program. Law school itself usually adds three more years to your education. Then comes the bar exam, a harrowing experience in itself. Before jumping into law as your career, consider the following:

1. Law School Debt

One of the first challenges is the crushing debt in which many new lawyers find themselves. According to [U.S. News & World Report](#), the average tuition and fees for private law schools during the 2017-2018 academic year was \$47,112, the highest being \$67,564 (Columbia University). The average cost for public, in-state schools was \$26,864, with the highest cost being \$58,300 (University of Virginia). That doesn't include living expenses. Law school debt of six figures is not uncommon.

2. Stress

Another challenge to being a lawyer is the tremendous amount of stress the average lawyer is under. Sally Kane writes in "[The 10 Worst Things About a Career as a Lawyer](#)" that several factors go enter building stress, including "deadlines, billing pressures, client demands, long hours, changing laws and other demands all

combine to make the [practice of law](#) one of the most stressful jobs out there," she writes. "Throw in rising business pressures, [evolving legal technologies](#), and climbing law school debt and it's no wonder lawyers are stressed," she continues.

3. Working with Difficult People

Some clients are needier than others, demanding that you give them constant updates even when nothing in the case has moved. In "[Disadvantages of Being a Lawyer](#)," the author points out other examples of working with people with whom you wouldn't prefer to hang out.

Despite the glory of defending the Constitution, you will often find yourself best buddies to violent, unpleasant and shady characters if you practice criminal law. Corporate attorneys must often deal with people who operate solely on the principle of greed. Prosecutors must work with jaded police officers and tired and overworked public defenders. It's not uncommon to receive death threats.

You'd think that with a benevolent title of family law attorney, these attorneys would catch a break. Still, families are often in an awful emotional and vindictive place and can be the most demanding clients with which to work.

4. Living in a Constant Adversarial Environment

Constant challenges of being a lawyer include spending your working life in an adversarial position towards someone or something. Of course, that includes opposing counsel, but it also consists of the parties to a case, who are usually grumpy towards each other.

5. Long, long, long hours

New associates are expected to bill between 1,800 to 2,200 hours a year. That doesn't include time spent on other necessary tasks such as time-keeping, reading legal updates, reviewing general correspondence, attending department meetings and occasional conferences. It works out that a new lawyer will work 10+ hours days and some weekends. Furthermore, as you get more legal experience, you will need to do quite

a bit of rainmaking in addition to carrying on with your billable hours. Among all these working hours, you must balance your work life and home life, especially where family is concerned.

If you can overcome these challenges of being a lawyer, you might enjoy a fulfilling legal career. There are upsides, such as higher than average income, endless opportunities to learn, exposure to fascinating people, and knowing that you can make a positive difference in somebody's life.



December 20, 2018

What's the Difference Between Hard-Cost and Soft-Cost Expenses?

Client expenses can be divided into two categories when operating a law firm. These are soft-cost expenses and hard-cost expenses. They should be accounted for separately. The categories are for accounting purposes only rather than for billing invoices.

What's the difference between hard-cost and soft-cost expenses? Hard-cost expenses usually involve a direct payment to a third-party vendor on behalf of a client. The law firm usually pays the vendor and then bills the client for the costs.

A hard-cost expense can generally be considered a loan to the client. It should be classified as an asset as an accounts receivable. "It is on the Balance Sheet as an Accounts Receivable. When these costs are later recovered — sometimes months or even years from when they were incurred — they offset the previously capitalized amounts, resulting in no impact to your firm's reported income," according to [Brenda Barnes, CPA](#).

Generally speaking, hard costs are not deductible as a business expense since they are considered a loan to the client. If, on the other hand, the client does not reimburse the law firm, then the firm may deduct the amount as an expense.

Examples of hard-cost expenses include the following:

- ◇ Court filing fees
- ◇ Court reporters

- ◇ Deposition expenses
- ◇ Experts' fees
- ◇ Laboratory fees
- ◇ Medical record expenses
- ◇ Witness fees

On the other hand, a soft-cost expense doesn't generally involve a direct payment to a vendor. They are more akin to being intangibles that the law firm incurs on behalf of a client.

In accounting terms, they are considered to be income. The law firm may offset these costs with depreciation and recurring equipment costs.

Clients generally resist paying for soft-cost expenses, considering them the cost of doing business.

Examples of soft-cost expenses include the following:

- ◇ Copy costs
- ◇ Electronic data storage
- ◇ Faxing costs
- ◇ Legal research costs
- ◇ Postage

Client costs must be considered when a law firm is putting together its accounting books. Classifying these costs as either hard or soft expenses is the first step in accounting for these costs.