

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
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Vermont Paralegal Organization, Inc.
P.O. Box 5755
Burlington, VT 05402-5755
vermont@paralegals.org
www.vtparalegal.org

President's Message

By Lucia White, CP®

There is something about numbers that end in a zero. They make us take stock, reflect, consider our options.

2020 brings a lot of excitement as the start of the new decade. We now have a new set of “the 20’s” to discuss and analyze. Since 20 is both the first and last half of the year, experts recommend that when you write the year this year, you write out 2020, so there is no mistake or fraud. The thinking is that documents that just show “20” as the year can easily be altered to say, e.g. 2019 or 2021 to make a payment appear to be late, for example, or otherwise misrepresent the actual year. There is also much debate about whether 2020 is actually the start of a new decade or the last year of the teens, because when humans started counting years, 1 was the first year, not zero. (The Farmer’s Almanac comes down on the side of the decade starting next year.)

Another number that ends with a zero is 30. This year is the 30th anniversary of the Vermont Paralegal Organization. It’s an exciting time and we are starting to plan an event for the fall to celebrate paralegals, our organization, and the foresight of the founders of it. Think about all that has happened in the world of being a legal professional in the last 30 years – the emergence and increasing capabilities of cell phones, the ubiquity of email as a form of professional communication, metadata, electronic discovery, technology scams, not to mention changes in the law, and in our ethical responsibilities. The VPO has been a great resource to help keep the profession on its toes for the last three decades!

I’ll reference another number that ends in a zero. I had a birthday that ends in a zero last year. I won’t publish which one, but many of you either know it or can guess it. That got me to thinking about what I want to do for the rest of my career, and I found that I missed working with families. By the time you read this, you’ll be able to find me at the law firm of Nanci Smith. I might actually be working with some of you more closely in the future! You’ll still be able to reach me at president@vtparalegal.org or you can also reach me at my home email address of lwhite.home@gmail.com.

Here’s to numbers that end in zero!

Editor's Message

By Louise Reese

I wish I could be wishing you all a Happy Spring, but we will have to wait a bit longer. First, please note the save the date in this issue for the VPO's 2020 Annual Meeting and Conference which will be held this year on Wednesday, May 20, in South Burlington. I gave Corinne the wrong date initially, so if you saw a different date on the website in the past, that was my error, and it has now been fixed.

We have obtained permission from the VBA to reprint an article on paralegal licensure authored by our very own Carie Tarte, RP, Lucia White, CP, and Corinne Deering, RP. This is the first in a two part series, and the second part will be written by Attorney Dan Richardson and our very own, Lynn Wdowiak, RP, ACP.

Please check out the Members on the Move section to read about some of our members who have been moving and shaking in recent months. We are very proud of them!

In reviewing our current members to identify someone for a Member Spotlight, I was reminded, by me, that I have never done one. So, in addition to learning about Tanya Davis from southern Vermont, you will learn about your editor! I have been around a long time, but I hope you learn something new.

Please check out the Did You Know section for any updates since the last issue. We are not the only ones moving and shaking!

Thank you to everyone who contributes to our quarterly issues, including our designer, Jeff Moreau. It takes a village.

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Membership News

As of March 2, 2020, we have 52 active members: 44 voting; 7 associate; and 1 sustaining corporate.

Please note that NFPA's new mailing address is: 400 South 4th Street, Suite 754E, Minneapolis, MN 55415.

Members on the Move

At the 2019 NFPA Convention in Rochester, New York, our president, Lucia White, CP, received a certificate of recognition for her community service and pro bono involvement. Lucia volunteers every other Monday night at the Burlington Legal Clinic. Congratulations, Lucia!

Our Paralegal Certification Ambassador, Lynn Wdowiak, RP, has added a few more letters after her name. Lynn successfully completed the Certified Paralegal examination with NALA, and can now use the CP professional credential. But she didn't stop there. By taking and passing additional CLE classes, Lynn also completed the requirements to be able to use the ACP (Advanced Certified Paralegal) credential. She is the first person in Vermont to earn the ACP credential. Way to go, Lynn!

But, wait, there's more! Carie Tarte, Tina Wiles, and Jim Knapp, Esq. met with Marin Leikin, the Adult Ed Coordinator for the Burlington Technical Center, on March 3, and they are working on developing an 18-month paralegal certificate program that Ms. Leikin is pushing to roll out at the end of August 2020! Stay tuned for more information as it develops.

Save the Date

The CLE Committee has been working on the 2020 Annual Meeting and Conference. It will be held at the Delta Hotels Marriott on Williston Road in South Burlington on Wednesday, May 20, 2020. We still have more topics to put together, but we will have two separate ethics sessions available. Stay tuned for more information in the coming weeks.



We are also in the early stages of planning the VPO's 30th Anniversary celebration, and will be picking a date in the coming weeks. If you would like to help out, please contact the co-chairs, Diane Drake at ddrake@primmer.com or Louise Reese at lreese@dinse.com. We will need assistance from around the state.



Q&A

Louise C. Reese Member Spotlight

How old are you?	47.
Describe your family?	I am single, but I have three older sisters, and seven nephews and nieces, which I call my “children from another mother.”
Town in which you live?	Burlington.
What is your favorite food?	Unfortunately, any “bread carb,” like doughnuts or scones.
Do have any pets? If so, what are they, and what are their names?	Yes, an almost four year old cat named Rosie.
What kind of hobbies do you have?	I do not have any hobbies, but I do enjoy spending time with friends and attending Zumba fitness classes.
How do you unwind at the end of a long work week?	I connect with my close friends, and make sure laughter is in the mix.
What is your educational background?	I have a Bachelor of Arts degree (Sociology) from UVM and an Associate in Science degree (Paralegal Studies) from Champlain College.
Where do you work?	Dinse P.C. in Burlington.
When did you first become a paralegal?	I became a full time paralegal at Dinse in January 2000.
What area of law do you work in?	Civil litigation, primarily insurance defense, personal injury work.

<i>What do you enjoy about working in that area of law?</i>	The variety. No case is the same.
<i>If you could work in any other area of law, what would it be?</i>	Probably criminal.
<i>What is the one thing about being a paralegal you would change if you could?</i>	Having to keep track of my time (billable hours)!
<i>How or why did you first enter the paralegal field?</i>	I have always been interested in investigation related work. I worked in the Collection Division of the IRS before Dinse, and some of the work is similar. When I thought my position was being eliminated, I thought about careers that involved similar work, and looked into the Paralegal Studies program at Champlain College.
<i>Did you hold other positions, or have a different career, prior to becoming a paralegal, and if so, what was it?</i>	Yes. I was a litigation file clerk at Dinse before becoming a full time paralegal. Prior to that, I was a Revenue Officer Aide in the Collection Division of the IRS. Before becoming an RO Aide, I was a lien clerk for the IRS while attending UVM, and was promoted to the RO Aide position shortly after graduation.
<i>What do you love about the paralegal profession?</i>	The variety of work that I get to do most days. I also enjoy being part of a team and pulling from each member's talent. I also love that I have a great network of paralegals from whom I can also pull talent and experience.
<i>What things about the profession do you dislike?</i>	I cannot think of anything about the profession as a whole that I don't like.
<i>How long have you been a member of the VPO?</i>	I have been a member of the VPO since 1998, while I was a file clerk at Dinse and attending classes at Champlain College. Tina Wiles encouraged me to become a member, and I have been attached at the hip ever since!

<p><i>Tell me about the skills or traits you possess that you find most useful in your position?</i></p>	<p>I have solid multi-tasking and follow up skills. Also, through my membership with the VPO and NFPA, I have been able to develop connections across this state and in other states, which is quite helpful when you are dealing with service issues, or need an investigator or other vendor outside of Vermont.</p>
<p><i>What character oddities or personality traits do you find at odds with your career?</i></p>	<p>I don't have enough patience. I had more 20 years ago, but life got in the way, and I will acknowledge that I have less now.</p>
<p><i>What brief advice or friendly tip would you offer to someone just entering the paralegal field?</i></p>	<p>Soak up any information like a sponge. If you are fortunate like me, I started out with two attorneys who were also terrific teachers, which is a hard find. Join the VPO and make use of your connections with experienced paralegals. No regrets!</p>





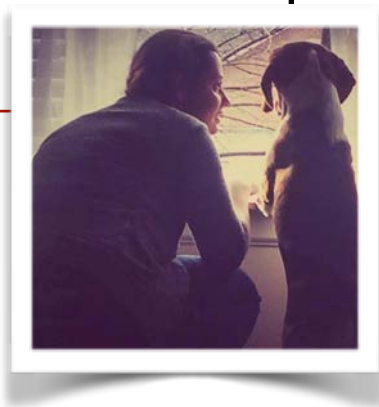
Q&A

Tanya M. Davis Member Spotlight

<i>How old are you?</i>	I am 42 years old.
<i>Describe your family?</i>	I have been married to my husband, John, since 1996. We got married a few weeks after graduating from high school. We have three children. Hailey is graduating from UVM this year with a degree in Nutrition, Food Science and Pre-Med. Charlee attends Castleton University for Art. Our son is a freshman at BBA in Manchester, and is a very talented guitar player. I have seven brothers and sisters and we are very close.
<i>Town in which you live?</i>	We live in the middle of nowhere – Danby, Vermont.
<i>What is your favorite food?</i>	I love cheese!
<i>Do have any pets? If so, what are they, and what are their names?</i>	Yes. We have two beagles, Red and Lucy. We also have a daschund named Stewart.
<i>What kind of hobbies do you have?</i>	I love history and ancestry. I am working on putting together a family history book. I also paint and draw, make jewelry, and I'm learning to play the guitar. I enjoy the outdoors, including camping, fishing, and hunting.
<i>How do you unwind at the end of a long work week?</i>	I don't really. I have to be doing something all the time. I like to keep busy!

<i>What is your educational background?</i>	I graduated from Arlington High School in Arlington, Vermont. I attended CCV and received an associate degree in Liberal Studies with a focus on Criminal Justice. After graduating, I worked in the Natural Gas Industry in Tennessee and later returned to Vermont. I completed a paralegal course through Vermont Tech online while I worked for ACT 250 in Springfield, Vermont.
<i>Where do you work?</i>	I work in Manchester, Vermont for Martin Harding & Mazzotti.
<i>When did you first become a paralegal?</i>	I became a paralegal in 2017.
<i>What area of law do you work in?</i>	We handle personal injury and medical malpractice.
<i>What do you enjoy about working in that area of law?</i>	I enjoy investigating cases. I like to piece things together.
<i>If you could work in any other area of law, what would it be?</i>	I would love to work on criminal cases or go into private investigation.
<i>What is the one thing about being a paralegal you would change if you could?</i>	I would give paralegals more credit for all of their hard work.
<i>How or why did you first enter the paralegal field?</i>	I became interested when I was a teenager. My father attended Woodbury College and earned an associated degree in Paralegal Studies. I would stay up and help him proofread his work. I became interested and followed in his footsteps.

<p><i>Did you hold other positions, or have a different career, prior to becoming a paralegal, and if so, what was it?</i></p>	<p>I was a landscaper for several years while my children were small. I went back to college, graduated, and took a position for East Tennessee Natural Gas. I worked on several pipeline projects as a database manager. We decided to return to Vermont in 2016. I began working for the State of Vermont as an ACT 250 Technician until completing my paralegal certificate. Then I became a paralegal for my current firm.</p>
<p><i>What do you love about the paralegal profession?</i></p>	<p>I like starting a case from the beginning and seeing it through.</p>
<p><i>What things about the profession do you dislike?</i></p>	<p>That I am always stuck in the office!</p>
<p><i>How long have you been a member of the VPO?</i></p>	<p>This is my second year as a VPO member.</p>
<p><i>Tell me about the skills or traits you possess that you find most useful in your position?</i></p>	<p>I am very meticulous and involved when I'm working on something. I think my investigation skills help a lot.</p>
<p><i>What character oddities or personality traits do you find at odds with your career?</i></p>	<p>Sometimes, I am too focused on one thing. I like to start something and finish it right away. I don't like to have things pile up on me and get unorganized. So, I can get frustrated when I am interrupted to do something else.</p>
<p><i>What brief advice or friendly tip would you offer to someone just entering the paralegal field?</i></p>	<p>At first, the job can be overwhelming, and there is a lot to learn. Stay with it. It is a great profession.</p>





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NFPA News

By Tina Wiles, NFPA Primary

Did you know that as members of the VPO you are automatically a member of NFPA? That means that you can register for, participate in, and attend the NFPA events. The next event is the annual NFPA Joint Conference, which offers attendees 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 second event is the Region V Spring Region Meeting to be held on May 2-3, 2020, in Glastonbury, Connecticut. If you are interested in attending as a member of the VPO, please let me know. Attending the Region Meeting will provide you with networking opportunities and give you an idea of what NFPA is and does, and how you can volunteer to be a part of an association that is the voice of the paralegal profession.

Then there is the Annual Convention to be held in Minneapolis, Minnesota, October 22-25, 2020. The Annual Convention provides CLE opportunities, leadership opportunities, the ability to meet with legal service vendors, and, of course, the ability to build your nationwide network of paralegal friends.

Lastly, there are several webinars provided by NFPA on the website and by sponsors/vendors of NFPA. You should be receiving emails from them about the webinars. Check them out. They are inexpensive, and can give you an edge on keeping current.

Notable announcements since my report in the last newsletter are as follows:

The NFPA Board has entered into a contract for management services with Management HQ, LLC, a company in Minneapolis, Minnesota. The management company works to assist the NFPA Board with a variety of tasks. It is important to note that if you have any questions regarding your membership or questions relating to NFPA's PACE/PCCE, or any other questions relating to NFPA, please contact a member of the VPO Board before contacting headquarters. We will do our best to answer your questions or to find someone who can assist you.

The NFPA Committee to Market the Paralegal Profession received confirmation from the ABA Standing Committee on Paralegals that the definition of Paralegal has officially been amended to remove any reference to the term Legal Assistant. The full announcement and report can be found at: <https://www.americanbar.org/content/dam/aba/directories/policy/midyear-2020/2020-midyear-102b.pdf>

At the February 18, 2020 NFPA Board meeting, the following actions were taken:

1. The Georgia Association of Paralegals, Illinois Paralegal Association, and the National Capital Area Paralegal Association each submitted a bid to host the 2023 Annual Convention. Following the meeting, the Board selected National Capital Area Paralegal Association's bid. Mark your calendars to attend this convention – NCAPA does a wonderful job of putting together an unforgettable convention and it's possible to get there on a direct flight or by driving from Vermont during the fall season.
2. The 2021 Joint Conference bid by the Indianapolis Paralegal Association was approved, and the 2021 Joint Conference will be held in Indianapolis, Indiana.
3. A NFPA Change Management Task Force was created for the purpose of working with Bloch|Reed on recommendations to the organization as the organization works toward better operations. Ten people were recommended to the Board to serve on the Task Force, including myself. We were all approved, and the Task Force has had several discussions on the how to set NFPA on the right course for the future. Stay tuned as the Task Force and NFPA provide updates and/or seek input from the NFPA member associations and individual members. As individual members I encourage you to participate in the upcoming "Town Hall Meetings" that the Task Force will be hosting to give members the ability to provide input on changes.



The Vermont Joint Commission on the Future of Legal Services, at the urging of Vermont Supreme Court Justice Reiber, provided its Final Report and Recommendations to the Vermont Bar in September of 2015 on how to increase access to justice for Vermonters.

Within the Joint Commission's Report was the Legal Education Committee's strong recommendation that Vermont adopt a paralegal licensing program. Unfortunately, this recommendation has since languished, but the problems with access to justice in Vermont remain.

Members of the VBA Paralegal Section, Carie Tarte, Corinne Deering, Lucia White and Lynn Wdowiak, in conjunction with Dan Richardson, then-President of the VBA when the Joint Commission Report was issued, now examine whether or not Vermont is ready for paralegal licensure and whether or not paralegal licensure is an appropriate solution to Vermonters' lack of access to justice.

This is the first in a two part series that explores why Vermont is ready for some form of voluntary paralegal licensure and how paralegal licensure can increase Vermonters' access to justice. The second part, written by Attorney Dan Richardson and Paralegal Lynn Wdowiak, will run in the *Vermont Bar Journal's* Spring edition, and will review why paralegal licensure may not be an appropriate answer for Vermont.

PARALEGAL LICENSURE IS A SOLUTION

By: Carie Tarte, RP®
Lucia White, CP
Corinne Deering, RP®

Statistics Tell Us Vermont Is Ready

As stated in The Vermont Joint Commission on the Future of Legal Services report, almost three quarters (72%) of Vermont's civil docket is comprised of small claims, collections, landlord-tenant disputes, divorce, and parentage cases. What's more, according to the Vermont Access to Justice Coalition, eighty percent (80%) of all cases in Vermont's docket today have one or more self-represented litigants.

Access to justice at its core involves basic fundamental rights for Vermonters and the stakes are high: losing housing in foreclosure or evictions, losing custody of a child, losing assets in a divorce, or losing money in a collections action. In 80% of these cases, where fundamental rights are on the line and the stakes high, Vermonters are representing themselves.

The main solution thus far in Vermont has been to make the necessary forms and information available on-line. While this increases access to the forms and statutory language, it does little by way of increasing access to "justice." It is the equivalent of offering to increase transportation options for someone by providing him or her with a free, but completely disassembled car. The Vermont Paralegal Organization ("VPO") has received many requests from *pro se* litigants over the years asking for assistance on how to complete these on-line forms and guidance as to how and in what court the forms should be filed. Such requests for assistance to the VPO must go unfulfilled, as they would put paralegals in a position of providing legal advice, and hence, engaging in the unauthorized practice of law ("UPL").

The number of questions about forms and the litigation process that the VPO has received pales in comparison with the number of questions our State court clerks field from *pro se* litigants on a daily basis. Not only are court clerks inundated with legal questions (placing court clerks in the position of potentially dispensing legal advice), once *pro se* litigants get before judges in merit hearings, they often have no idea how to submit their documents into evidence, nor do they always have the “evidence” or documents helpful or necessary to their case. In fact, they may not even realize that a merits hearing is dispositive on their matter. This creates backlog for the court docket as judges are spending their time talking litigants through the evidentiary rules and process and ultimately postponing hearings until the appropriate evidence can be obtained.

Now imagine a Vermont judicial system in which there is a pool of non-lawyers available (paralegals in particular) who have met certain educational and work experience criteria in a particular area of law, who have been specifically trained in Vermont law for divorce, child support, collections, and landlord-tenant disputes, who have passed an examination on those specific areas of law and have been licensed by the Vermont Supreme Court to assist litigants in those limited legal specialties.

These fictitious licensed paralegals would be capped at what they could charge for services to assist *pro se* litigants, and while they would not *have* to work under the direct supervision of an attorney in their designated specialized legal field of license, they have available a Vermont licensed attorney to consult with through a “collaborative agreement,” similar to those used between a physician and physician’s assistant. Such a system could work to substantially increase access to justice for those Vermonters with no intention of hiring an attorney to assist them because they are both too “rich” to qualify for legal assistance through grants and other funding, and too “poor” to be able to afford the services of a lawyer.

The Resources Exist in Vermont--To an Extent

Utilizing a pool of licensed paralegals taps into an already existing resource in Vermont. According to the Economic and Labor Market of the Vermont Department of Labor, as of 2018, there are approximately 670 paralegals in Vermont. While not all of the State’s paralegals would opt to undergo voluntary licensure, a larger majority may if the process is straight forward and not cost-prohibitive.

Even if only ten percent (10%) of Vermont’s paralegal population were to become licensed, it would mean the availability of more than 60 licensed paralegals to assist the *pro se* divorce litigants in accurately and timely completion their 813 Financial Affidavits, or to assist *pro se* tenants in appropriately compiling the necessary documentation for their merits hearing in their dispute with their landlord.

In addition to helping *pro se* litigants identify and prepare forms, a Vermont licensed paralegal could help increase judicial efficiency by explaining to litigants rules like service of documents on all parties and what evidence may or may not be relevant to their case. He or she could also help litigants organize and outline their case. Litigants who appear in court prepared with this type of information would allow judges to focus on the contested issues without spending as much time on the process.

While Vermont does have the paralegal resources and overwhelming need to increase access to justice, it does not have the staffing or infrastructure to establish an elaborate, lengthy and financially impractical process for paralegals to obtain licensure. One of the major criticisms and likely detractors to the full success of the Limited License Legal Technician (LLLT) program in Washington State is the prohibitive educational and work requirements.¹ Because of the extensive requirements just to sit for the examinations, very few paralegals in Washington have opted to obtain LLLT status. As a result, the costs to implement the LLLT program far exceed the income from participating paralegals.

Utah, the second state to develop a paralegal licensure program, has requirements similar to Washington's LLLT program, but much less daunting. Utah has approved Licensed Paralegal Practitioners ("LPP") to obtain licensure in specific family matters, small claims, and forcible entry and detainer. Utah's program was enacted in November 2018, so there is little information on its current impact. Like the LLLT, applicants in Utah are required to have at least an associate degree. However, the course requirements are far fewer - an ethics course plus a subject matter course for each area in which they plan to practice - and the pre-application work requirements are half that of the Washington model.

Any paralegal licensure in Vermont would need to be straight forward, attainable, and essentially self-funding. Paralegals would pay for their course requirements and would pay similar licensing and renewal fees as attorneys (application fee, examination fee, character and fitness/background check fee). They would also be required to obtain their own malpractice insurance, as well as meet continuing legal education requirements on a biennial basis. As Vermont's Bar Counsel, Michael Kennedy, noted in his December 9, 2017 blog about paralegal licenses, "we shouldn't make perfect the enemy of good." In other words, *"the goal shouldn't be to provide people who can't afford lawyers with access to something that walks, talks and looks like a lawyer. It should be to provide them with something that is better than they have now-which is nothing"*

Vermont licensed paralegals would obviously have rates considerably lower than those charged by a lawyer. It is likely that most Vermont paralegals would remain employees of law firms or corporations, in addition to offering limited legal assistance to the public under a licensing program. Having a licensed paralegal offer limited services can benefit the law firm by providing independent revenue, as well as freeing up the attorney's time for more complex matters. Paralegals with the requisite education, experience and specialty training to become licensed paralegals would not have to carry the heavy debt from law school in order to become a licensed paralegal. At most, they would be paying course fees, licensing fees, examination fees, continuing education fees and malpractice insurance fees. As long as these fees remained reasonable and attainable, paralegals desiring to become licensed in specialty fields to assist with access to justice would be able to charge lower, more reasonable rates to the public who cannot afford to hire a lawyer.

Through paralegal licensing, albeit in a limited fashion, the public is thereby protected from the unauthorized practice of law. In many cases, unrepresented litigants are forced to seek information and assistance from the internet, legal software packages, and in the worst case, independent, unlicensed, "non-lawyers" offering services without any oversight from an attorney. By allowing licensed paralegals to practice in specialty areas, these trained professionals would be available to assist those people who might otherwise be forced to seek alternative cheaper, less reliable methods of obtaining help. Ensuring that paralegals meet the requirements of holding a limited license to practice in specialty fields would go a long way to reducing the unauthorized practice of law.

¹ Prior to sitting for the licensing examination, paralegals in Washington State interested in becoming LLLT must first complete a minimum associate level degree with 45 of the credits completed in an ABA-approved paralegal program in courses defined in the LLLT regulations plus an additional 15 credits through the University of Washington School of Law in the specific areas of law they wish to become licensed in, and work a minimum of 3,000 hours under the supervision of a licensed lawyer.

Many other states are looking at forms of licensure, regulation, or certification of paralegals to increase access to justice. The Empire State Alliance of Paralegal Associations, Inc. (“ESAPA”) recently announced that the majority of paralegals in New York State support voluntary certification. As a result, ESAPA unanimously voted to proceed with creating a state-wide voluntary certification program. ESAPA anticipates implementing the full program in January of 2021. While other states immediately surrounding Vermont may not be actively pursuing a licensure, regulation or certification program for paralegals, states in other parts of the country are establishing these programs or further investigating forms of regulation, certification or licensure.

Certification of paralegals could be a stepping stone to licensure or regulation, also furthering access to justice, as long as the requirement of full attorney supervision is modified. A model in which paralegals are not required to remain under the supervision of attorneys in limited areas is preferable to one which continues to require attorney supervision. Paralegals can already seek voluntary certifications from nationally available programs where all of their work currently requires attorney supervision. Adding another option for certification does not seem like it would address the current abundance of *pro se* litigants because it does not represent a substantial change in our current system. If attorneys are not currently accepting the types of matters that have an abundance of *pro se* litigants, it is doubtful that having a certified paralegal on staff would change that dynamic, since ultimately, attorneys would be required to supervise (and charge for the supervision of) the paralegal’s work.

Some states may establish a state certification, with a modified supervision requirement, in order for trained paralegals to actually “practice” in a specified limited capacity, thereby allowing further access to justice. As long as full attorney supervision is still a requirement, however, the system is simply operating under the existing parameters, thereby denying lower income litigants access to justice. Moreover, it is unlikely that paralegals would go through the time and expense to become specially trained, to invest in malpractice insurance, and to take an exam, only to be in the same situation in which they are currently functioning under direct supervision of an attorney.

Seeking a standard of education, experience, and qualifications to be a licensed member of the paralegal profession only protects employers and the public, and at the same time can increase access to justice with the assistance of qualified professionals. It is the wave of the future across the United States and soon more and more states will be following suit, in one way or another, to develop solutions to the gap in justice for lower income litigants and to establish standardized criteria for a professional that is in a position to help fill the gap. All of this is not to say that licensed paralegals are the only answer, but it is to say that licensed paralegals can and should be an answer.

Carie Tarte, RP, AIC, is the VBA Paralegal Section Chair and a Senior Paralegal with the firm of Maley and Maley, PLLC in Burlington, where she assists with personal injury matters. In 2013, Carie obtained both her Registered Paralegal (RP) designation by passing the Paralegal Advanced Competency Exam (PACE) and her Associate in Claims designation by passing four examinations through the Insurance Institute of America.

Corinne Deering, RP, is a Senior Paralegal with the firm of Paul Frank + Collins, PC. in Burlington, where she assists with insurance defense litigation, workers’ compensation and personal injury matters. In 2000, Corinne obtained her Registered Paralegal (RP) designation by passing the National Federation of Paralegal Associations’ (NFPA) Paralegal Advanced Competency Exam (PACE). Corinne has also served in many capacities on the Board of Directors of the Vermont Paralegal Organization (VPO) and has been a member since shortly after its inception in 1990.

Lucia White, CP, is the Practice Manager and an Intellectual Property Paralegal with Dunkiel Saunders Elliott Raubvogel & Hand, PLLC in Burlington. Lucia has worked extensively in child welfare and currently volunteers at the legal clinic at Steps to End Domestic Violence. She has been president of the Vermont Paralegal Organization since 2017.

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REAL ESTATE CORNER



Vermont Attorneys Title Corporation has given us permission to reprint the following information from its February and March 2020 newsletters:

Underwriting Tip: Property transfer tax on transfer of "controlling interest"

As you recall, effective 7/1/19 property transfer tax is imposed on: **"a transfer or acquisition of a controlling interest in any person with title to property in this State."** See 32 VSA Sect. 9602.

Person is defined to include an association, trust, corporation, partnership, limited liability company, or other legal entity. The section also defines controlling interest.

If your seller is one of these "persons", due diligence requires satisfactory evidence that seller either paid, or did not trigger, transfer tax. VATC recommends meeting this requirement by obtaining an affidavit from seller that there has been no transfer of a controlling interest, or by inserting a statement to that effect in the deed.

Lau's Corner & Title Tips

Refinance Rate - Important Reminder

If proceeds of a new mortgage are being used to pay off and discharge a current non-private mortgage and there is no change in ownership of the property, the premium for the new MP **must be calculated at the filed refinance rate!** The rate is 60% of the applicable loan rate subject to a minimum charge of \$170.

If there is a mortgage of record and it is not a private mortgage, please assume that title insurance was previously issued and apply the refinance rate. Note: It does not matter whether the prior policy was a CATIC policy or whether you were the issuing attorney.

Transactions involving Manufactured Homes:

We are experiencing a lot of post-closing issues on transactions involving Manufactured Homes - which means that YOU are experiencing the same problems! Every minute spent dealing with a post-closing issue is a minute of uncompensated time.





The problem: Lenders make demand for an ALTA 7 series endorsement only AFTER the closing!

The solution: When you have a loan transaction involving a MH, ALWAYS assume that the lender will require an ALTA 7 series MH endorsement, even if it doesn't ask for one before the closing. There is a very high likelihood that if you don't issue the endorsement at closing, you'll be chasing the issue post-closing, transaction!

Important: Remember to: (a) collect the \$100 endorsement fee; (b) have the MH Affidavit signed; (c) attach all endorsements when remitting policies. If you have a simultaneous issue situation, you may attach the endorsement to an Owner Policy, too (no add'l money due).



did you know?

-  The federal mileage rate for 2020 is \$0.575.
-  It has been recommended that you put the full year when signing checks or official documents, because the date could be edited to be 1/15/2017, instead of intended 1/15/20, which could change the meaning or impact of the document.
-  On March 2, 2020, the Superior Courts in Windham, Windsor, and Orange counties will transition to Odyssey, a new electronic case management system. This will cover criminal, family, civil, and probate divisions. They anticipate being able to e-file in those counties 30-60 days after the roll out. Dates will be announced as soon as possible. The rollout for the other counties will be between May 2020 and March 2021. Check out the Vermont Judiciary website's News and Announcements page.
-  The website also provides a link to sign up for webinar training sessions on how to electronically file documents using Odyssey.



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Vermont Paralegal Organization

P.O Box 5755
 Burlington, VT 05402-5755
info@vtparalegal.org
www.vtparalegal.org

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		<u>Phone</u>	<u>Fax</u>	<u>E-mail</u>
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Professional Liaison:	Carie Tarte, RP®	489-5258	489-5386	carie@maleyandmaley.com
Paralegal Certification Ambassador	Lynn Wdowiak, RP, ACP	786-1040	786-1100	lynn.wdowiak@gmail.com

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Bylaws:	Melinda Siel	495-5260	860-1208	msiel@dunkielsaunders.com
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Ethics:	Carie Tarte, RP®	489-5258	489-5386	carie@maleyandmaley.com
Employment Opportunities:	Heather Rylant	846-8355	862-7512	hrylant@drm.com
Legislative Paralegal Affairs:	VACANT			
Newsletter:	Louise Reese	859-7063	859-8763	lreese@dinse.com
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