

Paralegal Focus

INSIDE

Member Spotlights 4-7

NFPA News 9-14

**Note from Website Chair
15**

A Day is a Day 17-23

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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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Editor's Message

By Louise Reese

Although this year went by quickly, I am grateful for the commitment from our members across the state to help with keeping the VPO alive and strong. From those who provide content for the newsletter, to those who help recruit for membership or CLEs, every effort counts and makes a difference. As always, I can count on Corinne Deering and Ashley LaRose to provide us with information impacting us locally and across the nation, and in this issue, we get a synopsis of what transpired at the NFPA convention in New Orleans. Lynn Wdowiak, RP has obtained a write up on the Day is a Day change to the state rules from Emily Wetherell, Deputy Clerk & Staff Attorney for the Vermont Supreme Court. Michael Roosevelt is our Member Spotlight for this issue. Michael has been a long-time supporter of the VPO, and also recently helped me find a user for a gift certificate to the Fairbanks Museum in St. Johnsbury that I was unable to use.

It does take a village to keep the VPO going, and I am grateful for the commitment of our board and our members to keep the profession relevant and thriving.

Carie Tarte and I will be preparing for the 2018 VPO Annual Meeting and Conference, so please stay tuned for updates about the when, where, and what.

President's Message

By Lucia White, CP®

Hello!

In this season of thankfulness and giving, I am grateful to be part of such an amazing organization.

It's hard to believe that it was just over a year ago that our little organization showed the National Federation of Paralegal Associations just how mighty we are as we put on an Annual Convention to rival others. I was reminded of our hard work and beautiful city as I heard Corinne Deering, RP and Ashley LaRose, RP recount their experiences representing the VPO at Convention in New Orleans this October. Thank you both for representing us.

I am also grateful for our efforts on two community projects this fall. On November 4, several members helped rake leaves and do outdoor cleanup at the Ronald McDonald house in Burlington. The VPO was also contacted about a proposed project to help veterans with wills, and while the project did not materialize as planned, we had a great response from paralegals who were willing to contribute.

In order to better serve our community, the VPO is seeking a Pro Bono Chair. No special skills or experience are required. If you are looking for a way to become more active in the VPO or in the community (or both), this is the job for you. The Pro Bono Chair helps find and coordinate opportunities like the ones above, which raise the profile of VPO, but most importantly, help us connect with our community and open our hearts to giving.

Many thanks to Kristin Provost, RP, who in addition to being VPO's immediate past president, served as chair of the Pro Bono Committee and as our Professional Liaison. Kristin has stepped down from both these positions and Carie Tarte, RP has been voted in as our new Professional Liaison. The VPO will greatly benefit from having Carie in this role due to her past experience working closely with the Vermont Bar Association.

What you are currently reading is also reason to be thankful. Every quarter, Louise Reese coordinates and edits this informative and impressive newsletter. Thank you, Louise, for keeping us connected and up to date.

In other happenings this quarter, the VPO held our annual budget meeting. Our budget is strong, thanks to careful stewardship of the organization for many years. We passed our 2018 budget in the shortest and easiest budget meeting I've ever attended. Many thanks to Sara Boyden, RP and Diane Brown for their work on the budget and for keeping our finances in order.

Finally, if you have visited our website recently, you will notice that we have a new look. For many reasons, we are in the process of converting our website to a new platform. Corinne Deering has spent many hours on the conversion, and the result is a professional looking, safer, and more robust website. Our deepest gratitude to Corinne for this work.

2018 will provide us with many other opportunities. May we embrace them and continue to help our profession grow.



As of November 30, we have 79 members: 61 voting; 15 associate;
2 students; and 1 sustaining.

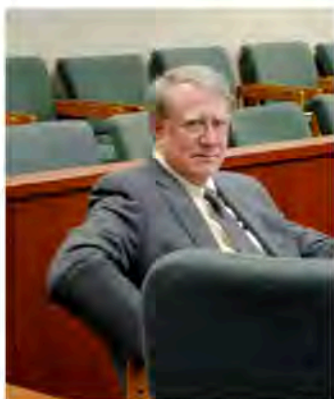
Our newest members is Rebecca Martin
Welcome!



New Address Effective November 1
Please note NFPA's new address

National Federal of Paralegal Associations
9100 Purdue Rd., Ste. 200,
Indianapolis, IN 46268

www.paralegals.org



Q&A

Michael Roosevelt
Member Spotlight

How old are you?

As they say here in the Northeast Kingdom, I'm as old as dirt. I'll be 70 in January.

Describe your family?

I am married with one adult daughter and two grandchildren.

Town in which you live?

Walden, VT.

What is your favorite food?

Tempura. (I lived in Japan for quite a while.)

Do have any pets? If so, what are they, and what are their names?

Two Maine Coon cats: Sam and Peaches.

What kind of hobbies do you have?

I'm not much for hobbies. I read several books a week, and like to work outside and doing renovation projects. I used to like to travel – not so much these days -- and still go to Nova Scotia most summers.

How do you unwind at the end of a long work week?

Usually mow the lawn or plow my driveway, depending on the season. Sleeping is also high on my list.

What is your educational background?

I have BFA and MFA degrees plus various certifications as a personal property appraiser. My background is in fine art and I remain a working and exhibiting artist. See: www.roosvt.com.

Where do you work?

Caledonia County State's Attorney's Office.

When did you first become a paralegal?

June 2007.

What area of law do you work in?

Criminal prosecution, specializing in domestic violence and sexual violence cases.

What do you enjoy about working in that area of law?

Not really an area that anyone might *enjoy*, but someone needs to do it.

If you could work in any other area of law, what would it be?

Probably art law.

What is the one thing about being a paralegal you would change if you could?

The pay scale? I believe that licensure is inevitable, but hope it will allow for multiple routes into the profession – not just through academic training.

How or why did you first enter the paralegal field?

It was purely by accident. I was retired from another field and someone I knew needed assistance on a large divorce case. It was the sort of project that I am good at so that's how I got started.

Did you hold other positions, or have a different career, prior to becoming a paralegal, and if so, what was it?

For 20 years I was an administrator and special project director for a non-profit organization with branches throughout the world. When I retired, I almost simultaneously became a paralegal and an adjunct professor in the Visual Design Department at Lyndon State College. I've worked in a number of other areas ranging from real estate, to publishing, to teaching pre-school kids, to a UPS Store. I know how to pack things!

What do you love about the paralegal profession?

I enjoy taking a case that is somewhat confused (not an unusual situation) and organizing it for trial. I am happy to put cases together and not having to present them to the jury myself.

What things about the profession do you dislike?

I cannot think of any specific thing. It's a very worthwhile profession, which I believe is gradually gaining the respect it deserves.

How long have you been a member of the VPO?

Eight years.

Tell me about the skills or traits you possess that you find most useful in your position?

My position is somewhat unusual. I work as part of a federal grant and 50% of my time is as an investigator and 50% as a paralegal. My most useful skill involves taking a large amount of information and organizing it so that the attorneys I work with can quickly find things they need. In some cases we have hundreds of potential exhibits, and nowadays, we often have complicated technical evidence that needs to be made comprehensible to the court or a jury. I have the great luxury of not being called on to multitask, so I can usually devote my full time and energy to a specific case.

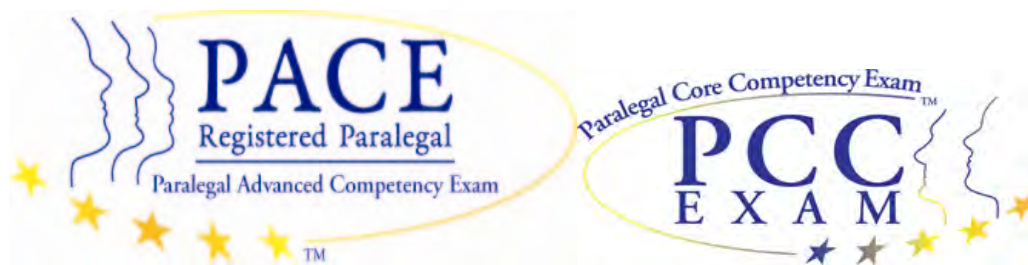
What character oddities or personality traits do you find at odds with your career?

The fact that I belong in the 19th Century?

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

Although I didn't pursue it very strenuously, I recommend enrolling in Vermont's Four-Year Law Office Program if you can find an attorney to supervise you. I did this for my own edification and without studying very hard came within half a point of passing the Bar Exam. The usefulness of doing this, whether you pass or not, is that it gives a broad view of the law and legal procedure. I suspect that preparing for PACE or similar exam would be equally useful.





The PCCE™/PACE® Posting

By Ashley LaRose, RP®

Paralegal Certification Ambassador

As 2017 winds down, I would like to remind everyone that the VPO offers an annual Paralegal Certification Scholarship for those who would like to become a Paralegal Advance Competency Exam® (PACE®) paralegal or a Paralegal CORE Competency Exam™ (PCCE™) certified paralegal. Each year the VPO offers a \$250 scholarship, which can be used towards one of the preparatory study classes for sitting for the PCCE™ or PACE® exam, study manuals, or towards the exam application fee itself. And who doesn't like free money, right?

If you are interested in applying for the Scholarship go to:

<https://vtparalegal.org/Certification-Scholarship> to download a copy of the Application.

Applicants will need to meet the following criteria:

- 1) Being a Member of the VPO
- 2) Being eligible to take PCCE™ or PACE® at the time of application.

The Paralegal Certification Scholarship Committee will take into account the following when reviewing each application:

- The Applicant's goals and desire for earning a paralegal certification
- The Applicant's participation in association activities
- The Applicant's participation in community activities and volunteerism
- The Applicant's participation in promoting the paralegal profession and paralegal education

The VPO accepts applications for the Paralegal Certification Scholarship on a rolling quarterly basis with applications being reviewed each quarter. Once awarded, the recipient has one year to use the scholarship.

Feel free to visit the VPO website: <https://vtparalegal.org/Certification> or the NFPA website: <http://www.paralegals.org> for more information.



NFPA News

*By Corinne Deering, RP[®] and Ashley LaRose, RP[®]
NFPA Primary and Secondary Representatives*



Ashley and I survived “Mardi Gras in October” and arrived home from the 2017 NFPA Annual Convention and Policy Meeting exhausted. It was our first time in New Orleans, our first time using Uber, our first Bourbon Street experience, and our first “official” beignets from the famous Café Du Monde. Unfortunately, we missed a day of tourist activities due to a delayed departure from Burlington and a missed connection in Newark, so we tried to squeeze in a bit of sightseeing in the days following convention.

Convention started out with a day of CLE sessions and the Thursday night Board Meeting. After some formalities, the Board began discussion on Agenda Topic 2, an administrative topic, requesting revisions to Section 14.2.1 of the Procedures Manual dealing with Annual Meeting Nominations and the Election Process. The agenda topic was requesting that it not be considered “campaigning” for NFPA Board Members, Coordinators, Committee Members or other elected/appointed liaisons of NFPA to answer any questions relating to the performance of any candidate seeking election or re-election, who currently held a NFPA Board, Coordinator, Committee or other elected/appointed position, provided that person has first-hand knowledge of the performance of such candidate. After discussion, the Board Members voted to disapprove the agenda topic. Board Members expressed concerns about negative reporting on people, despite clarification of the intent of the agenda topic (meant to only be asking if this person did their job). With the Board’s decision not to approve the administrative topic, it remained on the consent calendar for action to be taken by the delegates during the Policy Meeting.

It takes a majority vote by the delegates to remove an agenda topic from the consent calendar to bring it to the Policy Meeting floor for discussion or vote.

The Board meeting moved forward with convention discussions. There are 47 voting associations with 41 associations attending the policy meeting. Quorum for the policy meeting was 35 associations. Future convention dates are:

2018	October 25-28	Seattle, Washington
2019	October 10-13	Rochester, New York
2020	October 22-25	Minnesota



The sole bid for the 2021 Convention was submitted by the Oregon Paralegal Association. Tom Holmes and Brenna Dickey presented on behalf of Portland, Oregon, who previously hosted the NFPA Convention in 1989 and 2009, and Joint Conference in 2015. The Board voted to award the 2021 Convention to Portland, Oregon.

Yvonne DeAntoneo reported on NFPA membership numbers: 7,734 member associations, 198 individual members, 75 student members, 21 military members, and 6 organization members, for a total of 8,034 members. The membership numbers are showing a slow trend upward and several Board Members are working on establishing international members as well. The goal for next year is to have our military members on the delegate floor next year.

There were very brief updates from the Board regarding marketing efforts, the treasurer's update, and a reminder that the Treasurer's position and Education Coordinator position were still open for nominations.

The Joint Conference for 2018 will be held April 27-29 at the Hilton Hotel in downtown Lexington, Kentucky. The Greater Lexington Paralegal Association is working on planning and looking for suggestions on discussion topics. Bids for the 2019 Joint Conference will be accepted at the NFPA Board Winter Meeting (either west coast or central).



The Board Meeting was then opened for discussion and questions from the meeting attendees. The transition to the new management company was briefly discussed with further information to be provided to the delegates at the Friday Region Meetings. The Thursday Board meeting then adjourned at 8:36 p.m. – probably the earliest adjournment I have ever seen!

Region Meetings were held on Friday, and Region V's meeting was primarily used to discuss the agenda topics. In addition, we had reports from our Region Director on the status of CLE approvals and individual approvals. We were reminded that CLEs should be legally substantive in nature; if they are technology-related, they should be presented in a manner that clearly reflects that the technology directly affects your job or a very specific aspect of your job.

During the Region Meeting, we met Leslie Murphy and Amanda Bureau of Rayburn Group International (RGI), which as of November 1, 2017, became NFPA's new management company. The first priority for the new management company is accounting, getting a new NFPA treasurer, and supporting associations with membership recruitment and retention. Initially, the NFPA website will be remaining on the current platform, but is a priority for RGI and will be changed with time. RGI has free resources on their website and weekly blogs designed for people who volunteer in associations. We were provided with a page of photos and brief bios of several members of RGI who will be the "NFPA team." The NFPA team is RGI members who are solely dedicated to NFPA's management. Brief discussions were held regarding the expectations for the new management company. We were reminded that all contact should be filtered through the Region Director. Members should not be directly contacting the management company.

We also met NFPA's two military convention guests, Sergeant Major Roberts and Lori Jenkins of the Judge Advocate General's office. NFPA's Armed Forces Coordinator, Linda Odermott, will be gathering points of contact for each association. Christine Flynn will also be gathering points of contact for pro bono issues from each association.

In addition, questions were raised regarding the process for nominations from the floor and the effect of an abstention vote which were addressed by the Nominations Coordinator, Tracey Young, and the Convention Parliamentarian, Ramona Hill.

We were also asked to submit any CLE webinar suggestions to the Region Director, and if anyone in the associations are interested in submitting articles to the *Paralegal Reporter*. We were provided with the upcoming *Paralegal Reporter* themes, so if anyone is interested, please reach out to me or Ashley and we can provide you with the listing of themes.

Region V then discussed the scheduling of the Spring Region Meeting. A brief vote was taken on whether or not the group wanted to alternate locations within the region. There were 9 votes to alternate locates and 3 abstentions. The Region Meeting was tentatively scheduled for April 21 and 22, 2018, in Springfield, Massachusetts.

Last but not least, the Region discussed making revisions to our submitted Agenda Topic based on a friendly amendment from the Oregon Paralegal Association, as well as additional concerns from one of the Connecticut associations. It was decided that the Agenda Topic would be somewhat rewritten and presented at the Policy Meeting. Further discussion of Agenda Topics 4 and 5 regarding Rouge Paralegals and brief discussions of the remaining agenda topics were had.

Friday night was the Convention Social which was held at the Convention Hotel. A buffet dinner was followed by music, dancing and Mardi Gras festivities. Many attendees wore Mardi Gras masks, making the night even more festive.

Saturday morning was the start of the Policy Meeting and it was reported that NFPA had 46 new RP®s and 82 new CRP™s since the 2016 Convention. Sonjanita Jordan of the New Orleans Paralegal Association reported that there were 106 registered for the CLE sessions and 57 first timers attending. She also reported that the contributions to the convention charity, SOLACE, totaled \$650. We heard from the military guests about their plans to partner with NFPA and Paralegal Education Group (PEG) to become NFPA members and get paralegal certifications for military members. They are also hoping to move their next meeting to Seattle in October so they can have a simultaneous conference with NFPA.

Our Region Director, Josie Estes, was recognized for stepping into the shoes of the Vice President and Director of Profession Development early in the year and taking on the added responsibility for getting CLE approvals processed. It was reported that NFPA had 669 new members, 469 RP®s, 314 CRP™s, and 20,000 LinkedIn followers and 3,387 Facebook page followers. The awards to the associations who met the 2016 President's challenges were distributed, including to the VPO for having 2 new RP®s and 10 new members since the 2016 Convention. Of note was the Dallas Area Paralegal Association's having met and far exceeded the President's Challenge of getting 10 new members with a whopping total of 85 new members since the 2016 Convention!

The Nominations Coordinator, Tracey Young, opened up the floor for nominations for the available Board positions. There were three additional nominations for the position of Vice President and Director of Profession Development, two nominations for Education Coordinator, but no nomination for Treasurer. Candidates were then given time to briefly describe their backgrounds and their goals for the board position for which they were nominated. Ballots were then distributed for voting.

The Strategic Planning Report was given and noted that NFPA now has a three-year plan. The action plan is a continuous working document outlining NFPA's goals and objectives for financial stability, profession development, effective communication, increasing membership, marketing, and regulation. The Ad Hoc Committee on the State of the Profession Report issued the Inaugural Report for the State of the Paralegal Profession, which is available on the NFPA website. The report is set to be revised again in four years. A brief open discussion began regarding certain terminology being used to describe paralegals, such as "non-lawyer" and "rogue paralegals" being seen as negatively impacting the profession. The Committee is committed to moving the report forward and taking into consideration the issues brought up in the open discussion. It was requested if NFPA would consider having a rotating, evolving Committee every year since the profession is changing so quickly. Since the Committee was formed based upon an agenda topic, NFPA would have to look into whether or not an evolving committee could be created.

The results of the Convention agenda topics are as follows:

Agenda Topic #1 was brought up for discussion with a newly prepared Exhibit A (Position Statement on Non-Lawyer Legal Professionals). It was explained to the delegates that the revisions were made to include the ABA's language on the model regulatory objectives, and that the recommended criteria for a legislative or regulation plan were now all "required," divided by those applicable to a proposed plan and those applicable to a candidate applying under that plan. The only criterion that was not required was a paralegal certification exam, but it was "recommended." A lengthy debate ensued about the education and specialized training requirements. It was brought to the delegates' attention that this position statement was only a recommendation by NFPA to states that would be establishing this program, and that ultimately, it would be the state establishing the requirements and regulating the issue of education and specialized training. This is only a position statement and not proposed regulation for any state. The Position Statement as revised, with minor additions during debate and discussion, was passed as Resolution 17-02.

Agenda Topic #2 (as discussed above) was removed from the Consent Calendar, by majority vote, for delegate discussion and vote. After brief discussion, the delegates voted and the topic did not pass.

Agenda Topic #3 to correct Resolution 15-01 passed and became Resolution 17-01. There were revisions made to the "Further Resolved" paragraph in the proposed resolution clause during the discussion of the agenda topic.

Agenda Topics #4 and #5 passed with some very minor revisions to the resolution clause of Agenda Topic #5. The topics became Resolutions 17-03 and 17-05 to establish two ad hoc committees: 1) to identify and evaluate ways that NFPA can proactively address “rogue paralegals” for presentation to the delegates at the 2018 Convention; and 2) to develop a position statement regarding a) non-attorneys practicing law outside the scope of states’ laws and regulations, b) guidance for paralegal educators on UPL, c) guidance and education for paralegals performing UPL, and d) guidance for local associations wanting to address paralegal UPL for adoption by the delegates at the 2018 NFPA Convention.

Agenda Topic #6 to establish the Justice Champion Award was passed as Resolution 17-04 with some minor revisions made to the award criteria which were attached as Exhibit A to the Agenda Topic. The discussion of this topic was a very emotional and passionate one.

Results of Elections for NFPA Board Positions / Region Directors:

Vice President/Director of Profession Development	Mindi Schaefer, M.S., RP [®] , OSBA, AACP
Vice President/Director of Membership	Yvonne DeAntoneo
Vice President/Director of Marketing	Lisa Lynch, CRP [™]
Education Coordinator	Brenda Cothary
Region I Director	Ronell B. Badua
Region II Director	Mianne Besser
Region III Director	Lori Wagner, RP [®] , IRP
Region IV Director	Becky Reedy
Region V Director	Josie Estes

Award and Scholarship Winners:

NFPA PACE Scholarship	Jessica Kubiak
Thomson Reuters/NFPA \$3,000 Scholarship	Elizabeth Velez Urie
Thomson Reuters/NFPA \$2,000 Scholarship	Kajal Patel
NFPA Certification Ambassador Award	Angela Woodlee, RP [®] (Indiana)
NFPA Individual Pro Bono Award	Dardanel E. Robinson (Oregon)
NFPA Association Pro Bono Award	Paralegal Assoc. of Central Ohio
NFPA Outstanding Local Leader	Leah M. Aldred, RP [®] , OCP (Oregon)
NFPA Paralegal of the Year	KaTina Whitfield, ALP, CRP [™] (Dallas)
NFPA William R. Robie Award	John C. Goudie, AACP (Wisconsin)

The Policy Meeting closed with a rather lengthy and fact-filled presentation by the Seattle 2018 Convention Chairs outlining their planned CLE tracks, hotel arrangements, convention charity, social event plans, and not-to-be-missed tourist attractions. 2018 sounds like a great convention to look forward to next year.

The 2018 President’s Challenges are for associations to have 4 new RP[®]s, 8 new CRP[™]s and 12 new members between the close of the 2017 Convention and the 2018 Convention.

NFPA is still looking for a Treasurer and there was an open-ended period for nominations. In the meantime, the NFPA Board will step in to cover the position with the assistance of the outgoing Treasurer, Mary Ann Ivie.

We are looking forward to an exciting year for NFPA and Seattle in 2018!

A Note from the Website Chair

By Corinne Deering, RP®

Greetings everyone! It is a busy time of year for all. I wanted to update you on the technology updates relative to the VPO. We have transferred our website platform to Wild Apricot which is the host of our membership database. The new website is a work in progress, and will take some time to complete. Currently, I am the only one “learning on the fly” creating and developing the new website. Unfortunately, there has been a bit of “chronic interruptus” happening with convention, holidays and life in general getting in the way. I hope you will be patient with me while I continue to work on the website pages. It is my hope that once it is complete, we can then research online payment for membership dues and event registrations. We will also be getting other members of the Board trained on management of the website.

We are dropping the Vermont@paralegal.org email as it has been a source of spam, viruses, malware, and generalized discontent for our IT people at work. Our new email will be info@vtparalegal.org. We will also be developing generalized emails for members of the Board and Committee Chairs, such as President@vtparalegal.org so that our individual and/or work emails are not plastered all over our website for spammers to grab. Again, this is a work in progress.

As some of you know, we also have a Facebook page for the VPO. I apologize for its inactivity lately – again “chronic interruptus.” I would like to hear from you whether or not you like the Facebook page and if you think it is a good source of information. I have toyed with the idea of changing it from a “page” to a “group” to make it a little bit more interactive for members to post. If you have not LIKED our page, I hope you will do so and check it out. I would like to get it to be more actively used by members.

Lastly, we are also looking at finding another listserv option since the Yahoo Groups listserv seems to have some issues for people when they change emails, and it seems to deliver messages to people intermittently. Sometimes it works; sometimes it does not. We would like to avoid having to pay for a service, but it may come to that since the free services are somewhat sketchy and open us up to obnoxious advertising or likely similar issues to that of Yahoo Groups. If anyone has experience with other listserv programs and has any input to share, please reach out to either me or Evelyn Wetzel, our membership chair. We would love to hear from our membership and gain your input on what works and what does not work. As part of the new website, we have the opportunity to develop discussion boards. However, you would have to login to the website and “follow” a discussion thread in order to be notified of any posts to the board – much in the same way that you do with the VBA Community Boards or the NFPA Discussion Boards. It is slightly less interactive than a listserv where an email will go to the entire group and responses can also go to the entire group (or the original sender if we have both options).

I hope you all will become more interactive with the VPO Board and Committee Chairs. We are representing you as Vermont paralegals, and need your input to guide us along the way. Happy Holidays to all and we look forward to hearing from you!

Volunteering

By Louise C. Reese



On a beautiful, sunny, slightly chilly, morning on November 4, Corinne Deering, Heather Rylant, Karen Farnsworth, Ashley LaRose, Kristin Provost, and I raked and bagged leaves to help clean up the yard of the Ronald McDonald House in Burlington. We also picked up twigs and small branches, and trash that had blown onto the lawn. It was the week after the great wind storm, so we had our work cut out for us. We may have needed to use some muscles we didn't know we had, but we filled 44 bags of leaves. (And our volunteer team was not the first group to rake leaves.) We hope to schedule more of these community service opportunities in the future, so please be on the look out!



A Day is a Day: Changes in Vermont Procedural Rules Regarding Time Computation

By Emily Wetherell

Beginning on January 1, 2018, every day will really count. The Vermont Supreme Court has promulgated a set of amendments to procedural rules, which take effect the first of the year, to simplify the process of computing deadlines and to change the time requirements of many rules. These changes will discard the former practice of excluding weekends and holidays in calculating due dates for time periods less than 11 days. Under the new system, for all time periods, a day will be counted as a day, whether it is a Saturday, Sunday, holiday, or weekday. The main objectives of the changes are to make the process of calculating time periods more consistent, simpler, and more predictable.

Because every day is now counted for all time periods, including those under 11 days, many of the time periods of 10 days or less were lengthened so that the actual length of the period is approximately the same. When possible, time periods were converted to multiples of 7 so that periods starting on a working day also end on a working day. In general, the following changes were made: 3 days became 5; 5 and 6 days became 7; 7 remains unchanged; 10 and 15 days became 14; 20 days became 21; and 45 and 41 days became 42. Thirty-day periods, including 30-day appeal periods, remain unchanged. The changes affect time periods in all divisions of the superior court. The counting method applies to periods in procedural rules, as well as applicable statutes and court orders that do not otherwise specify a method for counting time. The promulgated orders delineating each change are available on the judiciary website at the following address: <https://www.vermontjudiciary.org/attorneys/rules/promulgated>

A few highlights of the rule changes:

- Every day counts. Unless specifically designated as “business days,” all time periods use calendar days.
- Some rules specifically designate time periods as “business days,” which the rules define as days that are not Saturdays, Sundays, or federal or state holidays.
- When the last day of a time period is a Saturday, Sunday, or legal holiday, the deadline is determined by continuing to count in the same direction the time period runs. So, if it is a forward-looking time period (for example, a motion must be filed 14 days after entry of judgment), you count forward to the next day that is not a Saturday, Sunday, or legal holiday. If it is a backward-looking time period (for example, a filing must be made 14 days before a hearing), you count backwards to the first day that is not a Saturday, Sunday or legal holiday.

- Any time the clerk's office is inaccessible, the extension continues forward (no matter how the time period is counted) until the office is accessible.
- The 10-day time periods for filing motions in V.R.C.P. 50, 52, and 59 have been increased to 28 days. This conforms to the federal standard for motion practice.
- **Additional Time for Certain Kinds of Service.** There are still 3 additional days when party is required to act within a particular time after being served and service is made by mailing, leaving with the clerk, or sending by electronic means (if allowed by rules). This applies in all divisions of the superior court under V.R.C.P. 6(e), V.R.A.P. 26(c), V.R.Cr.P. 45(e), and V.R.P.P. 6(d).

A more detailed explanation follows after this summary on pages 19-23.

Emily Wetherell, Esq., has worked at the Vermont Supreme Court as first a staff attorney and then the Deputy Clerk of the Court since 2006. Her current responsibilities include supervising the Court's administrative staff, overseeing facilities and administrative systems, supporting various rules committees, researching legal issues, and drafting opinions. Previously, Emily was an Associate Professor of Legal Writing at Vermont Law School, clerked for Associate Justice John A. Dooley, and served as a Peace Corps volunteer in Ukraine. She has a J.D. from Vermont Law School and a B.Sc. in chemistry and biology from Queen's University in Kingston, Ontario.

Day is a Day Changes

Overall Points to Remember

- All time periods, unless specifically designated as a business day, are calendar days so intermediate Saturdays, Sundays, and legal holidays are counted in the time period
- When the last day of a time period is a Saturday, Sunday, or legal holiday, the deadline is determined by continuing to count in the same direction the time period runs. So, if it is a forward-looking time period, you count forward to the next day that is not a Saturday, Sunday, or legal holiday. If it is a backward-looking time period, you count backwards to the first day that is not a Saturday, Sunday or legal holiday
- Any time the clerk's office is inaccessible, the extension continues forward (no matter how the time period is counted) until the office is accessible.
- Time periods are changed to numbers divisible by 7
- Except **30-day time periods are unchanged**
- In general
 - 3 days becomes 5
 - 5 and 6 days become 7
 - 7 remains 7
 - 10 and 15 days become 14
 - 20 days become 21
 - 45 and 41 days become 42
- Time periods that were changed and do not conform to these general changes are listed specifically below for each subject matter area.

Civil Rules Changes

Special Notes:

- The two-day notice period for a motion to dissolve a TRO obtained without notice is retained in view of the exigent circumstances likely present, V.R.C.P. 65(a)
- Additional Time for Certain Kinds of Service. V.R.C.P. 6(c), still have 3 additional days when party is required to act within a particular time after being served and service is made by mailing, leaving with the clerk, or sending by electronic means
- In several instances 10 days became 28 days to be consistent with federal rules on motion practice

Specific changes that do not conform to the general changes.

Rule	Former Time Period (did not include weekends or holidays)	New Time Period (counts every day)
V.R.C.P. 50(b) & (c)- Renewal of Motion for Judgment as a matter of law after trial 52(b)- Motion to amend findings 59(b), (d) & (c)- Time to file motion for new trial, Grant of new trial sua sponte by court, and Time to file motion to alter or amend	10 days after entry of judgment	28 days after entry of judgment Conforms to the new federal standard for motion practice, which was extended from 10 to 28 days
V.R.C.P. 53(c)(2)- Time for party to file written objection to master's report	10 days	21 days Amended for consistency with F.R.C.P. 53(f)(2)
V.R.C.P. 59(c)- When motion for new trial is based on affidavits, Time for opposing Party to file opposing affidavits and to extend time for good cause	Time to file opposing affidavits was 10 days Could seek extension of additional 20 days	Time to file opposing affidavits now 14 days Can seek extension of additional 14 days Total time period will not exceed 30 days.

Appellate Rules Changes

Specific changes that do not conform to the general changes.

Rule	Former Time Period (did not include weekends or holidays)	New Time Period (counts every day)
V.R.A.P. 4(b)(7)- Time within which Rule 60 motion must be filed to toll appeal period	10 days	28 days Conforms to changes in V.R.C.P. 50 and 52
V.R.A.P. 4(c)(1)- Time to file motion to reopen	7 days of receipt of notice of order	14 days
V.R.A.P. 5(b)(7)(C), 5.1(b)(4), 6(a)(6) - Time to file response to motion for permission to bring interlocutory, collateral final order, or discretionary appeal	5 days	14 days
V.R.C.P. 6(d)- Time to file affidavit opposing motion	1 day before hearing	7 days before hearing
V.R.A.P. 11(a)(2), (b)(1)- Time for superior court to forward record and to transmit appeal	15 days	14 days
V.R.A.P. 27(a)(3)- Time to file a response to a motion	7 days	14 days
V.R.A.P. 33.1(b)(2)- Time to notify Court of appearance by video	3 business days	7 days
V.R.A.P. 33.1(b)(3)- Time for nonincarcerated party to request to present oral argument by telephone	3 business days	7 days
V.R.A.P. 39(d)(2)(B)- Time to request review of unnecessary matter	7 days	14 days
V.R.A.P. 45.1(c)- Time for party to respond to attorney's motion to withdraw	7 days	14 days

Things that remain the same

- Time for the State to file an appeal in a criminal case remains 7 business days, V.R.A.P. 4(a)(2), V.R.A.P. 5(b)(5)(A)

Family Rules Changes

Specific changes that do not conform to the general changes.

Rule	Former Time Period (did not include weekends or holidays)	New Time Period (counts every day)
V.R.F.P. 4.3(b)(2)(C)- Time for obligor to request hearing	10 days of receiving notification	20 days Consistency with 15 V.S.A. § 783(a)(4)

Environmental Rules Changes

Specific changes that do not conform to the general changes.

Rule	Former Time Period (did not include weekends or holidays)	New Time Period (counts every day)
V.R.E.C.P. 4(c)(1), (3) – Following issuance of an emergency order, time for respondent to request hearing, and time for court to schedule hearing after filing	5 days	5 business days Conforms to 10 V.S.A. § 8009(d)

Criminal Rules Changes

Specific changes that do not conform to the general changes.

Rule	Former Time Period (did not include weekends or holidays)	New Time Period (counts every day)
V.R.Cr.P. 12.1- Time for providing notice of alibi, insanity , or expert testimony on mental illness	10 days prior to trial	28 days prior to trial
V.R.Cr.P. 45(c)- Time to file affidavit opposing motion	1 day before hearing	7 days before hearing

Things that remain the same

- Time for the State to move to modify a sentence remains 7 business days, V.R.Cr.P. 35(c). See 13 V.S.A. § 7042(b), as amended by 2017, No. 11, § 29.

Probate Rules Changes

Specific changes that do not conform to the general changes.

Rule	Former Time Period (did not include weekends or holidays)	New Time Period (counts every day)
V.R.P.P. 6(c)- Time to file affidavit opposing motion	1 day before hearing	7 days before hearing
V.R.P.P. 52(b)- Motion to amend findings 60(c)- Time to file motion to alter or amend	10 days after entry of judgment.	14 days after entry of judgment NOTE: In the initial order, this was changed to 28 days after entry of judgment to conform to the civil rules changes, but the probate rules committee subsequently decided to make it 14 days. The 14-day period will go into effect on January 1, 2018.
V.R.P.P. 66(c)- Time to file written objection to allowance of account so can be heard at hearing	3 days	7 days

DID YOU KNOW?

Proposed Amendments to V.R.C.P. 45

The proposed amendments to Rule 45 were made at the request of the Civil Division Oversight Committee to conform the rule to current practice and to assure uniformity among the clerks' offices.

The proposed amendment to Rule 45(a)(3) deletes "notary public" from the list of those empowered to issue a subpoena. Notaries do not have express power to issue subpoenas. See 24 V.S.A. § 445.

The proposed amendment to Rule 45(a)(4) simplifies language and provides for prior or simultaneous service on the parties to avoid warning the witness before the parties can act. The proposed

amendment to Rule 45(b)(1) adds the requirement that witness fees be tendered with the subpoena to avoid issues of enforcement that might arise in the event of later nonpayment. The proposed amendment to Rule 45(f)(3)(A) clarifies the application of the interstate deposition and discovery provisions of the rule to lawyers not admitted in Vermont and unrepresented litigants.

The proposed amendment to Rule 45(f)(3)(B) incorporates the provisions of former Rule 45(f)(6), substituting "motion" for "application" for consistency with the general provisions of the Rules and adding the requirement that the practice on such motions is limited to Vermont-admitted lawyers because they are adversary proceedings.

The proposed amendment to Rule 45(f)(3)(C) (formerly (B)) states that when a party submits a foreign subpoena judicial approval is now required before the clerk signs it. This provision and the amendment to paragraph Rule 45(f)(4) spell out that the clerk is to deliver the signed subpoena to the requesting party, who is responsible for service and payment of the witness fee. Former subparagraph (C) is redesignated (D).

The proposed amendment to former Rule 45(f)(6) deletes the rule because it is now incorporated in Rule 45(f)(3)(B).

Comments on this proposed amendment should be sent by December 18, 2017, to Allan Keyes, Esq., Chair of the Civil Rules Committee, at the following address:

Allan Keyes, Esq., Civil Rules Committee Chair
 Ryan, Smith & Carbine, Ltd.
 P.O. Box 310, Rutland, VT 05202-0310
 ark@rsclaw.com



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