

MCPA TODAY

The official Publication of the Montgomery County Paralegal Association

April 2008

www.montcoparalegals.org

Editor: Tracey L. Barnes, RP

“The spirit in which a thing is given determines that in which the debt is acknowledged; it's the intention, not the face-value of the gift, that's weighed.”

Seneca, *Letters to Lucilius*, 100 A.D.

I would like to take this opportunity, on behalf of the Board of Directors of MCPA, to again offer a very heartfelt thank you to all of our sponsors this year! We appreciate all you do for us!

Because of our sponsors MCPA is able to continue to provide excellent seminars throughout the year. Our sponsors have graciously provided our dinner and breakfast meetings and given us the support we need in order to defray the expenses associated with these meetings and offer them to you at little or no cost. Because of these sponsors we are able to provide support to you, our members, through our educational seminars and programs.

You will find our sponsors' information on our website. Please let them know how much you appreciate their contribution to MCPA.

Please keep in mind we are always looking for new members! If you know a paralegal who does not belong to MCPA (they don't have to work or live in Montgomery County) encourage them to come with you to our next meeting and refer them to our website. We have a lot to offer!

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SAVE THE DATE!!

*May 20, 2008 at Dischell, Bartle, Yanoff
& Dooley*

*June 20, 2008 MCPA at the Reading
Phillies*

Welcome New Members

Jessica Bailey

Sherry Barag

Latonya Hill

Sheila Kees-Hayden

Ellyn Klein

Louis Murray

Jung Sook Nam

A. Lynne Scott

Barbara Scoll





THE MONTGOMERY COUNTY PARALEGAL ASSOCIATION

<i>When:</i>	May 20, 2008 6:00 p.m.
<i>Where:</i>	Dischell, Bartle, Yanoff & Dooley 1800 Pennbrook Parkway, Suite 200 Lansdale, PA 19446 215-362-2474
<i>Special Guest:</i>	<i>Do you find e-filing mystifying?</i> Joining us will be Joanne Popowicz and Bill Whiteside from the Office of the Prothonotary to provide training and answer questions regarding electronic filing in Montgomery County.
<i>Menu:</i>	Light snacks and beverages
<i>Cost:</i>	Sponsored by Montgomery County Paralegal Association Free for members/\$5 for non-members
<i>RSVP (space is limited):</i>	By Friday, May 16, 2008 To Tracey L. Barnes, RP, at Traceyb@dbyd.com





SPONSORS WANTED!

As we all know, without sponsors/sponsorship, our members continue to have to pay for our seminars, etc. We would love to offer our seminars and conferences free to our members in an effort to also increase attendance at these events.

Please take a moment to send to me the names and addresses of any vendors that you may know or use that I can add to our marketing list. If you have a contact name, that helps enormously.

Thank you in advance for your help!!

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SCHEDULE

UPCOMING MCPA EVENTS AND SEMINARS

Many of you may have heard about - and perhaps your firm has already implemented - Montgomery County's electronic filing procedures. Bill Whiteside will be presenting a seminar on electronic filing at our May seminar which will be held at Dischell, Bartle, Yanoff and Dooley in Lansdale. (See flyer, page 2.) Sandwiches will be provided by MCPA. This is a seminar you should not miss!

Baseball season is about to begin and what better way to kick off the summer than with a Friday night at the ball field. June 20th is MCPA's Family Night at the Reading Phillies. Game time is 7:05 p.m. Tickets are available for \$7.00 a piece. If you are interested, please email Stephanie Dise at sdise4@verizon.net. Don't miss out on an evening full of fun!

September's seminar is being presented by NFPA's Bob Hrouda. Mr. Hrouda will be discussing Paralegal Regulation and what that means for you.

Its election time again – a good time to remind our members that our own election meeting will be held in October at La Bella Cucina in Blue Bell. If you are interested in a position on the board, please submit your bio to Lisa LaPenna at llapenna@kaplaw.com.

November's seminar is being presented by MCPA's very own Debbie Long. Ms. Long will present Organizational Concepts in Family Law Case File Management. This seminar is being held at Dischell, Bartle, Yanoff and Dooley. A light dinner will be provided.



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Stephanie Dise @ sad@elliottgreenleaf.com



January MCPA General Meeting
Judicial Court Proceedings
By Stephanie Dise

The MCPA rang in the New Year at Village Caterers on January 16, 2008. Harleysville National Bank sponsored our meeting and Lisa Curcio of the Blue Bell branch gave a short presentation on types of checking and savings accounts, the best accounts for college students and their parents and their newest account, checking accounts for teenagers. Ms. Curcio answered many questions for our members concerning current interest rates, issues with credit cards and E-banking. Thank you to Harleysville National Bank for your sponsorship.

After a delightful dinner, our President Beth Breckenridge, briefed our members on upcoming events in the Association.

Magisterial District Judge David A. Keightly was our guest speaker and administered the oaths to the 2008 Board of Directors. This year's Board is Beth Breckenridge, President, Kathy Zamorski, 1st Vice- President, Lisa LaPenna, 2nd Vice-President, Mary Hoskinson, Secretary, Stephanie Dise, Treasurer, Harry Reichner, Debbie Long, Debbie Arbuckle and Nancy Aiken. Congratulations to all and thank you for your dedication and hard work in making the MCPA a successful organization!

Judge Keightly spoke to our members about the history of the term "District Justice", "Justice of the Peace" and the most recent title, Magisterial District Judge. He explained that the Superior Court Justice's did not agree with Judges on a district level using the term Justice and therefore, their title was changed to Magisterial District Judge.

Judge Keightly then spoke briefly on proper filing procedures in the District Court and gave many helpful hints for finding forms and filing procedures in the Common Pleas Court. Thank you Judge Keightly for spending your evening with the MCPA.





UPCOMING EVENTS FOR COMMUNITY OUTREACH

The Community Outreach Committee collected over \$165.00 and was able to purchase breakfast foods to make 100 bags for donation to Aid for Friends, topping the 60 bags assembled last year. The bags were assembled at our meeting on April 7, 2008. Thanks to all who donated and helped assemble the bags and the cheery notes we included. Special thanks to Maureen Stankowicz for doing the grocery shopping and dropping off these breakfast bags for distribution.

Also at that meeting, we heard a brief presentation by Janine Kelly, Community Educator for the Women's Center of Montgomery County. Janine previously spoke at our breakfast meeting last year held at Otto's. Janine was again informative as to the work of the Women's Center. In response to an inquiry as to what MCPA might do to help, we found out about their thrift store "Your Mother's Closet". This shop is located at 703 West Avenue, Jenkintown. They are primarily interested in donations of women's clothing - cleaned and in season - in addition to small household items such as towels, sheets, dishes. Jewelry is also a much sought after item. Children's clothing is also accepted. Remember, please, make sure your donations are clean and in good repair.

Community Outreach Upcoming Events Reminders:

Wissahickon Valley Watershed Clean Up - Saturday, April 26, 2008, 9:00 a.m. Park at the Gwynedd Train Station on Plymouth Road. We can walk to our assigned clean up location from there. Remember to wear old clothes, boots and shoes, and bring work gloves.

MS Walk - Sunday, May 4, 2008 - Registration is at 9:00 am - walk starts at 10:00 am. Go to www.walk4ms.org to register.

Community Outreach "Save the Date" Reminders:

Light the Night - Saturday, September 20, 2008

Special Olympics - Saturday, November 8, 2008 - this is a new event - time is noon to 4 p.m. at Villanova University. This is the 20th year Villanova has hosted the Special Olympics Fall Festival and is the largest annual student-run Special Olympics event IN THE WORLD. This is a wonderful stress free afternoon of basically just having fun and cheering on the athletes. Please join us.



Welcome to **Walk MS 2008!** Registration is now open.

For 20 years, the Greater Delaware Valley Chapter has called on our community to walk to create a world free of MS. For 20 years, you've responded.

This year, we hope to raise our highest-ever total - \$3 million - to fund research and comprehensive programs and services for 11,000 people living with MS in the Greater Delaware Valley.

But to reach our goal, we need your help. Join the movement on **Sunday, April 27** or **Sunday, May 4** by starting a team, walking, volunteering or donating to Walk MS at one of 17 sites throughout the region. Registration starts at 9 a.m. and the Walk MS events start at 10 a.m.

When you join a Walk MS event, you become part of the powerful movement that will end MS forever.

To register for a Walk MS location near you, click your site below:

Sunday, April 27, 2008

[Easton, PA](#)

[Sellersville, PA](#)

[Moorestown, NJ](#)

[Washington Township, NJ](#)

[West Goshen, PA](#)

[Gilbert, PA](#)

[Norristown, PA](#)

Sunday, May 4, 2008

[Philadelphia, PA](#)

[Newtown, PA](#)

[Lansdale, PA](#)

[Media, PA](#)

[Valley Forge, PA](#)

[Reading, PA](#)

[Allentown, PA](#)

[Voorhees, NJ](#)

[Ocean City, NJ](#)

[Vineland, NJ](#)



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Contract Law

By: Nancy C. Aiken

On February 21, 2008, members of the MCPA met at the law firm of O'Brien & Ryan, LLP for a seminar on the topic of "Contracts" which was presented by Anthony P. DeMichele, Esquire.

In the past, Mr. DeMichele worked as a paralegal for O'Brien & Ryan, prior to attending law school. He received his law degree from Rutgers in Camden in 2001. Prior to re-joining O'Brien & Ryan as an attorney, Mr. DeMichele worked at Fox Rothschild, LLP in its commercial litigation department.

Mr. DeMichele's current practice consists of general litigation, construction litigation, tax assessment matters and securities arbitrations. In addition, he also handles various other types of cases, including personal injury and adoption matters.

Mr. DeMichele's power point presentation involved three (3) typical types of Contracts: Real Estate, Employment and Construction.

The first type of Contract discussed was the Residential Agreement of Sale. Mr. DeMichele explained typical provisions included in an Agreement of Sale. He touched on the following: What, How Much, Mortgage Contingency, Deposit, Closing, Inclusions/Exclusions, Home Inspection, Warranties, Condominium, Well & Septic, Termite & Pest Inspections, Possession Date, Acceptance, Arbitration, Insurance and Property Disclosures.

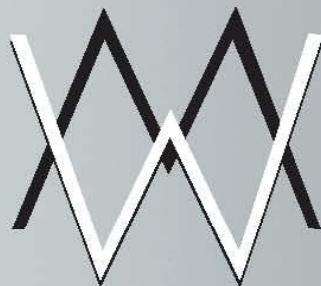
Mr. DeMichele then moved on to describe a typical Employment Contract. He explained that it's a Contract that governs the relationship between an employer and employee. A typical provision of a professional employment contract includes a Non-Compete Restrictive Covenant. He went on to describe the difference between an oral vs. a written contract including pros and cons. He explained how the state of Pennsylvania is an "at-will" employer state that presumes that all employees have the right -- upon giving proper notice, to terminate their employment at their own free will. Similarly, the employer reserves the right, upon giving proper notice, to terminate any individual's employment when such action is determined to be in the best interest of the employer.

Finally, he spoke about the provisions included in Construction Contracts including: Bids and Bonds, Time Limitations & Guidelines, No Damage for Delay, Attorney's Fees and the different phases of construction. Construction Contracts include the option of Arbitration vs. Court of Common Pleas for dispute resolution.

At the end of the presentation, Mr. DeMichele was available for questions and comments from the members. The seminar was well attended and informative.



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PACE UPDATE

The new PACE exam will go live on May 12, 2008. Tests will not be scheduled during the period 4/16/08 - 5/12/08 to allow the vendor to upload and beta test the new exam.

We are pleased to announce that the new and improved PACE Study Manual (5th ed.) will be available for purchase starting MARCH 1, 2008. The new study manual includes many new mini-chapters including bankruptcy, corporate law, intellectual property, family law, and other areas tested in the new exam. We have also updated the existing chapters, and completely re-written the technology chapter. There are new study questions as well.

You will continue to order the new Study Manual through the NFPA website, just as before. However, the volume, after March 1, will be shipped directly from the publisher, Prentice Hall. The cost is \$75 plus shipping and handling, which will vary depending on where you live and the method of shipping you choose.

If you purchased the 4th edition Study Manual, be assured that it will still assist you in preparing for the new exam. It is not as comprehensive as the 5th edition, and the major difference is the re-written technology section and the addition of the mini-chapters. As always, we encourage PACE Candidates to consult other source materials as well as the Study Manual in preparing for the exam, regardless of which edition of the Study Manual they use.

There will NOT be an update available to make the 4th edition of the Study Manual coincide with the 5th edition. There was no way to do this in a practical way that would still be cost-effective.

Please pass this on to your association's PACE Ambassador, and anyone else who you think might be interested in taking PACE.

Thank you.

Ann W. Price, RP
Vice President & Director of PACE
NFPA - The Leader of the Paralegal Profession(r)



Convention News

Approximately 200 of the nation's top paralegals will be descending upon Northwest Arkansas beginning on October 8, 2008, John Q. Hammonds Center at Embassy Suites in Rogers, Arkansas.

ArPA (Arkansas Paralegal Association™) is proudly hosting the 2008 National Federation of Paralegal Associations, Inc. (NFPA) Annual Convention and Seminars. Since 1974 NFPA has proactively supported the growth and expanded role of paralegals nationally. The lineup of distinguished speakers lends the opportunity for excellent learning experiences for paralegals. Continuing legal education hours through NFPA, NALA, and NALS is pending. Segments include topics relating to general paralegal knowledge, enhanced writing and research skills, meeting juror expectations, profitability and the proper use of paralegals, investigation matters, the paralegal role in intellectual property, and more!

- Speakers: Frederick W. Meyers, Esq., partner, Ladas & Parry, former U.S. Trademark Examiner and Chair of the ABA Patent, Trademark & Copyright Committee;
- Scott Foster, 25+ year paralegal, independent paralegal since 1985, co-founder of Paralegals Plus, Inc. and Sr. Vice-President of APEG (Advanced Paralegal Education Group);
- Dana J. Lesemann, Esq., Vice-President and Deputy General County in the Washington, DC office of Stroz Friedberg, LLC, served as Counsel to the Senate and House Intelligence Committees' Joint Inquiry Into the September 11th Attacks;
- Ronnie Forthmon of Bushman Court Reporting, Certified Legal Video Specialist based in Little Rock;
- Judge Advocate General of the U.S. Navy;
- Michael J. West, CFE, CLI®, CLEI, Certified Fraud Examiner, owner of Arkansas Investigations, served as investigator and federal agent on such notable cases as the sexual assaults at the Air Force Academy and the Iraqi prisoner abuse scandal;
- James Crane, Esq., consultant and author with Altep, Inc. specializes in e-discovery best practices, compliance with amended federal rules, provides educational presentations to large law firms and corporate law departments regarding case law developments, the challenges of managing electronically stored information and the application of technology to meet litigation needs;
- Dr. Paula Gabier, Ph.D., with Decisionquest has practical and academic expertise in designing and conducting methodologically sound research and trial themes;
- Dennis B. Haase, Esq., has a sound law practice in Hot Springs focusing on intellectual property law also serving as SCORE Counsel, Cyberchapter, and recipient of SCORE Platinum Leadership Award;
- Brian L. Duffy, Esq., Shareholder with the firm Greenberg Traurig, is based out of Denver, Colorado and is a renowned trial and appellate attorney,
- Taibi Kahler, Ph.D., President of Kahler Communications, Inc. and

Taibi Kahler Associates, Inc., offering clinical, business, educational and spiritual training and profiling; and

- A panel of judges and distinguished attorneys will discuss the ethics involved in the utilization of paralegals.

ArPA will also introduce **Justice Annabelle Clinton-Imber**, speaking at our Friday Luncheon! Justice Clinton-Imber has been an Associate Justice with the Arkansas Supreme Court since 1997. **Justice Clinton-Imber** served as the Chancery and Probate Judge for Perry and Pulaski Counties from 1989-1996 before being elected to the Arkansas Supreme Court. She was appointed Circuit Judge for Pulaski and Perry counties by former Governor Bill Clinton in 1984. Prior to joining the bench, she was a practicing attorney with Wright, Lindsay & Jennings in Little Rock, Arkansas.

Justice Clinton-Imber graduated *magna cum laude* from Smith College in Northampton, Massachusetts. She received her Juris Doctor in 1977 from the University of Arkansas at Little Rock School of Law where she was a Comments Editor on the Law Review. From 1989 to 1994, Justice Clinton-Imber also attended the National Judicial College in Reno, Nevada.

Justice Clinton-Imber is currently serving as the Committee on Rules of Civil Procedure of the Supreme Court liaison and the Ad Hoc Committee on the Foster Care and Adoption Assessment of the Supreme Court liaison. She has previously been involved with such committees as the Arkansas Judicial Discipline and Disability Commission as an alternate member, the Continuing Legal Education Board of the Supreme Court as a member and has served the public interests through her involvement in community organizations such as the YMCA of Greater Little Rock and Pulaski County, Our House - A Shelter for the Homeless, the UAMS Medical Center - Department of Pastoral Care and Education, and the Kiwanis Club of Little Rock, among many others. Justice Clinton-Imber has

received many awards including, most recently, the Arkansas Business - Top 100 Women in Arkansas award (1995-1998), the Worthen Arkansas Women of Distinction award (1994) and the Arkansas Association of Women Lawyers Judge of the Year Award in recognition of outstanding service (1994).

ArPA and NFPA will be hosting a train ride dinner on fully restored dining cars (thanks to the great folks at the Missouri-Arkansas Railroad). Dueling pianos will be part of the Wednesday reception. And of course, there will be plenty of other networking functions. Paralegal students from the Northwest Arkansas Community College and the University of Arkansas - Ft. Smith will be volunteering throughout the Convention.

You don't want your paralegals, associates and other legal staff to miss this superb educational experience!

For more details, questions, sponsorship and advertising opportunities or exhibitor information, contact our 2008 Convention Host Coordinator, Marilyn Clifton, at (501) 371-9903 or contact our ArPA office at (501) 609-0404. Information and convention news are continually updated on the ArPA website www.arkansasparalegal.org and the NFPA website www.paralegals.org.

ArPA Board of Directors: Kelly S. Montgomery, RP, President, Terri Vanlandingham, Vice President, Paula Adams, RP, VP-Membership, Dee Dee Lantz, RP, VP-CLE & PACE Ambassador, Marilyn Clifton, Secretary, Maggie Haase, RP, Treasurer & Primary Representative, Scott Foster, Secondary Representative.



REGULATION AROUND THE COUNTRY

On April 7 and 8 the Wisconsin Supreme Court denied a State Bar petition regarding licensure of paralegals. The court adopted several petitions filed by the director of state courts regarding the jury selection process and videoconferencing, electronic filing, and electronic signatures in court proceedings.

Paralegal licensure. The court unanimously denied State Bar Petition 04-03 to establish a system for licensure and regulation of paralegals in Wisconsin. The court will encourage the Bar to work with other interested groups to consider creating a voluntary certification program using programs currently used in other states as models. Even though the court denied the petition, the justices emphasized that they recognize the valuable service provided by paralegals.

Acknowledging the State Bar's efforts Chief Justice Shirley Abrahamson said, "This has been a long labor, the State Bar task force was made up of many members and worked for about seven years." Abrahamson noted the objectives of the paralegal petition were to recognize the important role paralegals can and do play in the daily practice of law and to set standards that would include requirements for continuing education credits and maintain ethical standards.

"Although there was discussion at various times as to whether the paralegal could have self contained entities not connected with a lawyer's supervision, the ultimate decision of the task force was that paralegals would work under licensed lawyers," said Abrahamson. "It was not clear in the State Bar's petition what board or entity would regulate the fulfillment of the standards and the ethical requirements."

Justice Crooks noted that, "No other state has adopted a program similar to what is proposed here. A number of states have adopted a voluntary certification program. I believe those states are Delaware, Florida, Louisiana, New Mexico, North Carolina, Ohio, and Texas. It is my understanding that Florida has a voluntary certification program that went into effect recently and is tied into the State Bar of Florida. That seems to be a solution that would meet the needs of the paralegals.

"It is my understanding that there is an inclusion in the State Bar petition to define the practice of law, that would exclude paralegals from any allegation of the unauthorized practice of law as long as they were working under the supervision of a lawyer. I would

like the court to invite a petition that would set up a voluntary system such as the one in Florida,” he said.

The court noted that the task force modeled its proposal on the Attorneys’ Rules of Professional Conduct, which have seen significant changes since the petition was submitted. The court also noted that budget and the cost of a regulatory agency is an issue with State Bar Petition 07-09, Defining the Practice of Law, which is currently before the court. The same budget issue exists with the paralegal petition.

The court has received comments from interested parties, including the Revisor of Statutes, paralegal groups, the new Florida Registered Paralegal Program, the ABA Model Guidelines for Utilization of Paralegal Services, and various persons.

History. On Feb. 13, 2004, the State Bar filed Petition 04-03. A public hearing was conducted on Oct. 27, 2004, and numerous persons testified. At the ensuing open administrative conference the court took the matter under advisement pending determination of certain issues, including ramifications of State Bar Legal Services Consumer Protection Petition 07-09, which proposed a rule that defines the practice of law and asked the court to create a system to administer the rule. The Wisconsin Supreme Court held an administrative conference on 07-09 on March 14, 2008 and will address the petition again on April 24, 2008.



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- Through our network of contacts we can provide similar services in the other 49 states.

Contact Tony DiSanto, Esq. at (717) 232-9398 or at tony@esquireassist.com