

MCPA TODAY

The official Publication of the Montgomery County Paralegal Association

Election 2008

www.montcoparalegals.org

Editor: Tracey L. Barnes, RP



Success is not the key to happiness.
Happiness is the key to success. If you love
what you are doing, you will be successful.

Albert Schweitzer



Ability is what you're capable of doing.
Motivation determines what you do. Attitude
determines how well you do it.

Lou Holtz



The world cares very little about what a man
or woman knows; it is what a man or woman
is able to do that counts.

Booker T. Washington

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SAVE THE DATE!!

*October 21, 2008, Election Meeting at
Village Caterers*

*November 20, 2008 CLE seminar
regarding organizational concepts for
family law practice presented by
Deborah Long*

Welcome New Members

Nancy Cerra-Gullo

Rachel Kantor



Organizational Concepts in Family Law Case File Management

Wish your family law case files could be more organized,
the information you need more readily available?

Learn simple concepts that can help you to be more efficient.

MCPA member, Debbie Long, will offer tips, tricks and concepts that have helped her
to stay organized during her 10 years as a family law paralegal.

This seminar is approved for **1.5 CLE hours**
by the National Federation of Paralegal Associations


Date and time: Thursday, November 20, 2008 at 6:00 p.m.

Location: Dischell, Bartle, Yanoff & Dooley,
1800 Pennbrook Parkway, 2nd Floor, Lansdale, PA

Cost: Members – FREE! Non-members* - \$5.00

For more information, please contact Tracey Barnes at traceyb@dbyd.com


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Meghan prefers substance over hype.

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Expect Something Different At This Year's Election Meeting!

With four Board positions open and only two candidates running, members can expect a different format at this year's Election Meeting on October 21, 2008.

Article VIII of the MCPA By-laws addresses Nominations, Elections and Voting: "In the event there is only one nominee for a position, the Secretary may be instructed to cast a unanimous vote for the nominee and the nominee's name need not appear on the ballot. If no positions are contested in an annual election, the Board of Directors may waive the mailing of ballots by the Elections Committee and may instruct the Secretary to cast a unanimous vote for each nominee."

In accordance with this provision, there will be no need to send out proxy ballots and no need to cast ballots at the meeting. The Board will cast their vote, and the two candidates running will be automatically placed on the Board.

The candidates running for the 2009/2010 term are Linda Gunning and Christine Horace. Although there will not be a formal election, their bios are published below so that members will still have an opportunity to know something about their incumbent Board Members.

Please remember that two Board positions remain open. If you are interested in serving on the Board, we will continue to accept bios up to the time of the meeting.

Be sure to come out and celebrate as we look forward to 2009. Our guest speakers, Patricia Mossesso and Ernest Szoke of Morgan Wentworth, LLC, will continue their presentation regarding legal career placement. Those who attended the March breakfast meeting will remember the high level of interest that was generated by this presentation. We are pleased that Pat and Ernie are willing to come out and continue this discussion.

BIOGRAPHIES OF INCOMING 2009-2010 BOARD MEMBERS

CHRISTINE HORACE

Christine Horace is a paralegal with the Law Firm of Marcia Binder Ibrahim which is a general practice solo firm concentrating on the area of immigration law. She has worked there for the last 18 years with experience in not only Immigration Law but Family Law, Wills and Estates, Worker's Compensation, and Personal Injury in addition to the duties of office manager. Before joining the firm she worked for a local police department and a major commercial bank.

She is a member of the National Federation of Paralegal Associations, Inc and the Montgomery County Paralegal Association and is currently on the committee for Community Outreach. She received her paralegal certificate from Penn State University, Abington, PA and is a graduate of Lansdale Catholic High School in Lansdale. She is also a member of the Association of Legal Administrators.

Christine lives in Lansdale with her husband, Michael and has 5 grown children.

LINDA GUNNING

Currently, I work in the Office of General Counsel at Merck & Co., Inc.

I have been employed at Merck for over 5 years. I received my Associates Degree in Education from Bucks County Community College in 1993, and my Bachelor of Science Degree in Paralegal Studies from Pierce College in 2008.

I have 3 grown children and currently reside with my boyfriend Dave, my two black labs Cody and Starr, and our African Gray parrot, Chico. My passion in life is helping homeless animals and I worked for many years in Labrador Retriever Rescue. Last year, I formed a non-profit organization, The Carson Project, Inc., to raise awareness, to help educate, and to provide funds for the needs of all homeless animals who are waiting in shelters for someone to adopt them. My hope is to one day use my paralegal skills to change laws that now allow tethering of dogs in the state of Pennsylvania, and to advocate against other inhumane treatment of animals in general.

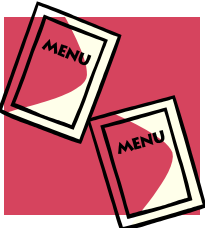

Having knowledge of non-profit organizations and fundraising principles, I think I could bring some fresh ideas to the Board of MCPA. It would also consider it an honor to serve the organization.





THE MONTGOMERY COUNTY PARALEGAL ASSOCIATION

ELECTION AND GENERAL MEMBERSHIP MEETING

When:	October 21, 2008 6:00 p.m.
Where:	Village Caterers 969 Bethlehem Pike (Route 309) Montgomeryville, Pennsylvania (215) 699-5678
Special Guest:	Patricia Mosesso, SPHR, President of Morgan Wentworth, LLC and Ernest Szoke, Chairman of Morgan Wentworth, LLC will continue their presentation regarding legal career placement
Menu: 	<u>Choose One:</u> Chicken Marsala Roast Top Sirloin of Beef All entrees include Caesar salad vegetable medley roasted redskin potatoes dinner rolls cheesecake
Cost:	Members: \$20 (chicken) \$24 (Sirloin) Non-members:\$26
Donations: 	Donations of canned food are being taken to benefit Manna on Main Street
RSVP (with meal selection):	By Friday, October 17, 2008 To Tracey L. Barnes, RP, at Traceyb@dbyd.com



UPCOMING EVENTS FOR COMMUNITY OUTREACH

Special Olympics - Saturday, November 8, 2008 -- 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.



WAWA COUPONS

Wawa Coupons are still available for purchase. One size fits all and are easy to slip into a card, gift, stocking, etc. They are good at all Wawa Convenience Stores and never expire! Please contact Tracey Barnes at traceyb@dbyd.com or any board member at a membership meeting if you have any questions or would like to purchase coupons.





LEGISLATIVE NEWS

Congress gives final approval to key law on inadvertent disclosure in discovery

Marcia Coyle / Staff reporter
September 15, 2008

WASHINGTON — The House of Representatives on Monday gave final approval and sent to the president a new Federal Rule of Evidence 502, which applies to the inadvertent disclosure in discovery of information protected by the attorney-client privilege and work-product doctrine.

"Doing the research on this legislation and spending time with a number of lawyers, and the American Bar Association, I can assure you that this has no negative impact on those lawyers representing defendants or those lawyers representing plaintiffs," Representative Sheila Jackson-Lee, D-Texas, told the House. "In fact, unlike the courthouse and the courtroom, plaintiff lawyers and defendant lawyers, the plaintiff bar and the defendant bar, have come together in a unanimous voice, indicating that this will in fact enhance their ability to represent their clients and to ensure that they may have the broadest based discovery possible."

Under the new federal rule, disclosure of privileged materials will not be a waiver of the privilege if disclosure is inadvertent; the holder of the privilege or protection took reasonable steps to prevent disclosure; and the holder took reasonable steps to rectify the error. The rule also addresses the problem of "subject matter waiver" by providing that when a party produces one privileged document, any resulting waiver of the privilege would not extend to other related documents, as long as there was no intentional and misleading use of protected information. It also will make federal court orders protecting against waiver enforceable in both federal and state courts. Finally, it will make confidentiality agreements between parties that are incorporated into court orders enforceable against nonparties.

"This is sort of a back-up protection," explained Jackson-Lee. "This is your guarantee. This is an assistance to the idea of protecting privilege.

This is extremely important, in that the vast majority of documents exchanged in discovery, in some cases running to millions of pages, ultimately prove to be of no interest."

Importantly, she added, the rule does not alter the law regarding when the attorney-client privilege or work-product protection applies in the first instance. "It is narrowly targeted to address the question of when the specified kinds of litigation-related disclosures do or do not operate as a waiver of the privilege that would otherwise apply," she said.

"Existing law on the effects of inadvertent disclosure of privileged materials during discovery has been inconsistent and uncertain, and it varies widely from one jurisdiction to the next," said H. Thomas Wells Jr., president of the American Bar Association, which supported the new rule.

"This has forced lawyers assisting clients in complex litigation matters to devote enormous amounts of time and money to screen each document for possible privilege before producing it to the other side."

The new rule was submitted to Congress last year by the Judicial Conference of the United States, the policymaking arm of the federal judiciary.

ABA Issues Formal Opinion 08-451 Outlining SOPs for Outsourcing Litigation Services

<http://ediscoveryconsulting.blogspot.com/2008/08/aba-issues-formal-opinion-08-451.html>

On Monday, the American Bar Association (ABA) Standing Committee on Ethics and Professional Responsibility<<http://www.abanet.org/cpr/committees/scepr.html>> released a statement regarding a new ethics opinion (Formal Opinion 08-51<<http://www.abanet.org/cpr/08-451.pdf>>), which concludes that U.S. lawyers can outsource legal and nonlegal work provided that they adhere to ethics rules regarding competence, supervision, protection of confidential information, reasonable fees, and not assisting in the unauthorized practice of law. The opinion, entitled "Lawyer's Obligations When Outsourcing Legal and Nonlegal Support Services," outlines the ethics obligations of lawyers and firms that wish to utilize legal and nonlegal outsourcing.

Stating that "[a] lawyer may outsource legal or nonlegal support services provided the lawyer remains ultimately responsible for rendering competent legal services to the client," the opinion notes that lawyers and law firms engage lawyers and nonlawyers for various legal and nonlegal support services, ranging from "the use of a local photocopy shop for the reproduction of documents, to the retention of a document management company for the creation and maintenance of a database for complex litigation, . . . or even to the engagement of a group of foreign lawyers to draft patent applications." The opinion acknowledges, however, that "[t]he challenge for an outsourcing lawyer is . . . to ensure that tasks are delegated to individuals who are competent to perform them, and then to oversee the execution of the project adequately and appropriately."

Given the rapid rise in the cost of eDiscovery over the past 24 months coupled with the undeniable financial opportunities offered by our global economy and the recent application of Internet based technology to the litigating services market, this opinion is basically setting operating standards in a "market" where most of the horses have all left the barn, the door is still wide open and we are all wondering about the competence of the horses that haven't left.

All that being said, given the fact that this is not the mission of the ABA to endorse any practices and therefore, regardless of the press releases that are cropping up from litigation services vendors, this is not an endorsement of outsourcing your litigation services on-shore or off-shore.

It does, nonetheless, provide a framework and set of criteria for outsourcing as follows:

1. The outsource has the "legal knowledge, skill, thoroughness and preparation reasonably necessary."
2. The client consents in writing, with a knowing acceptance of the risk of breach of attorney-client confidence.
3. Outsource work is properly supervised by US counsel, including appropriate protection of client secrets.
- 4A. The US lawyer checks background and references.
- 4B. The outsource legal education is comparable to a US legal education.
5. The outsource signs a confidentiality agreement.
6. The fee remains reasonable after including any US surcharge for overhead.

BOB DIOTALEVI

Dr. Robert N. Diotalevi, Esq.,LL.M.
Program Coordinator, Legal Studies
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Submitted by:

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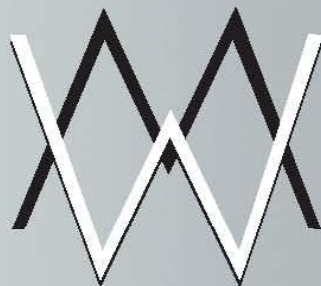


CYBER HELP

<http://www.patreasury.org> This site is useful in estate administration. I run a search using the decedent's name. If a match is found, I file the claim with the PA Treasury Department along with the supporting documentation. I have recovered thousands of dollars for distribution to the beneficiaries in many estates. *Submitted by Norma Gunning*



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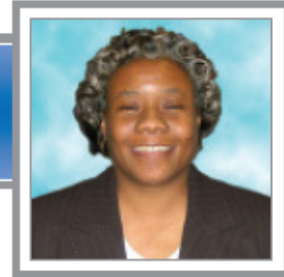
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AN INVITATION FROM THE PRESIDENT



It gives me great pleasure to present to you The Philadelphia Association of Paralegals' Annual Education Conference.

The Education Conference is an all day event designed to offer Philadelphia metropolitan area paralegals, paralegal students and attorneys an opportunity to increase their knowledge base, explore new areas of the law, and network with their peers. The sessions are designed to appeal to new paralegals as well as seasoned paralegals. This year, the Education Committee is offering something new and exciting – a Pro Bono session. This has not been offered in previous years and the Committee anticipates it being well received.

I encourage you to visit with all of our vendors as they offer you information about their services. And ask that you remember to utilize the vendors for your professional needs.

I want to thank everyone on the Education Committee for their untiring efforts in planning this Conference.

I hope you will attend the Conference and invite your friends and co-workers to join you. Please contact us if you have any questions at 215-255-8405.

SCHEDULE OF EVENTS



The Philadelphia Association of Paralegals'
Education Conference
Friday, November 7, 2008

Schedule of Events

Continental Breakfast: 8:00 A.M. – 9:00 A.M.
(Sponsored by Robson Forensic)

* * * * *

Session I: 9:00 A.M. – 10:15 A.M.

Morning Break: 10:15 A.M. – 10:45 A.M.
(Sponsored by West, A Thomson Reuters business)

Session II: 10:45 A.M. - Noon

* * * * *

Luncheon: 12:00 Noon - 2:00 P.M.
Keynote Address by
A. Michael Pratt, Esquire
Paris Room
(Sponsored by Abelson Legal Search)

* * * * *

Session III: 2:00 P.M. – 3:15 P.M.

Afternoon Break: 3:15 P.M. – 3:30 P.M.
(Sponsored by California University of Pennsylvania)

Exhibitor Raffles: 3:15 P.M. – 3:30 P.M.

Session IV: 3:30 P.M. – 4:45 P.M.

* * * * *

Exhibit Area: 8:00 A.M. TO 4:45 P.M.

* * * * *

Happy Hour: 5 P.M. to 7:00 P.M.
(Sponsored by DTI and CT Corsearch)
LaBourse

SEMINAR FEES

PAP MEMBER Full Day Rate (includes participation in all four sessions and lunch)**	Price: \$ 155.00
PAP MEMBER Half Day Session (includes participation in two consecutive sessions with lunch)	Price: \$ 120.00
ATTORNEY/NON MEMBER Full Day Rate (Includes participation in all four sessions and lunch)	Price: \$ 180.00
ATTORNEY/NON MEMBER Half Day Session (Includes participating in two sessions and lunch)	Price: \$ 150.00
STUDENT Full Day Rate (Includes participation in all four sessions and lunch)	Price: \$ 95.00
STUDENT Half Day Session (Includes participation in two sessions and lunch)	Price: \$ 65.00
LUNCH ONLY	Price: \$ 40.00

Visit Philadelphia Paralegal Associations’ website for more information and registration(www.philaparalegals.com).



For personal reasons, Mary Hoskinson has resigned from the Board of Directors. Mary has been instrumental to the Board having served as the Secretary for many years and will be missed. Thank you Mary for donating your time and talents to the Association!



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"I attended our local MTPA meeting today and several members have attended your conferences in the past and I have never heard such overall glowing reviews of speakers, materials, content, vendors, everything. Kudos!" Cindy Scrofani (Harwell Howard Hyne Gabbert & Manner, P.C.)

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Workshops: 1:00 - 5:00

October 24

9:00- 4:00

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