

Paralegal Focus

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

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

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President's Message

By Diane L. Brown

It's finally Summer! As we welcome this wonderful weather that lifts our spirits, a tremendous amount of teamwork and enthusiasm is going on within the VPO Board.

I am totally thrilled with the progress that this organization has done over the last two years under my leadership and want to thank you everyone who has contributed to the success of the VPO. I am excited to move forward with a great team and lead this organization for another two years.

2009 VPO Annual Meeting and Conference of May 28, 2009

I would like to extend my gratitude to all of those members, board officers, CLE committee chairperson and committee members who participated in our recent VPO Annual Meeting and Conference held at the Middlebury Inn in Middlebury on Thursday, May 28, 2009 and in continuing to support the VPO. We are and continue to be committed in providing our members with the highest level of educational opportunities and presenters.

Special thanks goes to Tina Wiles, VPO CLE Chairperson and the CLE committee members, Carie Tarte and Katie Couture, as well as several others for the wonderful job they did in organizing this special event and making it such a success. You will find various articles in this newsletter giving a summary of this special event.

On behalf of the VPO, I would like to thank our sponsors, supporters, presenters and law firms who supported and made this event possible.

Acknowledgement

I would like to take this time to acknowledge and thank two individuals who gave their all to this organization and provided a huge amount of service to the VPO over the last two years.



VERMONT
PARALEGAL
ORGANIZATION

Continued from Page 1

Heather Moreau and Katie Couture have dedicated a tremendous amount of time and effort to the VPO and their service should not go unrecognized. I can't thank them both enough for everything they have done for the VPO and in making this organization thrive. I hope both of them will continue to assist the VPO in whatever time and availability they can spare.

I would like to welcome two new officers to the VPO Board, Kim Jillson, Treasurer and Kristin Mattes, Secretary and congratulations to Corinne Deering, RP®, Vice President, and Carie Tarte, NFPA® Primary in their new board positions.

Please enjoy the various articles in this newsletter.

As President of the VPO, I am so very proud of the VPO Board and Committees for their fantastic dedication and work that they have put forth for this organization. Our team continues to work hard toward providing our members with the best connection to the paralegal profession and legal community via the VPO.

Thank you for your continuing support of the VPO. Please do not hesitate to contact the VPO Board if you should have any questions, concerns or comments.

Editor's Message

By Louise Reese

In this issue, you will have an opportunity to "meet" our newest board members, Kim Jillson and Kristin Mattes, and our 2009 Scholarship recipient, Kimberly Thornton. For those who were unable to attend the VPO's annual meeting on May 28, 2009, we have reports on the four presentations. We also have a report on the Region V meeting in March, and an informative article from Corinne Deering, RP® on studying for PACE™.

As always, if you would like to submit an article for the Paralegal Focus, or just a tidbit for the *Did You Know? Column*, please contact me at lreese@dinse.com. I am also looking for assistance in obtaining articles and in the development of each issue.

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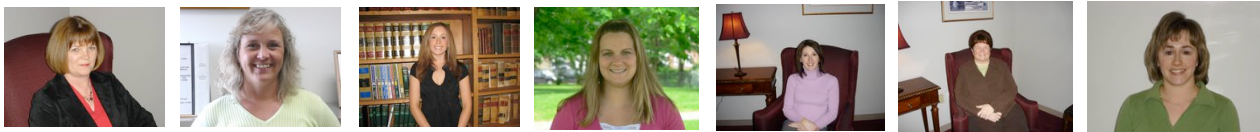
Membership News

The Vermont Paralegal Organization's 2009 Scholarship recipient is Kimberly Thornton of Bethel, Vermont. Kimberly is pursuing her Bachelors Degree in Paralegal Studies at the Woodbury Institute at Champlain College with an anticipated graduation date of May 2010. Congratulation and best wishes, Kimberly!

Kimberly Jillson, our newly elected Treasurer, graduated with a bachelors degree from Champlain College's Paralegal Studies program this past May. Congratulations, Kim!

Fidelity National Financial, Inc. parent company of Chicago Title Insurance Company, recently acquired two principal title insurance underwriters, Lawyers Title Insurance Company and Commonwealth Land Title Insurance Company, creating the largest title insurer in the United States. The FNF family of title insurance companies now includes Chicago Title, Fidelity Title, Ticor Title, Security Union, Alamo, Lawyers Title and Commonwealth. Here in Vermont, the operations of Chicago Title, Lawyers Title and Commonwealth will be joining forces to enhance the service, market presence and expertise of all three brands. Amanda See Tucker, Agency Manager for Chicago Title (and VPO member), will be working closely with State Counsel, Mark Schittina and Administrative Assistant, Denise Mongeon, to serve the needs of their agents, approved attorneys and other customers. They continue to be based in Burlington.

NFPA® now has an e-newsletter. The sign-up link for this free publication is on the NFPA® homepage at www.paralegals.org.



ELECTED BOARD MEMBERS 2009-2011 TERM

President – Diane Brown
Vice President - Corinne Deering, RP®
Secretary – Kristin Mattes
Treasurer – Kimberly Jillson
NFPA® Primary – Carie Tarte
NFPA® Secondary – Sharon Lucia
Ex-Officio -- Louise Reese

Diane Brown was re-elected as President of the VPO for another two year term. Corinne Deering, RP®, our newly elected Vice President, is also the PACE™ Coordinator. Carie Tarte was our Vice President during the last term, and now sits on the board as our NFPA® Primary Representative. Sharon Lucia continues her board work as our NFPA® Secondary Representative.



**ALLOW US TO INTRODUCE OUR NEWLY ELECTED
TREASURER, KIMBERLY JILLSON, WHO IS A VPO
BOARD MEMBER FOR THE FIRST TIME.**

Kim holds an associates degrees in both liberal studies and paralegal studies from Champlain College. In 2009, she obtained her bachelor's degree from the paralegal program at Champlain College. She has worked in the legal field for 10 years and has extensive experience in litigation support as well real property-related fields. Kim presently provides paralegal support to senior litigation members Robert DiPalma and Stephen Soule in cases involving personal injury, insurance defense, and commercial litigation as well as bankruptcy and foreclosure proceedings. She excels at managing complex files and multi-party litigation matters. Prior to joining Paul Frank + Collins in 2006, Kim worked in the areas of family and criminal law. In 2005, Kim was an active volunteer with the Women's Rape Crisis Center.

**ALLOW US TO INTRODUCE OUR NEWLY ELECTED
SECRETARY, KRISTIN MATTES, WHO IS A VPO
BOARD MEMBER FOR THE FIRST TIME.**



Kristin earned a paralegal certificate at Champlain College in 2005 and then continued in the paralegal studies program graduating with a bachelor's degree in 2007. Since graduation, she has worked in the areas of criminal law at Jarvis & Kaplan, personal injury at Attorney Todd D. Schlossberg's Office, and litigation at Joseph F. Obuchowski & Associates. Kristin currently works at Sheehey Furlong & Behm P.C. where she continues to build on her legal knowledge and experience within the field. In addition to her employment experience, Kristin has completed internships at the Chittenden County State's Attorneys Office, Women Helping Battered Women, and Hickok & Boardman Realty. Kristin also has a strong dedication to serving the community. This dedication earned Kristin, as a member of Caitlin's Crew, six consecutive 1st prize awards for "most money raised" from the American Cancer Society. Kristin also volunteers with the Dana Farber Institute of Cancer Research, the Ronald McDonald House, and Green Mountain Pug Rescue.

THE PACE™ POSTING

*By Corinne Deering, RP®
PACE™ Coordinator*

Studying for PACE™ can be an overwhelming obstacle, but it is a challenging obstacle that you can overcome. As the Vermont PACE™ Ambassador, it is my challenge to come up with a listing of resources and/or a library of study materials for PACE™ candidates. If there are any

Vermont Paralegals out there who are thinking about taking PACE™ or have begun their studying efforts, I hope that you will keep in touch with me to let me know your progress. The VPO would very much like to know when members or non-members are taking PACE™ so their efforts can be recognized and encouraged.



To begin the study process, the primary materials necessary are those that are offered through NFPA®: the Study Manual, the AIPS Online Review Course, and the Online Practice Exam. The Study Manual examines each of the five domains of PACE™, in addition to having mini-chapters devoted to Ethics, Technology, Bankruptcy, Business Law, Agreements and Contracts, Probate and Estate Planning, Family Law and Intellectual Property. Once you have made your way through the Study Manual, there is a three page bibliography of references used in the preparation of the Study Manual. These references, if you can obtain or review them, could be invaluable additional study guides.

The AIPS PACE™ Review Course is a seven week, computer mediated distance learning preparatory course for PACE™. A fellow PACE™ Ambassador took the AIPS Course because there was no one in her local area that was interested in forming a study group. She found the AIPS Course instructor and other PACE™ candidates to be of great support to her throughout the process. I can imagine that studying from the comforts of home can also be less distracting. The AIPS Review Course has start dates in June, July, September, October and November. The cost for the course is \$395.

The Online Practice Exam contains 100 sample questions. It is a one-time practice exam and is also a great study aid to help you assess your overall knowledge of the material covered on the exam. It will help you determine the areas of study you might need to review further. The fee for the Online Practice Exam is \$50.

In addition to NFPA® resources, the following are places to find more study materials:

1. Your local community college or university bookstore that has a paralegal program;
2. Your local law school bookstore;
3. Your firm's law library and librarian;
4. Your local West, Delmar, Aspen, or James Publishing representative;
5. Your local legal publication representative;
6. Amazon.com (just be watchful of the publication dates of the textbooks);
7. *National Paralegal Reporter* and *Legal Assistant Today* for articles on legal research, technology, procedures, and updates on various areas of law;
8. Previous PACE™ Study Groups;
9. Barnes & Noble, Borders, or other local bookstores that have a “law” or “legal” section;
10. National Federation of Paralegal Associations website (www.paralegals.org);
11. National Association of Legal Assistants website (www.nala.org);
12. Any student who has completed a paralegal program;
13. Your local PACE™ Ambassador and/or paralegal association;
14. Bar charts (www.barcharts.com) priced under \$10 can also be found at local law school bookstores. Bookstores such as Borders and Barnes and Noble may also sell bar charts; and
15. Seminars sponsored by your local paralegal association, state and local bar associations, IPE, NBI, Lorman, or other continuing education providers.

Continued from pages 5-6

You can call upon all your local paralegal colleagues to check on their inventory of seminar materials, and perhaps borrow recent seminar materials from which to study. Seminar materials could be a great source of information for studying and can lead to further resources. While attending a recent seminar on Probate and Estate Planning, two references were mentioned as being valuable resources in the field – *Life and Death Planning for Retirement Benefits*, 6th Edition (2006) by Natalie Choate; and *Estate and Trust Planning* by Jeffrey N. Pennell. Both of these resources are available on Amazon.com.

Lastly, NPFA® provides a listserv for those who are studying for PACE™. Anyone studying for PACE™ can sign up as follows:

- Send an email to: imailsrv@list.paralegals.org
- In the message BODY (**not** the subject line), type: subscribe (the listserv name) Your-FirstName YourLastName

For example: subscribe PACEStudy Corinne Deering

To send a message out on the list serve, use the following e-mail address:
PACEStudy@list.paralegals.org.

The PACE™ Study Listserv is another benefit available to those who are studying for PACE™, or even thinking of studying for PACE™. It is monitored by the PACE™ Coordinators. This is a way for the PACE™ Coordinators to provide support and encouragement to those who are studying for PACE™. If you are studying for PACE™, I encourage you to make use of the listserv. At the very least, it will let you know that you are not alone in the world of studying, and can be an additional way to provide support and exchange information during the study process.

In an effort to create a “library” list of resources available to PACE™ candidates, I am asking for your assistance. If you have good, up-to-date resources in your office or in your own personal library that you would be willing to loan to a PACE™ candidate, please contact me with your information and the resources that you might be willing to share. I know that at the time that I took PACE™, this list would have been of great help to me and my colleagues. If you are currently a PACE™ candidate and have found resources that you would be willing to share, please contact me as well with this information.

In the next newsletter, I hope to share information gained from attending the PACE™ Ambassadors Conference in Minneapolis. Happy Travels!

2009 REGION V MEETING REPORT

Carie Tarte, NFPA® Primary

Sharon Lucia, NFPA® Secondary

Over the weekend of March 28 and 29, we attended the NFPA® Region V meeting in Clifton Park, New York. Association representatives from New York, New Hampshire, Connecticut, and Massachusetts, were also present at the meeting. Maine and Rhode Island representatives were unable to attend.

Facilitated by our Region V leader, Cheryl Corning (who presented at The VPO Annual Meeting in Middlebury on May 28th), the regional associations met to discuss NFPA® Goals and Objectives, improvements to NFPA®'s website (www.paralegals.org), open coordinator positions for Region V, as well as the upcoming Summer Board Meeting and NFPA® Annual Convention in Oregon. We also roundtabled ways in which our local organizations could increase non-dues income.

Two of NFPA®'s Goals and Objectives discussed in the most detail during the Region V meeting were regulation and PACE™ viability.

We were informed that the Connecticut Legislature is currently working to pass a regulation bill for paralegals that contains no educational requirements. (NFPA® has drafted a Model Plan for Paralegal Licensure which includes minimum educational requirements.) The Central Connecticut Paralegal Association became alarmed to learn of this proposed legislation, particularly in light of the fact that no law-makers or government officials contacted any of Connecticut's three paralegal associations for input. A Special Legislation Conference was held by NFPA® in Washington State May 1 and 2, to which the Central Connecticut Association planned to send four of its members. Also discussed was Florida's recent program on voluntary licensure where more than 2,800 paralegals became licensed voluntarily.

With respect to PACE™, particularly in this economy, NFPA® was interested in hearing from the various organizations and regions as to better, more effective ways to market PACE™ to encourage more participation. Region V would like to see an increase in paralegals with RP® designation (Registered Paralegals who have successfully passed the PACE™ Examination) by year-end. Some suggestions included the creation of an entry level PACE™ for new paralegal graduates that does not require a minimum number of years of experience in order to take the examination. Another more philosophical approach that was suggested was to market PACE™ as a means to increase personal development. Not only do you expand your legal skills in areas that you otherwise may not practice in, but also, in an economy where jobs are being eliminated or lost, having an RP® designation could be the one advantage over other paralegals that keeps you in your position.

In late October, Sharon will be representing the VPO at NFPA®'s Annual Meeting and Convention in Portland, Oregon. Prior to that time, we will hold roundtable meetings with VPO Members at large to discuss topics NFPA® has proposed for voting at the Annual Convention. Be on the lookout for announcements of dates and times. We cannot be your voice if we do not hear from you.

VPO'S 2009 ANNUAL MEETING AND CONFERENCE – MIDDLEBURY, VERMONT

For those of you who were unable to travel to Middlebury on May 28, 2009 to attend the VPO's Annual Meeting and Conference, here are reports on each presentation:

Environmental Court Practice and Procedure Seminar

By Sharon Lucia, NPFA® Secondary

The Environmental Court Practice and Procedure Seminar held on May 28, 2009 at the Middlebury Inn gave an overview of the Environmental Court and its processes. Presenters for the Environmental Court included Judge Thomas Durkin, Judge Merideth Wright, Laura Zeisel (case manager) and Jacalyn Fletcher (court manager) all of whom were very satisfied in their positions which was clear by their articulate presentations.

This seminar met my preconceived expectation that it would expand my knowledge of the court system, be informative, and provide useful tips. The presentation covered the history of the Court, provided descriptions of the positions of each of the presenters and covered the process, from start to finish, of a case appealed to the Environmental Court. This process was shown in a flow chart which all participants of the seminar received a copy of, along with a packet of information which included a list of mediators and the Rules of the Environmental Court.

The Environmental Court strives for efficiency and user friendliness. For example, the initial conference between the parties and the Judge is a telephone conference, which is always recorded so there is an official record. Also, prior to the actual trial, the case manager holds a conference call with the parties, which is not recorded, to review the status and follow-up on any mediation that may have taken place or any settlement documents that have been agreed upon in whole or in part. If settlement is not reached by all parties, then a trial date and final pre-trial conference is set. The Judge then travels to a court located in the county where the dispute arose to hold the trial. Of course, if the parties are still not satisfied, they can appeal to the Supreme Court.

If anyone is interested in a copy of the materials from this seminar, please email me at lucia@greenmountainpower.com and I will forward you a copy.

**SPECIAL THANKS TO CHERYL CORNING, OUR REGION V DIRECTOR,
FOR SPEAKING AT THE LUNCHEON PORTION.**



Home and Auto Insurance 101

By Louise C. Reese

I certainly benefited from this presentation much more than I had expected. On a personal level, you realize how important it is to make sure that you, and your family members, are well protected with insurance – auto, home and life. A cheaper policy doesn't mean you have the appropriate protection, and in some cases, for a small amount more, you can get the coverage you need. As Jennifer Goeke from Liberty Mutual pointed out, people often review their insurance coverage only after a loss has occurred. Jennifer stressed how important it is to review your coverage regularly, and make sure that your insurance carrier is aware of any changes, such as the addition of a new driver, an addition on your home, or a new addition to your family. She also suggested that the policy holder have regular account reviews with his/her insurance agent.

On a professional level, Jennifer explained how underinsured and uninsured motorist coverage comes into play, and how one can determine how much money is available in advance of settlement discussions. This is an important issue for both sides of a personal injury case, and other cases where similar issues may arise. Jennifer pointed out that there may not be coverage for certain types of losses, and that it is important to review the actual policy language to determine if there is coverage, such as property damage from a fire or "act of God."

CRIMINAL LAW UPDATE

By Louise C. Reese

Presenters Nancy Waples, Esq. and Cathy Foutz, paralegal, provided the attendees with the defense perspective in criminal matters. Much of the presentation was on the discovery process in criminal cases, and how it differs from that in civil cases. In criminal cases, the burden is heavily on the prosecution's side, and there is little wiggle room in the applicable rules. We also had a discussion on a recent criminal case that went to trial at which Carie Tarte assisted. Carie pointed out that some materials that may easily be admitted into evidence in a civil case may not be allowed in a criminal case.

Cathy discussed how she maintains information and materials in cases which involve a significant amount of facts, potentially in dispute, as well as a large number of witnesses. Nancy also covered the process up through sentencing, and provided a hand out on determining the appropriate sentence based on the offense level.

The presentation was only one hour, and it certainly could have held my interest longer.

E-DISCOVERY BASICS AND CASE MANAGEMENT TECHNIQUES

By Louise C. Reese

Heather Moreau started the presentation with E-Discovery Basics. Electronic discovery became famous on December 1, 2006 when the Federal Court revised Rule 34 and other discovery rules to expressly call for disclosure of “ESI” (electronically stored information). Rules 26 also brought about increased obligations for the parties in their Initial Disclosure on ESI. Heather took us through the general process after a federal action is filed, including the “Meet and Confer” conference between the parties which involves a discussion of the information and materials each party may have, how they are maintained, and how they will be produced.

After almost 3 years, there is still a great deal of confusion and frustration about e-discovery. Heather talked a bit about *Zubulake v UBS Warburg* (S.D.N.Y.), the case that set the stage for proper collection and retention of ESI. UBS was Zubulake’s former employer, and it had erased e-mails. Improper collection of ESI has been grounds for spoliation and sanctions. In *Zubulake*, the Plaintiff won \$20.1 million in punitive damages alone relating to discovery issues.

Not specifically discussed in Heather’s presentation, although generally referenced, was Rule 502, a new federal rule of evidence put into effect on September 19, 2008. Rule 502 relates to inadvertent production of attorney-client privilege and work product. It provides for a limitation on any waiver of privilege if the disclosure is inadvertent, the holder of the privilege or protection took reasonable steps to prevent disclosure, and the holder promptly took reasonable steps to rectify the error. With e-mail being a primary mode of communication in the law office and in the corporate world, a review of vast amounts of e-mail for potential production in discovery can lead to inadvertent disclosure, especially if being reviewed by multiple members of a team.

The Vermont Rules of Civil Procedure have changes to language in Rule 26(b), Rule 33(c), Rule 34, Rule 37 and Rule 45 relating to electronically stored information going into effect on July 6, 2009.

Corinne Deering, RP® presented on Case Management Techniques. Corinne started with how to manage large volumes of paper that make up a litigation file from a motor vehicle accident case to a complex action. Every office (or individual lawyer) has its own procedures in place for maintaining and labeling materials. Corinne discussed the creation of indexes in Word, WordPerfect or Excel to manage information, materials and witnesses. I am always interested in hearing how other offices manage information and materials, and I have always believed that you can learn at least one way that may be better for managing a particular case that you may not have previously considered.

Since there was a copying error in Corinne’s handouts, if anyone in attendance did not receive a complete packet, including model forms and charts, please contact me at lreese@dinse.com, and I can email the complete packet to you.



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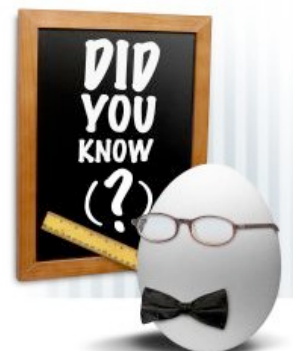
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DID YOU KNOW?

Amendments to V.R.C.P. 26(b), 33(c), 34 and 45 incorporate recent amendments to the Federal Rules of Civil Procedure concerning discovery of electronically stored information, will go into effect on July 6, 2009. Please visit www.vermontjudiciary.org to review the changes.

An amendment to V.R.C.P. 55(b) requires an affidavit as to liability and damages before a default judgment may be entered against a non-appearing party. This amendment goes into effect on July 6, 2009. Please visit www.vermontjudiciary.org to review the changes.

Updated court forms are available at www.vermontjudiciary.org. Check them out!



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²Coverage not available in all states. The descriptions of coverage are necessarily brief and are subject to policy provisions, limitations and exclusions that can only be expressed in the policy itself. For a complete explanation of coverages, please consult a sales representative.

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