

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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Editor's Message

By Louise Reese

Another quarter is upon us, and this issue, like others, is a compilation of support from our valued members, including the Board. We have Spotlights on Lynn Wdowiak and new member Melinda Siel, covering the north and south ends of the state. I prepared a general summary of the VPO's 2018 Annual Meeting and Conference. As always, it was wonderful to see familiar faces again, and to meet new members and non-members for the first time.

Lucia White, CP, Karen Farnsworth, and I joined Corinne Deering, RP and Ashley LaRose, RP at the Region V Meeting in Springfield, MA in April. It didn't take long before I remembered why I loved attending these meetings when I was the Membership Chair. There is much to be learned from our fellow organizations, including the realization that even the larger organizations experience the same challenges that smaller organizations do. We came away from the meeting with a lot of ideas regarding CLEs, networking, and membership, and we are excited about developing a plan to implement some of these ideas with our own Vermont spin! Karen has provided us with a summary of her experience at her first Region V meeting.

Corinne has provided us with more details on the Region V meeting and updated us on NFPA News.

We are honored and privileged to call Lynn Wdowiak, RP and Robyn Sweet, CRP members and friends of the VPO. The Vermont Bar gave us permission to reprint their article "Certified v. Certificated Paralegals." I know there were multiple people who had a hand in this article, and we are extremely proud of our talented members.

Finally, please check out our Real Estate Corner for some tips from Vermont Attorneys Title Corporation.

President's Message

By Lucia White, CP®

Happy summer, y'all!

While we are taking a pause to enjoy the long, lazy, hazy, crazy days, I want to let you know what the VPO has been up to so far.

First off, if you haven't already heard, we are switching our listserv from Yahoo! to the Members Only Forum on our website. This forum is free with our website service. It has the benefits of ease of use and a more professional look. We previously announced that the switch would happen at the end of May, but we have delayed it until June 30 in order to allow people more time to sign up on the forum. The delivery of our next newsletter will happen there, as will important messages from the Board. If you haven't already signed up, please do so right away! Corinne Deering has posted directions on the listserv. A key point to remember is that you need to login as a member to access this forum. Ask me or Corinne if you have questions.

Thank you to all of you who attended our very successful Annual Meeting on May 10. Many thanks to Louise Reese and Carie Tarte for putting together a fantastic CLE selection, and providing another great opportunity for us to learn and network! Louise had a vision for a 3-track CLE program: she built it and you all came. The planning and care that goes into this event is well-hidden by the fact that Louise and Carie make it appear seamless. Our Annual Meeting is my favorite VPO event and I thoroughly enjoyed reconnecting with so many of you and learning from and with you.

Also newsworthy, in April, several members of your VPO Board gave up a Saturday or an entire weekend to participate in the Region V Meeting in Springfield, Massachusetts. Corinne Deering and Ashley LaRose represented our members well (as they always do) as our NFPA Primary and Secondary in two days of meetings. Vice President Louise Reese, Secretary Karen Farnsworth, and I attended the first day of the meeting, where we heard updates and ideas from Region V member associations in New York and across New England. I left feeling both encouraged by our organization's vibrance and engagement and inspired to try some new things to increase both of those attributes. I think the VPO will only benefit from having had several of us there to learn from the other associations. I'm looking forward to seeing which new ideas will make a difference in the VPO!

I hope you are all willing to join in the vision!



New Members Are Joining

As of May 31, 2018, we have 74 members: 57 voting; 13 associate; 1 student; 1 sustaining corporate; and 2 sustaining individuals.

Please welcome new members of the VPO since the last newsletter:

Patricia Guyette
Katie Caron

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“My hands would sweat each time I had a production due. I thought I was going to #@S& something up. But your team is so willing to take the time to ease any of my concerns. It has helped immensely.”



Emily Flores, Paralegal
Cheng Cohen LLP

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Q&A

Lynn Wdowiak, RP Member Spotlight

<i>How old are you?</i>	I have celebrated the 34th anniversary of my 21st birthday. You do the math!
<i>Describe your family?</i>	I have been married for 16 years. We have three fur babies: a dog Scout, 10, a cat, Janet, 11, and a cat Lilly, 2. I have a sister in Michigan, four nieces and one grandniece and one grandnephew. I also have a brother in California.
<i>Town in which you live?</i>	Brandon.
<i>What is your favorite food?</i>	Rib-eye steak, medium rare.
<i>Do have any pets? If so, what are they, and what are their names?</i>	See the description of my family. I also walk dogs every Saturday at the Rutland County Humane Society, and also get to take care of puppies and work on their socialization before they are ready for adoption.
<i>What kind of hobbies do you have?</i>	Reading philosophy, walking dogs, Detroit Red Wing Hockey, decorating for Christmas, photography, riding topless in my Jeep (the Jeep is topless, not me!).
<i>How do you unwind at the end of a long work week?</i>	Friday is “Lynn doesn’t cook day” so we always go out to eat at the end of the week.
<i>What is your educational background?</i>	I have a BBA with a major in Management and a concentration in Computer Science, I also have a Post-Grad certificate in Paralegal studies from Woodbury.
<i>Where do you work?</i>	Ryan Smith & Carbine, Ltd. in Rutland.
<i>When did you first become a paralegal?</i>	2008-09 was when I was finishing up my certificate and I interned for a civil trial with Attorney Pam Marsh and for State’s Attorney Jim Mongeon. I started with Ryan Smith & Carbine, Ltd. as a temp in 2009 after the conclusion of the civil trial, where Ryan Smith & Carbine, Ltd. was on the other side.

<i>What area of law do you work in?</i>	Insurance defense, ski defense, employment law, appellate work. One of the attorneys I work for is the Chair of the Civil Rules Committee (which is why I am able to interpret the rules well) and another is the Chair of the Judicial Conduct Board. I am also the Board Clerk for the Judicial Conduct Board, which is very interesting.
<i>What do you enjoy about working in that area of law?</i>	I see so many different types of cases cross my desk.
<i>If you could work in any other area of law, what would it be?</i>	I would probably say criminal defense work.
<i>What is the one thing about being a paralegal you would change if you could?</i>	Hmmmm....I really don't know.
<i>How or why did you first enter the paralegal field?</i>	My husband was retiring from teaching in NYC after 35 years and wanted to retire in Vermont. After being a retail manager and loss prevention manager, I wasn't quite sure what type of job I could find here, (since there is little retail here) so I went back to school at Woodbury because I thought my investigation skills could come in handy as a paralegal. I was right.
<i>Did you hold other positions, or have a different career, prior to becoming a paralegal, and if so, what was it?</i>	I was a store manager for a small shoe store chain right after college, then became an Assistant Store Manager for Kohl's Department Stores, then for TJ Maxx, who moved me to NY and promoted me to Store Manager. I got burned out and went into Loss Prevention with JCPenney for a long time. I also was a volunteer firefighter and Lieutenant in a very busy fire company in Rockland County, NY for 6 years.
<i>What do you love about the paralegal profession?</i>	Learning about so many different types of cases. Learning the technical side of the business.
<i>What things about the profession do you dislike?</i>	I dislike when I realize that someone is lying to get something they are not entitled to. For example, a Pro Se Plaintiff told the Vermont Supreme Court that payment had been made on a Bill of Costs, when it had not.
<i>How long have you been a member of the VPO?</i>	Since 2011 I think.
<i>Tell me about the skills or traits you possess that you find most useful in your position?</i>	The ability to figure out different computer programs to make me more efficient, my desire to learn, and my work ethic.
<i>What character oddities or personality traits do you find at odds with your career?</i>	I have limited patience when other people refuse to learn. I am a perfectionist, which can be both good and bad!
<i>What brief advice or friendly tip would you offer to someone just entering the paralegal field?</i>	Don't be afraid to take an entry level position in a law firm, and don't be afraid to learn new things.



Q&A

Melinda Siel Member Spotlight

<i>How old are you?</i>	29.
<i>Describe your family?</i>	I have 3 older siblings, all in CT. I'm currently living with my boyfriend and his two children.
<i>Town in which you live?</i>	Salisbury, VT.
<i>What is your favorite food?</i>	Chocolate!
<i>Do have any pets? If so, what are they, and what are their names?</i>	I have 4 dogs. Morgan is my hound who lives in CT. Moose, Mikey, and Ty are all black mutts who live with me. We also have a horse named Josie.
<i>What kind of hobbies do you have?</i>	I love to read and cross stitch. I also like to go hiking with the family and dogs on the weekend.
<i>How do you unwind at the end of a long work week?</i>	I like to go for a walk or just sit and relax for a little bit after a busy week.
<i>What is your educational background?</i>	I have a B.S. in Legal Studies from Bay Path University from 2011.
<i>Where do you work?</i>	Dunkiel Saunders Elliott Raubvogel & Hand, PLLC.
<i>When did you first become a paralegal?</i>	I started working as a clerk in a criminal courthouse in CT in 2010.
<i>What area of law do you work in?</i>	I am currently working on civil litigation, intellectual property, and environmental matters.
<i>What do you enjoy about working in that area of law?</i>	Because of my background in criminal law, these areas are all very new to me and I am very much enjoying learning new things.
<i>If you could work in any other area of law, what would it be?</i>	Right now, I am pretty happy learning everything there is in my current areas, but if I had to pick another area of law it would be something that allows me to do more legal research and writing.
<i>What is the one thing about being a paralegal you would change if you could?</i>	Currently I would not change anything! My new position is such a refreshing change of pace from what I am used to that I am still basking in the newness of it all.
<i>How or why did you first enter the paralegal field?</i>	In high school I discovered I enjoyed learning about the law, but did not want the bills associated with becoming a lawyer, so I decided becoming a paralegal was the next best thing.

<i>Did you hold other positions, or have a different career, prior to becoming a paralegal, and if so, what was it?</i>	Before coming to the legal field, I worked in retail which taught me many skills that help a great deal when dealing with clients.
<i>What do you love about the paralegal profession?</i>	In my current position I love being able to do work that makes a difference in the world, especially a local difference.
<i>What things about the profession do you dislike?</i>	Somedays I dislike the time crunch of filing deadlines or when the rules just do not make any logical sense for the ones who are working with them.
<i>How long have you been a member of the VPO?</i>	December 2017.
<i>Tell me about the skills or traits you possess that you find most useful in your position?</i>	Currently my problem solving, organization, and customer service skills are most useful in my day to day life.
<i>What character oddities or personality traits do you find at odds with your career?</i>	Sometimes I can be impatient and find it difficult to wait for others especially before a deadline. I also find the entire process of rules/filings frustrating at times, and have a difficult time wrapping my head around why they are done in a certain manner. At the same time, these traits can also lead to better time management and improvements to the process.
<i>What brief advice or friendly tip would you offer to someone just entering the paralegal field?</i>	My best advice is to take a lot of notes, ask a ton of questions, and look at everything with an attention to detail.



2018 VPO Annual Meeting and Conference

By Louise C. Reese
CLE Co-Chair

The VPO held its 2018 Annual Meeting and Conference on May 10, 2018 at the Trader Duke's Hotel in South Burlington. This was the 10th anniversary of an annual meeting format consisting of a day of seminars. This is the VPO's biggest event every year, and this year we went even bigger. We had 45 registrants and only one person was unable to make it due to work obligations. Of the 45, 12 were non-members – over 25% of our total attendance.

We had three tracks with nine different presenters. Seven of the nine seminar presenters were presenting for the first time for the VPO: Jonathan Rose, Esq.; Justin McCabe, Esq.; Sarah Katz, Esq.; Judith Zullo, Esq.; Craig Matanle, Esq.; Joel Iannuzzi, Esq.; and Glenn Jarrett, Esq. A special thank you goes out to Daniel Farnham, Esq., who first presented for us in 2015 and accepted the invitation to return this year, and to Jim Knapp, Esq., who has supported the VPO and the paralegal community for decades, and accepted the invitation again this year. Michael Kennedy had an opportunity to coach at a charity golf clinic in Florida to benefit kids with Down's Syndrome, and Sarah Katz, Esq., Disciplinary Counsel, was kind enough to present on his behalf on Ethics. Joel Iannuzzi, Esq. of Cleary Shahi & Aicher, assisted by the very capable Robyn Sweet, CRP, was kind enough to step in and replace Tom Aicher who had a conflict.



I am very grateful to all who gave their time and energy to support this event.

Sue Gordon, Esq. was our lunch guest speaker on behalf of Steps to End Domestic Violence. Sue explained her role with the organization, the assistance provided by the legal clinics, and how paralegals can help those who attend the clinics.

Jim Knapp again donated two self-created wooden pens for door prize drawings.

A special thanks to Logikcull of San Francisco, CA, and Doud Studio Arts from Northfield Falls, VT for sponsoring the annual meeting. Logikcull provides an e-discovery platform for loading, reviewing, and producing electronically-stored information. Doud Studio Arts provides videotaping for depositions and other litigation support needs. I have needed to retain the services of both in recent months, and encourage all to take a look at what they have to offer.



NFPA News

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

Over the weekend of April 21 and 22, 2018, the VPO was in full force attending the NFPA Region V Spring Meeting in Springfield, Massachusetts. Ashley and I were attending fulfilling our roles as the VPO's Primary and Secondary NFPA Representative. In addition, Lucia White, CP, Louise Reese, and Karen Farnsworth attended Saturday's session to get a taste of what goes on at the Spring Region Meetings. It was a full day of business and a little bit of fun thrown in as well. The meeting was hosted by the Western Massachusetts Paralegal Association. Kudos to Nancy Cominoli and Deanna Sears, and to Nancy's firm, Bulkley, Richardson, & Gelinas, LLP, for a great venue, yummy snacks, and even a bag of goodies from some sponsors!

The delegates discussed how the monthly NFPA telephone board meetings were working out for members and delegates. Our Region Director, Josie Estes, informed us that the information about the responsibilities of the NFPA Primary and Secondary delegates was being revamped and to let her know if any information should be added.

Josie reminded us to keep our membership information on the NFPA website updated and to periodically monitor the information as some associations had experienced some recent glitches. We also briefly discussed the new online fill-in membership dues reporting form, and were reminded to carefully complete all the information, especially the membership year. NFPA is also offering a new e-check feature for payment of dues in order to try to cut down on some of the fees that are being incurred by NFPA when payments are made by credit card.

The delegates briefly discussed dual memberships and it was suggested that this question be added to membership applications. If someone has membership in more than one association, for instance membership in Vermont and New Hampshire paralegal associations, NFPA dues should only be collected from the primary association to which that member belongs. The membership application should clearly state which association is the primary association collecting the NFPA dues.

We discussed the deadlines relative to convention for credentialing, submitting agenda topics, submitting convention bids, and coordinator interest forms. The 2022 convention will be returning to the east coast and we learned that there are at least 3 associations considering submitting a bid to host the 2022 convention. Coordinator interest information, committee interest, and contact information was discussed in further detail. The State of the Paralegal Profession Committee is looking for volunteers, as is the Nominations Committee (which would require you to be at convention). A delegate asked how the committees were working this year, and expressed concern with the timing of getting a committee together delaying the work the committees need to do prior to convention. Ideas were discussed on how to get more volunteers on committees while the interest is peaked at convention.

The delegates were asked if any associations had position statements at the local level with regard to the unauthorized practice of law (UPL). At this point in time, none of the Region V associations have association position statements. We learned that New York City may be developing a position statement on UPL and ethics, and they are looking at the results of a survey on UPL/ethics that was taken by Berkley College. Several associations expressed interest in seeing the results of this survey.

Delegates were also reminded about the proper format in which to submit Inside Reports. We briefly discussed that there might be online registration next year for the region meetings, and the association report is being developed as an online fill-in form. We were reminded of the deadlines for Association Spotlights to be submitted for News You Can Use, and also to submit association newsletters to NFPA, if the association is in agreement to do so. Some associations feel that their newsletters are a member-only benefit and therefore do not submit their newsletters to NFPA.

We then went around the table so each association could discuss their recent events and accomplishments. Some highlights and great ideas include the following:

- Offering discounted membership to students transitioning from school into the paralegal profession
- Planning a joint event with the local association of legal administrators
- Using Twitter and Linked In to reach membership
- Summarizing the benefits of membership in NFPA and distributing that to members
- Lunch time webinars and CLEs
- Mentoring programs and graduation parties for local students in the paralegal field
- Co-sponsoring events with the local law school
- Investigating how we can be more engaged with the military initiative and helping veterans
- Social events for members to meet and network, including a cooking with wine event and a picnic room event
- CLE topics including: social media, ethics, digital assets, bankruptcy, animal law, drone industry, immigration, real estate, Excel tips & tricks for paralegals, home and auto insurance analysis, e-discovery, due diligence, legislative changes, IP business, estate planning, and Medicaid planning
- Holiday and spring social events
- Visiting college classes and soliciting to paralegal students to become members
- Local Paralegal of the Year award and awards luncheons promoted to employers as a marketing opportunity
- Working with the local bar association to cross-promote each other with event marketing
- Governor's Proclamations for Paralegal Day and/or Paralegal Week
- Getting paralegals involved in local access to justice commissions
- Joint attorney / employer and paralegal dinners to get employers more involved with the paralegal association; award scholarships; employer awards
- Welcome event for new members to include board introductions

Discussion then turned to website concerns, deadlines for submitting to the National Paralegal Reporter, and the status of upcoming NFPA Board elections. We also discussed membership numbers, the differences between NFPA, NALA and NALS, and the status of online education.

Sunday's session began with a reminder about Sunday's attire at the convention policy meeting and an effort to remain in business attire despite travel arrangements that might be later in the day. Region V delegates decided to look into purchasing polo shirts and a remembrance pin in memory of recently deceased long-time Central Massachusetts Paralegal Association delegate, Susan Dussault. The shirt and pin would be worn on Region Meeting day at convention. Delegates also decided to submit bids to host the next spring Region Meeting, and discussed the required time frame within which to work on dates. We also briefly discussed funding for sending delegates to NFPA events through sponsorship from vendors and different fundraising options.

Delegates then began a discussion of potential agenda topics to be brought up by Region V at the 2018 NFPA Convention in October. We discussed the issue of people convicted of felonies requesting membership in paralegal associations and how to handle those requests. It was determined this would be a good discussion topic for convention and perhaps looking to NFPA for guidance. We also discussed a suggestion for Sunday of convention if there are no agenda topics to discuss/vote. A good plan to consider might be to gather the various committees in sections of the policy room and have delegates and members who are interested in those committees go and discuss plans and sign up to volunteer on those committees.

Another topic raised was the desire to change the educational requirement of the Justice Champion Award. None of the other awards have an educational requirement and this award, which is for inclusion and diversity, seems to be in opposition of the award's educational requirements. The delegates briefly discussed the general feelings surrounding the vote on this topic at the last convention, and felt that the President needed to lay down the law during the policy meeting about the disrespectfulness that happened during the meeting.

Before adjourning the meeting on Sunday, we all took a moment of silence in memory of Susan Dussault. Tears were flowing; or as one delegate said, we were all "leaking."

Some news from the April 30, 2018 NFPA Board meeting:

- Joint Conference in Kentucky seemed to be a success with approximately 40 people present each day, and the event and presentations received good feedback.
- By the end of the year, look for new trademarks relating to PCCE and CORE Registered Paralegal
- The 2021 Convention venue in Portland will be the Hilton Portland Downtown.
- The ad hoc committees for the UPL position statement and the rouge paralegals issue are realizing that a huge amount of research needs to be done and asked for an extension to their deadline to provide position statements.
- The NFPA Budget Committee will be looking for volunteers from each region.
- NFPA will be providing two webinar vouchers per year to associations automatically.

The next NFPA Board telephone conference call is scheduled for June 19, 2018.

Between the end of Region Meeting and submission of this update, the Region V delegates voted to hold the Spring 2019 Region Meeting in Manchester, New Hampshire. Dates will likely be between mid-April and the end of May; more details will be forthcoming at a later date.

The next major NFPA event will be the 2019 Annual Meeting and Conference in Seattle in October. I am planning to attend as NFPA Primary. Members Lucia White, Louise Reese and Robyn Sweet also plan to attend. Prior to convention, I hope to circulate any known agenda topics for comment by the membership. As always, your voice and input are important to the continued success of the Vermont Paralegal Organization. The Board of Directors is your representative and needs your involvement to make the VPO what you want it to be. Consider becoming more involved with the VPO. We could use your help!

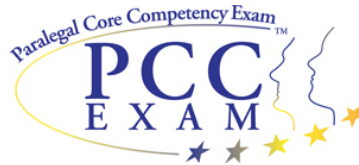


Region V Update

*By Karen Farnsworth
VPO Secretary*

I attended my first Region V meeting in April in Springfield, Massachusetts. As one of the newest members to the VPO Board, I wanted to learn what was discussed and the questions and ideas other paralegal associations in our region had at these meetings. It was a very interesting meeting and it gave me great insight as to just how hard Corinne Deering, RP and Ashley LaRose, RP work as our primary and secondary delegates for the VPO.

I now understand that it's not just the VPO who struggles with gaining or keeping members. The VPO is now working to implement some ideas that will hopefully increase our membership. I learned that there is a lot of interest in NFPA and other regional association members wanting to get their PCCE or CORE certification. That sparked a renewed interest for me to do the same! It was great to see the comraderie of everyone from the different associations. I was one of three board members (non-delegates) who attended the roundtable discussion portion of the meeting. We were warmly welcomed and encouraged to participate in the discussions.



PACE/PCCE Update

The VPO is pleased to announce that we have awarded the 2018 Certification Scholarship to member Jennifer McGean. Congratulations and good luck, Jennifer!

Certified v Cerificated Paralegals What's the Difference and Why you Should Care

By Robyn A. Sweet, CRP™ and Lynn C. Wdowiak, RP®

This article is designed to explain what paralegal certification entails and the differences between the three organizations' certifications and credentials.

Vermont requires no formal training to hold the title "paralegal." A paralegal is defined by the American Bar Association (ABA) as "a person, qualified by education, training or work experience, who is employed or retained by an attorney, law office, corporation, governmental agency or other entity and who performs specifically delegated substantive legal work for which an attorney is responsible." The VBA has adopted the ABA definition and standards in its Constitution.

The National Federation of Paralegal Associations (NFPA) and the Vermont Paralegal Organization (VPO) go a bit further and define a paralegal as "a person qualified through education, training or work experience to perform substantive legal work that requires knowledge of legal concepts and is customarily but not exclusively performed by a lawyer."

The VPO is the formal paralegal group in Vermont and is affiliated with NFPA. Therefore, all members of the VPO are also members of NFPA.

To be a voting member of the VPO, a paralegal must have a combination of education, experience, and an affidavit by an attorney that he or she has a certain number of years of service as a paralegal and that 60% of that work performed is substantive legal work. However, a paralegal has no obligation to have any formal training, certification or designation. Obtaining these additional credentials is solely a personal desire or a requirement of an employer.

"Certificated" or "Certified" – There is a difference.

It can be challenging to understand the different paralegal credentials. There is a difference between being a certified paralegal and a paralegal with a certificate.

A paralegal may obtain a paralegal "certificate" through a number of educational programs completely online, in classrooms, or by a combination of the two. Most of these courses take 9 to 24 months to

complete and cover either a general course of paralegal studies or a specific area of law. These programs also can be independent or a part of a larger program.

Obtaining a paralegal certificate can be a challenging but rewarding process. While there are a number of institutes who offer such a program, only some of these programs are ABA approved. There are paralegal certificate programs that only require a high school diploma or equivalent; however, most are designed to run concurrently with an associate or bachelor's degree or are post-degree programs.

While it is not necessary for a program to be ABA approved, it is more beneficial to the holder of the certificate if it is. There are over 200 programs approved by the ABA for a paralegal certificate. ABA-approved programs require 60 semester hours (including 18 hours of general education and 18 hours of legal specialty courses).

Entry into a paralegal certification program will vary depending upon the program. Many programs require only a high school diploma or equivalent, but others require some post-secondary education. The requirements for obtaining a certificate in paralegal studies vary slightly from program to program. However, all programs require course work completion in legal principles, legal research and ethics.

Paralegal certification programs are a beneficial way for a person to start out into the legal field, especially if they have no prior legal experience. A paralegal with a certificate or post-secondary educational background in the legal field has proven advantages over other applicants without any training (either formal or on-the-job) for legal positions. An educational foundation into the field of law offers a "certificated" paralegal a solid background to be able to assist in a legal matter from beginning to end.

Once a paralegal has successfully completed a program of this type, he or she receives a certificate and is "certificated." However, they are not able to accurately state they are "certified." For a paralegal to accurately state they are "certified," they would need to successfully complete a paralegal certification exam. A paralegal certification exam allows one to obtain professional credentials through a vetting process which involves a successful passing of an exam.

Who offers "certification" exams?

There are several national certifying organizations that offer a paralegal an opportunity to obtain a paralegal credential. [NFPA](#); The National Association of Legal Assistants ([NALA](#)); and The Association for Legal Professionals ([NALS](#)) (formerly the National Association for Legal Secretaries) all offer both entry-level and advanced exams. Each requires certain prerequisites in order to be **eligible** to take the exam. After earning the credential, the paralegal must renew the credential by earning approved CLE credit during the licensing period mandated by the organization.

Who Can Take These Certification Exam(s)?

In order to take these certification exams, a paralegal has to meet certain criteria as set forth by NFPA, NALA and NALS. The specific credentials are explained in further detail below.

If the paralegal does not have a bachelor's degree, he or she would need the following in order to be eligible to take the any of the credentialing exams:

- at minimum, high school diploma or GED, 5 years working as a paralegal under the supervision of a member of the Bar, **plus** evidence of 12 hours of CLE within two years prior to the examination date [for the CRP credential];

- at minimum, high school diploma or GED, 7 years working as a paralegal under the supervision of a member of the Bar, **plus** evidence of 20 hours of CLE within two years prior to the examination date [for the CP credential]
- an associate degree in paralegal studies **plus** 6 years of paralegal work experience [for the RP credential];
- graduation from an ABA-approved legal studies or paralegal studies program, or a minimum of 5 years of paralegal work experience [for the PP certification].

Even with a bachelor's degree, the paralegal still needs to meet the following criteria before taking each exam:

- If the bachelor's degree is not in paralegal studies: one year's experience as a paralegal, or 15 semester hours of substantive paralegal courses [for the CP credential].
- If the bachelor's degree is not in paralegal studies: three years' experience of substantive paralegal work [for the RP credential].
- If the bachelor's degree is not in paralegal studies: a paralegal certificate [for the CRP credential].

There are other combinations that would enable a paralegal to take these exams, but the above is the bare minimum for being qualified to take the exams.

National Federation of Paralegal Associations

The National Federation of Paralegal Associations (NFPA), founded in 1974 and the first national paralegal association, is dedicated to promoting the growth, development and advancement of the paralegal profession. In 1994, NFPA began developing an exam to measure a paralegal's knowledge of legal practice, ethics, technology and general legal competency. NFPA has developed two levels of certification, the Paralegal Core Competency Exam (PCCE™), which gives the paralegal the ability to use the credential Core Registered Paralegal (CRP™) and the Paralegal Advanced Competency Exam (PACE®), which gives the paralegal the ability to use the credential PACE Registered Paralegal (RP®).

PCCE and PACE paralegal exams; each requires an application and fee prior to sitting for the exam as well as specific educational and work prerequisites similar to the requirements to join the VPO.

• **Paralegal Core Competency Exam™:**

The NFPA CORE (PCCE™) exam is the newest credential to the profession, having just been established in 2011. The PCCE is an exam established for many types of paralegal work. The PCCE exam is 125 questions which cover areas such as Paralegal Practice; Ethics and Professional Practice; U.S. Legal System; Legal Research; Legal Writing and Critical Analysis; Communication; Law Office Management; Legal Technology as well as Substantive Areas of Law. Once the application for the exam is submitted and the paralegal is approved to take the exam, they will receive a letter and have 90 days to take the exam. A paralegal who passes the PCCE exam will receive a letter from NFPA indicating their passing and granting permission for the use of the CRP™ designation. In order to maintain the CRP certification, the paralegal must complete 12 hours of CLE every 2 years, including at least 1 hour of ethics. The PCCE exam does not require a minimum post-secondary degree, but does require an applicant to have obtained five (5) years of experience in the two years before taking the exam if the candidate does not hold an associate or bachelor's degree.

Since 2011, 777 applicants have sat for PCCE and 599 have passed nationally. Vermont has 4 CORE Registered Paralegals: Julie Anderson-Adams, CRP; Jill Drinkwater, CRP; Jennifer McGean, CRP; and Robyn Sweet, CRP.

- **Paralegal Advanced Competency Exam®:**

In 1996, the PACE® exam was established. The PACE exam focuses on paralegal practice and substantive areas of law covered in 200 questions. The PACE exam questions cover 5 areas: Administration of Client Legal Matters; Development of Client Legal Matters; Factual and Legal Research; Factual and Legal Writing; and Office Administration. Questions on ethics, technology and terminology are included in all areas. Once the application for the exam is submitted and the paralegal is approved to take the exam, they will receive a letter and have 90 days to take the exam. A paralegal who passes the PACE exam will receive a letter from NFPA indicating their passing and granting permission for the use of the designation RP following their name. In order to maintain the RP certification, the paralegal must complete 12 hours of CLE every 2 years, including at least 1 hour of ethics.

The PACE exam has higher educational and work experience prerequisites than the PCCE Exam. The PACE Exam is a more advanced exam which requires, among other things, that an applicant have a minimum of an associate degree specifically in Paralegal Studies, plus six (6) years of substantive paralegal experience prior to being eligible to take the exam.

Since 1996, 1,803 applicants have sat for PACE and 1,094 have passed, nationally. Vermont has 12 PACE Registered Paralegals: Julie Anderson-Adams, RP; Sara Boyden, RP; Corinne Deering, RP; Ashley LaRose, RP; Tracy Lord, RP; Heather Moreau, RP; Michelle Perlee, RP; Lisa Pettrey-Gill, RP; Kristin Provost, RP; Carie Tarte, RP; Lynn Wdowiak, RP; and Bernice “Missy” Woessner, RP.

National Association of Legal Assistants

NALA offers the Certified Paralegal exam. A paralegal who passes this exam earns the “CP®” designation. Once a paralegal has passed the Certified Paralegal exam, NALA offers courses to earn the Advanced Certified Paralegal, “ACP®” credential. This differs from the NFPA CRP™ and RP® because the paralegal must first pass the CP® exam, then take additional classes and pass additional exams relating to specific topics in order to earn the ACP® credential. It also differs from NFPA in that, under NFPA’s certification, a paralegal can automatically take the advanced PACE Exam without first having to take the PCCE as long as he or she meets the minimum educational and experience requirements to take the examination.

- **Certified Paralegal®:**

The exam was updated for the 2018 testing year to ensure the examination content was up-to-date with current rules and laws, and to update the roles and responsibilities of paralegals.

The CP® exam has two required sections; one is a knowledge exam with multiple choice questions on each of the following areas of law: US Legal System, Civil Litigation, Contracts, Corporate/Commercial Law, Criminal Law and Procedure, Estate Planning and Probate, Real Estate and Property, Torts, Professional and Ethical Responsibility. If this section is passed, then the paralegal can take the “Skills Exam” which is a written assignment consisting of writing skills and critical thinking skills. The Skills Exam can be taken after 2 weeks have passed since passing the Knowledge Exam, but the Skills Exam **must** be taken and passed within 365 days after receiving notification of eligibility in order to earn the CP designation. Examinees who fail either part of the exam must wait 90 days before re-taking either part. In order to maintain the certification, the paralegal must complete 50 hours of CLE every 5 years, including 5 hours of legal ethics. There are 19,284 Certified Paralegals in the US. Vermont currently has one Certified Paralegal®, Lucia White, CP®.

• **Advanced Certified Paralegal:**

There are specific areas of law for which a paralegal can earn the ACP® designation. These generally require a 20-hour self-study course, with exams both during the course and at the end. NALA is working to add courses in Business Organization, Commercial Bankruptcy, Contracts Management, Estate Planning, Family Law – Dissolution Case Management, Child Custody, Child Support, Visitation, Division of Property and Spousal Support, Personal injury with 8 practice course areas, and Real Estate – Land Use and Principles, and Trademarks. Until then, the current courses include Criminal Litigation, Discovery, e-Discovery, Family Law – Adoption and Assisted Reproduction, and Trial Practice.

NALA is working to add ACP® certifications. There are currently no Advanced Certified Paralegals in Vermont. There are 1,165 ACP certified paralegals in the US and Canada.

Association of Legal Professionals

NALS offers three certifications, the Accredited Legal Professional (ALP), the Professional Legal Secretary (PLS) [also called the Certified Legal Professional (CLP)], and the Professional Paralegal (PP) certification. The ALP exam is a four-hour exam designed for students and entry-level professionals working to break into the legal profession. The PLS and/or the CLP exam is a one-day, four-part exam for individuals with at least 3 years of legal work experience. The PP is a one-day, four-part exam designed for individuals who have graduated from a paralegal studies program, or have a minimum of 5 years paralegal/legal assistant experience.

Each of NALS credentials must be renewed every 5 years, with a 50-hour CLE credit requirement for the ALP credential, and a 75-hour CLE credit requirement for the PLS/CLP credential and a 75-hour CLE credit requirement which must include a minimum of 5 hours ethics credits for the PP credential.

Why Should Your Firm Hire a Paralegal with a Certification or Encourage Your Current Paralegal to Earn Certification?

A paralegal that has voluntarily taken a certification exam and passed it is showing that he or she is invested in the paralegal field and is interested in elevating and maintaining a level of education and competency in his or her work. It is an indicator to you as the employer that he or she possesses some level of proficiency and skill. Certification exams also serve as background verification for the employer since all of these examinations require certain levels of education and experience in order to sit for them. This will all translate to a higher quality of work product generated for your firm. In addition, having a certified paralegal on staff may justify your firm charging a higher hourly rate for that paralegal's work. It also may make it easier to receive an award of prevailing market rates for paralegal work in a case where your firm is awarded attorney's fees.

In addition, employees who feel valued will put more effort into their work, increase their standards, and increase their job-based self-worth, making them a bigger asset to your firm. While it is nearly impossible to say which credential or program is the best in producing a paralegal ready for work at your practice, it is clear that those paralegals who have sought out these certifications or credentials have made an investment into their career.

About the authors:

Robyn A. Sweet, CRPTM is a Vermont Paralegal Organization member and a member of the VBA Paralegal Section. She has been a CORE Registered Paralegal since October of 2016 and has worked at Cleary Shahi & Aicher, P.C. in Rutland for over 7 years. Robyn is also the Internal Marketing Coordinator for NFPA.

Lynn C. Wdowiak, RP® is a Vermont Paralegal Organization member and a member of the VBA Paralegal Section. She has been a PACE Registered Paralegal since November of 2012 and has worked at Ryan Smith & Carbine, Ltd. for 8 years. Lynn graduated from Woodbury Institute in Montpelier in 2009 with a post-graduate Certificate in Paralegal Studies and holds a Bachelor of Business Administration degree from Northwood University in Midland, Michigan.

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Real Estate Corner

Vermont Attorneys Title Corporation has given us permission to reprint the following information from its June 2018 newsletter.

Non-public Personal Information (NPI)

Be careful out there! Don't forget that NPI should only be delivered via a secure method. The most common breaches of NPI that we see in the VATC office include:

1. Attaching or forwarding PDFs which contain NPI via unsecured email. Obviously, the PDF attachment is not itself secure.
2. Forwarding a long email chain which, somewhere therein, contains NPI. That NPI may have been appropriate among the original parties but is now inappropriate when shared with someone who should not have the NPI.

Tip: When forwarding an email to a NEW party, take a few seconds to scroll down and read the mail. If it contains NPI (or even if it contains extraneous information) edit it by cutting out the NPI/extraneous information!

Permit Tips

1 Acre Commercial or Industrial Development under Act 250

Municipalities without zoning and subdivision bylaws are not the only towns where the "1 acre rule" for commercial and industrial development applies.

Act 250 jurisdiction is triggered when development occurs as defined under Title 10 V.S.A. § 6001(3)(A).

Generally, when a municipality has adopted permanent zoning and subdivision bylaws, Act 250 jurisdiction is triggered when land developed for commercial or industrial purposes involves more than 10 acres (see 10 V.S.A. § 6001(3)(A)(i)). Such a municipality, however, may also choose to adopt by municipal ordinance, the 1 acre rule for land developed for commercial or industrial purposes (see 10 V.S.A. § 6001(3)(A)(iii)). See e.g. Manchester (District 9); Brandon and Benson (District No. 1); Waterbury (District No. 5)

However, when a municipality has not adopted permanent zoning and subdivision bylaws, Act 250 jurisdiction is triggered when land developed for commercial or industrial purposes involves more than 1 acre (see 10 V.S.A. § 6001(3)(A)(ii)).



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