

Paralegal Focus

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newsletter of Vermont
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*Newsletter Design By
Jeffrey T. Moreau*

President's Message

By Laurie S. Noyes

The end of another year is upon us, and as often happens this time of year, I have been feeling a bit nostalgic lately as we continue to wander our way through year two of this pandemic. This time of year always has me a bit teary-eyed as I spend time thinking about family, friends, and all that I have to be thankful for. I am quietly still missing life the way it used to be, where we didn't have to spend so much time thinking about being safe and pondering daily activities that we once did without thought or care.

But through all of this has come an appreciation for the small things in life that I once may have taken for granted. I have come to appreciate time in the office with co-workers, lunches out with friends, quiet walks with my dog Rudy, and spending moments with my two grandchildren. It's not that I didn't value those things previously, but when everything else has been stripped away and we have less distractions in our life, it is then that we truly understand the significance of every one of those simple moments. It's almost as if time now stands still just slightly and I have become an active participant in all things big and small. I take joy in such simple things on some days, a warm spot on the couch with a cuddly dog and a mug of coffee, for example. My hope is for all of you that as this busy holiday season approaches, you hang onto those simple moments of joy and remember how much joy they bring as the world begins to speed up again.

I am also thankful for the VPO Board members, who continue to selflessly serve the organization and work hard on the issues that we feel are important to us an organization. We were able to hold an in-person meeting this year and it was great to see many of our members there. We hope to have another opportunity for an in-person event in 2022. We continue to have seminars available to the membership, and as always, if there is a particular topic you are interested in, we would love to hear from you.

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The Board continues to advocate for paralegal licensure, and we are currently reaching out to other members of the Bar Association to assist us with that pursuit. We are also continuing our work with Burlington Technical Center to organize and establish a paralegal educational program for those interested in pursuing a career as a paralegal. The Board also finalized and adopted revised Policies and Procedures for the organization this year.

The Board is still looking to fill the vacant position of Finance Chair. If you are interested, please reach out to myself, or another Board member and let us know. Finally, if there is a project or initiative that you would like to bring to the Board for consideration, please reach out. We are always interested in hearing from our members about what is important to them.

Wishing you all a happy and health holiday season!

Editor's Message

By Louise Reese

Slow down 2021. We are already at the last issue. This is a good time for me to show my appreciation for all who have participated in our Member Spotlight this year, the Board members who regularly contribute, and of course, our friends at CATIC who have given me general permission to reprint from their newsletters. And I must also thank Jeff Moreau, who has continued to help us remotely with the formatting and design of the newsletter. I appreciate you all.

I am, however, always in need of more submissions, whether an article or smaller piece for Tech Talk or Did You Know? Please do not hesitate to contact me if interested.

In this issue, we have an informative NFPA News update from Tina Wiles, and Elsie Goodrich, our new Treasurer, is our Member Spotlight. There are also several updates in the Did You Know section, and a reminder of how the VPO fared in the Vermont Legal Community Fighting Hunger Food Drive this year. Thank you to all who contributed.

Under a separate hat, I also wanted to remind members that the CLE sessions from September are still available for purchase for those who were unable to attend our conference. They are offered at \$60 per track (real estate or litigation) or \$25 per session. Please contact me directly if you are interested.

Happy Holidays!

MEMBERSHIP

Membership News

As of December 1, 2021, we have 56 active members: 38 voting; 16 associate; and 2 sustaining corporate. We are still in the renewal period, so we expect to see more members returning in the coming weeks.

The Vermont Paralegal Organization was asked this year to participate in the Vermont Legal Community Fighting Hunger Food Drive. We had two drop off locations for non-perishable items, including at our CLE Conference in September. The VPO was recognized at the VBA Annual Meeting lunch on October 8, 2021 for providing the most donated items to the drive, as well as for being the legal group participant who raised the most funds. We really know how to rally together as a group! Below are some photos from the presentation to our Pro Bono Chair, Lucia White.



Josh Diamond, Esq. from Vermont
Attorney General's Office



Sarah Keblin from the Vermont Foodbank



Josh Diamond presents to Lucia White



Q&A

Elsie Goodrich Member Spotlight

<i>How old are you?</i>	31
<i>Describe your family?</i>	I live in Winooski with my boyfriend and our pets. My parents and younger sister live in Southern New Hampshire, and my older sister lives in Sacramento.
<i>Town in which you live?</i>	Winooski
<i>What is your favorite food?</i>	Cherry Tomatoes.
<i>Do have any pets? If so, what are they, and what are their names?</i>	A black lab named Luka, and a gray cat named Kermit.
<i>What kind of hobbies do you have?</i>	Disc golf, baking, hiking, knitting, puzzles, gardening and all the related pickling, hot sauce, and pesto projects.
<i>How do you unwind at the end of a long work week?</i>	With a board game with friends, or a bubble bath, depending how long of a week we are talking about.
<i>What is your educational background?</i>	Graduated from the University of Vermont in 2018 with a B.A. in History and English.
<i>Where do you work?</i>	Dunkiel Saunders Elliott Raubvogel & Hand, PLLC.
<i>When did you first become a paralegal?</i>	2019
<i>What area of law do you work in?</i>	Corporate/Transactional, Healthcare, Employment, Data Privacy & Security, and Advertising & Marketing.
<i>What do you enjoy about working in that area of law?</i>	I like the diverse set of experience that I am able to use by supporting so many different practices.
<i>If you could work in any other area of law, what would it be?</i>	Historic Preservation, or Kangaroo Court but with real kangaroos for the judges and juries.

<i>What is the one thing about being a paralegal you would change if you could?</i>	I would change how many different software and platform options there are for document editing, sharing, and signing, and how difficult it can be to make them communicate well with each other.
<i>How or why did you first enter the paralegal field?</i>	I was the Office Coordinator at my current firm, and I found I loved the work and was interested in advancing in the legal field.
<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 for several local municipal libraries, including Winooski and South Burlington. I loved it!
<i>What do you love about the paralegal profession?</i>	I love the level of organization required, and the pace of work.
<i>What things about the profession do you dislike?</i>	I dislike how few opportunities I get to use creative writing. I wish that every now and then we would be asked to draft a genuinely fun memo.
<i>How long have you been a member of the VPO?</i>	3 years.
<i>Tell me about the skills or traits you possess that you find most useful in your position?</i>	Organization, attention to detail, multitasking, ability to anticipate needs, and willingness to go with the flow.
<i>What character oddities or personality traits do you find at odds with your career?</i>	I really struggle to keep my writing neutral. My natural tendency is to be wordy and flowery.
<i>What brief advice or friendly tip would you offer to someone just entering the paralegal field?</i>	Learn as much as you can and lean into anything that interests you. There are a lot of different opportunities, and if you are just getting started it's good to explore all the avenues open to you.



NFPA News

By Tina Wiles, NFPA Primary Delegate

Since my last report, Summer has turned into Fall and Fall into Winter. Similarly, there have been changes on the national level relating to the NFPA which are outlined in this report.

Speaking of changes, I am happy to report that I will remain as the Primary Delegate for the VPO. Although I was honored and thrilled to have been nominated for the Director of Membership position on the NFPA Board, the nominations and election process that followed my acceptance of the nomination was rather disappointing and unprofessional. For that experience I am grateful, but for now I feel that my passion for the paralegal profession and my time promoting the profession will be better spent continuing to work with the VPO Board and members.

Robyn and I, as the VPO delegates, attended the NFPA Convention held October 7-10 via a virtual platform. There were 39 of the 44 NFPA associations represented at convention. I was pleased to see so many members of the VPO attending the seminars and region meeting. With the new virtual format and/or hybrid options, it is much easier for VPO members to be engaged on a national level and that is very exciting. The following actions were taken by the NFPA delegation at Convention:

Agenda Topic #1 relating to the creation of an Ad Hoc Committee for Future Convention Planning. Discussion about the need for the committee was undertaken and facts presented to support the need for the committee since there is not enough representation from each Region in planning future conventions. The Convention Planning committee is busy working on current convention without enough volunteers so the ad hoc committee would relieve the convention planning committee of some of tasks. A vote was taken, and Agenda Topic #1 was passed (Resolution 2021-01).

Bylaw Amendment relating to Sections 5.4 and 16.2 of Policies and Procedures Manual. The discussion on this topic was tabled.

Discussion Topic relating to a Dues Increase. Discussion between the NFPA and the delegates involved a constructive debate of the pros and cons of a dues increase, as well as a presentation on why the increase is needed. No action was taken on this discussion topic, but the majority agreed that a dues increase would benefit NFPA while at the same time create a hardship for some associations.

2021 Certification NFPA is pleased to announce that there were 23 new RPs and 55 new CRPs in 2021.

2021 President's Challenge Four NFPA Associations were recognized for their contributions to the President's Challenge as follows:

NCAPA – 16 new members and 1 webinar speaker
 OPA – 3 new RPs, 2 new CRPs, 26 new members and 2 webinar speakers
 PAW – 2 new RPs and 62 new members
 RMPA – 66 new members

2021 Convention Elections The following were elected to serve on the NFPA Board for a two-year term:

Director of Marketing:	Aaron B. Bath, CEDS, RP (DAPA)
Treasurer and Director of Finance:	Lori Wagner (NIPA)
Director of Membership:	Yvonne Lewis DeAntoneo (TBPA)
Director of Profession Development:	Theda M. Yandell (WSPA)

Following convention, there was a NFPA Board Meeting held on November 16, with the following notable actions taken:

1. The Director of Paralegal Certification (DPC) made a motion to create a new Certification Audit Coordinator position, which was approved unanimously by the Board. This position was created to help streamline the CLE requirements of certification renewals.
2. Upon motion made, the NFPA Board unanimously approved the appointment of Robyn Sweet as the Certification Audit Coordinator. Robyn is the VPO's NFPA Secondary and the VPO Board congratulates Robyn on this appointment. The VPO is an association located within Region V.
3. Upon motion made, the NFPA Board unanimously approved the reappoint of Jessica Miele as Certification Ambassador. Jessica is a member of the NYCPA, which association is located with Region V.
4. The Director of Marketing discussed the need to rebrand NFPA and to have an updated logo to go with the rebranding. Upon motion made to use funds from the Marketing Budget for a logo/rebranding contest, the NFPA Board unanimously approved the request.
5. Upon motion made, the NFPA Board unanimously re-appointed Vanessa Laro and Brittany Curtis as the Regulation Co-Coordinators. Vanessa is a member of the CCPA, which association is located within Region V.

As a sidenote, the VPO is located within Region V. You might have noticed from the above appointments that Region V association members afford the NFPA with lots of talented volunteers. If you are interested in getting involved on a national level, please contact me to discuss the opportunities available to the VPO members.

6. NFPA Joint Conference (Leadership, Regulation and Certification) is scheduled for May 19-21, 2021 in Minnesota.

7. NFPA 2022 Convention will be in Cleveland - September 15-18.
8. National Paralegal Reporter – As many of you know, the Reporter will only be available in digital format. The Director of Marketing is looking for Articles for the next edition of the Reporter. Please contact Aaron at marketingdir@paralegals.org if you have any ideas or would like to contribute an article.
9. Director of Positions and Issues noted that there is a pending request in Oregon regarding Paralegal Regulation/Licensure and input from the NFPA was requested and will be provided.
10. Region V - Cathy Allard, Director for Region V, presented concerns raised by the delegates within Region V to the NFPA Board as to the direction of NFPA. The concerns presented included that the Delegates feel DE&I is important and recognizing the diversity of NFPA members is vital to the culture of NFPA. However, it appears that DE&I has been the primary focus of members of the NFPA Board. The Region V Delegates strongly believe that NFPA needs to focus on its core purpose of promoting the paralegal profession and leadership in the legal community. NFPA has a strategic plan in place and the Board needs to spend time on that plan. The concern is that there has been little to no mention of NFPA supporting our mission.

The NFPA Board responded to the concerns as follows: (1) Director of Marketing thanked Region V for their feedback and thinks that it is a great idea to include some legal aspects in the notice; however, he feels that informing the members of these events is important. (2) Director of Positions and Issues stated that she felt that our request may be difficult to navigate. She would like to consult the BIPOC (Black Indigenous and People of Color) and the DE&I Committee to obtain their thoughts. They will definitely take our comments into consideration. (3) There were no other comments from the Board.

If any further action or discussion is undertaken by NFPA in connection with this request by Region V, I will share that with the VPO Board and membership.

If any members have any questions or concerns about issues affecting the paralegal profession on a national level, please feel free to contact me so that we can discuss how you may get more information or become involved in making a change.

Happy Holidays!



Vermont Attorneys Title Corporation has given us permission to reprint the following information from its October 2021 newsletter.

Lau's Corner & Title Tips

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 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, lengthy reproduction results in typographical errors which result in confusion/title problems.
4. 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 the entire chain of title is certainly helpful to future searchers, re-typing the chain 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 which, when re-typed, contain errors.

Tech Talk

By Louise Reese

I recently learned that Ctrl Z acts like an undo in Adobe just as it does in Word. Probably a forehead-smacker, but never too late to learn something!



Vermont Judiciary has extended the Judicial Emergency to March 1, 2022.

Patricia Gabel will retire in late December from her role as Vermont Judiciary State Court Administrator, a position she has held for eight years. Her interim replacement is Scott Griffith, who has worked for the Vermont Judiciary as Chief of Planning and Court Services since 2019.

Promulgated Rule Amendments

AO 49 Amendment - Declaration of Judicial Emergency and Changes to Court Procedures 10-14-21

This Order was promulgated on **October 14, 2021, effective immediately.**

Paragraph ¶ 2 is amended to extend the effective date of AO 49 until January 1, 2022, to allow for continued flexibility in court operations to respond to the course of the COVID-19 pandemic.

Paragraph 22 is amended to add pleading provisions regarding foreclosure proceedings affecting one-to-four-unit residential properties filed between August 31, and December 31, 2021. These provisions are required to satisfy amendments of Regulation X promulgated by the Federal Consumer Financial Protection Bureau (CFPB) requiring foreclosure plaintiffs in these cases to attest to compliance with CFPB requirements prior to filing for foreclosure. The CFPB amendments were designed to assist mortgage borrowers affected by the COVID-19 emergency. The final regulation establishes temporary procedural safeguards to help ensure that borrowers have a meaningful opportunity to be reviewed for loss mitigation before the servicer can make the first notice or filing required for foreclosure on certain mortgages. 12 C.F.R. § 1024.41 (eff. Aug. 31, 2021).

There is a new form, Appendix C, which tracks the language of the amended rule and has boxes to check specifically indicating compliance with, or exemption from, the requirements. Because of the need for uniformity, the required certification must be in the form reflected in Appendix C.

The full Order and other updates regarding COVID-19 and court operations are available at [<https://www.vermontjudiciary.org/about-vermont-judiciary/covid-19-and-court-operations>]

AO 49 Amendment - Declaration of Judicial Emergency and Changes to Court Procedures 11-15-21

This Order was promulgated on **November 15, 2021, effective immediately.**

Paragraph 21 regarding pleading requirements in eviction proceedings is amended in several ways. Under existing ¶ 21(a), a plaintiff in a proceeding to evict a tenant in residential housing must file a certification that the filing complies with the federal CARES Act. Amended ¶ 21(b) provides that any complaint filed after December 1, 2021, is subject to dismissal if the certification is not provided. In addition, new ¶ 21(d) provides that any action for eviction of a residential tenant based on nonpayment of rent filed after December 1, 2021, must include a notice concerning the availability of Vermont Emergency Rental Assistance Program (VERAP) funds. The notice must be in the form provided in Appendix D. If the notice is not provided and not corrected within 30 days, the court may dismiss the case and the tenant may request to reschedule the rent escrow hearing. Finally, when there is sufficient evidence that the tenant has applied for VERAP funds, the court has discretion to take appropriate action in fashioning a rent escrow order or a writ of possession.

Proposed Rule Amendments

Proposed Amendment to V.R.C.P. 50(b)

The proposed amendment to V.R.C.P. 50(b) is in response to the Vermont Supreme Court's request in Blondin v. Milton Town School District, 2021 VT 2, ¶ 26 n. 10, that the Civil Rules Committee consider whether that rule "should be amended to be consistent with the federal rule and potentially to allow consideration of pure questions of law on appeal absent renewal following judgment."

V.R.C.P. 50(b) as originally adopted in 1971 was identical to F.R.C.P. 50(b) as it then stood. In 1988 the Vermont Rule was amended to add a renewal requirement. The Reporter's Notes indicated that this renewal requirement was implicit in Federal Rule 50(b). The U.S. Supreme Court in Unitherm Food Systems, Inc. v. Swift-Eckrich, Inc., 546 U.S. 394, 407 (2006), held that failure to renew a pre-verdict motion for judgment as a matter of law under Rule 50(b) prevented appellate review of a sufficiency of evidence challenge. The proposed amendment of V.R.C.P. 50(b) adopts an interpretation of Unitherm advanced by several U.S. Courts of Appeals by limiting the requirement to renew the motion to sufficiency-of-the-evidence questions. The effect of the amendment is to allow case-by-case development of the line between sufficiency-of-the-evidence questions and pure questions of law.

Comments on these proposed amendments should be sent by **December 15, 2021**, to Allan Keyes, Esq., Chair of the Advisory Committee on the Rules of Civil Procedure, at the following address:

Allan Keyes, Esq., Chair
Advisory Committee on the Rules of Civil Procedure
ark@rsclaw.com

Proposed Order Amending Rule 18(d)(2) of the Vermont Rules for Family Proceedings

The proposed amendment to Rule 18(d)(2) clarifies that mediation can take place either in person or using remote technology.

A.O. 49 was initially issued March 16, 2020, in response to the state of emergency resulting from the pandemic. Paragraph 13 of A.O. 49 authorized remote participation in mediation by video or telephone without a stipulation or court order. Further, in anticipation that at some point A.O. 49 would no longer be necessary, the Supreme Court requested that the Advisory Committee on Rules for Family Proceedings consider whether there should be a permanent change to Rule 18 related to remote participation. After considering responses from attorneys who practice family law to a Vermont Bar Association survey and responses from family mediators, the Committee concluded that both in person and remote participation in mediation should be permissible in family proceedings subject to V.R.F.P. 18 at the discretion of the mediator.

Comments on these proposed amendments should be sent by **January 18, 2022**, to Hon. Michael Kainen, Chair of the Advisory Committee on the Rules for Family Proceedings, at the following address:

Hon. Michael Kainen, Chair
Advisory Committee on the Rules for Family Proceedings
Michael.kainen@vermont.gov



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