

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 Lucia White, CP®

In October, the VPO, along with my employer, sent me to the NFPA Annual Convention in Seattle, Washington. I represented the VPO as our second seat on the policy floor, and I truly appreciate that opportunity. This was my first NFPA policy meeting, and it was exciting to see how decisions that shape the paralegal profession on a national level are made on the policy floor.

While I was in Seattle, one of the CLE sessions I participated in was about the Limited License Legal Technician (LLLT) process in the State of Washington. This CLE was especially timely because a week earlier, Cassandra Franklin, VPO's Pro Bono Chair, was presenting at the 2018 VBA Pro Bono Conference when she was approached with questions about licensing paralegals in Vermont. There are currently 39 LLLTs in Washington. You have likely seen the news that as of November 1, 2018, Utah's Licensed Paralegal Practitioner program rules were adopted. Other states are following suit.

In September 2015, soon after the first LLLT exam was administered in Washington, the Vermont Joint Commission on the Future of Legal Services issued their final report recommending certifying paralegals in Vermont as a step to address access to justice issues in the state and to help pro se litigants navigate the court system. The certification recommendation does not seem to have gotten much traction in the last couple years, but there are nascent discussions about how to address access to justice issues and what role paralegals might play.

Paralegal Licensure? Vermont Certified Paralegals? A lot of work will go into figuring out what is Vermont's best answer and a lot of groups will need to be involved.

The VPO is a part of these discussions, which leads me to two calls of action:

1. Your Board needs to know where you stand on voluntary licensure or certification. Do you prefer one over the other, or not want either? Are you indifferent? Let us know your thoughts as we continue our involvement in these discussions.

Continued on page 2

Continued from page 1

2. Be part of the action. These opportunities came to us because we are part of the leadership of the VPO. You can be part of it, too. There are opportunities to serve at many levels: pro bono opportunities, finance chair, helping to write bylaws, helping to write a report on licensure, or writing articles for the newsletter. And if none of those opportunities appeal to you, 2019 is an election year. Please consider running!

These are exciting times to be a paralegal in Vermont.

Editor's Message

By Louise Reese

This year has been big and busy. Three VPO board members, myself included, traveled to Seattle to attend the NFPA Convention. Robyn Sweet, CRP was also present. You will read a lot about the Convention in this issue. The next one is in Rochester, NY, so please consider attending.

We continue our "Why I Volunteer" segment with Carie Tarte, RP. Carie wears several hats, and I am grateful to have her by my side in developing and coordinating CLE events.

Please note the RP and CRP renewal dates in this newsletter. Don't let the deadlines get away from you! There are some changes to the Federal Rules of Civil Procedure that came into effect on December 1, 2018. A quick snapshot of those changes are included in this issue.

Thank you to Jeff Moreau for his valuable assistance in putting together another year of *Paralegal Focus!*

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Membership News



**RENEW YOUR
MEMBERSHIP**

As of September 4, 2018, we have 75 members: 58 voting; 13 associate; 1 student; 1 sustaining corporate; and 2 sustaining individuals. Please get your renewals in!

Welcome to our newest member Ellie Gebarowski-Shafer from E. Patrick Burke PLC.

Why I Volunteer

By Carie Tarte, RP®

At the risk of dating myself, way back in 1997, I was hired by Paul, Frank + Collins as a Litigation Paralegal. It was my first paralegal job since graduating with a Bachelor's of Science in Paralegal Studies.

Paul, Frank + Collins automatically signed up and paid for all paralegals in the firm to be members of the VPO. Soon after officially joining the VPO, Becky Guenther and Angie Wright took me to my first VPO meeting at Dinse's office.

By the time I left that first meeting, I was on the Newsletter Committee and Scholarship Committee. I told myself it was likely just a short-term gig since the VPO was a firmly established, well-run machine, and if I was being honest with myself, I had to ask what a green paralegal like me would have to offer the VPO.

With each meeting, I learned more and more about the inner-workings of the VPO and how a professional association is run. More importantly, I learned about changes in the law of which I needed to be aware, changes in litigation rules and procedure, recent court decisions that might impact cases I was working on, and more efficient ways to do my job. I met some of my closest friends and future colleagues through the VPO.

Over the years, as I gained more experience and knowledge, my focus switched from what I could gain and learn from the VPO to what I could provide to the VPO and my fellow paralegals. I have long felt that when one of our members is successful, we all benefit and shine. That philosophy has driven me not only to continue on with the Scholarship Committee, but also to revamp our annual meetings to encompass the full-day, multiple CLE tracks we now have thanks to the hard work and dedication of Louise Reese.

In the divided country we live in today, I am proud to be a part of an organization whose focus and mission is helping, building and promoting others.

JOIN VPO TODAY



VERMONT PARALEGAL ORGANIZATION

1. Paralegal Focus quarterly newsletter
2. Membership in the National Federation of Paralegal Associations (NFPA)
3. CLEs and networking opportunities including Annual Meetings and Lunch-n-Learns
4. Platforms for connecting with colleagues:
 - Wild Apricot member forums and directory
 - Facebook Page
5. VPO website including job bank postings
6. Discounts including
 - Liberty Mutual Insurance discounts on auto/home insurance
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To learn more, or to access these benefits, visit: www.nfpa.org

NFPA Convention in Seattle

By Louise Reese

I have only attended a handful of paralegal conventions over the past couple of decades, but they are always worth the time. The commitment by paralegals from across the nation to the pursuit of an across the board respected profession is impressive. I am also impressed by the passion and resolve of Region V associations. There were some agenda topics that caused a stir, and I was very pleased by how Region V handled and communicated the positions by its associations.

I was not present on Saturday, the first date of the Policy Meeting, and spent the day with my oldest nephew who lives in Seattle. I did attend the resumed Policy Meeting on Sunday morning. I have never attended anything like these Policy Meetings, and I am truly impressed by our NFPA Representatives, as it clearly takes a commitment to the VPO and the profession.

The NFPA 2019 Convention is in Rochester, NY. If you have an opportunity to attend a convention, I highly recommend it, not only because of the networking opportunities, but because of the opportunity to be a part of something that grabs at your professional heartstrings.

Although I wasn't present during the awards ceremony, our very own Corinne Deering, RP, was recognized for her nomination for Outstanding Local Leader award. The award was given to another paralegal, but the VPO is very proud to have Corinne as a member, NFPA Representative, and friend.

Congratulations to Lucia White, CP and Cassandra Franklin for their dedication to pro bono service. They were recognized with certificates at Convention. Check out the VPO Facebook page!

Save the Date!

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NFPA News

By Corinne Deering, RP®, NFPA Primary Representative



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The 2018 NFPA Convention and Policy Meeting in Seattle was, like all other conventions, a whirlwind of activity. We had a busy few days of board meetings, region meetings, the policy meeting, and some CLE sessions and vendor visits thrown into the mix. On either side of the NFPA Convention and Policy Meeting, I was fortunate enough to add a day or two of vacation days to tour some of Seattle. The weather cooperated for the most part and we did not get too wet from the gray and drizzle. We even saw the sun on a couple of days.



Here is a summary of the results of the Policy Meeting

Congratulations to all of the 2018 award winners:

NFPA PCCE Scholarship - Shelly-Marie Magdadaro
 NFPA PACE Scholarship - Becky Kerstetter
 NFPA Certification Ambassador Award - Tina Johnson, RP, MnCP
 Thomson Reuters/NFPA \$3,000 Scholarship - Alexandra Settle
 Thomson Reuters/NFPA \$2,000 Scholarship - Savannah Lopez
 Pro Bono Award - Minnesota Paralegal Association
 NFPA Justice Champion Award - Sonjanita Jordan
 NFPA Outstanding Local Leader - Wendy Otto, RP
 NFPA Paralegal of the Year - Theda M. Yandell, RP
 NFPA William R. Robie Award - Brenda Cothary

Congratulations to the 2018-2019 NFPA Board!

Nita Serrano, RP - President
Mindi Schaeffer, M.S., RP, OSBA, AACP - VP & Director of Profession Development
Lori Boris, RP, MnCP – VP & Director of Positions and Issues
Linda Odermott, RP – VP & Director of Certification
Yvonne DeAntonio – VP & Director of Membership
Lisa Lynch, CRP – VP & Director of Marketing
Barb Peppersack - Treasurer & Director of Finance
Mianne Besser - Secretary & Director of Operations

Brenda Cothary - Region I Director
Susan McNicholas, ILAP - Region II Director
Lori Wagner, RP, IRP - Region III Director
Becky Reedy - Region IV Director
Josie Estes - Region V Director
Valerie Wilus, RP, Pa.C.P. - Board Advisor

The Convention Charity, Courthouse Dogs, a very worthwhile charity, benefitted from donations collected at Convention. NFPA raised \$1,400 for Courthouse Dogs. Thank you to everyone who donated. I attended the CLE session about Courthouse Dogs and was struck by the importance of this program. I also shed a few tears from stories told during the session about how the dogs helped children and adults deal with court appearances when they are at their most vulnerable state. It is an amazing program and should be in all court systems!

The results of the agenda topics are below:

Bylaw Amendment #1: to fix a contradiction in the current Bylaws between Section 14.10 regarding the budget and Section 5.4 Subsection D regarding the requirements for a $\frac{3}{4}$ vote to approve a deficit budget. This topic passed as Resolution 18-12.

Agenda Topic #1: to limit the number of times a person can retake PACE/PCCE to 3 times in any 2 year period from the date of the original attempt, including any requests for waivers of the 6 month waiting period, effective January 1, 2019. This topic passed as Resolution 18-02, with some minor revisions to clarify that only three attempts can be made within any two-year period.

Agenda Topic #2: to add the terminology “substantive paralegal” to the experience requirements of the PCCE criteria for those criteria without any formal paralegal training. This topic passed with a friendly amendment to add more events of the language “substantive paralegal” experience to the criteria, and is now Resolution 18-03.

Agenda Topic #3: to amend the criteria to take PACE to include military paralegals with the military equivalent of an E6 level ranking (supervising paralegals, experienced paralegals – Staff Sergeant, Petty Officer First Class, Technical Sergeant) or higher which would be the military equivalent of a civilian qualified to sit for PACE. The topic indicates that military training includes weekly “organizational training” with consolidated monthly paralegal training. While the training is different content and format, the amount of time rivals the amount of time and training of civilian paralegal programs. The proposal includes 12 CLE’s, including 1 hour in ethics, within the 2 years preceding the exam application and proof of rank to include a DD214 or Enlisted Record Brief or Affidavit from Commanding Officer. This topic passed as Resolution 18-04.

Agenda Topic #4: to revise the plan to market the paralegal profession, established by Resolution 16-02, to include governmental agencies (Dept. of Labor) as a target group, and to include international legal entities. This topic passed as Resolution 18-10.

Agenda Topic #5: to revise NFPA’s 2006 Position Statement on Diversity to reflect changes that have occurred since the initial statement was adopted 12 years ago. This topic passed with a revised proposed resolution submitted at the policy meeting to include a provision that the Statement should be reviewed every two years by the Diversity and Inclusion Committee, to continue to research and ensure the Statement is current. This topic is now Resolution 18-08.

Agenda Topic #6: to request that a member of the Diversity and Inclusion Committee be appointed by the Vice President of Position and Issues to serve on the judging panel for the Justice Champion Award. This topic passed as Resolution 18-07.

Agenda Topic #7: to revise the requirements to register for PACE began as a proposal that CRPs who hold the designation for a minimum of 4 years be able to take PACE. The agenda as originally written proposed that CRPs with CLEs and experience should be able to qualify to take PACE without a 4-year degree. The topic also proposed 10 additional CLE hours (in addition to the 8 to renew the CRP designation) and an additional hour of ethics prior to applying to take exam, and a letter of recommendation from a licensed attorney and letter of recommendation from a current RP. The topic also proposed adding that any military paralegal with current or final ranking of E-4 (entry level) or higher be immediately permitted to sit for PACE.



As in years past, this particular topic seems to garner the most discussion. This year was a banner year for collaboration and negotiations, primarily between Region II and Region V. The agenda topic was completely re-written and a revised agenda topic brought to the policy floor. The revised agenda topic proposed adding two new criteria to the current eligibility to take PACE.

The new criteria added are:

- 1) An associate's degree in any course of study obtained from an institutionally accredited school and seven (7) years of substantive paralegal experience; or
- 2) An associate's degree in any course of study obtained from an institutionally accredited school, successful completion of the PCCE and completion of a further two successful renewals of the CRP credential.

These revisions effectively offer additional opportunities for paralegals to take PACE who might not have an associate's degree in paralegal studies, or a degree from an ABA-approved program, which are both seemingly harder to locate in Vermont and other states. It also offers paralegals with the CRP designation a bridge to take PACE without losing the requirement for at least a 2-year college education as a requirement to take PACE. The topic, as re-written, passed as Resolution 18-05, with 29 in favor of the resolution and 9 opposed.

Agenda Topic #8: to create uniform education and accreditation standards for NFPA Position Statements. As originally written, the proposal was to create an ad hoc committee to review all position statements and resolutions relating to education and accreditation of educational institutions that offer paralegal or non-attorney legal education; to present a written report of recommendations to the delegates at the 2019 convention on how the education recommendations can be made uniform and consistent; and upon approval, the committee would amend all position statements and resolutions in need of revision to comply with the committee's recommendations. The discrepancies are in the areas of a) which entities are required to provide approval or accreditation of paralegal education programs; b) number of hours of substantive paralegal and/or non-attorney legal education that must be completed; and c) approved mediums by which the education is completed.

This topic was revised in conjunction with topic #7 to change the committee from an ad hoc committee to a standing committee. It also added provisions that the standing committee create a simple, anonymous survey to collect information from members regarding basic demographics, education, experience, credentialing and salary details, and to provide a summary to members/associations no later than the 2019 policy convention. Once the tasks are completed, the committee shall remain in place to help consistently evaluate education in the paralegal profession and provide recommendations and feedback to the delegates. We believe the intent of the additions is to find out if there is a population of paralegals that are restricted from taking PACE due to the lack of a college education and what kind of numbers of paralegals are affected by not having a route to PACE without a college education. The revised topic passed as Resolution 18-06.

Agenda Topic #9: to ask for a vetting process for award nominations to go through the local association first for confirmation of membership and statements included in the nominations packet. This topic proposed adding criteria that the person should have at least 2 years of service either on the local or on NFPA board or committee service as chair or coordinator. The topic is asking NFPA to form an ad hoc committee to recommend enhancements of the criteria for individual NFPA awards and methods for verifying statements made in nominations generated outside of the local association. The ad hoc committee would be reporting to the delegates at the 2019 Policy Meeting. This topic passed as Resolution 18-09.

Agenda Topic #10: to set a dress code beginning with 2019. The original proposal asked for a more relaxed dress code that allowed delegates and guests to remain comfortable, respect their budgets, and put to rest future questions of dress code. The proposal was originally written as “professional or business casual attire including: suits, ties, sports jackets, blazers, clean and non-form fitting jeans, conservative shirts with collars, blouses, sweaters, cardigans, skirts, dresses, pantsuits, dress slacks, corduroy slacks, khaki slacks and conservative dress shoes or sandals.” No revealing, offensive or inappropriate designs or stamps. If not in compliance with the dress code, the President or designee may ask the person to change or leave.

This agenda topic was revised and negotiated through collaboration of a couple of regions, and agreement was made to adopt the friendly amendment suggested by the Diversity and Inclusion Committee as posted on the discussion boards. The proposed resolution became: “All delegates, leaders, board members and officers attending NFPA authorized business events, including, but not limited to, regional meetings, conferences and annual conventions, and policy meetings, shall strive at all times to positively represent the paralegal profession through attire consistent with our professionalism.” This re-written topic passed as Resolution 18-11.

Agenda Topic #11: to request that a special fund be created to receive and disburse funds for the pro bono awards and the Justice Champion award – specifically to fund the recipient’s travel and donations on behalf of the award winners to their organization of choice; and allowing funds to be raised on online donation platforms. This topic did not pass (14 in favor, 23 opposed, one abstained).

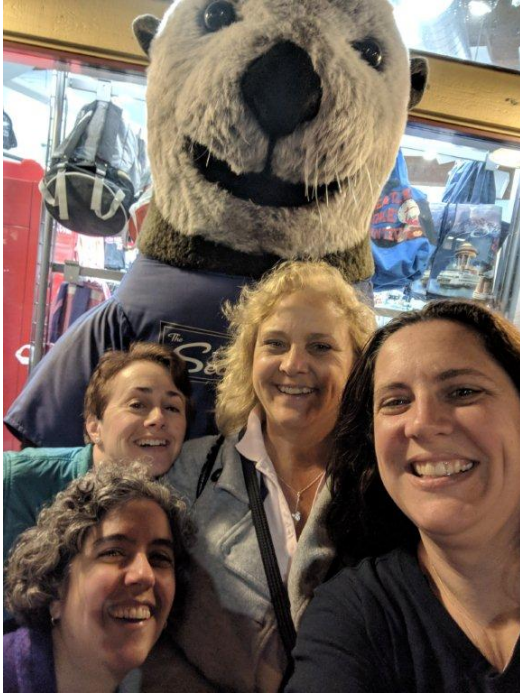
Agenda Topic #12: to propose that board members’ and/or coordinators’ travel be evaluated from both their home residence and the home address of their designated association to determine which is least expensive and most fiscally responsible for travel costs to be charged to NFPA. If the cost difference between locations is negligible (less than \$50), then the NFPA treasurer or supervising board member shall have discretion to authorize reimbursement from either location. It could also be requested that the home association fund the difference, so it would not burden NFPA or its budget. This topic came to the floor for discussion, but was withdrawn shortly after “to save time.”

Agenda Topic #13: a proposal to more clearly define an “observer” as it relates to attendance at board meetings by members, to more clearly define “open meetings” (including in-person and electronically conducted meetings), to provide guidance on notice of board meetings to members, including when the agenda and registration is available to members, to provide clarification on telephonic and electronic accessibility for the meetings under Article 7, and to discuss the need for NFPA to be transparent while maintaining fiscal responsibility. (Bylaws 7.5, 7.6, 7.7 and 7.8) The topic asked for an ad hoc committee of volunteers (including author Tracey Woolsey) and/or the Governing Documents Coordinator, or a nominee of their choice, to prepare and submit revised sections of the Bylaws (referenced herein) to be presented at 2019 convention. This agenda topic did not come to the floor for discussion.

Agenda Topic #14: to request that The Committee for the State of the Paralegal Profession present an updated State of the Paralegal Profession Report every two years, beginning with the 2020 NFPA Annual Convention in Minnesota, as requested by the delegates of the 2017 NFPA Convention.

This topic was revised slightly making the timing of the report every three (3) years, beginning with the 2021 Convention in Portland, Oregon, and adding the involvement of the Vice President & Director of Profession Development, along with the VP & Director of Positions & Issues. This topic passed as Resolution 18-01.

Agenda Topic #15 – This topic was submitted late (after circulation of the summary of agenda topics). The topic proposed creation of an ad hoc committee to revise the Model Code of Ethics and Professional Responsibility and Guidelines for Enforcement by removing the statement that “paralegal” is synonymous with “legal assistant,” and to review all of NFPA’s position statements and other documents to identify inconsistencies relating to NFPA’s definition of paralegal. The committee will proposed recommendations to the delegates at the 2019 convention for approval and amendment of relevant documents. This topic passed as Resolution 18-13.



To close, here are some dates to remember:

2019 Joint Conference, Denver, Colorado
Hampton Inn & Suites Denver Downtown
Homewood Suites by Hilton
April 26-28, 2019

Region V Spring Meeting, McLane Middleton
Manchester, NH
May 4-5, 2019

2019 NFPA Convention & Policy Meeting
Hyatt Regency, Rochester, New York
October 10-13, 2019

2020 NFPA Convention & Policy Meeting
Hilton Minneapolis
St. Paul Airport Mall of America, Minnesota
October 22-25, 2020

2021 NFPA Convention & Policy Meeting
Hilton Portland Downtown, Portland, Oregon
October 7-10, 2021

2022 NFPA Convention & Policy Meeting
Cleveland, Ohio

As always, if you have any questions regarding NFPA or certifications, please reach out to your NFPA representatives and/or your Certification Ambassador **BEFORE** directly contacting NFPA. We are your liaisons to NFPA and we might have an answer for your question or know where we can get the answer. In addition, we welcome any input you may have so please communicate with us and/or other members of the VPO Board. Our contact information is on the VPO website.

Happy Holidays!!



PACE/PCCE News

To help Registered Paralegals (PACE and CORE) remember which month their renewal application is actually due, here is a chart you can use:

<u>Anniversary Month</u>	<u>Month Renewal is Due</u>
January	November
February	December
March	January
April	February
May	March
June	April
July	May
August	June
September	July
October	August
November	September
December	October

If you have CLE that requires approval by the NFPA CLE Coordinator, that approval request must be submitted to NFPA before the month your RP credential renewal is due. Do not submit CLE approval requests along with your RP credential renewal.



The VPO held a lunch ‘n learn in Montpelier on October 16, 2018. It was hosted by Karen Gramer and the firm of Zalinger Cameron & Lambek, P.C. Phil Zalinger presented on the topic of the Evolution of the Commercial Real Estate Practice and Current Expectations. I want to thank members Karen Gramer and Penny Hannigan for helping us to develop and coordinate this event.

The CLE Committee is already planning for the 2019 Annual Meeting and Conference. Please note that 2019 is a voting year, and we look forward to a strong appearance by our members. We are planning to hold the event in Middlebury, and will be looking at the week of May 13. Once a date is confirmed, we will update the members.

CHANGES TO FEDERAL RULES OF CIVIL PROCEDURE

Effective December 1, 2018, a Certificate of Service will no longer be required when a paper is served by filing it with the Court’s electronic filing system. However, if the paper is served by U.S. mail or other means, then a Certificate of Service must be included or filed within a reasonable time after service. Electronic filing in the District of Vermont remains voluntary under Local Rule 5(a).

IMPORTANT INFORMATION FOR NOTARIES PUBLIC

Please remember: (a) existing notaries should renew their commissions prior to 1/31/19; (b) non-attorneys have education and testing requirements BUT those requirements are not in effect for 2019; instead they are imposed beginning with renewal in 2021; and (c) new statutory requirements take effect on 7/1/2019.



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Standing Committee Chairpersons

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Finance:	VACANT			
Professional Liaison:	Carie Tarte, RP®	489-5258	489-5386	carie@maleyandmaley.com
Paralegal Certification Ambassador	Ashley LaRose, RP®	497-2010	489-5020	ashlarose@yahoo.com

Special Committee Chairpersons

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