

The Official Publication of the Montgomery County Paralegal Association

July 2012

www.montcoparalegals.org

Contributing Editor: Heidi Reiss-Tait

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A Message from the President:

The Value of a Great Paralegal

As Paralegals, we often do the “behind the scenes” work required to help our attorneys to achieve success in the courtroom. We are too often the unsung heroes of the case, often doing all the background work, preparations and then never really seeing how everything fits together and comes to play in the courtroom.

I recently had the opportunity to see the inside of a courtroom and see the fruits of my labor. The case involved a dispute with a neighbor which escalated and became a township matter. Meetings with zoning officials were unsuccessful in averting the lawsuit. I did research regarding zoning ordinances, gathered information on township officials, learned how to dissect zoning maps, read case law, prepared exhibits and documents on behalf of the defendant. The day of the hearing came and we were prepared to present our case. I was finally able to see the “whole picture” of my profession.

This year, Governor Tom Corbett declared July 23rd to July 30th as Paralegal Week, with Friday, July 27th designated as Paralegal Day.

*WHEREAS, members of the bar require **knowledgeable and reliable assistance** to fulfill the duties of their profession. Paralegals have become an **invaluable source of support** in law offices, providing lawyers with a variety of skilled professional services throughout their practice; and*

As a paralegal, are you seeking more knowledge through CLE’s? Have you become a reliable source of information to the office? Are you a dependable asset to the office?

*WHEREAS, paralegals are **highly educated, trained and experienced professionals** with expertise in legal and case research, interviewing clients and witnesses, legal and correspondence writing and other areas of successful and efficient law practices; and*

Have you considered continuing your education or becoming certified? Paralegals offer attorneys a variety of expertise. While the practice of law has become more specialized, the Paralegal may have a greater overall sense of the practice due to attendance at CLE’s, classes and studying for the exams which exist for certification. It seems that attorneys tend to concentrate on their specialized practice. MCPA offers a variety of CLE’s which encompass a myriad of topics as well as opportunities to become involved in Pro Bono and Community events. Attending classes or assisting with Pro Bono events which may not be in your current field of work will broaden horizons and allow for a greater understanding of the practice of law.

*WHEREAS, the value of talented paralegals is often overlooked by the general public, but **their worth is never underestimated by the lawyers and firms for which they work.***

Evaluate your situation and challenge yourself to be the very best. Forget the excuses. Put your mind to it and take the necessary steps to accomplish your goal. Don’t settle for being good, but aim to be the BEST. Never underestimate the quality, degree or worth of a GREAT Paralegal!

**Annette M. Long, CRP
President, MCPA**

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In Observance of the Governor's Proclamation

declaring July 23rd to July 30th

as

Paralegal Week

We cordially invite you to attend a Celebration,

Honoring the members of the

Montgomery County Paralegal Association

on

Paralegal Day

Friday, July 27, 2012

5:00pm to 7:00pm

at

The Whitpain Tavern

1529 DeKalb Pike, Blue Bell, PA

This event Sponsored by:



MONTGOMERY BAR ASSOCIATION

MORE INFORMATION ABOUT THE PARALEGAL DAY CELEBRATION...

Submitted by Kathleen M. Zamorski, Pa. C.P., Hospitality and Events Planning Chair

Please join us for a fun-filled evening at the Whitpain Tavern, which includes basket raffles and silent auction items to benefit the Montgomery Child Advocacy Project ("MCAP"). MCAP, provides free legal representation to children who are victims of abuse and neglect. Over 140 MCPA attorneys volunteer their time and expertise to represent the voiceless and vulnerable victims in the legal arena.

Some of the items for our basket and silent auction include a Pandora Bracelet, Autographed Flyers Hockey Puck, Cheesecake Factory Gift Cards, Phillies Tickets, and several baskets: "Vacation in a Basket," "Beach Picnic Basket," "Tea Time," and many more exciting items.

Please mark your calendars and celebrate with your fellow paralegals and support a wonderful project.



Follow MCPA at our new location on Facebook:

<http://www.facebook.com/pages/Montgomery-County-Paralegal-Association/268109046565145>

Don't forget to



US and.....

Check back for photo, news, and announcement updates!



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From the desk of the governor...



Governor's Office

PROCLAMATION

PARALEGAL WEEK
July 23-30, 2012

PARALEGAL DAY
July 27, 2012

WHEREAS, The practice of law is a demanding, challenging and complex endeavor—one in which the rights, liberties and safety of our citizens have been protected and preserved for centuries; and

WHEREAS, members of the bar require knowledgeable and reliable assistance to fulfill the duties of their profession. Paralegals have become an invaluable source of support in law offices, providing lawyers with a variety of skilled professional services throughout their practice; and

WHEREAS, paralegals are highly educated, trained and experienced professionals with expertise in legal and case research, interviewing clients and witnesses, legal and correspondence writing and other critical areas of successful and efficient law practices; and

WHEREAS, the value of talented paralegals is often overlooked by the general public, but their worth is never underestimated by the lawyers and firms for which they work.

THEREFORE, I, Tom Corbett, Governor of the Commonwealth of Pennsylvania, do hereby proclaim July 23-30, 2012, PARALEGAL WEEK, and July 27, 2012, PARALEGAL DAY throughout our Commonwealth.

GIVEN under my hand and the Seal of the Governor, at the City of Harrisburg, on this third day of April in the year of our Lord two thousand and twelve, and of the Commonwealth the two hundred and thirty-sixth.

A handwritten signature of Tom Corbett in black ink.

TOM CORBETT
Governor



SAVE THE DATE...

Sept 6th

September Board Meeting

Time: 6:00 p.m.

Location:

Office of Michelle A. Winter, P.C.
190 Bethlehem Pike, Suite 4, Colmar, PA

Sept 19th

General Membership Meeting / CLE

Topic:

Medical Summaries and Chronologies – Clues to
Look for in the Records

Speaker:

Mindy Cohen of Mindy Cohen & Associates,
Medical Legal Consultants

Location:

Dischell, Bartle & Dooley
1800 Pennbrook Parkway Lansdale, PA

Mark your calendar now.



WELCOME NEW MEMBERS!

Lauren Franz

Christina Nguyen

Priscilla Lefferts

Rosemary Brinckman

Felicity Briggs

Scott Hinman

Toni Rose

Carriann Klockenthoer



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All of the sponsors appearing in the *MCPA Today*
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MCPA programs affordable to its members.

Remember our sponsors the next time you need a service.

Check the MCPA website (www.montoparalegals.org) for links to sponsors' websites.



New NFPA Website – Rolled out June 1, 2012!

Submitted by Debbie Arbuckle, Pa. C.P., *NFPA Primary Representative*

DEAR MCPA COLLEAGUES:

I am pleased to announce that the new NFPA website was rolled out today! This completely revamped website has been quite a while in the making, but my brief review this morning confirms it was worth the wait. Please thoroughly read the instructions from NFPA that follow my contact information in order understand what's new, what's improved and what you need to do to log on. There is a phone number to call in the event you have any issues.

Take a minute (outside of your billable hours, of course!) to explore the new NFPA website.

The new NFPA website is a complete redesign. Here are some highlights:

- Reorganized menus make it easier to find topics
- Image links for the most popular topics appear in a column on the left of every page
- Many content sections have been restructured and condensed
- Explanations for jargon and confusing terms have been added
- Old information has been either updated or eliminated
- Duplicate and conflicting information reconciled

We designed for both the technology of today and tomorrow:

- The new site will expand to utilize all the screen real-estate you have available so you don't need to scroll as much
- For smaller displays such as smartphones and some netbooks, the site will prioritize the main content area – making the site usable even on the go
- Announcements and upcoming events columns on the home page will also show members-only information so there is no need to navigate to a special members-only page to see them (the menu bar will have additional links based on the visitor's permissions)
- The members-only content on the old site was hidden behind a single password that was shared by the entire membership – hardly secure - now, each member signs in using the email address they have given to their association
- The leaders-only content was behind a password shared by nearly 200 people - the site uses the Leadership Directory database to determine whether that individual gets leadership access in addition to their member access
- For leaders, the leaders2 listserv is being replaced with a web-based message system - in addition to receiving announcements in email, you will also be able to look back on past messages using a special page of the website

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Behind the scenes, there are many ways the new website design will help NFPA HQ be better able to serve you and many more additions will be worked on over the summer.

Moreover, the new site's technological underpinnings have a greater capacity for expansion. We will be able to add new features and enhance existing ones using HQ resources, not expensive web design firms. We feel that what we are unveiling is great in its own right, but more than that, we see it as a foundation to build upon for even more member value in the future.

Members: If you're having difficulty signing in please call HQ at 425-967-0045 to verify we have the correct email address for you. Individuals should also set their preferences regarding the broadcast NFPA e-mails, whether or not to receive a paper or online copy of the *National Paralegal Reporter*, and/or how their entry in the Leadership Directory, if they have one, should appear. Associations should also continually update the Leadership Directory as to Board members so that the Leadership Directory is - at all times - up-to-date.



Paralegal Associations Website Resources

The **MCPA** (<http://www.montcoparalegals.org/>) is a member of state and national associations:

- the **Keystone Alliance of Paralegal Associations** (<http://www.keystoneparalegals.org/>) and
- the **National Federation of Paralegal Associations** (<http://www.paralegals.org/>)

Access these websites for a wealth of information and helpful resources.



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NFPA Update

Submitted by Debbie Arbuckle, Pa. C.P., *NFPA Primary Representative*

The following was recently received from Robert Hrouda, RP®, NFPA Vice President & Director of Positions and Issues. Please take a moment to review not only the Press Release, but the full Order, the WSPA endorsement letter and yes, even the dissenting Opinion.

I want to share some exciting news with you all out of Washington State. The Washington State Supreme Court adopted the new Admission to Practice Rule 28 entitled Limited Practice Rule for Limited License Technicians. The Rule was recommended by the Practice of Law Board. Some items the Legal Technicians will be able to assist clients with include selecting and completing forms, reviewing and explaining pleadings, identifying additional documents that may be needed in a court proceeding and informing clients of applicable procedures and timelines. Requirements include CLE, annual proof of financial responsibility and an annual license fee. Legal Technicians must also be of good moral character and demonstrate fitness to practice as well as meet education and experience requirements. Below is a link to the news release which contains the Order and APR 28 which will give you all the necessary requirements and scope of practice pertaining to this new Rule. The Washington State Paralegal Association endorsed the Rule and a link to their letter to the Court is also below. Congratulations WSPA.

<http://www.courts.wa.gov/content/publicupload/eclips/6.15.12%20APR%2028.pdf>

http://www.wspaonline.org/index.php?option=com_content&view=article&id=140&Itemid=118

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MCAP - Run for the Hill of It

Saturday, July 28, 2012



5 mile run ~ 1 mile fun walk to benefit MCAP

- To participate - register online at <https://www.linmark.com/RaceDetails.aspx?guid=5c5803b1-7643-4538-b977-470dda9a356a>
- To volunteer on Race Day, contact MCAP at 610.279.1219 or marypugh@mcapkids.org
- For more details, go to <http://www.runforthehillfit.org/raceinfo.php>

*It's a lot of fun, a lot of great people and it's for a very worthy cause!
Please help make a difference.*

MCAP (Montgomery Child Advocacy Project) provides free legal representation and social services to children of Montgomery County who are victims of abuse and neglect.



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Paul Herrmann Shares his Expertise with MCPA Members Regarding EDiscovery and Computer Forensics

By: Terri Hall

On Wednesday, May 16, 2012, the MCPA held its general membership meeting at Groundwork Law, LLC in King of Prussia. Harry Reichner, Vice President, presided over the meeting. Harry briefly reviewed topics of interests such as the MCPA's commitment to sell raffle tickets for the Legal Aid Classic. Also, the Keystone Alliance 2012 Education Summit is in Lancaster on Saturday, October 13. The next general membership meeting will be at the Whitpain Tavern on July 27, 2012 to celebrate Paralegal Day.



Harry then turned the meeting over to Paul Herrmann, President of eVestigations, Inc. who specializes in eDiscovery and computer forensics. Mr. Herrmann started his career in eDiscovery in 1977 and has been a testifying expert in information security and forensics and has worked on large scale eDiscovery cases with the State of Pennsylvania as well as Fortune 500 companies.

In his presentation on eDiscovery & Computer Forensics, Mr. Herrmann addressed the differences between eDiscovery and computer forensics. eDiscovery is the process of collecting, preparing, reviewing, and producing electronic documents in the context of the legal process. It is also known as Electronic Data Discovery. Whereas, computer forensics is the science and art of interpreting computer artifacts to determine events to authenticity of electronically stored information.

Some other distinctions between eDiscovery and computer forensics are that eDiscovery is more expensive than computer forensics since eDiscovery is billed by the gigabyte of data processed and computer forensics is billed by the hour. In eDiscovery cases, 70% of the costs are in the review process. Although eDiscovery can be handled by an IT Department, computer forensics requires an expert.



Mr. Hermann also informed us that Pennsylvania does not have an eDiscovery rule. Therefore, in Pennsylvania you should refer to the Federal Rules of Procedure, Rule 26(f)(2). In order to preserve attorney/client privilege in eDiscovery cases, Mr. Hermann suggested that attorneys and paralegals should mark all e-mail communications with "Attorney Work Product" in the header of the e-mail.

The MCPA is grateful to Mr. Herrmann for his interesting and informative presentation. Thanks are also extended to the Groundwork Law, LLC for providing dinner and refreshments and also for the use of their conference room. It is this type of support that helps us to maintain our commitment of professional growth and development to our members and to the paralegal profession in general. ♦

How to Give Advice

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Many professionals approach the task of giving advice as if it were an objective, rational exercise based on their technical knowledge and expertise. Alas, giving advice is almost never an exclusively logical process. Rather, it is almost always an emotional “duet” played out between the advice giver and the client.

If you can’t learn to recognize, deal with and respond to client emotions, you will never be an effective advisor.

Early in my career, the management team of a large professional firm asked my opinion about how they were conducting their affairs. I responded with a very direct and candid answer. “Here are the things you are messing up,” I said, “and this is what you should have been doing!”

To my surprise, I was fired for being a disruptive influence. This was hard for me to understand because I knew (and they knew) that I was correct in my diagnosis and prescriptions.

Eventually I learned the obvious lesson. It is not enough for a professional to be right: An advisor’s job is to be helpful.

Among other things, I had to develop the skill of telling clients they were wrong in such a way that they would thank me for giving helpful advice! I had to learn how to disagree without being disagreeable.

Proving to someone that they are wrong may be intellectually correct (and let’s be honest, occasionally fun), but it is not particularly productive for either the client or the advisor.

Criticizing one’s clients is, by definition, a part of every professional’s job. However, suggestions for improvement always carry the implied critique that all is not being done well at the moment, and it is usually the person hiring you who is responsible for the current state of affairs.

Lawyers are usually retained by the in-house general counsel, accountants by the chief financial officer, marketing and communications consultants by the vice president of marketing and actuaries by the head

of human resources or the pensions officer. More often than not, the person hiring you is a key player in the issues you are being asked to address. The advisor therefore needs to tread carefully!

Because of this, the diagnosis and solution of a client’s problem can never be performed without considering the sensitivities, emotions and politics of the client situation. No matter how technical one’s field or discipline, the act of giving advice is crucially dependent on a deep understanding of the personalities involved and on the ability to adapt the advice-giving process to the specific individuals involved.

The Client’s Perspective

To understand some of the emotions surrounding the client’s use of professionals, think of the personal risks (reputation, promotion opportunities, bonuses, perhaps even one’s career) that go along with the responsibility for choosing (and working with) any outside provider for a risky or expensive corporate matter. How would you like to be known by the board as the person to blame if the corporate headquarters designed by the architect you chose doesn’t work out? If the major lawsuit is lost? If the new marketing campaign fails to deliver the goods?

Viewed in this light, the client has every right to enter the process of using an outsider in a high state of anxiety. What’s worse, the client’s inevitable caution and trepidation are reinforced by the fact that outside professionals often see complications in a project that the client doesn’t see.

In fact, it is an essential part of the professional’s craft to reveal nuances, problems, barriers and issues that the client is unaware of. If these are not conveyed with tact and skill, the client could easily believe (however unfairly) that, rather than relieving fears and being helpful, the professional is creating complications.

There are other emotional issues usually present. In the normal course of their business lives, client executives are people of accomplishment, authority and respect within their organization. When hiring an advisor, they are forced to place their affairs for an uncertain period of time (and cost) into the hands of a

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practitioner of an impenetrable art, who often uses indecipherable jargon and engages in mysterious and unexplained (but probably expensive) activities. It is predictable that the average client experiences unwelcome feelings of dependency or loss of control.

What clients really want is someone who will take away their worries and absorb all their hassles. Yet all too often, they encounter professionals who add to their worries and create extra headaches, forcing them to confront things they would prefer to ignore. (“Doctor, I came to you about my sore feet, and you are giving me grief about my weight. Can’t you just treat my feet and leave me alone about my weight?”) Since clients are so anxious and uncertain, inevitably they are looking for someone who will provide reassurance, calm their fears and inspire confidence.

It can take some time for many professionals to realize that it is a central part of their profession to develop these skills. Certainly no one ever teaches us these skills in our professional training, neither in school nor inside the typical professional firm.

A Chat with Mom or Dad

Essential to being an effective advisor is having a good understanding of one’s role. This is illustrated by something a lawyer once told me: “Sometimes I feel like I’m explaining things to a child. My client can’t seem to grasp even the basic logic of what I’m trying to convey. I feel like saying, ‘Shut up and just accept what I’m telling you—I’m the expert here!’”

What makes this lawyer’s comment so understandable is that in almost every advisory relationship, the client is usually untrained in the professional’s specialty, while the professional may have seen the client’s problem (or variants of it) many times before. There is thus an almost natural tendency to come across to the client as patronizing, pompous and arrogant.

While it is understandable why advisors can feel this way, it is equally clear why clients resent it. After all, when I’m the client, I’m the one in charge. If I don’t understand what you are saying, then maybe the problem is you, not me.

Maybe you don’t know how to convey what you know and understand to a lay person. Of course I don’t know your field; that’s why I hired you! Explain it to me in language I can understand. Help me get it! Your job is not just to pitch solutions at

me, but to help me understand why your recommended course of action makes sense. Give me reasons, not just instructions!

Although advising clients sometimes feels like explaining things to a child, the secret to becoming a good advisor is to do exactly the opposite: Act as if you were trying to advise your mother or father.

If you are going to convince Mom or Dad to do something, you are more likely to find the right words to convey your point so that it comes across with immense amounts of respect, so that the implied critique is softened as much as possible.

This doesn’t mean avoiding the issue or rolling over and playing dead to whatever they say. It may be that what they are doing is disrupting the rest of the family or that it goes against their own interests. You need to get your point across. Nevertheless, you must enter the encounter with the right attitude and with careful attention to phrasing.

When talking to a family member or a client, a primary task is to diffuse defensiveness (which, it should be noted, is always present). If you are to influence a parent, you must find a way to prove that you are trying to help and that you are not just being critical.

As one thinks about advising a parent, it should be readily apparent that you don’t just tell Mom or Dad what to do (even if they ask you directly). Instead, you focus less on the advice (or conclusion) itself and more on creating a dialogue or conversation that would help them see the issue from a new perspective. “You’ve every right to do that, Dad, but sister has a few extra burdens because of what’s happening. Can you help ease the pressure on her? Is there anything we can do to help her?”

A corporate equivalent to this might be, “That’s a sensible decision, but if we take that path the dealers would probably be very unhappy—and we need their cooperation in order to succeed. Is there some way to modify the plan so that we can keep them enthusiastically supporting the new plan?”

Finding the Right Words

Excellence in giving advice requires not only the right attitude but a careful attention to language.

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There are always a number of ways of expressing the same thought, each of which differs in how it is received by the listener. Saying, "You've got to do X," even when you're correct, is very likely to evoke emotional resistance—no one likes to be told that they've got to do anything (even when they must).

It is usually better to say something like this: "Let's go through the options together. These are the ones I see. Can you think of anything else we should consider? Now let's go through the pros and cons of each course of action. Based on these pros and cons, action X seems the most likely to work, doesn't it? Or can you think of a better solution?"

If the client doesn't want to do X, the conversation is still alive. If you've said "You've got to do X," and the client says, "No, I don't," you've nowhere to go. Your effectiveness as an advisor has just been lost, and you have placed yourself and the client on opposite sides. The odds are that what will follow will be an argument, not a discussion.

Numerous other examples of "hard" and "soft" phrasing can be given. For example, take something as simple as "What are your problems?" Seemingly a simple question, this can easily be taken as challenging. A good substitute might be, "What is most in need of improvement?"

As a quick rule of thumb, it is usually better to try to turn one's assertions into questions. Instead of saying, "This is the best solution," try the following: "My other clients usually do X for the following reasons. Do you think that reasoning applies here?"

Many years ago, when I taught mathematical statistics, I would stand at the front of the class writing the mathematics on the blackboard. Pausing from time to time, I would ask my students, "Did everyone understand that?"

There would usually be silence in the room. I therefore assumed I was doing just fine as a teacher. However, at examination time everybody failed the exam. I had failed as a teacher! I was frustrated because (in language I would use today) I thought I had created many opportunities to check for my clients' (my students') understanding.

colleague pointed out that my attitude was fine but my skills were weak. By asking, "Did you understand that?" I was creating an atmosphere where a student

would have to confess weakness if they said, "No." My friend recommended that I change my language to, "Have I made myself clear here?"

Phrased that way, it was easier for someone to say, "No, you haven't." Even if this was more challenging to my ego, it helped me to ensure that my points were being understood. Another way to deal with this situation would be to ask, "Would you like to stay on this point or move on to the next topic?" This is a neutral way of letting the student/client express confusion about a topic (or lack of acceptance) without threatening their ego or embarrassing them.

What all this shows is that we aren't always aware of how we are coming across in our conversations with clients. We know what we intend to convey, but we do not always know how we are being received.

One device to help in this skill-building process is to rehearse a client conversation on videotape, with a friend or colleague playing the role of the client. I have learned that the simple act of watching oneself in conversation immediately reveals opportunities to phrase things differently to avoid the perception of being pompous, assertive, threatening or unclear.

One doesn't need an expert in communications to help you debrief the experience—when we listen or see ourselves on tape, the areas for improvement are usually blatantly clear. As the poet Robert Burns noted, it is of great benefit "to see ourselves as others see us."

A Teacher's Skills

In many ways counseling skills are similar to those of great teaching. A teacher's task is to help a student get from point A (what they know, understand and believe now) to point B (an advanced state of deeper understanding and knowledge). It represents poor teaching for the professor to stand at the front of the class and say, "B is the right answer!" (As the old joke goes, a lecture is the fastest means known for getting ideas from the notes of the teacher into the notes of the student without passing through the minds of either.)

A teacher needs two skills to be really effective. First, the teacher must have a good understanding of point A—the point at which the student/client is starting from. What does he or she understand now? What do they believe, and why do they believe it? What are they doing now, and why are they doing it that way?

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This understanding of one's student/client can only come from doing a lot of questioning and listening while saving one's reactions until later in the teaching (or advisory) process.

Having understood point A, the teacher/advisor cannot jump straight into a discussion of point B, the end point. The second required skill is to develop a step-by-step reasoning process that takes the student/client on a journey of discovery.

The goal is to influence their understanding so that, eventually, the student/client says, "You know, on reflection I think that B is a better answer!" The teacher/advisor can then respond, "OK, that's what we'll do!"

This process is, of course, usually termed Socratic teaching. It is generally accomplished by using the following types of questions:

Why do you think we have this problem?
What options do we have for doing things differently?
What advantages do you foresee in using the different options?
How do you think the relevant players will react if we do that?
How do you suggest we deal with the following adverse consequences of such an action?
Many other people encounter the following difficulties when they try that. What can we do to prevent such things from occurring?
What benefits might result if we tried the following approach?
Socratic reasoning does take a great deal of patience. It is normal for the teacher to feel an almost overwhelming temptation to scream out, "But the answer is clear—we should do B! Listen to me!" This would be an entirely intellectually correct answer but a complete failure in advice-giving.

Dealing with Client Politics

Among other things, effective advice-giving requires an ability to suppress one's own ego and emotional needs. The most effective way to win influence over a client is to make the client think that the solution was his or her idea, or at the very least his or her decision.

One way to do this is to help the client understand all the available options by conducting a thorough

exploration of advantages, disadvantages, risks and costs. You can then gently guide the client to the preferred solution. Notice that this usually means avoiding the temptation to take a stand yourself early in the process.

An advisor's role is to be an expert guide in the process of reasoning through the problem. Your ability to be accepted as a trustworthy guide can be damaged if your client believes that you have already reached your own inflexible conclusion.

The advisor's role as a guide through the reasoning process becomes even more critical when dealing with committees, groups or other situations where more than one person is involved in the decision. In such situations, one must learn how to assist one's client by building consensus among the client personnel.

Rarely does an advisor have only one person as the client. Even if you are reporting to the CEO, it is usually the case that others must be "won over" in order for any action to take place. Even powerful decision makers such as CEOs tend to involve their CFO, their general counsel or other corporate officers before a final decision is reached.

Not surprisingly, since they represent different corporate constituencies, each of these other players brings a different perspective to the problem you have been asked to help with. It follows that client politics are unavoidable in any advisory situation. If you can't deal with client politics, you cannot be an effective advisor.

Accordingly, all advisors must learn the skills and methodologies for bringing the different players "on board." For example, in many (if not most) advisory situations, clients schedule meetings that involve a number of important players, each (usually) with his or her own agenda. Some advisors show up at these meetings and try to facilitate the session by dealing with the different interests, agendas and perspectives in "real time." In reality, few professionals are skilled enough or fast enough on their feet to deal with the many objections and concerns that surface during such meetings.

However, if you are diligent about finding out who is going to be at the meeting, and disciplined enough to call each of them one at a time, in advance, you could then ask each person to share their take on the issues,

MONTGOMERY COUNTY PARALEGAL ASSOCIATION

their concerns, objectives and so on. Prepared in this way, it will be easier to plan and run the subsequent meeting(s) and to help bring the group to consensus. Even though the individual agendas will not always be reconciled, it is likely that significantly more progress in decision making will be made.

It is tempting (and probably true) to think that conflicting agendas, priorities and goals are the clients' fault, not yours. However, unless you can develop the approaches and skills necessary to deal with these, your advice will not be acted upon, and you will not be seen as a helpful, useful advisor.

Customizing Your Approach

While I have tried to shed a little light on the principles involved in advising clients and tried to provide a few specific "how-tos," the fact remains that advice-giving is an art, not a science.

There are few books (if any) that provide a road map for learning these crucial skills, and (to my knowledge) no training programs are available in the public domain, except

perhaps for Dale Carnegie's *How to Win Friends and Influence People*. (I would be delighted to learn of anything that does exist, as well as additional "tips" that experienced counselors have learned or developed—phone, fax or email them to me!)

Most of us have to learn these skills by trial and error as our career progresses. While I have hopes that one day a book and training program will appear, the odds are that advice-giving will remain an art. Individual tips and tactics are helpful, but to apply any of them unthinkingly across the board with all clients would be a huge mistake.

The essence of advice-giving is the ability to design a process and means of interacting that fit each unique client situation. I can imagine (and, in fact, have encountered) clients who have little tolerance for Socratic reasoning and say, "Cut the crap; just tell me what you think." If that's what works for that client, that's what I'll do.

However, the burden is still on me to quickly understand each individual client's preferred style of interaction and to be sufficiently flexible to deal with the client in a manner that they find most comfortable and effective. The one thing I must not do is commit myself to a single consultative style and say, "Well, that's my style; the clients can take it or leave it."

Now that really would be pompous, patronizing and arrogant!

-Submitted by Harry A. Reichner, M.A.



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MCPA Members' Reading Recommendations:

- **Annette M. Long** found an interesting blog topic: "Does Facebook Wreck Marriages?" Read about it on *SmartMoney Blogs* at the following link:

<http://blogs.smartmoney.com/advice/2012/05/21/does-facebook-wreck-marriages/>

- **Annette** also passed along a helpful article from the *State Bar of Texas – Paralegal Division* website entitled, "Surviving the Last 90 Days before Trial" by David A. Chaumette:

<http://txpd.org/tpj/52/focus01.asp>

- **Nancy Piechota** recommends an excellent article in a recent edition of *The Legal Intelligencer* on the topic of "Ethical Responsibilities for Paralegals." Read the article, written by Judy Stouffer from Berner, Klaw and Watson, at the following link:

<http://www.law.com/jsp/pa/PubArticleFriendlyPA.jsp?id=1202560256298&slreturn=1>

BOOKS/APPS/WEBSITES – We NEED You!

BOOKS: What book have you read recently that is enlightening, inspiring, or just plain helpful to paralegals? (It does not have to be non-fiction.) We are collecting book recommendations for our list: 30 Books Every Paralegal Should Read. (See list on page 19.)

Please fill out the following information or email it to me at

sweber@bortlaw.com.

Book Name:

Author:

Description on why paralegals would like it:



APPS: What Smartphone/Driod/Iphone apps do you find helpful to your job or just plain interesting?

App:

Description:

WEBSITES: Reliable Internet sites can be so helpful to paralegals in our jobs. What website do you find yourself going to time and again for information. (See list on page 19.)

Site:

Description:

I look forward to collecting your ideas and recommendations! Stay tuned for the next issue of MCPA Today for the results.

Thank you, Shari Weber Bradley, Pa C.P. sweber@bortlaw.com

Is there an App for that?

5 Top Android Legal Apps for 2012

by Leslie Krick

Reprinted with permission from *Lawyer Tech Review* (www.LawyerTechReview.com)

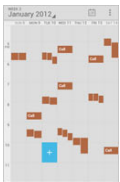
Smartphones are changing the way everyone does business, but legal professionals in particular can benefit from the flexibility and efficiency of running certain aspects of their business using their smartphones. Here are some apps to put your smartphone to work for you, whether you're in a doctor's office for a deposition, out on the golf course or taking the train to work.

1. The Law Guide - If you're a paralegal or law student, this app is a great way to stand out among your peers. With a comprehensive legal dictionary and FAQ at your fingertips, you can impress your boss and colleagues with a confident grasp on the language of your trade. If you're between jobs, The Law Guide allows you to upload your resume and connect with employers in your area. Even qualified attorneys can benefit from the free case-review links and law dictionary. It's free to download, ad-free, and content-rich.



2. RDM+ Remote Desktop Management - If you've ever forgotten to bring a file home with you or wished you could work during your commute, this app is a great solution. RDM+ gives you remote access to any computer from your smartphone. Your home or office desktop will appear on the smartphone display. Functionality is slightly limited by your smartphone's keyboard but otherwise it's just like having your desktop computer with you wherever you go. Be sure to keep this app password-protected so that phone thieves can't access sensitive documents.

3. CallTrack - Legal professionals' time is valuable but tracking billable hours is a hassle. This app saves a surprising amount of time by tracking all your work calls by length and contact details and automatically syncing them to [Google Calendar](http://www.google.com/calendar). CallTrack adds up all your billable and non-billable call hours at the end of a billing period you designate so you (or your accountant) can use time more productively.



4. WinScribe Digital Dictation - If you really want to turn your smartphone into a mobile office, a tiny virtual keyboard is going to be your primary obstacle. The best solution on the market right now is digital dictation—while it's imperfect, the sophistication and accuracy of dictation software has come a long way in recent years, and you'll be surprised at how effective it can be. WinScribe lets you dictate, transcribe, and review finished documents from your smartphone—making your smartphone as work-ready as your desktop computer.



5. Dropbox - If you do any business at all online, in any profession, Dropbox should be part of your arsenal. It allows you to share files across computers and mobile devices as easily as clicking and dragging files into a folder. The [Dropbox](http://www.dropbox.com) app gives you access to shared folders on your home and office computers, so you never again experience that sinking feeling of having left a vital file at home. You can simply access it from your phone, finish it up on the go, and share it with co-workers or clients over Dropbox.

About The Author - Leslie Krick is a staff writer for [the Louisiana law firm Bachus & Schanker](http://www.theLouisianaLawFirm.com) on topics relating to employment, labor and state law. She is also an active member in her community as well as a member of Amnesty International.

30 Books Every Paralegal Should Read

1. Chambermaid by Saira Rao
2. The Art of War by Sun Tzu
3. John Grisham's
 - a. The King of Torts
 - b. The Testament
4. Eats, Shoots & Leaves by Lynne Truss

Let's keep the list going... Take a few minutes and email your suggestion to sweber@bortlaw.com today!

Notable Sites:

The Oyez Project at Chicago-Kent College of Law – A Multi-Media Archive of the Supreme Court: <http://www.oyez.org/>

Law and Legal Research - Lawyers, Legal Websites, Legal News and Legal Resources: <http://law.onecle.com/> FREE access to the laws for 19 states (including Pennsylvania and New Jersey), the U.S. Code, and the U.S. Constitution. Links for Pennsylvania laws to pinpoint your legal research:

- **Pennsylvania Consolidated Statutes – Pennsylvania Attorney Resources – Pennsylvania Laws:** <http://law.onecle.com/pennsylvania/>
- **Crimes and Offenses – 18 Pa. Cos. Stat. – Pennsylvania Attorney Resources – Pennsylvania Laws:**
<http://law.onecle.com/pennsylvania/crimes-and-offenses/index.html>

Montgomery Bar Association – The Sidebar:

<http://www.montgomerybar.org/publications/sidebar.php> - the free Quarterly Newsletter of the Montgomery Bar Association.

The American Bar Association's Standing Committee on Paralegals:

<http://www.americanbar.org/groups/paralegals.html> - GREAT resources from the ABA!

Paralegals and Legal Assistants: Occupational Outlook Handbook: U.S.

Bureau of Labor Statistics: <http://www.bls.gov/ooh/Legal/Paralegals-and-legal-assistants.htm> - A statistical snapshot of U.S. paralegals.

Pro Bono Work Can Be Educational and Fun

By: Joni Lahr-Magee, M.D., F.A.C.O.G.

This Pennsylvania Statewide High School Mock Trial Competition was the 28th of one of the top secondary level academic competitions in the Commonwealth! It is sponsored by the Young Lawyers Division of the Pennsylvania Bar Association (PBA/YLD). It provides high school students with firsthand experience of the American judicial system. The Mock Trial Competition is one of a series of law-related and civic education programs conducted by the PBA to demystify the law for Pennsylvanians, including Freedom's Answer, I Signed the Constitution, Project PEACE, Law Day and Stepping Out for Seniors.

The 2012 case, *The Wisawe Chapter of Friends of Bog Turtles v. ZenoPharma, Inc.*, is a civil action in which the plaintiff seeks an injunction to prevent the defendant, owner of a pharmaceutical plant located in the town of Wisawe, Pa., from expanding its operations. Plaintiff argues that an endangered species is alleged to have been found on the land where the expansion is to occur.

As soon as I opened the e-mail from MCPA stating that Paralegals as well as Attorneys could act as volunteer jurors at the 2012 mock trials at the Montgomery County Courthouse in Norristown, I volunteered to go. I arrived at the appointed time and signed in with the young attorney in charge of giving the courtroom assignments. There was a CLE prior to the trial. The attendance gave me no credit. The lawyers received CLE's for the bar; however, they were not set up to give CLE credit to the Paralegals.

Courtrooms were then assigned. When we arrived at the court room we were seated in the jury box. Each juror was given a sheet to score each team and each witness. The scores range from 1 to 5. Each team of high school students consisted of three plaintiffs' attorneys, three defense attorneys, three witnesses for the plaintiff, and three witnesses for the defense. The trials were conducted by genuine Montgomery County Judges of the Court of Common Pleas. One of the Judges was the President Judge.

At the completion of testimony, we were sent to the jury room. Unlike a genuine jury, there was very little discussion because we were going to express our opinions on the score sheet. Additionally, there was a tiebreaker question asking merely which side prevailed. After we calculated our own totals, a clerk collected and calculated the grand totals.

All of the young people who participated had obviously spent a great deal of time practicing at their respective schools and they had all obviously been very well coached. The court room was full.

I participated as a juror on two consecutive Tuesday mornings and Tuesday afternoons. The Judge found for the plaintiff in one trial and the defendant in three. It was a privilege to participate in the mock trial process.

Editor's note: Paralegals who attend Continuing Legal Education ("CLE") opportunities may need proof of attendance to submit to certifying organizations such as the Keystone Alliance of Paralegal Associations or the National Federation of Paralegal Associations. If a CLE event does not provide a proof of attendance form, check with the certifying organization for other means of providing verification of attendance.



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Committee News - STUDENT AFFAIRS AND MENTORING

ATTENTION SEASONED MEMBERS!!

If you are interested in mentoring a student enrolled in paralegal studies, please contact Lisa LaPenna at (610) 941-2523 or llapenna@kaplaw.com.

ATTENTION STUDENTS!!

It has come to my attention that some of our student members are in need of mentors. It's painless, easy, and comes free with your membership. All you need to do is contact me, Lisa LaPenna, at llapenna@kaplaw.com. I'll ask you a couple of questions to find the suitable mentor for you. Looking forward to hearing **from you**.



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Is certification the path for you?

By: Vicki Voisin, ACP

The issue of certification has long been debated. Here a few questions I'm frequently asked:

- I graduated from a paralegal program, why should I sit for a certification exam?
- I have a paralegal certificate from a university, doesn't that make me 'certified'?
- I have a good job and years of experience, how will certification make a difference for me?
- What will those letters after my name really do for me?
- My boss doesn't care if I'm certified so why should I bother?

I wholeheartedly support the certification process for paralegals and believe it is an important professional goal. Please consider the following points:

Having a certificate does not mean you're certified. A certificate is issued upon completion of an educational program, at which time you are certificated. Certification involves passing an examination established by a sponsoring organization that usually has specific requirements of education and experience for persons taking the exam. Upon completion of the examination, you are certified.

The American Bar Association defines certification as 'a process by which a non-governmental agency or association grants recognition to an individual who has met certain predetermined qualifications specified by that agency or association.'

I'm certainly not minimizing the importance of completing a paralegal program and obtaining your certificate or your degree. Paralegal education is essential. I am merely pointing out that there is an additional step you can take that will boost your professional profile. That step is certification.

Credential = credibility. Certification is a voluntary process and is not a prerequisite for paralegal employment. However, certification gives you credibility. It demonstrates that you have the knowledge base and the skill required to pass the examination. It may also make you more marketable and may increase your income potential.

Certification takes you off the level playing field. Graduation from a paralegal program (and, thus, being certificated) is the primary avenue by which people enter the paralegal profession. If everyone has a certificate, how is a potential employer to judge the best candidate for the job? Think about the following:

Two paralegals standing side by side with the same certificate from the same school and the same amount of experience. How can one be distinguished from the other? The answer is certification. The certified paralegal demonstrates that he or she is a multi-skilled professional with diverse knowledge and effective communication skills.

Certification provides paralegals an avenue for self-regulation. The issue of licensure for paralegals is old news...it's been discussed ad nauseum for more than a quarter century. Paralegals work under the supervision of a licensed attorney and do not provide their services directly to the public. For this reason, licensure of paralegals is not required.

Further, licensure says a person is 'qualified' to do work. It does not demonstrate advanced knowledge and skills. An example is a hair dresser (and I have the highest regard for my hair dresser, believe me!). Hair dressers are allowed to enter the profession when they are licensed by a state agency. The license does not say they have fantastic skills, it only says that they can perform the services. The certification credential is awarded to people who prove their advanced knowledge and skills by meeting the standards of the credentialing organization.

Certification will do much for you personally. Ask anyone who has a credential and they will tell you that the achievement made them walk a little taller, made them feel stronger professionally, gave them incredible personal satisfaction and increased their level of professional confidence. They set a goal and they achieved it. They took a risk and they survived it. They have the credibility that the credential provides. They literally stand out above the crowd. Their accomplishment gave them great pride. You, too, can have all that with professional certification.

One additional benefit you will reap from the certification exam: the learning that takes place in the preparation for the examination. Even the most experienced paralegal will learn something new and benefit from the intense review.

You will usually be required to participate in continuing education programs to maintain your certification. This requirement will help you keep up to date with changes in the profession and in the legal arena. Also, the credentialing organization will usually set high ethical standards for those using the credential. Unethical behavior will result in the loss of the credential.

Certification may give you a 'leg up' when you're searching for a job. In today's economy, you need all the ammunition you can muster to prove that you are the person for the job. Having the certification credential behind you exhibits not only the advanced knowledge I mentioned earlier, it also shows discipline, ambition, motivation and willingness to accept a challenge.

Your challenge: If you already have a professional credential, congratulations! If you don't, please put that at the top of your list of professional goals. Come back next week when I'll help you choose the certification examination that is right for you.

2012 Vicki Voisin, Inc.

Vicki Voisin, "The Paralegal Mentor", delivers simple strategies for paralegals and other professionals to create success and satisfaction by setting goals and determining the direction they will take their careers. Vicki spotlights resources, organizational tips, ethics issues, and other areas of continuing education to help paralegals and others reach their full potential. She publishes *Paralegal Strategies*, a weekly e-newsletter for paralegals, and co-hosts *The Paralegal Voice*, a monthly podcast produced by [Legal Talk Network](#).

VOLUNTEERING OPPORTUNITIES IN THE MCPA

Below are the names and contact information for the Chairpersons of the various MCPA committees. If you have an idea or would like to volunteer, please contact a Chairperson! The Fundraising and Public Relations Committees are newly formed and are actively seeking new committee members.

Membership

Coordinate membership drives and membership matters

-

Tracey L. Barnes, RP, Pa. C.P.
TBarnes@dischellbartle.com

Newsletter

Solicit and write articles; layout and editing for the bi-monthly newsletter, MCPA Today

-

Heidi Reiss-Tait, Pa. C.P., Editor
hrt33@comcast.net

Job Bank

Solicit, accumulate, and distribute current job postings to the general membership

-

Stephanie Dise, Pa. C.P.
sad@elliottgreenleaf.com

Marketing

Solicit sponsors and advertisers for MCPA

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Deborah A. Long, Pa. C.P.
deblong420@gmail.com
Deborah A. Arbuckle, Pa. C.P.
darbuckle@kaplaw.com

Public Relations

Promote the MCPA in the legal and general Community

-

Annette M. Long, CRP
amlong83@gmail.com

Hospitality & Events Planning

Plan and schedule upcoming MCPA presentations, meetings and social events

-

Kathleen M. Zamorski, Pa. C.P.
kmz@elliottgreenleaf.com

Community Outreach & Pro Bono

Plan and schedule MCPA charitable and community events

-

Roberta Fedorka, Pa. C.P.
rfedorka@obrlaw.com

Fundraising

Organize and hold fundraisers for the Association and/or charitable organizations

-

TBD

Student Affairs & Mentoring

Provide a range of services and support to students interested in a paralegal career

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Lisa LaPenna, Pa. C.P.
llapenna@kaplaw.com

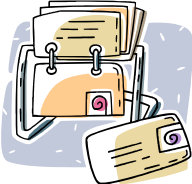
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Theodore Roosevelt



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