

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 Kristen Provost, RP®

With pleasure, I want to share that our home grew by two feet! On July 16, 2016 at 10:47 a.m. we welcomed Olivia Caitlin Provost into the world and our hearts forever. She arrived after only a few short hours of labor. Olivia weighed 7.1 pounds and was 21 inches in length.





Editor's Message

By Louise Reese

Less than two months until Convention, but the newsletter must get done! I truly appreciate Kristin sending in a birth announcement during this busy time, and always grateful for Corinne, who was still the first to submit for the newsletter even though Convention preparations are getting hot.

Lisa Counsell from Bennington is our newest Member Spotlight, and we also have two members who are heating things up by passing PACE and PCCE.

Please read the article on CLE's by our very own Region V Director, Josie Estes, and make note of the promulgated rule amendments in the Did You Know column.

For those of you who have not registered to attend Convention, it is not too late, although it does get more expensive the longer you wait! There is also plenty of time to sign up to volunteer to cover the VPO booth, help out at the Social Event on Friday, October 21, at lunches Thursday through Saturday, and other opportunities. If you have not signed up yet, please contact Corinne Deering at cdeering@pfclaw.com, or pull up the Google docs schedule circulated via the listserv on August 15, 2016. Remember that you still need to register as a "volunteer" even if you do not intend to attend any other events. If you choose to attend any lunches or the Friday night social, you still have to pay if you intend to eat.

Membership News

We currently have 74 members broken down as follows: 58 Voting; 15 Associate; and 1 Student. Our newest member is Anne Dillon. Welcome!



Members On the Move

Two young boys at home did not keep Sara Boyden from preparing for and passing PACE. Congratulations, Sara, on being Vermont's newest RP!

Jill Drinkwater is our newest CRP. Congratulations, Jill (*pictured to left*)!



Q&A

Lisa Counsell Member Spotlight

How old are you?	I am 39 years old.
Describe your family?	My husband and I were married in October of 2014. I have two grown step-children, one who lives in Hawaii and one in Phoenix - great places to visit! My step-daughter just had her first child, a boy, who we eagerly look forward to visiting. My parents live in Arlington, Vermont. My mother is actually our part-time legal assistant here at the office! I have 2 younger brothers. Both live in the Boston area. One is happily married with two children. I adore my niece and nephew! The other will be happily married in October. I can't get over how lucky I am to now have 3 incredible sister-in-laws!
Town in which you live?	Technically, we live in East Dorset, but we are really only a stone's throw from Manchester Center.
What is your favorite food?	Tough question! I love to experience all different kinds of food. I am definitely a fan of breakfast though. There is nothing better than breakfast!
Do have any pets? If so, what are they, and what are their names?	We have two pugs and a cat. Binny is my oldest pug. She is my best girl, 16 and going strong. Pickles is the other pug, such a sweet boy. Our cat's name is technically Velcro, but we've been calling her by the nickname "Munchkin" for so long it's hard to remember she has another name!
What kind of hobbies do you have?	I have always loved horses. I just took up riding again with a trainer from my childhood. I'm easing back into dressage. My husband and I love to travel, hike, kayak and play golf (or rather, he plays really well, and I tag along and try). We have a long standing rivalry in mini-golf, and we love live music.

How do you unwind at the end of a long work week?	I love my vegetable and flower gardens. It's very relaxing to Zen-out while weeding or harvesting. On these lovely, summer days, I really enjoy just picking up a book, and sitting in a rocking chair. Reading and watching the birds, sometimes while enjoying a glass of wine, is the perfect way to unwind.
What is your educational background?	I graduated from Hamilton College with a Bachelor's Degree in Native American Studies.
Where do you work?	I work at McClintock Law Office, P.C. in Bennington.
When did you first become a paralegal?	I started working at McClintock Law Office as a Legal Assistant in 2012. Within about a year, Attorney McClintock decided that since I was performing the work of a paralegal that should be my title.
What area of law do you work in?	We do a lot of Social Security Disability work in addition to real estate, property law, preparation of wills, basic estate planning, probate and small business law.
What do you enjoy about working in that area of law?	There is certainly never a dull moment in this office.
If you could work in any other area of law, what would it be?	We have such a varied practice that I really don't know! I suppose I would find environmental or tribal law to be interesting.
What is the one thing about being a paralegal you would change if you could?	I would love to be able to focus my attention on just one or two areas of practice.
How or why did you first enter the paralegal field?	By chance, actually. I was between jobs and Attorney McClintock was looking for an assistant/paralegal. I think it worked out well for both of us!
Did you hold other positions, or have a different career, prior to becoming a paralegal, and if so, what was it?	I was born in Vermont and chose to make my home here. In doing so, I accepted the fact that my career was likely to be varied. I've been lucky to have had great opportunities to work as a restaurant manager, non-profit director of special events, and as an assistant director at an independent living community.
What do you love about the paralegal profession?	I find the nuances of law to be fascinating (though often frustrating). I enjoy research and the process of working through a problem to reach a solution.
What things about the profession do you dislike?	It can be very stressful, no matter what techniques I use to make it less so.
How long have you been a member of the VPO?	About two years.
Tell me about the skills or traits you possess that you find most useful in your position?	I think I work well with all types of people in all types of situations, and it seems to have served me well. I am also very organized and detail-oriented. I'm a strong writer and a good editor. I'm not afraid to ask questions.

What character oddities or personality traits do you find at odds with your career?

I tend to be impatient. I like to be in control of situations and to finish tasks. Even after nearly 5 years, it's been hard for me to get used to how much time it takes to actually complete something in the legal field, simply due to timelines over which I have no control. I never have a clean task list. There is always a to-do list a mile long, which is perhaps typical for this profession, but at odds with the way I like to work.

What brief advice or friendly tip would you offer to someone just entering the paralegal field?

Do not be afraid to ask questions. As hard as it might seem, make sure you have finished the task at hand before moving on to the next, including tasking yourself for the next step. Do not rely fully on your memory; record and save everything. Do your very best to maintain a good sense of humor, leave work at work, and make sure to take time for yourself so that you are prepared for all that the job will demand of you.

NFPA News

By Corinne Deering, RP®



NFPA is gearing up for the 2016 Annual Convention and Policy Meeting, which means that the VPO planning committee is also putting the finishing touches on convention planning. I wake up every morning asking, “what have I forgotten to do?” Every weekend while doing those household chores, I ask myself, “what do we still have to do, and what are we forgetting?” It’s been a few years of planning, but things are now down to the wire. This is one of the reasons why this article is going to be brief!

The deadline for agenda topics to be submitted for the 2016 Convention is August 21st. Our newsletter deadline is too early to know about the topics being brought up at convention. I do know of one discussion topic being brought by Region V which was circulated on the listserv for comment. Region V is moving forward with submitting that discussion topic for convention. We hope to bring forth a dialog about how NFPA can best promote the paralegal profession in a time when job titles are confusing and when new similar professions are being developed. Watch for more information to be distributed on the listserv about other agenda topics to be discussed and voted upon at convention. We will be looking to the membership to voice their opinions on which way you want us to vote at convention.

The VPO did meet the President’s Challenge this year by having two new RPs and two new CRPs since the 2015 convention. Congratulations go out to Lisa Pettrey-Gill, RP, Sara Boyden, RP, Julie Anderson-Adams, CRP, and Jill Drinkwater, CRP.

We hope that the VPO membership will take advantage of a unique, once in lifetime opportunity to attend the 2016 NFPA Convention while it is hosted in Burlington, Vermont, by the VPO. This is your opportunity to see the benefits provided by NFPA, to see the inner workings of NFPA, and to see and experience what your colleagues are doing to move the profession forward. The VPO Board and the Convention Planning Committee have worked very, very hard over the last few years to make this a successful convention for NFPA and for Vermont. We hope you will attend Convention and support our efforts.

DID YOU KNOW?

PROMULGATED RULE AMENDMENTS

a. Order Promulgating Amendments to Rules 4, 16.3 and 80.10 of the Vermont Rules of Civil Procedure

Rule 4(d)(2) is amended to provide a uniform, easily administered method of service of complaints and material information on the Vermont Attorney General as required by the state and federal False Claims Acts.

Rule 16.3, originally promulgated in 1999, is abrogated and replaced by the present rule, which is intended to conform to present practice and provide a simplified mediation rule for cases under the civil rules. The title of the new rule and references throughout are “Mediation,” rather than “Alternative Dispute Resolution,” reflecting that other forms of ADR are no longer required or governed by the rule.

Rule 80.10(e) regarding orders against stalking or sexual assault is amended consistent with the amendment of V.R.F.P. 9(e), effective September 21, 2015, to provide that the denial of a stalking or sexual assault order under Rule 80.10 must inform the plaintiff that a request for hearing may be entered within five business days after the order is entered on the docket.

The amendment is intended to expedite proceedings for holding a hearing when an ex parte temporary relief from abuse order has been denied by requiring that the written denial must inform the plaintiff that the request for hearing must be filed within five business days after entry of the denial on the docket.

This Order, promulgated on July 11, 2016, **effective September 12, 2016** can be found on www.vermontjudiciary.org.

Continuing Legal Education: Everything You Always Wanted To Know

By Josie A. Estes, NFPA Region V Director

In 1986 the American Bar Association (ABA) resolved to support the concept of mandatory continuing legal education (MCLE) for all active lawyers. They further resolved to urge all states to adopt an MCLE program and assisted in developing guidelines to aid the states in creating their own programs.¹

According to data retrieved from the American Law Institute², all but five states and the District of Columbia have some sort of MCLE requirement program in place. The reporting periods range from one to three years and the required amount of credits range from 10 to 15 MCLE's per year. It is interesting to note that the only state with a large discrepancy in the amount of MCLE credits required is Hawaii, with only 3 MCLE credit hours per year.

The five states without any form of MCLE requirements are: Connecticut, Maryland, Massachusetts, Michigan and South Dakota.

A credentialed paralegal is required to complete CLE requirements and report said CLE credit to maintain their credential. A non-credentialed paralegal, although not required to do so should attend CLE programs to further their own professional development.

What exactly qualifies for CLE? The course must be substantive in nature OR based on a skill a legal professional may require. For example, a software class on Microsoft Word, although helpful will not qualify for CLE. Change that class to legal specific software such as LexisNexis, Casemaker, etc. and now it will qualify for CLE credit. A class on proofreading a document is not substantive in nature, but a class on proofreading LEGAL documents with LEGAL terminology and phrases commonly used in said LEGAL documents will qualify. Remember the LEGAL in Continuing Legal Education and you can't go wrong.

There are many ways to obtain CLE. Thanks to the ever evolving advances in technology one no longer has to leave the comfort of their office or their home to attend online courses, webinars and even teleconferences. NFPA offers a wide array of quality, CLE webinars at member/non-member rates. They can be found on the NFPA Website (<http://www.paralegals.org/>) under events and selecting the events calendar. Be sure to be signed in when registering if you want the member discount. If you like the idea of networking with like-minded individuals you should

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http://search.americanbar.org/search?q=ABA+Model+Rule+for+Continuing+Legal+Education+with+Comments&client=default_frontend&proxystylesheet=default_frontend&site=default_collection&output=xml_no_dtd&oe=UTF-8&ie=UTF-8&ud=1&getfields=gsaentry_aba_collection

²<https://www.ali-cle.org/MCLE-Information>

check out your local paralegal association's calendar of events. They usually sponsor one, two or several CLE's per year and are usually at a member discount also.

When a credentialed paralegal applies for their CLE credit it is important to include evidence of attendance. A receipt of payment for a class is not proof that you attended; it is merely proof of payment. The sponsor of the class usually presents a certificate of attendance upon request. If you attended in person that will be easy; they will more than likely provide the certificate at the end of the session. Webinars and teleconferences are a little trickier. They may give out codes throughout the webinar so that you can then submit the codes as proof that you were present for the entire session. At that time they will provide you with your certificate of attendance. If you are not sure when the certificate will be awarded, please ask. It is important if you want to receive the credit from your credentialing entity.

Another important piece of your request for credit is whether or not it was preapproved. If so, that is usually indicated on the e-mail, pamphlet, or flyer you received prior to signing up. It is beneficial to keep that as proof that it was preapproved. When you submit for credit you will want to submit that along with your proof of attendance. If you attended something not preapproved, you will need to provide backup information as to why it would qualify. If an outline or agenda was provided, please hold on to that to submit along with your proof of attendance. Another key piece of information is the speaker or speakers. A short biography will need to be provided. The person evaluating the course will need to determine that the speaker was in fact qualified to present the course. NFPA does not ask for all of this information to be difficult, rather to insure that it is adhering to a high standard of quality when approving the CLE.

If you volunteer for your local paralegal association and have a program to submit for approval please keep the above information in mind when submitting your request. and remember to provide the length of the program, a breakdown (outline format works well) and the speakers biography. Simple as that.

Remember that if at any time you are not sure if something qualifies or how to go about requesting CLE, please reach out to the NFPA Vice President, Director of Profession Development (VPDPD) or the CLE Coordinators for answers and/or advice.

Might there be a CLE topic you are interested in but haven't seen it advertised locally? Reach out to your local association and ask them if they could set one up. Do you have a suggestion for a speaker? By all means, refer them to your local association to do a program. The attorneys will earn MCLE credit with their local bar associations for preparing and presenting CLE's so it is a win/win.



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²Coverage not available in all states. The descriptions of coverage are necessarily brief and are subject to policy provisions, limitations and exclusions that can only be expressed in the policy itself. For a complete explanation of coverages, please consult a sales representative.

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