

Paralegal Focus

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

Vermont Paralegal Organization is a Member of the National Federation of Paralegal Associations (NFPA).

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President's Message

By Carie Tarte, RP®

Congratulations to everyone on yet another successful annual meeting and conference on May 15th. Please check out the write ups in this edition for the various CLE's at the conference. Here is the annual meeting by the numbers:

<u>Budgeted Income</u>	<u>Actual Income</u>	<u>Balance</u>
\$2,770	\$2,485	\$285
<u>Budgeted Expense</u>	<u>Actual Expense</u>	<u>Balance</u>
\$2,000	\$1,650.56	\$349.44
Members in Attendance: 26		
Non-Members in Attendance: 2		

Congratulations to our winners of the various Primmer and Paul Frank + Collins door prizes, to Monica Collins for winning the \$30 Amazon gift card sponsored by our vendor, Blackthorn Information Security (located in Shelburne), and to Penny Hannigan, who was the winner of our Canon Printer we raffled for suggestions to increase membership. Just because the printer has been given away does not mean the suggestions need to stop! Please know that you can approach me or any other board member with ideas or suggestions to make our organization a better and stronger one.

On April 22, 2014, the VPO Scholarship Committee selected Thoresa Williams as this year's \$500 VPO Scholarship recipient. The Scholarship Committee had an unprecedented number of applications from which to choose this year. Thoresa attends Southern New Hampshire University where she is working toward a Bachelor of Arts Degree in Legal Studies. In addition to her legal studies, Thoresa volunteers with a local Restorative Justice Program.

Mark your calendars! We will be having a dinner/social event on Wednesday, June 25th to brainstorm and discuss the 2016 NFPA Convention that will be held here in Burlington, Vermont. The 2016 Convention is going to be an all hands on deck event, so if you were thinking about helping out for the 2016 Convention (which we will need to start planning before you know it), please join us between 5:30-7:30 p.m. for dinner at Paul Frank + Collins, 1 Church Street, Burlington. If you plan to attend, please RSVP by e-mail to: ctarte@shecheyvt.com.

Editor's Message

By Louise Reese

This issue, like every issue, is put together with the support and contribution of our members. We can always count on Corinne Deering, RP to keep us informed of national news, as well as news relating just to Region V. Please take the time to read Kristin Mattes' article on her experience studying for and taking PACE, and Corinne's summary of the Region V meeting in Clifton Park, New York. The VPO benefits a great deal from being a part of Region V (the best region, of course), and I have contacted leaders in other associations when I needed process servers, experts, or other information in that area. Some of our members who attended the annual meeting have provided us with one new thing learned at the CLE sessions throughout the day. For those of you who were unable to attend, please make sure you check out those comments later in this issue, as they may be new to you, too.

I would like to extend a warm welcome to Thoresa Williams, our 2014 VPO scholarship recipient. Her benefits include a year's subscription to *Paralegal Focus*, and I think this issue is a great start.

Finally, but definitely not least, please support our sponsors: 1) Thomas Hirschak Company, with its main office in Morrisville; 2) iPro Tech, a company out of Arizona offering e-discovery and other services; 3) Paul Frank + Collins, a supporting law firm from Burlington; and 4) Burlington College, which offers a Bachelors in Legal and Justice Studies and a Professional Certificate in Paralegal Studies. Blackthorn Information Security sponsored the annual meeting, and Frank Thornton was present to discuss Blackthorn's digital forensic/e-discovery services.

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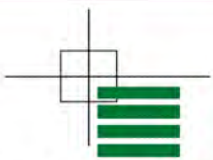
By Evelyn Wetzel

As of April, the VPO had 64 voting members and one student member. Since the last newsletter, we have welcomed two new members: Sarah Danforth from Deppman & Foley in Middlebury, and Jill Drinkwater from Little & Cicchetti in Burlington.

Members
On the go!

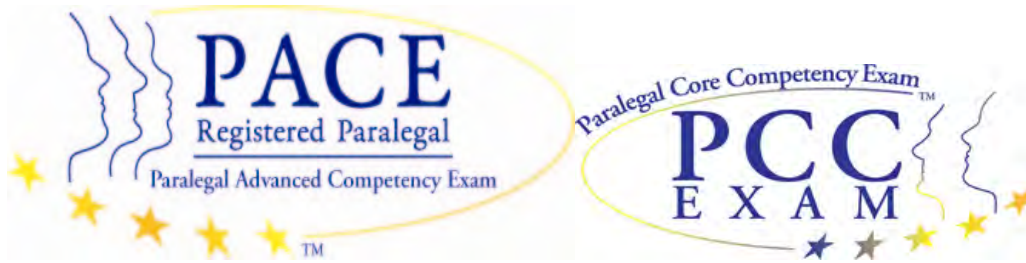
Kristin Mattes, RP® started a new job at Vermont Energy Investment Corporation on May 19. Congratulations, Kristin!

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THE PCCET[™] / PACE[®] POSTING

By Corinne Deering, RP[®]

Paralegal Certification Ambassador

As a follow up to our last newsletter submission, Kristin Mattes, RP, the second of two of Vermont's newest PACE Registered Paralegals[®] (RPs[®]) has agreed to tell us about her PACE[®] experience. Congratulations again to Kristin and Carie Tarte, RP for challenging themselves and coming out on top!

Kristin Mattes, RP[®]

In 2003, I was about to graduate high school and was working as a server at Chili's when I realized that my parents were right; I should have applied to college. Although being a server had its perks (discounted food and great parties), it wasn't something I could see myself growing old doing. In a panic, I applied to Champlain College and was accepted into the Paralegal Studies Program.

My first year in the program went well. I excelled in all areas and was recommended by my professors as a peer tutor. The next three years passed quickly, and in my senior year, I started an internship at Jarvis & Kaplan working on criminal law matters in state and federal court. In 2007, I graduated from Champlain and decided to stay at Jarvis & Kaplan for a couple more years before moving on to practice personal injury for a year. In August of 2008, I moved to Sheehy Furlong & Behm P.C., where I began to diversify my skill set working in the areas of regulatory law, civil litigation, and wills and estates. While working at Sheehy, I also met our current VPO President, Carie Tarte. Carie and I quickly became friends, and before long I joined the VPO's Board. Once on the Board, I learned about NFPA, the RP designation, and the PACE exam.

In 2010, my firm approached me about reading for the law. I was interested, but I was concerned that my study habits were not up to par. I also knew that I still had room to grow as a paralegal before deciding if I wanted to take that larger step. So, I pulled out the PACE application and reviewed the application criteria. After reviewing the criteria, I realized that the exam was federally-based, covered all areas of the law, and that the study guide did not cover everything that would be tested on the exam. All of this made me very nervous so I put the application back into my filing cabinet and did not think about it until 2013. Then in 2013, I heard that Ashley LaRose, RP, passed the exam. This was significant to me because Ashley and I went to school together at Champlain College. Ashley and I had the same education and the same years of experience, so there was no reason that I could not pass the exam if I applied myself.

After deciding that I wanted to take the PACE exam, I approached my firm about the online study course and the examination fee. My firm agreed to pay for half the expenses up front and the other half once I passed. I thought this was fair. The only thing I needed was to get Carie to take the exam with me. So, Carie and I went to lunch (Carie is always much more agreeable if you feed her) and we chatted about it. After lunch, Carie agreed to take the exam and to help me study in the areas that I didn't normally practice. The following week, I signed up for the online review course. The course ran for six weeks, so it was literally done before I realized I had started. I did most of the homework, but admittedly I did not do it all because my son was nine-months-old and my fiancé was in school two nights a week. After the course finished, Carie signed up to take the exam. As I expected, Carie passed. Now, it was my turn. I signed up to take the exam before Thanksgiving so I would not have to study over the holidays.

In preparation for the exam, I reviewed the PACE manual, went through all my notes, made practice tests for myself, studied the vocabulary and note cards, and spent the weekend studying the areas I do not normally practice. On the following Monday, I drove myself to take the exam (note: I suggest taking it on a Monday because you will have the weekend to study and will have a fresh mind going into the exam). When I got to the testing center, I was nervous but so was everyone else. I started the exam thinking how embarrassed I was going to be if I did not pass. An hour later, I had finished the exam. Although most people would be excited, I wasn't because I still had three hours left! I knew that I could not submit the exam for scoring because I went too quickly. So, I took a deep breath, and went through all the questions that I had marked for review. After going through all of the questions of which I was uncertain, I still had an hour and one-half left, so I did it again. Once I had been through the entire exam three times, I decided that was it. I was done. I was beyond done! I closed my eyes, said a prayer, and submitted the exam for preliminary scoring. Well, to my surprise, I passed! Who would have thought? To be honest, everyone thought that I would pass except for myself.

Now, I am glad that I took the PACE exam, because to me, it's acknowledgement of my dedication to the profession and all my years of hard work. I did not get anything from my employer for passing the exam, however, I did get something special—self-confidence. I think being a paralegal is a difficult profession. You will always have people who question your knowledge and skill level. To succeed, you have to know that you are very good at your job, because, to be honest, there probably will be a day when someone questions whether or not you are. The RP designation gives me that necessary support to feel confident in myself and happy with my profession. I think all paralegals should strive to take the exam. Don't let yourself be an obstacle. Let yourself be the key to success.

NFPA REGION V MEETING MAY 3-4, 2014

By Corinne Deering, RP®

On the weekend of May 3rd and 4th, Evelyn Wetzel, our new Membership Chairperson, and I attended the National Federation of Paralegal Associations (NFPA) Region V meeting in Clifton Park, New York. Also in attendance at the Region V meeting were representatives from the following associations: Paralegal Association of Rochester (NY), Capital District Paralegal Association (NY), New York City Paralegal Association, Massachusetts Paralegal Association, Western Massachusetts Paralegal Association, Central Massachusetts Paralegal Association, Paralegal Association of New Hampshire, New Haven County Association of Paralegals, Inc. (CT), and Central Connecticut Paralegal Association, Inc.

We launched into discussing a recap of the NFPA Winter and Spring Board meetings, including the status of committees established at the October convention in Hartford. We learned that the NFPA President is reaching out to the National Association of Legal Assistants (NALA) to discuss creating an alliance between the two associations. The committees are working on researching the issue of disbarred attorneys being hired as paralegals, and the feasibility of NFPA publishing a *State of the Profession* report. The October convention surveys reported that one of the biggest disappointments was the food during breaks and breakfast. NFPA decided in order to save money, that if no sponsor could be found for breaks and breakfast, it would not be provided at convention, and convention attendees would be on their own for breakfast and breaks. If the host association wanted to provide food for breakfast and breaks, they would have to make sure this was included in their convention budget.

It was noted that the agenda topic to increase the NFPA dues is likely to return as an agenda item at the 2015 convention. The Capital District Paralegal Association will likely be co-sponsoring the agenda topic. The attendees discussed this particular agenda topic and offered suggestions on how to improve on last year's proposition. We also discussed how the associations debated agenda topics among their membership and how they dealt with providing their national representatives with authority to vote at convention. The subjects of block voting by region, redistricting regions to avoid block voting, organized voting strategies, and other possible agenda topics to propose for convention were briefly discussed.

We also discussed the recent NFPA Joint Conference which was held in Boston and well-attended. We learned of some complaints about both the convention and the joint conference being held on the east coast, so now the planning of the conventions and the joint conferences will be coordinated so that they are on opposite coasts during any given year. The bids for hosting the joint conference and the convention will be due at the same time. A NFPA Board member has been tasked with creating a new conference bidding procedure, which NFPA hopes to have finalized by the summer board meeting. The 2015 Joint Conference will be held May 1st through May 3rd in the downtown area of Portland, Oregon, at the Standard Insurance Center Auditorium. The timing of the event is coordinated with the May 1st Law Day in Portland.

Some attendees discussed how difficult it was to become a new NFPA Coordinator, with a lot of the positions being circulated among current, old-time NFPA Coordinators, and how the positions are often undefined and without any type of written description of the responsibilities of the position. It was also mentioned that there might be too many coordinators per supervising board member.

Our Region V Director, Pat Gagnon, RP®, asked the attendees if they would be interested in electronic badges. NFPA is looking into this method of electronic certification to use on social media websites and is taking part in a free trial. When the “badge” is clicked on, it would explain to the reader about the certification and when the person passed the certification exam. If the person did not maintain their certification credentials, the electronic badge would be removed from the website. The attendees questioned who was going to pay for this and how much it was going cost.

Pat also discussed with attendees the following:

1. The NFPA Board has adopted a new document retention procedure which is incorporated into a Unanimous Consent posted on the NFPA website.
2. For NFPA Coordinators, there is a certain procedure for submitting for travel reimbursement which must be followed and special attention needed to be paid to the timeline for submissions.
3. NFPA would like to be notified if any associations get contacted by any international paralegal associations.
4. NFPA has been continuing to try to reduce expenses and has only approved visits to the Virginia Alliance Paralegal conference and a Florida conference. These two states have a lot of paralegal associations, but few are affiliated with NFPA. NFPA travel expenses have been cut significantly, and we were advised that the budget is doing much better at this point in time.
5. NFPA is examining the feasibility of getting PACE and PCCE certified by the National Commission for Certifying Agencies (NCCA). Certification programs that receive NCCA Accreditation demonstrate compliance with the NCCA's Standards for the Accreditation of Certification Programs, which were the first standards for professional certification programs developed by the industry. We were advised that some states are indicating that if PACE and PCCE are not certified by this agency, they would not include the NFPA exams as part of their regulatory schemes. NFPA is hopeful that the exams will breeze through validation and be accepted by the state boards and bar associations.
6. The PACE and PCCE certification renewal fees were increased.
7. A NFPA Convention Coordinator position was created in an effort to cut back on expenses associated with the management company's responsibilities in connection with planning conventions.
8. Email alerts are now available to notify you that someone has posted to a NFPA discussion board on the website. You can sign up to receive these email alerts for any of the discussion boards in which you are interested.
9. An association from Region V has not yet been represented in the Association Spotlight in the *NFPA News You Can Use* emails. We were encouraged to submit at least once per year. There is a form to complete and we should let Pat know that we submitted it, so she can follow up to get Region V represented.

10. NFPA has advised that the membership database information is not being kept up-to-date. It was suggested that we check the membership database information more often to see if mail is being returned to NFPA. It was also suggested that we include something in our Welcome Letter to remind members that if they are not receiving the Wednesday email blast from NFPA, to let the local association membership chair know so that addresses can be checked and verified on the NFPA membership database. Because the database only shows if mail has been returned, an attendee questioned if some kind of coding could be added to emails to try to notify the local associations of any emails that are bouncing back to NFPA.
11. Association dues statements must be submitted to NFPA even if there are no new members. It was suggested that a penalty be imposed for not complying with the timely submission of the association dues statements.
12. The *Inside Reports* are due on even-numbered months and must be turned into NFPA on the 20th of the month. Therefore, the associations are asked to submit their reports to Pat by the 17th of the month. In addition, there are very specific formatting guidelines for the report and these are posted on the NFPA website. It was also suggested that the *Inside Report* be used to highlight some of the members of your association.
13. Region V is not represented on several NFPA Committees. Volunteers do not have to be a NFPA Primary or Secondary Representative; they can be any member of an association. There are openings on the strategic planning, marketing, editorial, legislative, and bar association committees.
14. Associations were reminded to provide NFPA with specific ideas and examples to improve NFPA's transparency to the membership; to encourage members to get involved on the national level by volunteering to be a NFPA Coordinator; to get involved and pay more attention to the details of the NFPA budget; to forward suggestions for CLE webinars and speakers to NFPA; to promote your membership and people by nominating members for NFPA awards; and to submit articles to the *Paralegal Reporter*.

Attendees discussed concerns about the sharing of information, the lack of consistency of information received from NFPA, the reporting of specifics of actual expenditures to date in the budget, the lack of communication on certain issues, the lack of continuity between coordinators and board members, how cutbacks with the management company have affected certain areas, and lack of membership involvement in the local associations and membership apathy. Attendees offered examples of how they had successful membership events such as luncheons with speakers for CLE credits, employer appreciation luncheons, networking dinners, holiday galas, monthly membership meetings, webinar style meetings, and co-sponsoring CLE events with a bar association. The Empire State Alliance of Paralegal Associations (ESAPA) is planning a two day event to try to attract attendance from neighboring states by offering a personal growth type seminar.

NFPA requested that attendees view two PowerPoint presentations – one on NFPA's Corporate Partner Program Promotion (to increase non-dues income for NFPA), and the other on decorum and Robert's Rules. Following the 2013 Convention, it came to light that some people felt personally attacked during the agenda topic debates. It was also noticed that some delegates were not appropriately dressed for the policy meeting, and proper decorum was not followed. It was suggested that NFPA post this PowerPoint on the website with the convention materials. Pat suggested that the associations in Region V should communicate more often between region meetings to discuss convention topics, and suggested a conference call after the agenda topics are published.

We then took turns discussing one thing that was successful for each association in the past year. One highlight that we learned about was Central Connecticut Paralegal Association's work with the Connecticut Alliance to change the Connecticut Federal Court policy regarding paralegals being prohibited from carrying their cell phones in court. The current policy is that only the lawyers are allowed to have their cell phones. Just recently, we heard from the Connecticut representatives that they were successful in getting the policy changed. Congratulations to Connecticut! We also discussed the types of social media that each association was using and how they used it.

Attendees were advised that nominations for the NFPA Board will open July 1st. Pat Gagnon, RP® told us that she will not be running for Region V Director again. She will be finishing her term through the Dallas convention, but we will then need to find a new Region Director. We also learned that Robert Hrouda, RP®, the current NFPA President, may not be running for his final term.

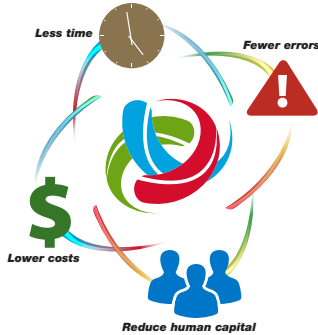
On Sunday, we reviewed all the Association Reports submitted to Pat prior to the weekend meeting. Pat picked one or two highlights from each Association Report which she thought was important to discuss with the group. We discussed local association membership categories, the possibility of dual memberships and related payment of dues to NFPA, local association marketing and advertising plans, joint events being planned with other paralegal associations, planned charitable events, succession planning, local association policies, and suggestions for alternative items to be included in the *NFPA News You Can Use*.

We closed the day with a lively discussion about the status of the Limited License Legal Technician issue and how members should know what is going on in their states and surrounding states, and how it might affect them.

Overall, it was an informative meeting, as always, and many great ideas were shared. It was comforting to know that other associations are experiencing some of the same issues, that we have colleagues available with whom to discuss these issues, and that we can work with each other to come up with solutions. In summary, Region V Rocks!!

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The emergency amendment to V.R.A.P. 32(b), promulgated on December 17, 2013, effective immediately has been made permanent. The emergency order restored changes that were promulgated in an amendment of former V.R.A.P. 32(b) effective May 14, 2012, and inadvertently not incorporated in Rule 32(b) of the restyled Rules of Appellate Procedure, which became effective September 3, 2013. The May 2012 amendments required the filing of an electronic version of the printed case by represented parties. The words “or printed” case were added in paragraphs (4), (5) and (6) in the present amendment to carry out the intent of the May 2012 amendment.

The permanent amendment promulgated on March 27, 2014, and **effective May 27, 2014**, can be found on the website at the following address:

<https://www.vermontjudiciary.org/LC/Statutes%20and%20Rules/PROMULGATEDEMERGENCYVRAP32madepermanent.pdf>

VPO's 2014 ANNUAL MEETING AND CONFERENCE

By Louise C.. Reese

This year's annual meeting and conference, like every other year, would not be a success without the contribution and support of many people. I appreciate every contribution, but I want to specifically acknowledge a handful of people. Laurie Noyes led the charge on contacting potential sponsors for the event, and she did a terrific job. Frank Thornton of Blackthorn Information Security, one of our annual meeting sponsors from Shelburne, was present. Blackthorn offers digital forensic/e-discovery services, and I am always looking for someone local to provide these services when needed. You will find advertisements from other sponsors throughout this issue. Please support them! Carie Tarte, RP and I started early in the year identifying potential topics and presenters, and we cannot coordinate a successful CLE event without the dedication of several attorneys in the community who share their experiences with us every year. Corinne Deering, RP's dedication to the VPO is outstanding, and she covers everything from following up with Carie and me on certain necessary items to offering to bring various items to the annual meeting. Throughout the day, Corinne pitches in and lends a hand wherever needed. She is our extra eyes and ears, and it would be much harder without her. This year, I had my own guardian angel. Jodi Bachand, who did not even sign up to attend either morning session, came bright and early that morning and offered to help with late-arriving attendees while the rest of us attended our CLE sessions. It takes a village!

I truly enjoyed seeing new faces, as well as familiar faces, at the DoubleTree Hotel in South Burlington. I also enjoyed seeing returning presenters Andrew Mikell, Kerin Stackpole, and Laura Bierley, and greeting new presenters James Spink, Michael Kennedy, Robert Grande, and David Casier. The VPO strives to provide its members (and others in the legal community) with opportunities to learn from attorneys and others who have been practicing in their respective fields for years. Ethics in the legal profession are very important, and Jim Spink and Michael Kennedy delivered informative and thought-provoking presentations. Amy Carmola, Director of Community Impact & Volunteer Mobilization at United Way of Chittenden County, was our guest speaker at lunch. Amy provided attendees with information on the types of volunteer services needed in counties across the state, and she highlighted that there are many areas of need that do not require a large commitment of time. I asked attendees to submit one thing he or she learned from a particular seminar, and here are the responses:

Criminal Law Updates

I learned that it is important to get jury members talking amongst themselves during a trial.

- Terry Silva

Real Estate Updates

I learned most about Enhanced Life Estate Deed aka Lady Bird Deed. I learned that since there is no set form for this type of deed, it is very important to read every word of the deed. The attorney/title searcher needs to be clear on what powers the grantor is retaining. Lawsuits and title claims have been filed over this issue. We also discussed *Hogaboom v. Jenkins v. Town of Milton*, a case regarding tax sales. This case may change the way towns notify delinquent taxpayers.

- Ashley LaRose, RP®

Cloud Computing/Ethics

I learned that it is okay to monitor jurors' use of social media during trial and the Court must give instructions to jurors not to use social media.

- *Michael Roosevelt*

I learned the basics you should look for when selecting a cloud company to host your information, and also that photocopiers have a hard drive (make sure you dispose of your copier the same way you would dispose of your computer).

- *Brandy Paul*

In the case of inadvertent disclosure of attorney-client privileged documents, ethics only call for you to notify the other side.

- *Louise Reese*

Family Law Updates

I learned that the U.S. Supreme Court declared only Section 3 of the Defense of Marriage Act as unconstitutional, and not the entire Act. Section 3 of DOMA was simply the definition of marriage, which had stated that marriage was between one man and one woman. This section of DOMA was found unconstitutional. However, Section 2 of DOMA remains in effect, which states that a state that does not recognize same sex marriage does not have to recognize another state's decisions, laws, or orders regarding the recognition of same sex marriage.

- *Ashley LaRose, RP®*

Employment Law Updates

The requester of someone's personnel file is responsible for notifying the former or current employee of the request.

- *Louise Reese*

I learned that Vermont's definition of "personnel file" is very broad. It can include any written or electronic record relating to an employee, from a job description and compensation to his or her medical records and personal finances.

- *Audrey Holm-Hansen*

General Ethics

Although not necessarily something new, I learned that a moral conflict with a client does not necessarily mean that a lawyer cannot represent that client.

- *Carie Tarte*



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