

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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*Newsletter Design By
Jeffrey T. Moreau*

President's Message

By Lucia White, CP®

“The purpose of the Vermont Paralegal Organization is to establish and maintain high standards of education, conduct, and integrity among paralegals; to foster, advance and promote the paralegal profession; to facilitate communication within the Vermont paralegal community and within local, state, and national bar organizations; to support and encourage continuing education for paralegals in Vermont; to educate the legal and business communities in Vermont in the effective utilization of paralegals; and to encourage the expansion of paralegal roles.”

This is the VPO's mission statement. It calls us to bring paralegals together and to help elevate the profession. This happens through our members as well as through the Board.

2021 is on the horizon and with it lie all the hopes and challenges the new year might present. In a “normal” year, preparations for our May Annual Meeting and Conference start in January. At this point in time, the Board views a spring in-person annual meeting as very unlikely. However, our bylaws require a spring annual meeting for our election of new officers. The Board is starting to plan what that might look like electronically.

The Board has several positions opening up in 2021. This is due to the term limits in our bylaws, which help bring fresh energy and ideas to the Board every two to four years. In 2021, we will elect a new president, vice president, and treasurer. Elections will also include the positions of secretary, NFPA Primary, and NFPA Secondary.

If our mission inspires you and you have the time, energy, and skills to contribute to realizing our mission, you belong on the Board. Please contact a Board member for more information about the available positions.

Krista Grady, RP has joined the Board as the Paralegal Certification Ambassador. Krista jumped in head first and provided valuable input on issues to be discussed at convention. Welcome! I would also like to announce and thank Carisa Warren for accepting an appointment as our NFPA Secondary. We look forward to working with both members on the Board!

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We remain hopeful about holding the conference part of our annual meeting in person in the fall of 2021. We all miss seeing each other. In the meantime, we have voted to approve a VPO Zoom account to help us stay connected in formal and informal ways during COVID, and to expand our reach to the whole state when we get to our “new normal.” Be on the lookout for announcements of these opportunities in 2021.

The pandemic has taught us all to be flexible and creative in how we get things done. The VPO will continue its work, and we invite you to help lead us in 2021!

Editor’s Message

By Louise Reese

What a year! The VPO has had its challenges in the past, but nothing like what 2020 required. Virtual meetings, virtual seminars, and cancelled events. Through it all, the work still got done, and we were still able to see each other’s faces and stay connected via Zoom. We were also blessed with two new board members – Krista Cadieux, RP and Carisa Warren. You can learn more about our newest board members from the Spotlights in this issue. We look forward to working with both of them on upcoming VPO business.

Tina Wiles attended NFPA’s first virtual convention in October. Please take a look at her summary, and note upcoming events in 2021.

We can also share with you some real estate information from VATIC, as well as some changes to Vermont Rules of Civil Procedure 26 and 34.

We also got some assistance from Jeff Moreau, or newsletter designer, on updating various parts of the website. We will be determining any additional assistance needed in 2021.

Please stay healthy, happy, and in touch! We miss you all.



Membership News

As of December 4, 2020, we have 34 active members: 22 voting; 11 associate; and 1 sustaining corporate. We are in the middle of membership renewals, so this number will be much different by the next newsletter.

For those whose membership expires at the end of the year, please renew by December 31, 2020. If you have any questions, please contact our Membership Chair, Melinda Siel.

We also have some membership drive activities in the works. If you would like to assist on specific projects, please contact Melinda Siel.

Please welcome our newest member, Michael S. Turpie, from Little & Cicchetti. Welcome to the family, Michael!

Members on the Move

Robyn Sweet, CRP has now passed PACE and obtained her Associates Degree – all during a pandemic, while working from home and remote schooling for the kids. Congratulations, Robyn! You are a rock star.

VPO Offers Its First Virtual Seminars

*By Louise Reese
CLE Co-Chair*

With the cancellation of the 2020 Annual Meeting and Conference due to Covid response, the VPO Board wanted to be able to offer CLE opportunities to its members who would have otherwise attended the annual meeting. Jim Knapp from First American Title presented on two real estate sessions via Webex in September: 1) Ethical Issues in a Transaction Based Practice, and 2) Solutions to Real Estate and Title Challenges. The numbers were lower than we had hoped, but Jim is always happy to educate one paralegal at a time.

In October, we were able to offer a second ethics seminar titled Ethical Issues in Litigation-Based Practice via Zoom with co-chair Carie Tarte acting as moderator. We also offered another Zoom seminar titled Being a Vermont Notary. Attorney Laura Layman from the Office of Professional Regulation presented on the history of notarization and what is allowed under the statutes, and continuing education requirements that will be due before the 2023 renewal. The numbers for the October events were high, but we managed to get through both events with little to no technology issues!

We appreciate the time and attention from the presenters, and the attendance and patience of our members as we ventured into uncertain territory with virtual seminars.





Q&A

Krista Grady, RP Member Spotlight

How old are you?	49 (going on 39)
Describe your family?	I'm fortunate to have my significant other, Craig, and my son, Ryan, who is a junior at Castleton University.
Town in which you live?	Ferrisburgh, on the westerly side of Vergennes
What is your favorite food?	Vermont maple syrup
Do have any pets? If so, what are they, and what are their names?	My girls...our dog, Janey, and our cat, Raven. I used to have a horse too, but I lost her last year after a long life.
What kind of hobbies do you have?	Farming (just haying now), gardening and preserving, reading, hiking, spending time with my large family.
How do you unwind at the end of a long work week?	An easy dinner, a cocktail, and a movie with my family.
What is your educational background?	I have an Associates' degree in Paralegal Studies from Champlain College from 1991. I also took two semesters of American Sign Language at UVM several years ago.
Where do you work?	Dinse P.C. in Burlington
When did you first become a paralegal?	I had some paralegal duties as a legal assistant from 1992-1994, but I started my paralegal career in earnest in 1994.

What area of law do you work in?	Real estate, primarily, which often branches out into litigation, trusts and estates, and business.
What do you enjoy about working in that area of law?	I enjoy the history involved in title research, especially getting away from my desk to work in the land records.
If you could work in any other area of law, what would it be?	I think it would be rewarding to work within the law to help children. I also learned some sign language years ago and it's fun to imagine becoming a legal interpreter.
What is the one thing about being a paralegal you would change if you could?	After 28 years in private practice, I would change (if I knew how) the way that a law firm is internally structured to maximize the strengths of both the billers and non-billers.
How or why did you first enter the paralegal field?	Law is a fundamental and fascinating tenet of our society and I wanted to be a part of that, as a practitioner, not just a follower.
Did you hold other positions, or have a different career, prior to becoming a paralegal, and if so, what was it?	I worked in a few different positions for the Immigration & Naturalization Service (n/k/a Homeland Security) before my first legal assistant position in 1992.
What do you love about the paralegal profession?	Laws are always changing and I am constantly challenged in my work. No two days are ever the same. It's very rewarding when my work helps clients in meaningful ways.
What things about the profession do you dislike?	Being governed by the almighty billable hour. I understand that hourly billing is how firms make money, but it's a daily stressor.
How long have you been a member of the VPO?	I became a member in 2003.
Tell me about the skills or traits you possess that you find most useful in your position?	I use my legal analysis and writing skills all the time. Props to Jim Fry (for the Champlain alums out there)!
What character oddities or personality traits do you find at odds with your career?	I've always been on the sensitive side. I had to develop thick skin over time.

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

While working with others in legal practice, strive for a good balance of humility and self-confidence. None of us ever stops learning. Protect your integrity and always take the high road when in doubt.





Q&A

Carisa Warren Member Spotlight

How old are you?	50
Describe your family?	I am married to my husband, Shawn. We have been married almost 31 years. We have a son, Tyler (28) who lives in Salt Lake City, UT and a daughter, Oliva (26) who lives in Reno, NV.
Town in which you live?	We bought a home in Plattsburgh, New York at the end of 2019.
What is your favorite food?	I love Mexican food. My favorite dish is the Calamari De La Casa from The Pepper in Plattsburgh.
Do have any pets? If so, what are they, and what are their names?	No pets, but am working on my husband to adopt a dog 😊
What kind of hobbies do you have?	I am an ACE Certified Group Fitness Instructor, and I am also certified to teach Les Mills Body Pump and Les Mills Body Step. I used to teach regularly at The Edge until Covid hit.
How do you unwind at the end of a long work week?	I love quiet Saturday mornings with a cup of coffee and something to read. It is nice to just get up and not have to get out the door to go to work—I have about an hour commute each way during the week.

<i>What is your educational background?</i>	I earned my Associates Degree from Bay Path College in Longmeadow, MA in 1990. I received my Paralegal Certificate from Woodbury College in 1996 and just recently received my bachelor's degree from Northern Vermont University (2019).
<i>Where do you work?</i>	I work at Unsworth LaPlante in Essex Junction.
<i>When did you first become a paralegal?</i>	1996
<i>What area of law do you work in?</i>	I am primarily the Probate and Medicaid Paralegal at our office, but I also do some Estate Planning document drafting.
<i>What do you enjoy about working in that area of law?</i>	I really enjoy the Medicaid practice. I like helping people and for some strange reason, I find real satisfaction in putting together a Medicaid Application.
<i>If you could work in any other area of law, what would it be?</i>	One of the focus areas in my Interdisciplinary Studies major at Northern Vermont University was in Environmental Science, so Environmental law would be an area I would like to work in.
<i>What is the one thing about being a paralegal you would change if you could?</i>	I am sure I shouldn't admit this, but I dislike putting together the monthly probate billing.
<i>How or why did you first enter the paralegal field?</i>	I was looking for a career that I could take with me anywhere, and had always been interested in the law, so I enrolled at Woodbury. Plus, they offered the flexibility of weekend courses—this was before online was thing.
<i>Did you hold other positions, or have a different career, prior to becoming a paralegal, and if so, what was it?</i>	I worked as a nanny (for an attorney) taking care of twins for about three years.
<i>What do you love about the paralegal profession?</i>	I do like helping people navigate the probate process and the Medicaid Application process.

What things about the profession do you dislike?

Did I mention billing?

How long have you been a member of the VPO?

Since 2017.

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

I am organized and am good at prioritizing tasks. I also work well with people.

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

I have a hard time with cases that do not have a definitive end. I like to work on something, finish it, and put it away. This is not always possible—some probate cases go on much longer than I would like.

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

Be flexible. Find out what you like to do. The experience in any law firm can help identify the area that you want to be in. I would also recommend not to stay too long somewhere where you are unhappy and have made an effort to rectify that within the firm. It is not good for your mental health, and ultimately not good for the office you are working in. You are obviously going to have good days and bad days, but work somewhere where you enjoy what you do!





NFPA News

By Tina Wiles, NFPA Primary

This fall has been a very busy time for association delegates to the NFPA. The first ever virtual convention took place October 22- October 25, 2020, and was hosted by the Minneapolis Paralegal Association. The convention had over 300 attendees this year. I had the pleasure of attending several of the CLE seminars and workshops, and thought they were very well done. Overall, I felt the virtual convention was a success. If you weren't able to attend perhaps next year NFPA will host a hybrid convention, for at least the seminar/workshop portions of convention.

At convention, the following were nominated and elected by association delegates to serve on the NFPA Board:

President:	Lori Boris, RP®
Director of Positions and Issues:	Maren Schroeder, RP®, MnCP
Secretary & Director of Leadership Development:	Mianne Besser, AACP
Director of Paralegal Certification:	Lisa Vessels, RP®, CP
Director, Region IV:	Donald P. Bristol, RP®, PaCP
Board Advisory (former President):	Nita Serrano, ACP, RP®, AACP, FRP

The following will continue in their positions on the NFPA Board until the end of their term:

Director of Membership:	Tom Stephenson, RP®
Director of Marketing:	Ronell Badua, AACP
Director of Profession Development:	Theda Yandell, RP®
Treasurer and Director of Finance:	Lori Wagner, RP®, IRP
Director, Region I:	Brenda Cothary
Director, Region II:	Lisa Lynch, RP®, CEDS
Director, Region III:	Tracey Woolsey, RP®
Director, Region V:	Catherine Allard

During the Policy Meeting portion of Convention, delegates approved **Resolution 20-01** that included approval/adoption of the Amended and Restated Bylaws, which were presented by the Governance Team of the NFPA Futures Task Force. This was a milestone achievement that will guide the NFPA Board and Association Members toward meeting its future goals and create a better operational guide.

The Resolution also included the following changes: (1) the titles of members were changed to Director from Vice President to create more uniformity, and to create an equal representation on the board, specifically to include the five Region Directors; (2) Directors in Region II and IV were elected for a two year term (2020-2022), and Directors of Regions I, III, and V for a one year term (2020-2021), to create an overlap; (3) The Secretary and Director of Operations was changed to Secretary and Director of Leadership Development; (4) beginning with 2022-2024 term the President may not serve more than one (1) term; (5) a President-Elect position will be elected at a special election on or before February 1, 2021; and the President-Elect shall serve one (1) term, ending in 2022, and shall assume the position of President for the 2022-2024 term.

Resolution 20-02 as adopted instructs NFPA to update its policies and procedures to explicitly permit licensed legal professionals to obtain and maintain NFPA-issued credentials so long as they meet the existing, permanent, eligibility requirements.

Following Convention, the NFPA Board announced/adopted the following at its November Board Meeting:

Nominations for the President-Elect position are due **November 30, 2020**. A special election will be held on or before February 1, 2021 to fill this position. The President-Elect will serve one term ending 2022 and shall assume the position of President for the 2022-2024 term.

Coordinator Interest Forms are due by **December 5, 2020**. Please visit <https://www.paralegals.org/i4a/pages/index.cfm?pageid=3328#Volunteer> for more information.

Delegates and Voting Member Association Leaders are invited to a Town Hall discussing **Robert's Rules of Order** with Dr. Ramona Hill, Parliamentarian on **December 8, 2020 @ 8:00 PM** Eastern Time. Registration in advance is required for this meeting:

<https://us02web.zoom.us/join/register/tZYpdumhqD0qE9Cwh1COoPUVuRiVijajqCfL>

After registering, attendees will receive a confirmation email containing information about joining the meeting.

The opportunity to submit a bid to host the 2024 Convention has been extended to **January 5, 2021**. Presentation of the bids will be held as part of the January 19th Board Meeting. If you feel the VPO should submit a bid, please let us know.

The Spring 2021 Reporter magazine will be published on March 15, 2021. If you have any articles that you would like published, the material is due **February 1, 2021**. Note: This includes a Member Spotlight. If someone is interested in completing the Member Spotlight, please let me know and I will provide you with the form. NFPA wants someone from each Region in each Publication!

NFPA is seeking recommendations for members of our Advisory Council in the following categories:

- Consumers of legal services
- Paralegal administrators
- Attorneys
- Association Management
- Politician and lobbyists
- Allied paraprofessionals
- Military paralegal expert / military liaison
- Educators – paralegal and generally
- Paralegal Member
- Accountants/financial advisor
- Insurance medical experts
- Investment brokers
- Ethics experts
- Web designer

Each appointment is for a term of at least one, but no more than five consecutive years commencing immediately upon acceptance of the appointment by the nominee. Membership in the Advisory Council is an honorary designation without compensation and does not involve specific responsibilities. Instead, individual members are called upon throughout the year to contribute opinions and resource information. Several members of the Advisory Council also serve as judges for the annual NFPA Awards and Scholarships. The NFPA Board of Directors will consider appointments at the Winter Board Meeting on January 19, 2021. For consideration at that time, nominations must be submitted by January 4, 2021. If you or someone you know might be interested in serving on the NFPA Advisory Council, please contact NFPA Board Advisor Nita Serrano, ACP, RP, FRP, AACP at paralegalnita@gmail.com

Joint Conference will be held May 6-May 8, 2021 in Minnesota. NFPA is keeping an eye on the COVID Virus and will make adjustments, including perhaps a virtual event, as needed.

The 2021 Convention will be hosted by the Oregon Paralegal Association on October 7-October 10, 2021. Stay tuned for details.

The FastTrack Certification program will continue until December 31, 2020, at which time the NFPA Board will revisit whether or not to continue with the program. If you have concerns or questions regarding the FastTrack Certification program extension, let me know.

The following were appointed by the NFPA Board to the following leadership roles:

Region I Director, Brenda Cothary was selected as Vice RD-Chair.
 Editorial Coordinator: Becky Reedy
 Inside Report Coordinator: Becky Reedy
 Chair of the UPL Position Statement Ad Hoc Committee: Pamela Starr, CBA, J.S.M.
 UPL Position Statement Ad Hoc Committee (Attorney Representative): Maggie Kluver, Esq.
 Regulation Coordinator: Jennifer Zakzewski
 Leadership Coordinator: Jessica Kubiak



Operation Gratitude in partnership with NFPA sends Care Packages filled with entertainment, hygiene, and handmade items, non-perishable snacks, and personal letters of appreciation to U.S. Troops, First Responders, Veterans, Military Families, and Wounded Heroes & their Caregivers. The NFPA Pro Bono and Armed Forces Committees are pleased to support this wonderful project. This project provides our associations with the opportunity to express our gratitude to those who serve. If anyone is interested in participating in Operation Gratitude, please let me know and I will work on the details with the VPO Board.

I hope that everyone has a safe and happy holiday season despite what Covid has handed us as restrictions. I feel blessed with some of the Covid restrictions. I have spent more time taking care of myself and my family, as well as having more meaningful times with family. I do look forward to the ability to just get up and go on a trip, shopping, and to a casual dinner with friends. For now, though, I will be content with helping flatten the curve and ask that you all do the same.

REAL ESTATE CORNER



Vermont Attorneys Title Corporation has given us permission to reprint the following information from its October and November newsletters.

Claims Corner: Practice Tips Identifying Fraud in Real Estate Transactions

Real estate transactions are a prime target for fraudsters. Why?

- They are lucrative- the average sale price of a home in the USA is over \$226,000.00!
- Multiple Parties- there is an average of eight people per transaction; fraudsters need to fool only one!
- Deadline Driven- key points in transactions which are vulnerable
- Unsecured email accounts and unprotected computer systems
- Eager-to-please employees who make exceptions to office policies for sources of business and others

If you don't think it can happen to your office, think again. In the last few months the CATIC Claims Department has seen close to a half-dozen filed fraud claims with some losses approaching seven figures.

CATIC is aware of one situation where cyberhackers were able to ascertain the name of the mortgagee being paid off prior to closing, proceed to open an account at the same bank, and then intercept and alter payoff instructions to divert funds to a separate, incorrect account within the same bank.

Remember: Use extreme caution when wiring or sending out mortgage payoff proceeds.

- Independently verify all outgoing wire instructions by calling a known number.
For example, one you can verify at the law firm's website online; or
- Make payments via overnight delivery to an address that you can independently verify.
- You are not authorized to issue a CATIC title insurance policy until you have independently verified all outgoing wire instructions or are making payment via overnight mail.
- Question any last-minute requests for changes to payoff directions.
- Confirm wire and other payoff instructions through a conversation with the attorney or paralegal at a verifiable number, not one supplied in an e-mail request, or in a call purportedly originating from the other side.

Some initial thoughts: trust your instincts - don't ignore those red flags; question everyone and everything - does it pass the commonsense test; stop and look at the big picture of the transaction; and when in doubt call a CATIC Underwriting Attorney for help.

CATIC wants to help our agents on the front lines, who are preparing and closing these transactions, by publishing practice tips on a regular basis to help identify and prevent potential losses resulting from both intentional acts, such as fraud, and unintentional errors.

Watch for more practice tips in the immediate future!

Trust Your Instincts

Maintaining a list of red flags is one way to help honest practitioners and service providers avoid unwitting participation in a fraud. While memorizing long lists of red flags is impractical, reading and comparing such lists from time to time can help you develop fraud recognition instincts. One list published on the internet by Fannie Mae is at <https://singlefamily.fanniemae.com/media/18531/display>

For recognizing a possible fraud, however, nothing beats the smell test, which is another way of saying: trust your instincts.

Your instincts may tell you that something isn't right when one or more of the following are present:

Excessive Secrecy.

There are atypical disruptions or obstacles to information flow resulting in a lack of transparency. For example,

- A necessary party communicates only by proxy.
- There is an inadequately explained use of a POA.

Sequence Oddities.

The usual sequence of a transaction is not followed, in surprising ways. For example,

- A prospective client brings an already completed title search to the first meeting asking you to represent him.
- The contract seller is not the record owner. You are asked to record a deed that has been held off record.

Value Disparities.

The numbers just look unusual. For example,

- Purchase price is significantly higher or lower than the market or property history suggests is reasonable.
- Commissions or fees are not customary.

Compressed Timelines.

- Unreasonable demands to rush the closing.
- Many frauds rely in part on allowing less time for anyone to catch on.

There are legitimate reasons that many of these elements might occur. But a cluster of them is usually a problem. Ask questions if any of these red flags occur. CATIC underwriting attorneys are always happy to assist you.



Order Promulgating Amendments to Rules 26(c) and 34(b) of the Vermont Rules of Civil Procedure

This Order was promulgated on October 6, 2020; effective December 7, 2020.

The amendment to Rule 26(c)(2), regarding protective orders, adds the phrase, “for the discovery or disclosure,” for uniformity with the language of Federal Rule 26(c)(1)(B). Although, unlike the Federal Rule, disclosure is not mandatory under V.R.C.P. 26, the term is included because a scheduling order could require a disclosure.

The amendment to Rule 34(b) adds language from F.R.C.P. 34(b)(2)(B) permitting the production of copies of requested material, rather than their inspection. The language was added to the Federal Rule in 2015 “to reflect the common practice.” The amendment departs from the Federal Rule by providing that the requesting party may obtain inspection of the originals on a showing of “a reasonable need”—for example, a legibility issue not resolvable in a copy.



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