

Paralegal Focus

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

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

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President's Message

By Lucia White, CP®

Hello and Happy Holidays!

It's that time of the year when we reflect on family, traditions, and years past. It is also time to look forward and set goals for the new year. Here are some of my reflections on the VPO.

In 2017, we transferred our website and our primary communication platform to a more modern and easy-to-use system. This platform allows for delivery of our newsletter and has seen an increase in communication among our members.

We have continued our excellent annual meetings, which remain our most successful and popular event. In 2019, we held our meeting in Middlebury for the first time in 10 years, and we recruited some new members and a new Board member. We also had a Lunch-N-Learn in Montpelier. We hope to offer more of these in 2020.

We have continued to advocate for paralegal licensure. We conducted a membership survey of interest, participated in an Access to Justice Coalition meeting with the Vermont Supreme Court, and we have talked with Vermont Bar Counsel, Michael Kennedy, about moving licensure forward.

In June 2019, we incorporated our organization. This increases our professionalism and reduces liability for officers of the organization. It also allows us to set up our financial accounts so that future officers will have fewer transitional issues when they serve. In coordination with our incorporation, we have been revising our bylaws and anticipate completing them in early 2020.

The Officers and Standing Committee Chairs are fully staffed and we no longer have people doubling up in positions. This allows Board members to fully devote their energy to one aspect of leadership on the Board, and spreads the energy across many people with different ideas, strengths, and goals. We have recruited new Board members and regained some former Board members. The energy we have for 2020 is inspiring. (See the list of Board members and their roles in this issue.)

Continued from Page 1

2020 is upon us, and is looking bright! We will continue working on licensure, finalize the bylaws, and are planning some exciting events. If you have not already done so, please sign up for our members-only forum to stay informed about what is going on. And if you would like to see the Board take on something, please let us know.

Editor's Message

By Louise Reese

Another year has come and gone, but as Lucia pointed out, 2019 has been active. We are in the middle of membership renewals, so although the number of active members is currently low, there are a few dozen still in the renewal process.

Tina has returned from the 2019 NFPA Convention in Rochester, and has provided us with a summary of the results of the policy meeting. I was not able to attend convention this year, but I am very happy to see that five other VPO members were in attendance. I looked to Corinne Deering to provide me with photographs from convention, and she did not disappoint.

We also have some real estate news from Vermont Attorneys Title Corporation, and some helpful tips.

I have also provided some updates on proposed and promulgated Vermont Rule amendments.

If anyone is interested in submitting an article, or brief submission, for the newsletter, please do not hesitate to contact me directly at lreese@dinse.com.

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HINDSIGHT IS 2020, SO LOOK BACK WITH US AND
CELEBRATE **THE 30TH ANNIVERSARY OF YOUR
VPO!!**

Be on the lookout in the coming months for
announcements and more information through

- ✓ this newsletter,
- ✓ Facebook <https://www.facebook.com/Vermont-Paralegal-Organization-163232993708517/>
- ✓ the VPO Website <https://vtparalegal.org>,
- ✓ and Wild Apricot

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Membership News

As of December 4, 2019, we have 44 active members: 36 voting; 7 associate; and 1 sustaining corporate. Our membership renewals are still pending for over 35 members, so please get your renewals in before January 1, 2020.

Introducing Your VPO Board

By Lucia White, CP®

If you haven't spent time pouring over our Bylaws or checking the website for updates, it might be challenging to keep up with who sits on our Board and what their roles are. Your VPO Board is a group of dedicated volunteers who work together to advance the paralegal profession in Vermont and nationally. We also act as a liaison between Vermont paralegals and the National Federation of Paralegal Associations (NFPA, of which the VPO is an affiliate).

The Board members who have a vote at Board meetings are the Officers and Standing Committee Chairs. The VPO also has chairs (and vacancies for chairs) of special committees, who do not have a vote on Board or VPO decisions. This article will introduce the Officers and Standing Committee Chairs.

The Officers of the Board are:

Lucia White, CP®, President. I view my role as head cheerleader and “coalescer” of ideas. I set the agendas, and try to drive progress on things we want to accomplish. I am not creative enough to have the big ideas – rather I try to help us implement them.

Louise Reese, Vice President. Louise is the Supreme Ruler of our Annual Meetings. She is heavily involved from start to finish on all the details involved, and while it is the role of the Vice President on paper, it is also something Louise has done as CLE Committee Co-Chair (which is a special committee) for many years. But as Vice President, Louise also keeps me on track—reminding me of things I said I was going to do, thinking of things I hadn't thought of, and willing to jump in to do just about anything!

Jill Drinkwater, CRP®, Secretary. Jill's role is record-keeper of the organization. Jill takes minutes of the meetings and circulates them for approval by the Board. She also keeps the historical record, and keeps up with votes that happen on Board business between meetings.

Sara Boyden, RP®, Treasurer. Sara balances our books and provides financial reports for the organization. She deposits checks, interacts with the bank and updates our accounts, files our IRS paperwork, and presents our annual budget.

Tina Wiles, NFPA Primary. Before I joined the Board, I didn't fully understand our relationship with NFPA. NFPA has monthly Board meetings in addition to the more visible Annual Convention and Policy Meeting, Joint Conference, and Region meetings. Tina attends the monthly meetings by telephone and reports back to the VPO on national policies and issues. She is one of our liaisons with NFPA. Our NFPA Primary and/or Secondary also represent us at the annual policy meeting, giving Vermont a voice on issues impacting paralegals nationally.

Lisa Pettrey-Gill, RP®, NFPA Secondary. Lisa is an additional set of eyes and ears on the monthly NFPA Board meetings, and works with Tina to help present NFPA issues to the VPO.

Our Standing Committee Chairs are:

Diane Drake, Finance Committee Chair. Diane's role is to work with Sara to help develop and present the budget and to oversee the bookkeeping to ensure there are no irregularities.

Carie Tarte, RP®, Professional Liaison Committee Chair. Carie's role is to work with educational institutions and local bar associations on issues impacting the paralegal profession. Currently, she is active in focusing the Board on our advocacy of paralegal licensure.

Robyn Sweet, CRP®, Membership Committee Chair. Robyn works behind the scenes to update membership in our database. She also actively recruits new members on her own (as she has done for years), and is working on a recruitment plan for the organization.

Lynn Wdowiak, RP®, Paralegal Certification Ambassador. Lynn is our newest Board member, and her role is to help people with questions about the NFPA certification exams. She is your liaison with NFPA for questions regarding PACE or PCCE. She also helps administer the VPO scholarship.

Your VPO Board is here for you. If you have questions for or about NFPA, or ideas about advancing the paralegal profession in Vermont, please contact any of your VPO Board members for help!



NFPA News

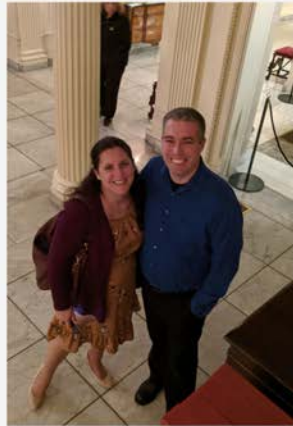
By Tina Wiles, NFPA Primary

It's hard to believe how much time has passed between the 2019 NFPA Convention in Rochester and the writing of this article. It was interesting how different and yet how similar the convention is after nearly 14 years away. The one thing that always seems to remain is the passion for the paralegal profession and the new and lifelong friendships. There were several VPO representatives in attendance: Carie Tarte, Heather Rylant, Robyn Sweet, Lucia White, Corinne Deering, and myself. I would especially like to thank Lucia for joining me during the Policy Meeting portion of the convention. The next convention is scheduled for October 22-25, 2020 in Minneapolis, Minnesota. If you have any interest in attending the convention for the continuing education programs, NFPA meetings, and/or Region V meetings, please let me know.

Notable actions taken at the 2019 Convention are the following:

- The individuals elected to NFPA board positions include: Theda Yandell, RP, Vice President & Director of Profession Development; Tom Stephenson, Vice President & Director of Membership; Linda Odermott, RP, Vice President & Director of Paralegal Certification; Ronell Badua, Vice President & Director of Marketing; Lori Wagner, RP, Treasurer & Director of Finance; and Catherine Allard, CP, Region V Director.
- Becky Kerstetter presented the status of the NFPA Strategic Plan and how it has changed and evolved over the last ten years. The current goals of the Strategic Plan include attention to membership, marketing and financial stability, certification, professional development, regulation, and effective communication between the NFPA and its members.
- Celebration and recognition of the 45th Anniversary of the NFPA.
- PACE online practice text suspended until it is updated with the new exam.
- Recognition of the (1) Empire State Alliance Paralegal Association's work related to the passing of the Voluntary Licensure Exam for paralegals in the State of New York; and (2) Oregon Paralegal Association's work related to the Licensing of Paralegals passed by the Oregon Bar Association on September 27, 2019.

- At the policy meeting, delegates debated and discussed several agenda topics with the following outcomes:
 - ♦ Amendment to Event Alcohol and Cannabis Policy: The current conference and events policies relating to Alcohol and Cannabis Use were amended to create a disciplinary action policy. [Resolution 19-04] Following the passing of Resolution 19-04, the delegates passed Resolution 19-05 to allow the NFPA Board to create a Bylaw Amendment for the purpose of creating a disciplinary action policy.
 - ♦ Creation of Awards Coordinator: An Awards Coordinator position shall be created by the NFPA Board of Directors, to, among other tasks, promote awards and encourage nominations, oversee sponsorship of and monitor fundraising for awards, work with the Treasurer and Director of Finance to establish and refine procedures for receipt of funds for awards, and provide nominee profiles in various NFPA communication tools. [Resolution 19-06]
 - ♦ Experience Requirements for Candidates to NFPA Board of Directors: Candidates for the NFPA Board of Directors will now be required to have a minimum of two (2) years board leadership experience, which can be achieved by serving as a member of their local association board, a board related to NFPA, or a separate non-profit organization board. [Resolution 19-01] Following the passing of Resolution 19-01, the delegates passed Resolution 19-02 relating to a similar Bylaw Amendment of Section 7.4 of Article VII, Eligibility of Board of Directors.
 - ♦ Candidate Questionnaire for use in NFPA Board of Director Elections: Candidates will now be required to complete and submit a questionnaire, prepared by the Nominations Coordinator and/or Board Advisor, to the Nominations Coordinator to be forwarded to delegates prior to elections. [Resolution 19-03]
 - ♦ Reduction in Waiting Period and Elimination of Waiver: The waiver of the six-month waiting period to apply to retest on NFPA certification exams (created in Resolution 15-06) has been sunset and replaced with a new waiting period of one-month from the original exam date with no impacts to the requirements of the retesting application and fees. [Resolution 19-07]
 - ♦ Diversity, Inclusion, and Equity as an Ethics CLE Option: The policy for CLE credit requirements for renewal of the NPFA certification credentials was revised to state: **The CLE renewal requirements for the RP® credential requires 12 CLE hours for renewal, two of which are ethics (one of which can be a “diversity, inclusion, and equity”) (DI&E credit), and the CRP® credential requires 8 CLE hours for renewal, two of which are ethics (one of which can be a DI&E credit), and . . . This policy shall be effective as of January 1, 2021, however, any DI&E credits obtained as of June 1, 2020 shall count towards the one (1) hour CLE ethics requirement for RP® and CRP® renewal.** [Resolution 19-08]



2019



NFPA CONVENTION

Rochester, New York



Members of the VPO can also attend the annual NFPA Joint Leadership, Certification, and Regulation Conference, which is one of the most popular and most beneficial gatherings for paralegal leaders in their local association and their community. Attendees have the opportunity to share and network with professionals regarding association leadership, certification, and regulation within the paralegal profession. The 2020 Joint Conference will be hosted by the Tampa Bay Paralegal Association on April 24-26, at the Hillsborough Community College, Ybor City Campus in Tampa, Florida.

The NFPA Board has advised that, with assistance from Bloch | Reed, they have reviewed proposals and interviewed potential association management companies. A new management company has been selected that has a culture that fits with NFPA, has a focus on diversity and inclusion, and has been involved in the development of a credentialing program, as well as managing continuing education units. Once the contract for management services is executed, a formal announcement will be made to all NFPA members.

The NFPA Committee to Market the Paralegal Profession is thrilled to report that the ABA Standing Committee on Paralegals has voted to change their definition of Paralegal to remove the term Legal Assistant and no longer indicate that the terms are synonymous. The Standing Committee is drafting a resolution to be voted on in February 2020 by the Board of Governors; it is expected to pass.

Central Connecticut Paralegal Association will be hosting the Region V Spring Region Meeting on May 2-3, 2020, in Glastonbury, Connecticut. If you are interested in attending as a member of the VPO, please let me know. As members of the VPO, attending the Region Meeting is a member benefit that includes networking opportunities.

If any VPO member should have any questions, or would like to discuss what our affiliation with the National Federation of Paralegal Associations is and what benefits it provides, please feel free to contact me. In addition, all members of the VPO are eligible and encouraged to serve on any and all NFPA committees. If you have interest in serving, the positions are posted on the NFPA website at www.paralegals.org.

Happy holidays to all my paralegal friends and colleagues.

REAL ESTATE CORNER



Vermont Attorneys Title Corporation has given us permission to reprint the following information from its October and December 2019 newsletters:

Property Descriptions - What/What Not to Include

Andy and Liz have been suggesting that people shorten their property descriptions because: (a) the longer the description, the greater the chance for typographical error; (b) the more reference clauses there are, the greater the chance to omit what might be important (in context) quotation marks and/or the greater the chance to resurrect old ROFR that were otherwise extinguished or have lapsed. Sometimes less is more.

Parameters:

1. A legal description still needs to comply with Title Standard 10.1.
2. A legal description which simply provides: "All and the same that land and premises that Grantor acquired from ____ by deed ____" can be sufficient to pass marketable title if the referenced deed (or a deed in the chain of title) contains a Title Standard compliant description.
3. Reciting/reproducing a full metes and bounds description is NOT necessary if the deed description refers to a lot on a recorded plat, e.g. "Being all of Lot 3 on a survey recorded at Map Slide 34". Typing a full metes and bounds description is not only redundant but, invariably, it results in typographical errors which can result in confusion/title problems.
4. It is recommended that encumbrances and appurtenant easements be carried forward in the new deed, e.g. "The property is subject to: _____. The property is benefited by: _____".
5. While referencing three, four, or even more deeds "back in the chain" is helpful to future searchers, again, re-typing the chain of title often results in scrivener error.
6. Shortening descriptions is not a mandate - it is merely a recommendation to reduce the number of problems that arise from very long deeds that, when re-typed, contain errors (or omit something).

Lau's Corner & Title Tips

1099-S Proceeds from Real Estate Transactions: ** IMPORTANT **

When filing these forms with the IRS, be sure to complete "official forms or forms that meet the specifications for substitute forms." As many of you are probably aware, the CATIC software contains a Solicitation/Substitute Form 1099-S. This form has not been approved by the IRS and therefore should not be used for filing purposes.

Transactions Involving Manufactured Homes:

If you have a loan transaction involving a Manufactured Home, please **ASSUME** that the lender wants an ALTA 7 series endorsement (e.g. a MH endorsement), even if the lender doesn't ask you for one. In other words, always issue the endorsement on a MH transaction!

For some reason, lenders always wait until after the closing to ask for the endorsement. This causes "issues" since you would not have obtained the required Affidavit and you would not have collected the \$100 endorsement fee at the closing. Collecting the affidavit and endorsement fee AT the closing will save your office time, energy and money in the long run.



I. PROPOSED RULE AMENDMENTS

(NOTE: THE FOLLOWING AMENDMENTS HAVE BEEN PROPOSED AND HAVE NOT BEEN APPROVED BY THE SUPREME COURT.)

Proposed Order Amending Rule 804a of the Vermont Rules of Evidence

The proposed amendment to Rule 804a reflects the Legislature's efforts to eliminate offensive language, and to make this rule's language more consistent with the language of Rule 807. The proposal maintains the definition of "mental illness" provided in 18 V.S.A. § 7101(14), rather than using the term "psychiatric disability" provided by 1 V.S.A. § 147. The latter is a broader term that encompasses a wider arc of impairments. Its use here would cause the expansion of a rule that was originally intended to be applied narrowly.

Proposed Order Adding Rule 4.3(f) and Rule 6.2 to the Vermont Rules for Family Proceedings

The proposed addition of Rule 4.3(f) gives a uniform procedure in the Family Division for the enforcement of judgments or orders to pay money rendered in Family Division proceedings under V.R.F.P. 4.0-4.3. Paragraph (1) provides that V.R.C.P. 4.1 (attachment) and 4.2 (trustee process) apply in the Family Division and may be used to enforce such judgments or orders with two exceptions.

The proposed addition of Rule 6.2 provides a single procedure for mental-health proceedings under 18 V.S.A. Chapters 179 and 181 (Involuntary Treatment); 18 V.S.A. § 8840 (Commitment to the Commissioner for Custody, Care, and Habilitation); and 18 V.S.A. Chapter 215 (Guardianship Services for People with Developmental Disabilities). The proposed rule delineates which civil rules apply in these proceedings, indicates the proper venue for these proceedings, addresses appointment of counsel, and includes provisions on scheduling, discovery, and consolidation. The proposed rule allows documents to be filed electronically in these proceedings.

Order Promulgating Amendments to Rule 55 of the Vermont Rules of Civil Procedure

This Order was **promulgated on November 5, 2019; effective January 6, 2020.**

Rule 55 is amended to reflect the needs of current practice and to modernize language. The amendment deletes the requirement of subdivision (a) for a separate entry of default by the clerk in favor of a provision allowing the party seeking relief to file a motion for default judgment to initiate the process.

The amendment to Rule 55(a) follows the federal rule by deleting “as provided by these rules,” so that an indication of an intent to defend, even if not in compliance with the rules, does not trigger a default.

Rule 55(d) is now 55(b) and former (b) is now designated (c).

The amendment deletes the first sentence of former Rule 55(b)(1), now (c)(1), requiring an application to the court for a default judgment because it is superfluous in light of the new requirement for a motion. The addition of a sentence to paragraph (1) makes clear that the party seeking a default judgment has the burden on the issue of minority and must disclose any information in that party’s possession on the issue of competency.

The amendment to Rule 55(c)(2) eliminates the formal reference to entry of judgment by the clerk. The amendment changes the time for notice in Rule 55(c)(4) from five to seven days.



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