

Paralegal Focus

INSIDE

Tech Talk 2

Membership News 3

Did you Know? 4-7

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).

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

*Newsletter Design By
Jeffrey T. Moreau*

President's Message

By Laurie S. Noyes, MBA, PHR®

It's hard to believe that the end of summer is here already, and we are closing in on the last quarter of another year. I feel like this summer has been one where we had to make the best of it, as the weather didn't always cooperate, but we still had to try to take advantage of those longer, lazier days of summer. This summer in particular was a fast one – it seemed like there was too much work to go around and not enough sunshine. I do hope that Fall, which is my favorite time of year, brings in a sense of renewal for everyone, and a chance for some inward reflection. I also hope we get a few more sunny warm days this fall to take in all the beauty that Vermont has to offer. I would remind you all to take advantage of each moment you can, and a few moments to “stop and smell the roses” this fall as we move toward the colder weather and change in seasons.

I want to thank all those members who turned out for the in-person Annual Meeting this year at the Hampton Inn. It was another great day of CLEs arranged by Carie Tarte, RP and Louise Reese, and overall a big success and great opportunity to see everyone again. Be on the lookout for additional CLE opportunities coming your way this fall as our CLE committee works on bringing you new topics. As always, we welcome your ideas for CLEs. Please reach out to Louise Reese or Carie Tarte if you have some timely topics you would like to see on the agenda.

I also want to thank those new members who have started becoming active on the paralegal licensure committee. We are grateful to see some new members taking interest in this endeavor by the VPO, and we continue to look for paralegals who may be interested in working on this initiative to join our group. Reach out to Carie Tarte or Lucia White if you want more information on this committee.

In addition, the VPO Board still has vacancies to fill. We are seeking a Finance Chair to assist the Treasurer, a NFPA Secondary, and a Website Committee Chair. If you are interested in any of these positions, please reach out to a current board member to find out more.

Continued on Page 2

Continued from Page 1

Finally, the Board continues to work on ways to strengthen its membership and provide benefits that will best serve its members. Your input and feedback is always appreciated, and we look forward to hearing from you. Personally, as President, I encourage you to reach out to me at any time with your thoughts or ideas as we continue to make this a dynamic organization that serves its membership's needs.

Editor's Message

By Louise Reese

In case you missed our prior announcements, we want to congratulate Melinda Devoid-Siel, RP® who has been certified by National Federation of Paralegal Associations, Inc. (NFPA) as a PACE Registered Paralegal®. Melinda earned her credential by passing the PACE® exam, becoming only the 15th Registered Paralegal in the State of Vermont. This accomplishment exemplifies Melinda's high level of dedication, knowledge and expertise as a paralegal.

Melinda studied for the exam while also wearing multiple hats to support the VPO. That shows a very high level of dedication to our organization. Thank you, Melinda. Well-deserved.

The Paralegal Focus could use your help. Over the years, several members have declined my invitation to be a Member Spotlight. I can understand someone not wanting to be "in the spotlight," but I would ask folks to look at it more as connecting with members across the state. There are many different types of employers who hire legal professionals, and it is helpful to our members, especially those considering the profession or having recently entered it, to see the educational level and employment background of our members, as well as other valuable information. Please consider being a Member Spotlight and sharing how you got started and the different types of jobs you have had with other members.

We have a lot for you in the Did You Know column. Please review and be aware of some recent or upcoming changes.

Tech Talk

I recently learned that when you are in Outlook, you can click Ctrl 2 to go to your calendar, and click Ctrl 1 to return to your Inbox. Clicking on Ctrl 3 takes you to your contacts, and clicking on Ctrl 4 takes you to your to-do list.

Membership News

By Melinda Devoid-Siel, RP®

As of August 2023, we have 78 active members: 49 voting; 27 associate; 1 student; and 1 sustaining corporate.

Please welcome our newest members: Taylor Baker of Clarke, Demas & Baker, Katie Beneke of the University of Vermont and State Agricultural College, Holly Coons-Dubuque a student at Northwestern Technology Center, Morgan Kittredge of Sheehy Furlong & Behm, Mary Perry of Larson & Gallivan Law, Amanda Schrader of the Vermont Department of Public Service, Melissa Snow of Costello, Valente & Gentry, PC, Lisa Viljanen of Lajoie Goldfine LLC, Olivia Voth of SRH Law PLLC, and Kristen Weishaupt of Bragdon, Baron & Kossayda, P.C.

ANNOUNCEMENT: OPEN COMMITTEE POSITIONS

The VPO needs your help! We have open committee positions and one Director position on the VPO Board, and we are hoping that one of you has the will, the talent, and the drive to serve the paralegal community by becoming a committee chair or Director.

First, we have an opening for the **Finance Committee Chair**. The Finance Committee Chair assists the VPO treasurer in tracking and identifying expenses, preparing reports, and updating the VPO Board with respect to the financial position of the Organization. The Finance Committee Chair is open to any voting member of the VPO and is a standing committee with a right to vote on the Board. Anyone interested in this position should reach out to the VPO's Treasurer, Elsie Goodrich, at egoodrich@srhlaw.com to learn more about the role and its requirements.

Second, we need someone to take over the role of **Website Committee Chair**. The Website Committee Chair can be any member of the VPO who has an interest in social media and website maintenance. Duties include maintaining the Organization's website to ensure that current and accurate information is available to its members, such as Board of Directors current contact information, membership information, employment opportunities announcements, newsletters, meeting and seminar announcements, NFPA affiliation and Paralegal Certification announcements, news and information; and to periodically verify links and forms provided for informational purposes on the Organization's website to ensure correct functionality and accuracy. If you would like to learn more about the position, please reach out to the VPO's Vice President, Melinda Devoid-Siel, at mdevoidsiel@srhlaw.com.

Finally, we need someone to take on the role of **NFPA Secondary**. The NFPA Secondary position is open to any voting member of the VPO and is a Direction position with a right to vote on the Board. The NFPA Secondary assists the NFPA Primary as the VPO's representative to the national organization NFPA, become familiar with NFPA philosophies and publications as well as current national issues, and attend and act as the VPO's voice at NFPA national convention and regional meetings, as well as regularly held NFPA Board meetings. If you would like to learn more about the position, please reach out to the VPO's NFPA Primary Robyn Sweet at vponfpa2@gmail.com.

CLE Assistance Requested!

By Louise Reese, VPO CLE Co-Chair

I appreciate the attendance at our CLEs, whether in person or remote, but the committee is currently made up of just two people with litigation backgrounds. I have been fortunate to have assistance on real estate topics and speakers over the years, but if you want the VPO to expand its topics into other areas of law, we need your help on topics and potential speakers. If you practice in areas other than litigation, please consider joining the committee, or otherwise sharing possible topics and speakers in those areas, with a current focus on estate planning/probate and corporate. If the topic is of interest to you, it may be of interest to others.

Real Estate News

The information below is being shared from CATIC/VATC's News for September.

Seller Impersonation Fraud Best Practices & Seller Impersonation Fraud Red Flags Guide

Vacant land scams are hitting our industry with significant impact at this time. We have been notified of many attempts here in VT.

CATIC has a Seller Impersonation Fraud Best Practices and Seller Impersonation Red Flags Guide to share with your clients, colleagues, lenders and realtors.

Practice Tip: Although the risk extends to both sides of the transaction, sellers' counsels will likely receive many requests in this process to verify the identity of the sellers.

Did You Know?

The 2023/2024 judicial rotation is in place September 5, 2023.

For those of you who don't know, Vermont has adopted the Uniform Power of Attorney Act effective as of July 1, 2023. As part of that Act, the statute now provides specific forms to use for a grant of a power of attorney. There is a General POA form, as well as a Short-Form POA that is limited to a specific real estate transaction.

The statutory forms are not obligatory – a Vermont POA that does not match the statutory forms is still valid if it meets the other requirements for the statute. But the statutory forms do provide a “safe harbor” that will ensure the validity of the POA. As such, it is advisable to use the statutory forms for any POA executed on or after July 1, 2023.

This change is one of the topics that the VPO has on its list of possible CLEs for this Fall.

July 12, 2023 Memo to the Bar

I. PROMULGATED RULE AMENDMENTS

a. Promulgation Order Amending V.R.Cr.P. 26(c) and (d)

[https://www.vermontjudiciary.org/PROMULGATED-VRCrP26\(c\)&\(d\)--STAMPED](https://www.vermontjudiciary.org/PROMULGATED-VRCrP26(c)&(d)--STAMPED)

This Order was promulgated on July 10, 2023, effective October 2, 2023.

The amendment to Rule 26(c) updates the existing rule to conform to the 2020 amendment to Federal Rule of Evidence 404(b), by imposing additional notice requirements on the State in seeking the introduction of other crimes, wrongs, or acts evidence in a criminal case. Under F.R.E. 404(b) the prosecution must: (1) identify the evidence that it intends to offer; (2) articulate the nonpropensity purpose for which the evidence is offered, and (3) state the basis for concluding that the evidence is relevant in light of this purpose. Although the text of Vermont Rule of Criminal Procedure 26(c) itself has not required an articulation of the nonpropensity purpose for which the evidence is being offered, Vermont caselaw requires the proponent seeking to admit evidence under Rule 404(b) to state the purpose of the evidence and the reasoning. The amendment adds these requirements into the rule.

The amendment of Rule 26(d) makes nonsubstantive amendments to terminology to eliminate offensive language, and to comport with similar amendments made in 2020 to Vermont Rule of Evidence 804a (and to the 2023 amendment of V.R.E. 807). The phrase “person with a mental illness, or an intellectual or developmental disability” is substituted for former language, in referring to the individuals whose hearsay statements may be admissible at trial pursuant to V.R.E. 804a. There is no substantive change to the existing provisions of V.R.Cr.P. 26(d).

b. Promulgation Order Amending V.R.F.P. 1(a)(1) and 17

[https://www.vermontjudiciary.org/PROMULGATED-VRFP1\(a\)\(1\)and17--STAMPED](https://www.vermontjudiciary.org/PROMULGATED-VRFP1(a)(1)and17--STAMPED)

This Order was promulgated on July 10, 2023, effective October 2, 2023.

Vermont Rule for Family Proceeding 1(a)(1) is amended to make V.R.C.P. 43.1 applicable to delinquency proceedings for the purposes of remote proceedings under V.R.F.P. 17.

The amendments to Vermont Rule for Family Proceedings 17 update its provisions concurrent with changes to V.R.C.P. 43.1. Rule 17 as originally adopted in 2009 authorized testimony by telephone in family division proceedings. The rule was amended in 2019 concurrent with the adoption of V.R.C.P. 43.1, which addressed appearance by video and audio conference generally. The amendment to V.R.F.P. 17(a) clarifies that V.R.C.P. 43.1 applies in parentage proceedings in addition to the existing named proceedings under V.R.F.P. 4 (divorce, annulment, and separation). The amendment to V.R.F.P. 17(b) modifies the application of V.R.C.P. 43.1 in juvenile matters. New V.R.F.P. 17(c) makes V.R.C.P. 43.1 applicable in juvenile delinquency and youthful offender proceedings in a modified way. All status conferences and pretrial proceedings are subject to V.R.C.P. 43.1 but other proceedings are in person absent good cause. New V.R.Cr.P. 26.2 regarding testimony of a remote witness is incorporated for these proceedings given the applicable confrontation rights.

V.R.F.P. 17(d), formally 17(c), regarding mental-health proceedings provides that hearings for involuntary treatment, continued treatment, and involuntary medication are scheduled as remote proceedings. However, if a party reasonably in advance of a hearing requests, or the court on its own initiative orders, the proceedings will be in-person. The intent of the change is that a request by a party for an in-person proceeding is granted automatically, i.e., the request is not a motion that the court must rule upon. Likewise, the court may, on its own initiative, schedule an in-person hearing.

V.R.F.P. 17(e), formally 17(d), pertaining to minor guardianship proceedings, is unchanged.

New subdivision (f) governs hearings in abuse-prevention hearings under Rule 9. The rule adopts the identical language governing stalking proceedings under new V.R.C.P. 43.1(k). Both rules provide that proceedings will be hybrid unless upon a party's request or the court's own initiative the court orders participation by a particular method.

New subdivision (f) incorporates V.R.C.P. 43.1 into other proceedings in the family division that are not otherwise specifically addressed in the rule.

d. Promulgation Order Amending A.O. 47 (Technical Standards for Remote and Hybrid Hearings)
<https://www.vermontjudiciary.org/PROMULGATED-AO47Amendments--STAMPED>

This Order was promulgated on July 10, 2023, effective October 2, 2023.

Administrative Order No. 47 is amended in conjunction with amendments to V.R.C.P. 43.1 and related rules given the experience of the bar, judges, court staff, and members of the public with fully remote and hybrid proceedings over the last few years.

As originally adopted, AO 47 had separate standards for video and audio conferencing. Amended § 1 now provides one set of standards applicable to both remote and hybrid proceedings. In general, participants must be able to hear all other participants during proceedings. Where participation is by video conference, participants must also be able to see other participants. The amended rule retains the requirement that all participants must have access to documents and other types of exhibits. It also continues to require that parties be able to confidentially consult with counsel.

Section 2, formerly about audio proceedings, now addresses access to public proceedings for nonparticipants. For fully remote proceedings, new § 2(a) states that when requested the public will be provided with a means to view and hear the proceeding remotely, absent extraordinary circumstances. Remote viewing may be through a link to a video platform or through a livestream. For hybrid proceedings, new § 2(b) states that the public may hear and view the proceeding in person in the courtroom and may also be able to observe remotely. For either remote or hybrid proceedings, an inability to accommodate a request to observe remotely will not serve as grounds to continue the proceeding.

f. Promulgation Order Amending 2020 V.R.E.F. 3(c) and 12, V.R.P.P. 5(e) and Adding V.R.P.P. 78
[https://www.vermontjudiciary.org/PROMULGATED-VREF3\(c\)12_VRPP5\(e\)\(8\)_78--STAMPED](https://www.vermontjudiciary.org/PROMULGATED-VREF3(c)12_VRPP5(e)(8)_78--STAMPED)

This Order was promulgated on July 10, 2023, effective October 2, 2023.

These amendments address the need in some probate proceedings for the court to inspect paper documents during consideration of the case. The amendment to 2020 V.R.E.F. 3(c) mandates retention of a paper document by the court when required by statute or other provision of law. The amendment to 2020 V.R.E.F. 12 directs that the court must retain a paper document even after it has been converted to electronic form if otherwise required by law. Contemporaneous amendment of V.R.P.P 5(e) and addition of V.R.P.P 78 delineate testamentary documents and vital records that must be provided on paper subject to retention and return to the parties upon completion of the case.

July 28, 2023 Memo to the Bar

Starting July 31, 2023, any digital multimedia exhibits filed in the Addison and Windsor Criminal courts must be filed via the Vermont Digital Evidence Portal (VDEP). VDEP is a new online platform that will allow attorneys and case parties to electronically submit and share digital multimedia (audio & video) files for use as exhibits in trials and other evidentiary hearings. This platform is being piloted in the Addison and Windsor Criminal courts and will be expanded to other courts later this year. Please visit Vermont Digital Evidence Portal | Vermont Judiciary for more information about how to use VDEP including a user guide and video of our training for attorneys and litigants. Any technical questions can be directed to jud.helpdesk@vermont.gov.

August 22, 2023 Memo to the Bar

PROMULGATED RULE AMENDMENT

Emergency Promulgation Order Amending V.R.S.C.P. 2

<https://www.vermontjudiciary.org/EMERGENCYPROMULGATED--VRSCP2--STAMPED>

This Order was promulgated on August 14, 2023; effective immediately.

This emergency amendment is made to conform with an amendment to 12 V.S.A. § 5531 raising the jurisdictional limit for small claims proceedings to \$10,000.00, except for certain debt collection actions. See 2023, No. 46, § 9. The Advisory Committee has been directed to review any comments received and advise the Court whether the amendments should be revised or remain permanent.

Comments on this emergency amendment should be sent by October 23, 2023, 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*

Vermont Paralegal Organization

P.O. Box 5755
Burlington, VT 05402-5755

info@vtparalegal.org
www.vtparalegal.org

Board of Directors 2023-2025		Phone	Fax	E-mail
President:	Laurie S. Noyes	658-2311	658-0042	lnoyes@pfclaw.com
Vice President:	Melinda Devoid-Siel	495-5260	860-1208	mdevoidsiel@srhlaw.com
Secretary:	Donna Sims	864-9891	864-6815	dsims@sheehyvt.com
Treasurer:	Elsie Goodrich	860-1003	860-1208	egoodrich@srhlaw.com
NFPA Primary:	Robyn Sweet, CRP, RP®	342-9285		vponfpa2@gmail.com
NFPA Secondary:	VACANT			
Past President:	Lucia White, CP®	242-0451		lwhite.home@gmail.com
Standing Committee Chairpersons				
Membership:	Melinda Devoid-Siel	495-5260	860-1208	mdevoidsiel@srhlaw.com
Finance:	VACANT			
Professional Liaison:	Carie Tarte, RP®			carietarte@gmail.com
Certification Ambassador:	Krista Cadieux, RP®	859-7059	859-8759	kcadieux@dinse.com
Ethics:	Carie Tarte, RP®			carietarte@gmail.com
Special Committee Chairpersons				
Advertising:	Carie Tarte, RP®			carietarte@gmail.com
Bylaws:	Melinda Siel	495-5260	860-1208	mdevoidsiel@srhlaw.com
Continuing Legal:	Carie Tarte, RP®			carietarte@gmail.com
Employment Opportunities:	Heather Rylant			hrylant@gmail.com
Legislative Paralegal Affairs:	VACANT			
Newsletter:	Louise Reese			louisereese@comcast.net
Website:	VACANT			
Pro Bono:	Lucia White, CP®	242-0451		lwhite.home@gmail.com
Sponsorship:	Carie Tarte, RP®			carietarte@gmail.com