

Paralegal Focus



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The Vermont Paralegal Organization is a Member of the National Federation of Paralegal Associations (NFPA)[®]

Paralegal Focus is the quarterly newsletter of the Vermont Paralegal Organization.

President's Message

By Carie Tarte

As we head toward the holidays, I am heartened to see the VPO's commitment and participation in service at the Salvation Army in Burlington. I believe this has been a very positive experience for VPO Members, and there will be more opportunities planned in the months ahead. Read about these experiences in this edition of the newsletter and become involved if you haven't already.



Just a reminder that the VPO Activism Rewards Program is still very much alive and anyone's game. We have had several members attend board meetings in the past few months, and they are racking up those Activism points! There's a Kindle and iPod up for grabs, folks. I dare say this is probably the easiest and most pleasurable way you could win such cool prizes. Go to the VPO website for the date, time and location of the next board meeting or VPO sponsored event.

We are in the planning stages for next year's annual meeting and conference. If you have ideas for seminars, guest speakers, or even the location, please feel free to contact any board member with your ideas. This organization is about you, and for you—so let your voice be heard.

On behalf of myself and the board, I wish all of our members a safe and happy holiday season.

Editor's Message

By Louise C. Reese, Interim Editor

As Interim Editor, two times has been a charm. I am very pleased by the participation of our membership in submitting articles for your reading pleasure. In this final issue of 2011, you will find the usual articles by the board and committee members, but you will also find submissions by fellow members Leslie Anderson, Michael Roosevelt, and Julia Compagna. The photograph of the VPO group that served at the Salvation Army in October is courtesy of member Jayne Benoit. We all have valuable knowledge and experiences to share, and to steal a bit from Carie, "this organization is...for you." The *Paralegal Focus* is for the VPO members, and with the help of all of our members, we can reach across and up and down the state, to share valuable information with our colleagues.

As always, if you have any ideas for an article, feel free to contact me at lreese@dinse.com.



Membership News

By Laurie S. Noyes, RP®
Membership Committee Chair

I can hardly believe another year has flown by, and we are quickly approaching the holiday season. The VPO has continued to grow during 2011. Although our membership was on a slow growth track for the first half of 2011, we have added 15 new members since July. Our membership currently stands at 101. I would like to welcome our newest members to the VPO: Judianne Testa-Stout, Marybeth Prager, Evelyn Wetzell, Audrey Holm-Hansen, Jennifer Carson, and Kelly Sammel.

If you have not yet sent in your renewal form for 2012, please do so. Current VPO membership expires on January 1, 2012, and accordingly, we must receive your renewal form as soon as possible. The new NFPA membership database requires that we put an expiration date on each member's membership now. Therefore, you may not receive your *Paralegal Reporter* from NFPA after January 1, 2012, if we do not receive your membership renewal.

This year we implemented our VPO Activism Rewards Program, which will run until the annual meeting to be held in April or May, 2012. At that time, we will put all the entries that VPO members have earned into the drawing for great prizes such as a Kindle, iPod Nano, and free year of membership. So far, we have about 21 members who have earned at least one or more reward points for the contest. There is still plenty of time to earn your reward points, so we encourage you to get "active" in your organization.

Finally, I want to remind everyone that we are now using the VPO List Serv for all of the VPO's email blasts to its members. We have had some very positive feedback regarding the list serv now that everyone seems to have gotten used to it, and we have established clearer guidelines for its use. If you are still not receiving your emails through the VPO List Serv, please contact me directly, and I will try to assist you. Here's wishing you all a very happy holiday season, and a spectacular new year!

Serving Our Community

By Leslie Anderson

On Monday, October 24, a group of us had the honor of helping our neighbors in need at The Salvation Army in Burlington. While many of us are familiar with the amazing efforts of The Salvation Army, you can never truly appreciate the support they provide to local communities on a daily basis until you experience the need yourself. Captains William and Stephanie Thompson courageously feed over 100 people every night, sometimes single-handedly, or with assistance provided by volunteers like the Vermont Paralegal Organization.

Upon our arrival, we were each assigned a specific task of either serving soup, the main dish, bread, dessert, drinks, or keeping the food hot in the kitchen. Our guests for the evening were extremely appreciative of our efforts and thanked us profusely for providing them a warm meal. As each of them finished their meals, emptied their plates into the trash, and wiped off their trays, you hoped they would be safe and warm as they headed back into the cold for the night. Many would be returning the next evening greeted by a warm and friendly smile, delicious food, and for the moment, a safe haven to let their guard down and relax. We hope to continue volunteering at The Salvation Army on a monthly basis, and for those of you interested in helping in additional ways, please feel free to contact Captain Stephanie Thompson at Stephanie.thompson@use.salvationarmy.org.



Serving Our Community - Part 2

By Louise C. Reese

The VPO returned to the Salvation Army on November 22, 2011, and prepared and served a buffet dinner with several side dishes, ranging from vegetables, to salad, to fresh fruit. Our dinner guests were very grateful and pleased with the variety of food to choose from, and we had very little left over. Although I was on kitchen duty, I poked my head out from time to time to see how the VPO elves were doing. Our volunteers served a hearty meal with smiles on their faces and kind words to offer. I missed having the interaction with members of our community, but the pots and pans kept me company, and I found this particular volunteer work to be just as rewarding. I was surprised to have remembered some of the faces from October, even remembering one man who was a vegetarian. I ran an errand after leaving the Salvation Army, and recognized one of our dinner guests pushing his wheeled walker up Church Street. I was pleasantly surprised at how much I was impacted by the community service to have remembered faces that I had seen for a brief moment in time. There is a lot to be thankful for this year. Thank you to all the volunteers, and to Kristin Mattes for coordinating both events, and planning a wonderful meal.



Q&A

Julia Compagna Member Spotlight

How old are you?	I plead the 5th!
Describe your family?	I come from a large Norwegian immigrant family. I myself have only two children, a daughter and a son.
Town in which you live?	I divide my time between Morristown – Stowe and Harvey Lake.
What is your favorite food?	I prefer snacking over real meals, so I would have to say tappas, preferably on the boat, at sunset.
Do have any pets? If so, what are they, and what are their names?	I have a feisty little Boston Terrier named Domino, and a 22-pound orange Tabby cat named Checto.
What kind of hobbies do you have?	I sing in a rock band, and play keyboard and bass. I also like to swim, run, kayak, ski and watch sports.

How do you unwind at the end of a long work week?	I love to hang out with my kids on or off the water. I also volunteer in my community quite a bit.
What is your educational background?	I received an Associate's Degree in Legal Studies and Paralegal Certification from the University of New Hampshire. In 2012, I will complete my Bachelors in Professional Studies Pre-Law at Johnson State College. I am considering George Washington University's Masters in Paralegal Studies Program.
Where do you work?	I am the owner of Paralegal Title Services, LLC. After many years performing paralegal work as a part-time side job, I became full time in 2010 after leaving a Town Administrator position I held for almost 12 years.
When did you first become a paralegal?	While attending UNH, I interned with Attorney Christopher Wells of Keene, NH.
What area of law do you work in?	Real Estate, Probate, Bankruptcy, Administrative, Civil and Corporate.
What do you enjoy about working in that area of law?	I love research. I also love that my job takes me all around the state.
If you could work in any other area of law, what would it be?	I'd like to bounce right on up to "Of Counsel."
What is the one thing about being a paralegal you would change if you could?	If the courts and land records could be open seven days a week, I might be able to keep up with my work load!
How or why did you first enter the paralegal field?	Growing up I frequently visited Washington, DC and spent time at the Capitol. A love of political science and law helped decide my major.
Did you hold other positions, or have a different career, prior to becoming a paralegal, and if so, what was it?	I was a full time Town Administrator for about 12 years.
What do you love about the paralegal profession?	That it's always busy!
What things about the profession do you dislike?	So many God complexes, so little time...no, no, no ...just kidding, there's really nothing I dislike.
How long have you been a member of the VPO?	From 1992-1998 and 2011 to the present.
Tell me about the skills or traits you possess that you find most useful in your position?	I'm detail-oriented, very organized, and manage my time well.
What character oddities or personality traits do you find at odds with your career?	I love to laugh and to find humor where I can – not so appropriate for court.
What brief advice or friendly tip would you offer to someone just entering the paralegal field?	Get your degree!



The PACE® Posting

By: Corinne Deering, RP®, PACE® Ambassador

PARALEGAL CERTIFICATION CREDENTIALS

Without paralegal regulation, it has become confusing to evaluate paralegal credentials and to understand the differences between credentials from educational and from professional credentialing programs. The most common source of confusion concerns the use of the terms “certified,” “certification,” and “certificated.”

Paralegal Certificate

A paralegal “certificate” is an academic credential that is earned upon successfully completing certain paralegal education or vocation programs. The certificate denotes a level of education earned by a paralegal. Individuals who have completed such programs are said to be “certificated.” They have received a certification of completion; they are not “certified.”

Certificate programs vary widely in terms of length, content, and quality. A paralegal certificate may be earned in an individual program of study or in connection with, or subsequent to, a degree in another course of study. Prior to the development of today’s bachelor and associate degree programs that major in legal/paralegal studies, the certificate program originated as a one-year course of instruction centered on legal studies that could be earned in addition to an underlying degree in another field. The certificate program included basic legal concepts and principles and prepared the paralegal for an entry-level position in the field. A paralegal certificate is not the same as a paralegal or legal studies degree. Earning a paralegal certificate from a reputable program can be a time-efficient and cost-effective way for individuals to transition into the paralegal profession from a previous career path.

Certified Paralegal

“Certified paralegals” have met the criteria for certification established by a governmental, non-governmental, or professional association. “Certification” generally signifies an advanced level of competency by paralegals who have met a required number of years experience in the profession and/or passed a qualification examination of a professional association.

Paralegal certification is generally a voluntary process obtained through or regulated by some non-governmental professional association. The non-governmental agency or association grants certification to individuals who have met certain predetermined qualifications, specified by that agency or association. Such qualifications can include graduating from an accredited program, taking a qualifying examination, completing a certain amount of work experience, or a combination thereof.

Some state bar associations offer voluntary certification exams available only to paralegals who work for attorneys licensed to practice law in those states. Voluntary certification exams are also offered by several of the professional paralegal associations, each of which have varying eligibility requirements based on formal education and years of legal experience.

NFPA® – National Federation of Paralegal Associations offers two voluntary certification exams: the Paralegal Advanced Competency Exam (PACE®); and the Paralegal CORE Competency Exam™.

The eligibility requirements for taking PACE® are: 1) an associate's degree plus six years of substantive paralegal experience, or 2) a bachelor's degree in any course of study plus three years of substantive experience, or 3) a bachelor's degree in a paralegal studies program with two years of substantive paralegal experience. In addition, there is a grandfather clause that allows paralegals with at least four years of substantive paralegal experience prior to December 21, 2000, to take the exam. The PACE® exam is a four-hour exam consisting of 250 questions divided amongst five domains: 1) Administration of Client Legal Matters, 2) Development of Client Legal Matters, 3) Factual/Legal Research, 4) Factual/Legal Writing, and 5) Office Administration. These domains cover all the necessary elements of paralegal work: effective communications, ethics, legal research and writing, judgment and analytical ability, and substantive law. Paralegals who pass PACE® may designate themselves as a PACE Registered Paralegal® and are entitled to use the Registered Paralegal “RP®” designation after their names.

The Paralegal CORE Competency Exam is an entry-level paralegal exam that tests the examinee's knowledge of basic concepts and terminology in two domains: 1) Paralegal Practice and 2) Substantive Law. The exam is two and one-half hours with 125 multiple-choice questions. The eligibility for taking the CORE Competency Exam are: 1) a bachelor's degree in any subject, plus a paralegal certificate, no experience or Continuing Legal Education (CLE) required; 2) a bachelor's degree in paralegal studies, no experience or CLE required; 3) a bachelor's degree in any subject, no paralegal certificate, six months experience and one hour of ethics taken in the year preceding the exam application date; 4) an associate's degree in paralegal studies, no experience or CLE required; 5) an associate's degree in any subject, a paralegal certificate, no experience or CLE; 6) an associate's degree in any subject, no paralegal certificate, one year experience and six hours of CLE, including one hour of ethics taken in the year preceding the exam application date; 7) a paralegal certificate from a program that meets or exceeds the requirements set forth in NFPA's Short Term Paralegal Program Position Statement, one year experience and six hours of CLE, including one hour of ethics, taken in the year preceding the exam application date; or 8) a high school diploma or GED, five years experience and twelve hours of CLE, including one hour of ethics, taken within two years preceding the exam application date. Paralegals who pass the entry-level exam may designate themselves as CORE Registered Paralegals and are entitled to use the registered “CRP™” mark after their name.

NALA – National Association of Legal Assistants offers a certified paralegal exam as well as an advanced paralegal certification program. The eligibility requirements for the certified paralegal exam are: 1) graduation from a paralegal program that is a) approved by the ABA; b) an associate degree program; c) a post-baccalaureate certificate program in paralegal studies; d) a bachelor's degree program in paralegal studies; or e) a paralegal program which consists of a minimum of 60 semester hours (900 clock hours or 90 quarter hours) of which at least 15 semester hours (225 clock hours or 22.5 quarter hours) are substantive legal courses; 2) a bachelor's degree in any field plus one year experience as a paralegal; or 3) a high school diploma or equivalent plus seven years experience as a paralegal under the supervision of a member of the Bar, plus evidence of a minimum of twenty hours of CLE credit to have been completed within a two-year period prior to the exam date.

The two-and-one-half day exam tests examinees' knowledge in communications, ethics, legal research, judgment and analytical ability, general knowledge of the U.S. legal system, and four other substantive areas of law. The four sub-sections are selected by the applicant from a list of nine substantive areas of the law, covering general knowledge of the following practice areas: administrative law, bankruptcy, business organizations, civil litigation, contracts, criminal law and procedure, estate planning and probate, family law, and real estate. Upon passing this exam, paralegals may designate themselves as Certified Paralegals and are entitled to use the “CP” (Certified Paralegal) or “CLA” (Certified Legal Assistant) designation.

NALA's Advanced Paralegal Certification program offers experienced paralegals an opportunity to become certified in specific practice areas of law. Paralegals who pass any of these courses may call themselves Advanced Certified Paralegals and are entitled to use the “ACP” certification mark registered by NALA.

NALS offers an exam to paralegals who have five years experience performing paralegal/legal assistant duties (a candidate may receive a partial waiver of one year if he or she has a post-secondary degree, other certification, or a paralegal certificate; a candidate with a paralegal degree may receive a two-year partial waiver). The exam covers written communications, legal knowledge and skills, ethics and judgment skills, and substantive law. Passing the NALS exam entitles the paralegal to use the designation Professional Paralegal or “PP” after their name. This certification is valid for five years; recertification may be achieved through the accumulation of CLE hours and activities.

AAPI – American Alliance of Paralegals, Inc. offers certification of qualified paralegals without an exam. Applicants for the AAPI certification must possess no less than five years of substantive paralegal experience and meet one of the following three educational criteria: 1) a bachelor or advanced degree in any discipline from an accredited institution; 2) an associate degree in paralegal studies from an American Bar Association (ABA) approved paralegal program or a program which is a voting institutional member of the American Association for Paralegal Education (AAfPE); or 3) a certificate from an ABA approved paralegal program or a program that is a voting institutional member of AAfPE. Once application is made and approved by a Commission of members of the AAPI, the applicant will be permitted to use the designation American Alliance Certified Paralegal (“AACP”).

Another misnomer is using the term “ABA Certified Paralegal.” The American Bar Association (“ABA”) does not offer certification. It does not issue any designation or letters that you can use after your name. The ABA may approve a paralegal educational program that meets its standards. The school must meet certain qualifications set down by the ABA in order to be approved. ABA approval of paralegal education curricula is widely regarded as the “gold standard” of paralegal education programs. AAfPE can provide assistance in evaluating the quality of non-ABA approved education programs. The Institutional Members of AAfPE offer paralegal programs that are either approved by the ABA or are in substantial compliance with ABA guidelines and are accredited by a nationally recognized accrediting agency.

Paralegal certification is an independent, unbiased measurement of the paralegal’s ability to fulfill the functions of a paralegal. By obtaining certification, a paralegal has proven that he/she has achieved a nationally recognized and standardized level of professional achievement, and that he/she will be able to provide quality service to his/her employer and to his/her employers’ clients.

Credentials earned by certification as described above may be used only by paralegals passing the qualification examinations, or by obtaining the approval of the organization, and must be maintained by completing mandatory CLE requirements set by the organizations.

PCC Exam Update

One hundred eighty-eight paralegals took the Paralegal CORE Competency Exam™ pilot test on June 11, 2011, at 12 test sites across the country. Of the paralegals who completed the exam, 146 achieved a passing score of 550 or better. These paralegals are the very first CORE Registered Paralegals™ and have earned the right to use the CRP™ credential. The breakdown of CORE Registered Paralegals™ by state are as follows: Arizona 1, California 10, Colorado 22, Connecticut 8, Delaware 1, Georgia 1, Illinois 9, Indiana 2, Kansas 10, Louisiana 2, Maryland 1, Michigan 1, Missouri 4, North Carolina 1, New Jersey 1, New York 17, Ohio 1, Pennsylvania 5, Rhode Island 1, South Carolina 3, Texas 16, Virginia 7, Washington 19, and Wisconsin 3. Congratulations to all!

The computer-based PCC Exam is scheduled to be available and open for registration on November 14, 2011. The only testing site in Vermont is the Prometric Testing Center on Blair Park Road in Williston. There are other testing sites in Concord and Portsmouth, New Hampshire, Albany, New York, South Portland, Maine, and Montreal, Canada. Check out NFPA’s website for more information, www.paralegals.org.

PACE® Update:

Lastly, the VPO would like to congratulate Kristin Mattes for being the 2011 VPO PACE® Scholarship winner. Kristin will be taking PACE® in the near future, and we wish her the best.

Recap of NFPA's 2011 Annual Convention

By: Laurie S. Noyes, RP®, NFPA Primary Representative

The NFPA Annual Convention & Policy Meeting was held from October 13 through October 16, 2011 in Minneapolis, Minnesota. As NFPA Primary Representative, I attended the convention on behalf of the VPO. The convention format was set up with CLE seminars on Thursday, region meetings on Friday, and the policy meeting on Saturday and Sunday.

Minnesota Paralegal Association ("MPA") did an excellent job of scheduling over 24 different seminars on Thursday. I attended four CLE sessions on the following topics: the pros and cons of social media sites for paralegals; recent amendments to the Federal Rules of Civil Procedure; hot topics in attorney-client privilege issues; and effective use of trial technology and software. Each of the presentations was concise, informative and topically relevant.

On Wednesday evening, I observed the NFPA Board meeting which is open to all delegates. This is something I have never had the opportunity to observe before. The opportunity to attend the NFPA Board meeting was extremely informative, and truly prepared me for the upcoming policy meeting. I realized that during the Board meeting, the Board takes up the administrative and policy agenda topics that have been presented by the members for the convention. The only agenda topics that are not brought up at the Board meeting are those agenda topics that would result in amendments to the bylaws. This year's agenda topics were mostly administrative in nature, and therefore were presented to the Board for placement on the consent calendar. If the Board votes in favor of an agenda topic, it is placed on the consent calendar as approved. If the Board votes against an agenda topic, it is placed on the consent calendar as not approved.

At the policy meeting, if the delegates were to adopt the consent calendar in its entirety, those agenda items that were approved would become resolutions without ever being brought to the policy meeting floor and voted on by the delegates. Likewise, if the delegates adopt the consent calendar as presented, those agenda topics that were not approved by the Board would die, and would also not be brought to the policy meeting floor for a vote. In order to remove items from the consent calendar, the delegates must move for an agenda topic to be brought to the policy floor discussion. If the delegates do not vote to approve its removal from the consent calendar, none of the agenda topics would ever come to the floor. Then, the only agenda items left for discussion at the policy meeting would be those agenda items amending NFPA's bylaws.

Eventually, there were four resolutions passed by the delegates at the Policy meeting. Resolution 11-01 amended NFPA Procedures, Section 22.5, to include language which would allow the Convention Host Association to make a recommendation to the NFPA Board as to what charity it would like to collect donations for during the convention. Despite the amendment, the decision on the charity ultimately rests with the Board.

Resolution 11-02 amended the bylaws to allow individual sustaining members (with the exception of vendors) to fill coordinator or committee positions within NFPA. The only two positions that this does not affect are the ABA Approval Commission Representative and the Education Coordinator, who are elected by the delegate assembly.

Resolution 11-03 amends the nomination procedure for the ABA Approval Commission Representative to make the procedure consistent with the ABA's current practice for appointment of representatives to the Commission.

Resolution 11-04 amended Section 14.3 of the NFPA Bylaws to require that the financial records of NFPA shall be audited every three years by an independent auditor rather than every two years, as was previously the standard.

In addition, elections were held at the Policy meeting for those NFPA Board positions that were up for re-election. Those included all region director positions since region directors are appointed for one-year terms only. The following is a summary of the elections, awards, and scholarships that were presented at the Convention:

Michael Wallace, RP®, *winner of the 2011 PACE® Ambassador Award*

RoxAnn Mack, *winner of the 2011 Individual Pro Bono Award*

Cleveland Association of Paralegals, *winner of the 2011 Association Pro Bono Award*

Mary K. Hanson, *winner of the 2011 Thomson Reuters/NFPA Scholarship (\$3000)*

Austin Brian Prendergast, *winner of the 2011 Thomson Reuters/NFPA Scholarship (\$2000)*

Mariela Evora Cawthon, *winner of the 2011 Paralegal of the Year Award*

Colette A. Lemke, *winner of the 2011 Outstanding Local Leader Award*

Michel Boerder, *winner of the 2011 William R. Robie Award*

Melissa Marquez Leslie, *newly elected NFPA Vice President & Director of Marketing*

Theresa Prater, RP®, *re-elected NFPA Vice President & Director of Profession Development*

Jessica Swedenhjelm, RP®, *Pa.C.P., elected NFPA Vice President & Director of Membership*

Karen Santagata, RP®, *re-elected Treasurer & Director of Finance*

Theda Yandell, RP®, *re-elected NFPA Director, Region I*

Cindy Welch, RP®, *re-elected NFPA Director, Region II*

Cherylan Shearer, *re-elected NFPA Director, Region III*

Valerie Dolan, RP®, Pa.C.P., *re-elected NFPA Director, Region IV*

Beth Bialis, *re-elected NFPA Director, Region V*

In addition to the seminars on Thursday, and region meetings on Friday, the 2011 Pro Bono Conference was also held at the Convention on Friday. The Conference included presentations by paralegals working on pro bono projects across the country, as well as information on how to start or enhance an association's pro bono efforts. I was not able to attend the pro bono conference because I attended the Region V meeting as the VPO representative, as well as a presentation by the NFPA Strategic Planning Committee, of which I am a member. However, all the feedback from the pro bono conference attendees was excellent, and those who attended that portion felt it was a great success.

The Region V meeting held on Friday focused on reviewing the agenda topics. In addition, Region I had asked to meet with Region V to exchange ideas about sustaining and growing membership and individual association's efforts to improve their membership and member benefits. During the meeting, I shared the details of our new VPO Activism Rewards Program with other associations, and many of the local associations loved the idea of implementing a similar type of program for their own association.

Overall, the Convention was a great success, and MPA did an excellent job of hosting and organizing the 2011 Convention.

DID YOU KNOW?

Effective November 1, 2011, there will be changes (see chart to right for a few examples) to the miscellaneous fee schedules for the court of appeals, district courts, bankruptcy courts, the Court of Federal Claims, and the Judicial Panel of Multidistrict Litigation.

The remainder of the fee changes can be found on the federal court's website, www.vtd.uscourts.gov.

Governor Shumlin recently appointed Beth Robinson, Esq. to the Vermont Supreme Court. Beth presented at a Workers Compensation seminar for the VPO last fall.

Governor Shumlin also recently appointed Thomas G. Walsh, Esq. as the new Environment Division judge.

Court Reporters Associates is no longer transcribing Vermont court hearings. The Vermont Judiciary has decided to seek these services from two out-of-state companies: AVTranz at www.avtranz.com/order.php or 1-800-257-0885; or eScribers at www.escribers.net/VTorder.php.

Effective October 31, 2011, V.R.C.P. 45(f) will change with respect to the procedure for taking depositions or obtaining discovery here in Vermont in connection with a civil action brought in another state. In short, a new action in state court to obtain a commission will no longer be necessary. See <http://www.vermontjudiciary.org/LC/statutesandrules.aspx> for more details.

Description	Current Fee	New Fee
Record search	\$ 26.00	\$ 30.00
Certification	\$ 9.00	\$ 11.00
Audio recording	\$ 26.00	\$ 30.00
Attorney admission fee	\$ 150.00	\$ 176.00
Certificate of Good Standing	\$ 15.00	\$ 18.00

Effective Utilization of Paralegals

By Louise C. Reese

On September 23, 2011, the Vermont Paralegal Organization coordinated a panel discussion on the effective utilization of paralegals. The panel consisted of four paralegal/attorney teams: Louise Reese/Sam Hoar, Jr., Esq.; Laurie Noyes, RP®/Gary Karnedy, Esq.; Penny Hannigan/Rick Peterson, Esq.; and Kristin Mattes/Laura Bierley, Esq. Our moderator was Carie Tarte. Our audience was small at seven attendees, three of whom were paralegals. Although

the numbers were not as high as we had hoped, we were still challenged by the questions from the audience. One attorney could not understand why one would hire a paralegal when one could have an associate perform some of the same tasks at a higher rate. This response was not surprising. We knew that this was the reaction of many across the state, especially as the down economy impacts the bottom line for many law firms, both big and small. For Sam Hoar, whose practice is primarily insurance defense work, responding to this reaction was simple. Clients expect law firms to effectively and efficiently perform the necessary legal work, which means delegating work to associates and paralegals as appropriate. If a law firm fails to do this time and time again, that firm could find clients moving to other firms. Quite simply, it is good business sense.

A solo-practitioner in the audience admitted that he needed to hire someone to help him to better manage his work load, but he also admitted to having control issues. Again, not a surprising response. By the end of the presentation, I think he realized that hiring a paralegal, who may also be able to act as office manager, would be a wise decision.

What was surprising was that the attorneys on the panel ran with the presentation, and did much of the talking. We received kudos from attendees for putting on a well-organized, and informative presentation. If we had more time, I think we could have continued the discussion for another 30 minutes.

Thank you to all who participated.

Legal Research, Analysis and Writing CLE Presentation

On October 13, 2011, 15 participants were treated to a concise three-hour CLE presentation by Sophie Zdatny, Esq. of Dinse, Knapp & McAndrew. A full range of topics were covered using printed seminar notes, and hands-on searching with Westlaw. For those who might not have been familiar with the subjects, this was a good introduction. For those who were familiar with them, it was a good review. Various research and writing pitfalls were pointed out, along with many useful tips. For example, Ms. Zdatny showed how to take better advantage of electronic research through the use of general research tools, such as Google Scholar, and specific tools such as Westlaw databases.

As a self-confessed former English major (who clerked for both state and federal judges), Attorney Zdatny also called attention to some of the niceties of legal writing and the importance of clear, well thought out representations to the court.

Since technology, the law, and the court systems are continually evolving, it might be helpful to VPO members if this CLE became an annual event.

Michael Roosevelt, Law Clerk

Bucknam Black Brazil P.C.

St. Johnsbury, VT



An Interview with Senator John Campbell President Pro Tempore, Vermont State Senate

By Julia Compagna

Post-Irene Property Law Task Force



Julia: What "Irene" issues prompted the creation of the new Task Force?

SENATOR CAMPBELL: Post-Irene, it was clear that not only was there severe property damage sustained by many Vermonters, but in some instances, there was a major change to the entire geography of the land. Erosion of natural resources has created a new landscape, as what were once roads became rivers and those waterways even appeared to permanently change their locations. It was evident that as a result of this event there would be many questions about property rights and the environmental impact. In the meetings already held by the Task Force, the members have already brought up many issues that many people did not anticipate, showing the reach this disaster has had on our state.

Julia: Who will serve on this Task Force?

SENATOR CAMPBELL: The Task Force is made up of a collection of lawyers, bankers, members of the insurance and real estate industries, local officials and members of the current administration. Having people from all these different fields and perspectives, along with the different areas that were affected by Irene, has helped the Task Force in being able to explore all the different issues springing out of this event.

Julia: What goals and objectives have you set for the Task Force for this legislative session?

SENATOR CAMPBELL: The goal of the Task Force is to identify all potential legal issues, and to make recommendations to the legislature as to potential statutory or regulatory remedies.

Julia: Do you anticipate legislative implementation during this session of any recommendations made by the Task Force?

SENATOR CAMPBELL: We will try to avoid any statutory changes if possible.

Julia: Any other information or comments you would like to share?

SENATOR CAMPBELL: I am very pleased at how the legal community has come to the plate with no reluctance during this entire process. It just goes to show how wonderful the State of Vermont and our Bar Association is.



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