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Montgomery County Paralegal Association

**March 2016**

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**PRESIDENT'S MESSAGE** *by Roberta Fedorka, Pa.C.P.*

**T**he MCPA needs your help and you may actually have more time in your life to contribute your talents, skills and enthusiasm with a few simple life changes. We're all busy and seemingly have an endless array of responsibilities and activities that we must attend to on a daily basis. But in the spirit of the season, let's think Spring.

Then think about Spring cleaning - not just the kind that requires buckets and rubber gloves but the kind that cleanses your soul, frees your spirit and clears your mind. In the same organizational way we all approach our paralegal jobs, you can plan out tasks to cleanse your personal life as well. Much like the relief we feel when we get rid of old bags, clean out closets, drawers and garages, we can do the same personally by purging the stockpile of things inside of us that have outlived their usefulness. Bad memories, something we needlessly stress over, a

grudge or other negative thoughts or emotions about people, events or things. This baggage is not only worthless, it can be detrimental to your health and happiness. If there is a relationship that no longer makes you happy, let it go. Free up space in your mind, your heart and your schedule for things, activities and people that make you happy. Hold onto memories and people that really matter. Lifestyle de-cluttering can be more difficult than cleaning the attic and, yet far more rewarding. Spend some quiet time without any distractions (cell phone silenced or on airplane mode). Be alone with your thoughts. Take inventory and be thankful for all the positive people and things in your life. Maybe listen to some music. What would be the theme song of your life? Picture yourself and your life as you want it to be. Are you spending your time on things worth spending it on? Many of us waste valuable hours on things that don't matter, and then can't find time for things that do. Dust off your talents. Have you been so busy that you've given up hobbies and activities you enjoy for tasks, chores and responsibilities?

Before more precious time slips away, mentally go through your week and how you spend your time. Approach your daily personal life in a similar manner to how you plan out on your paralegal projects, pare down your in-bin at work, and mark off myriad tasks on your endless "to do" list. Diary everything you do and how long you do it. Identify changes you can make, what to cut back on and maximize time for your desired activities.

Spring cleaning should bring new things to life - ideas, goals, plans and actions. And best of all, our spirits should be rejuvenated and energized. Today is the first day of the rest of your life. What will you make of it? Perhaps you would be happy and feel some sense of accomplishment if you volunteer for a committee. Several MCPA committees are eager to welcome you. Not ready for that commitment? Volunteer for a specific event or project. Write an article for the MCPA Today Newsletter. Suggest a topic, find a speaker, offer a venue for a CLE. Whatever you do, make a difference.

**Be Happy  
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## **“Paralegal” or “Legal Assistant”: A Non-Attorney Legal Professional by *Any* Name?**

Mianne L. Besser, NFPA Director, Region II


Paralegal. Legal Assistant. *Senior* Legal Assistant. Paraprofessional. Limited License Legal Technician. These are a few of the more well-known titles used to describe non-attorney legal professionals.

Although the names previously referenced are considered “common” terms, in 2012 Washington became the first state to create a new non-attorney legal professional designation: Limited License Legal Technician (“LLLT”). This is the newest *nom de plume* for paralegals in Washington who meet specific educational, training and employment guidelines and successfully pass a rigorous examination. The LLLT title is outside of the scope of this particular article; however, there are some in our industry not familiar with the “triple-LT” and recognition must be given to this new designation of legal professional.

Have you ever stopped to consider *your* preference for a professional title? Are you someone who considers a Legal Assistant someone starting his/her career in the legal field who may not be as skilled and experienced as a Paralegal? Do you feel a Legal Assistant and Paralegal are the same? Are you someone who feels as though there is an educational or practical difference between Paralegals and Legal Assistants? Does anyone in your present place of employment use the term “Paraprofessional” to describe a Paralegal and/or Legal Assistant? Do you bristle a bit when the wrong term is used to describe You or Your position?

As defined by the National Federation of Paralegal Associations, Inc.,


***“...a Paralegal is a person, qualified through education, training or work experience to perform substantive legal work that requires knowledge of legal concepts and is customarily, but not exclusively, performed by a lawyer. This person may be retained or employed by a lawyer, law office, governmental agency or other entity or may be authorized by administrative, statutory or court authority to perform this work. Substantive shall mean work requiring recognition, evaluation, organization, analysis, and communication of relevant facts and legal concepts.”***



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## “Paralegal” or “Legal Assistant”: A Non-Attorney Legal Professional by *Any* Name? CONTINUED

In 1997, the American Bar Association’s House of Delegates, through a recommendation by the Standing Committee on Legal Assistants, amended their definition of Legal Assistant / Paralegal, as follows: “A legal assistant or paralegal is a person qualified by education, training or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency or other entity who performs specifically delegated substantive legal work for which a lawyer is responsible.”

In many locales across the country, in educational institutions and in the work environment, the terms “Paralegal” and “Legal Assistant” are interchangeable. However, in many law firms, there is a tiered structure between Paralegal and Legal Assistant insofar as the tasks and responsibilities delegated by the supervising attorney.

Generally, Paralegals are considered to have more experience, which affords them more responsibility and decreases the immediate oversight and direction of the supervising attorney. That does not mean that the Paralegal’s work is not supervised in any way; on the contrary, his/ her work is still reviewed by the attorney.

*Merriam Webster Online  
defines “Paraprofessional”  
as*

*“...a trained aide who  
assists a professional person  
(such as a teacher or  
doctor).”*

What is a more common presumption regarding Legal Assistants is that he/she has less experience, less responsibility and near-immediate (if not immediate) supervision by the attorney. Again, as a generalization, Legal Assistants are often newly graduated Paralegals or other support staff members who provide assistance to the supervising attorney but who may not have the qualified education or experience to perform the work usually performed by a lawyer. This is not a designation that has universal application as there are some Paralegals, regardless of education and/or experience, who are classified as Legal Assistants. What sets the veteran Paralegal apart from someone without specific legal education or a newly graduated Paralegal, is a ranked classification (e.g., Legal Assistant 1, 2 or 3).

Within the BLS information provided regarding Paraprofessional, the individual with this title will “[...]perform duties that are instructional in nature or deliver direct services to students and/or parents. Serve in a position for which a teacher or another professional has ultimate responsibility for the design and implementation of educational programs and services.” While “Paraprofessional” seems to have more relevance in Education, it seems to have made a slight inward impression within the legal community.

CONTINUED ON NEXT PAGE

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**“Paralegal” or “Legal Assistant”:  
A Non-Attorney Legal Professional by *Any* Name?  
CONTINUED**

**N**owhere in the BLS Paraprofessional definition is there a reference to non-attorney legal professionals; however, there are some Legal Administrators, Managing Partners and Human Resource Managers who place Paralegals within the Paraprofessional definition.

Given the titles and associated definitions examined herein, would you accept a change to your current Paralegal title? Would a modification in your designation cause you feel that your role within your firm is somehow diminished? Conversely, if your current title is Legal Assistant, would you feel more professional within your current employment environment if your title were changed to “Paralegal”? How would you feel about your title being changed to “Paraprofessional”?

Perhaps a title isn’t what motivates you to go to work. You may be satisfied by career longevity, interesting and challenging work, and the promise of a steady paycheck. Maybe these things, beyond the professional title, are what influence you to be present and actively engaged every day. It’s okay to admit that you want the steady paycheck, career longevity, AND the (appropriate, firm-approved) title.

Regardless of the designation, with apologies to William Shakespeare, is a Paralegal by any other name “just” a Paralegal? You decide.

*Mianne L. Besser works at the law firm of Otten Johnson Robinson Neff + Ragonetti, PC (Denver, CO), with the firm’s litigation group as they represent business and real estate clients in litigation, bankruptcy and land use matters. The group’s practice covers a broad spectrum of commercial litigation; Mianne contributes her 20 years of experience as a litigation paralegal. Mianne is a faculty member of the Institute for Paralegal Education and has been a guest and adjunct instructor for Paralegal Studies and a guest presenter, interview subject and published author on issues relevant to paralegals. She served two non-consecutive terms as President for the Rocky Mountain Paralegal Association (2007 – 2010 and 2012 – 2014). In 2012, Mianne received NFPA’s Outstanding Leader Award. Mianne was elected as the Director, Region II, for NFPA during the 2015 Convention and Policy Meeting. Copyright © 2016 Mianne L. Besser. All Rights Reserved.*



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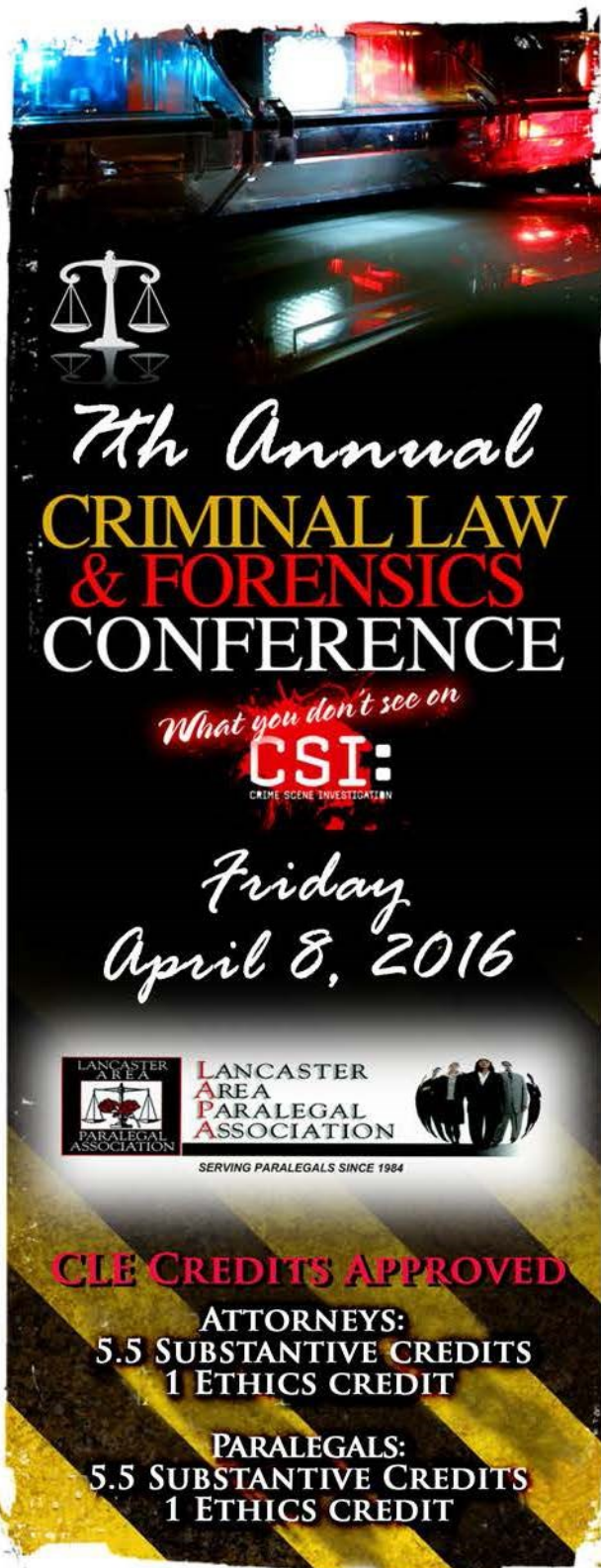
- Pennsylvania has a certification program for paralegals?
- Certified paralegals:
  - Must meet educational and employment requirements;
  - Raise your profitability;
  - Hold themselves to the same ethical and professional standards as attorneys; and
  - Create more value for your clients.

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## CONFERENCE AGENDA

8:00 - 8:30	Registration & Continental Breakfast
8:30 - 9:30	<b>Prisoner Re-Entry, Collateral Consequences &amp; the Trap of the System</b> Melanie G. Snyder, Executive Director Lancaster County Re-Entry Management Organization
9:45 - 10:45	<b>Ethical Limits of Trial Advocacy</b> Ellen C. Brotman, Esquire Griesing Law
10:45 - 12:15	<b>Forensic Fails</b> Arthur W. Young, BS, F-ABC Guardian Forensic Sciences
12:15 - 1:15	Lunch
1:15 - 2:45	<b>"15 to Life: Kenneth's Story"</b> David Romano, Assistant Public Defender, Office of the Public Defender, Lancaster
3:00 - 4:30	<b>Prosecuting Pure Evil: The Federal Case of Mass Murderer Kaboni Savage</b> David E. Troyer, Assistant U.S. Attorney, Philadelphia John Gallagher, Assistant U.S. Attorney, Philadelphia



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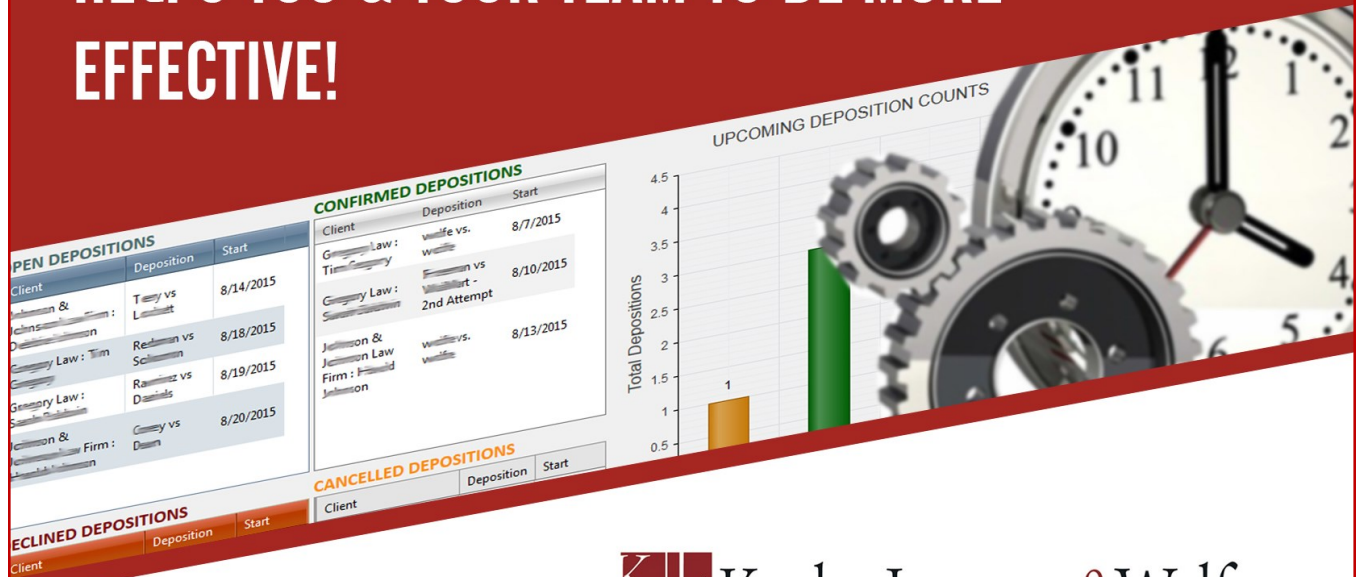
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## RECAP OF ELDER LAW CLE

By Nancy E. Piechota, Pa. C.P.

On February 11, 2016, an Elder Law CLE was presented by Attorney Maureen L. Anderson from Gummer Elder Law. The CLE was held at Luther Woods Nursing and Rehabilitation Center in Hatboro, PA. Our turnout was pretty good, considering the extreme cold weather. Elder law is usually a topic most people do not want to think about, but it is really something we all will need sometime in our lives. Jennifer Kuemmerle welcomed the group and introduced our guest speaker, Maureen L. Anderson.



Maureen L. Anderson

Ms. Anderson concentrates her practice in Elder Law, Wills and Estates. She works at Gummer Elder Law, which has offices located in Feasterville and Doylestown, PA. She received her B.A. in Politics from St. Joseph's University, her M.S. in Criminal Justice from St. Joseph's University, and her J.D. from The University of the District of Columbia School of Law. Prior to entering the practice of Elder Law, she worked at the Philadelphia District Attorney's office in Victim Advocacy, negotiated contracts in healthcare and managed private investigations, which became the foundation for her current law practice.

Ms. Anderson presented the following elements of elder law: Wills, Estate Planning, Powers of Attorney, Administration-probate, Guardianships, Medicaid, Medicare, and Nursing home issues. Elder law is a way of getting families through critical issues and some days she feels like a social worker.

Estate planning is a plan for the future. (This is easier for the family down the

While Elder Law encompasses many avenues, Ms. Anderson was able to touch on a number of them during the evening. While she could have gone on for hours enlightening us with these avenues, we were limited to a fraction of them. She certainly touched on important ones and gave us a great deal of information that opened our eyes to things we probably did not realize. I know she did for me. I know I learned something. She then discussed the following:

**Wills.** Written or oral communication by a person stating how they want their property disposed of at death. Before you prepare a will, you should understand that all wills must meet certain general requirements:

- ✓ You must be 18 years of age or an emancipated minor.
- ✓ You must be of sound mind:
  - Know what a will is and what it does;
  - Understand the relationship between you and your immediate family members;
  - Know what property you own;
  - Understand who the people are to whom you are leaving your belongings (who your beneficiaries are).
- ✓ You must expressly state that this document is your will.
- ✓ You must sign and date the will.
- ✓ You must have the will signed (attested) by at least two witnesses and notarized. In addition, many states require that the witnesses are not related to you and are not beneficiaries.
- ✓ You must have substantive provisions that:
  - Nominate a legal guardian for any



State what happens to remaining property (residue) not mentioned in the will.

✓ You must appoint an executor who will be:

- Responsible for supervising the distribution of property;
- Responsible for paying all of your debts and taxes.

**Beneficiaries.** These are people YOU want to receive assets from your Estate. You can set up Trusts for minors and specify an age when they will receive distributions from the Trust. You can choose at one age or at several different ages. You have the control.

**Executor.** This person can be your spouse or a family member. You want to make sure that this is a person who can be trusted. You should always name a backup in case the original Executor you have chosen cannot act or refuses to act. This is important. The responsibilities of an Executor are collecting the deceased's mail, canceling credit cards and subscriptions, notifying any benefit plan administrators of the death, and inventorying any lock boxes, safes, and other personal property. However, other obligations are more complex and must be handled correctly or the beneficiaries to the Estate may lose out. These types of responsibilities include giving the creditors notice of the death, releasing bank accounts, making sure final debts are paid, and hiring a probate attorney.

While no legal knowledge is needed to handle a simple will, a probate attorney can be a valuable resource to an executor in handling a will where there are property disputes or tax liabilities.



## RECAP OF ELDER LAW CLE

### CONTINUED

Managing the assets of a will can sometimes take up to a year, but a probate attorney will make certain that the final taxes are paid on the property, the Court supervised probate matters are handled properly, and ensure the property is transferred to all of the rightful beneficiaries.

**Trust.** Estate planning to help a person distribute property or provide for a loved one after they have passed away. The Trust is a written set of rules that will determine how, what, when, and where a gift or property is to be distributed to an heir or beneficiary. Because a Trust is a legal entity, you must follow the rules outlined in your state to ensure that the Trust is set up correctly, managed by a reliable individual, and properly funded. A Trustee has a number of fiduciary duties to the beneficiaries of the Trust. The primary duties owed are: duty of loyalty, duty of prudence and duty of impartiality. A Trustee is held to a very high standard in their dealings in order to enforce their behavior. Trustees are subject to a number of ancillary duties including openness and transparency; duties of recordkeeping, accounting and disclosure. A Trustee also has the duty to know, understand and abide by the terms and laws relevant to the trust. A Trustee may be compensated and have expenses reimbursed. All profits from the Trust properties must be turned over.

While the Trustees have strong restrictions regarding conflicts of interests, a Court can reverse a Trustee's actions, order profits returned and impose

sanctions if a Trustee has been found to fail in any of their duties. This failure is called a breach of trust and can cause severe liabilities for their failures to be placed on the Trustee. A Settlor may name a bank or trust company as a Trustee. These entities usually require an Estate of \$1 million or up for them to become a Trustee.

Qualified legal counsel prior to entering into a Trust Agreement is advised for a Settlor and Trustee.

**Power of Attorney ("POA").** This a document that gives a person (or entity) the legal authority to act on another person's behalf. Most families are in denial that their loved one is suffering from dementia or is incapacitated in some way. Make sure that the person you are naming as your agent is someone you trust completely. The creator of the document is called the principal. In order for the agreement to become a legally binding document, all parties must sign the document in front of a notary. With the exception of real estate transactions, a power of attorney generally does not have to be filed with a government agency. Different types of POAs are:

**Durable and Non-Durable Power of Attorney.** A Durable Power of Attorney is a type of Power of Attorney that is effective when the principal becomes incapacitated or disabled. If a Power of Attorney is not made durable, it will automatically expire. A principal may consider a Durable Power of Attorney if the possibility of an illness in the future exists. (if a future illness is expected)

A **Non-Durable Power of Attorney** is also called a special power of attorney.

This type of Power of Attorney is typically used for single transactions such as the closing of a sale on a home, a stock trade, or if the principal is traveling abroad and cannot conduct business back home. A Non-Durable Power of Attorney becomes effective immediately. It becomes null and void when revoked by the principal or upon the principal's death.

**Power of Attorney for Healthcare.** This is also referred to as a Medical Care Power of Attorney, Medical Power of Attorney, or healthcare proxy, a Power of Attorney for Healthcare is unique. In this instance, a person creates an agreement that gives another person the legal authority to make medical decisions for them, should they lose the ability to communicate their preferences for treatment or make those decisions on their own. The person given the power to make medical decisions on one's behalf may be called an agent or attorney-in-

fact. It is important to note that most states prohibit medical providers and employees of medical providers from being named agents in a power of

attorney for healthcare. The Durable Power of Attorney differs from state to state. It is best if you provide a copy of this Power of Attorney to your physician so that if you are involved in an accident they can contact your physician right away and he will provide them with the Power of Attorney in the event you or your agent do not have a copy with you at that time. This will ensure faster treatment.

**Power of Attorney for Finances.** A Power of Attorney for Finances is unique as well. This legal document gives an agent the authority to manage another's



## RECAP OF ELDER LAW CLE

### CONTINUED

financial affairs only, should the principal become disabled and cannot express his or her wishes. In a Power of Attorney for finances, the agent may be a trusted friend, family member, attorney, accountant, associate, or other trustworthy individual.

**Springing Power of Attorney.** A Springing Power of Attorney is effective only when a specific event takes place. This document is created by one person (the principal) giving another person (the agent) the legal authority to handle the principal's affairs at a future time, should an event such as an illness or disability occur. In many cases, a Springing Power of Attorney will stipulate that it will only become effective after the principal's doctor has determined that he or she is incapacitated or unable to handle his or her own affairs. A Springing Power of Attorney remains in effect until the principal dies or until the document is nullified by the Court.

The Difference Between Limited Power of Attorney and General Power of Attorney

**Limited Power of Attorney** is common in the world of investing. A Limited Power of Attorney gives an agent the power to handle very specific (and limited matters) such as trades, disbursements, payments, offers, property transfers, and others. Limited Power of Attorney is the polar opposite of General Power of Attorney. General Power of Attorney is a legal document that gives an agent the authority to handle all legally permissible matters on behalf of the principal. In many cases, this may be the only type of Power of Attorney an individual needs.

**Executing Documents.** Ms. Anderson has a policy where she asks all of her clients the same list of questions

prior to executing any documents and follows these guidelines:

1. the person must be competent (clear mind) to sign.
2. the family sits outside when she asks these questions.
3. the client is not being influenced by anyone (a child may do that).
4. if the client has Alzheimer's or dementia (must determine the level of competency).
5. if the client does not meet the level of competency required or is being influenced by anyone, she refuses to have the documents executed and no longer will represent the client for estate planning.

**Your parent is suffering from dementia and there is no Power of Attorney in place. What do you do now?** Well, you must go to Court for a Guardianship. You ask, "What is a Guardianship all about?" Well, if a person has truly lost mental competence and is unable to exercise rational control over his or her person or property, the Courts may appoint a guardian over the person and/or of the Estate after a Guardianship proceeding in Court.

Remember, just showing that someone is acting a bit eccentric or is absentminded and forgetful is not likely to be sufficient to justify the appointment of a guardian. The Courts are likely to respect a person's wishes to control his or her own affairs unless convinced that the person really needs to be protected from him or herself. For example, if your relative is unable to care for him or herself and is in danger through self-neglect, then a guardian might be appropriate.

Though, on the other hand, if your relative is behaving in a way you find strange or that makes you feel uncomfortable, but is able to

care adequately for him or herself, a Guardianship is probably not appropriate.

Before a Guardianship order can be made, a very careful determination of mental capacity must be made. This typically involves at least one physician, often a psychiatrist, and a lawyer familiar with elder law matters. The Court may also appoint someone to meet and talk with your relative to find out what he or she wants. If your relative does not want someone else to control his or her person or financial affairs, they can oppose a Guardianship and force the matter to trial. In most states, if the person being threatened with a Guardianship cannot afford an attorney, an attorney will be appointed to oppose the request or to ask for a different guardian.

Because Guardianship proceedings can be expensive and time-consuming and invasive of your relative's privacy, it is best not to use that alternative unless your relative is in serious danger.

An Orphans' Court Judge may appoint a Guardian of the Person and/or of the Estate for an individual who lives in Pennsylvania and a Guardian of the Estate for a person who has property in Pennsylvania if after a hearing they determine the individual is "incapacitated" (previously referred to as "incompetent"). An incapacitated person is an adult whose ability to receive and evaluate information effectively and communicate decisions in any way is impaired to such a significant extent that he is partially or totally unable to manage his financial resources or to meet



## RECAP OF ELDER LAW CLE

### CONTINUED

essential requirements for his physical health and safety.

**Emergency Guardianship.** A person may file a petition for appointment of an "emergency guardian" for persons who reside in Pennsylvania and who need the immediate appointment of a guardian. The Court will appoint an emergency guardian if, after a hearing, it finds by clear and convincing evidence that:

1. The respondent is incapacitated;
2. The respondent needs a guardian; and
3. Failure to appoint a guardian will result in irreparable harm to the respondent's person or Estate.

The Court must specify the powers, duties, and liabilities of that guardian in its order. The appointment of an emergency guardian of the person will be in effect no longer than 72 hours. If the emergency continues, the order may be extended for 20 days from the date of the expiration of the initial emergency order. After the expiration of the extension, the Petitioner must institute a full Guardianship proceeding in order to continue the Guardianship. An emergency Guardianship of the Estate may not exceed 30 days, at which time the Petitioner must initiate a full Guardianship proceeding. The Court must, to the extent feasible under the circumstances, adhere to all of the procedures outlined above -- including those relating to the appointment of counsel for the respondent -- in a proceeding for the appointment of an emergency guardian.

**Duties of the Guardian of the Person.** The duties of a guardian of the person include:

1. Assertion of the rights and interests of the incapacitated person;
2. Respect for the wishes and preferences of the incapacitated person to the greatest extent possible;
3. Participation, where appropriate, in the development of a plan of supportive services to meet the person's needs; and
4. Encouragement of the incapacitated person to participate to the maximum extent of his or her abilities in all decisions that affect him or her, to act on his or her behalf when he or she is able to do so, and to develop or regain his or her capacity to manage his or her personal affairs to the maximum extent feasible.

**Duties of the Guardian of the Estate.** The Pennsylvania Guardianship statute details a number of matters that may be handled by an appointed guardian of the Estate, including insurance, continuation of a business, investments, and sale of personal property. In exercising those duties, a guardian of the Estate must use the standard of care that a person of ordinary prudence would practice in the care of his own Estate. A guardian must manage the Estate exclusively for the benefit of the incapacitated person and is not permitted to obtain any undue profit or advantage from his position and may not place himself in a position in which his personal interests are in conflict with those of the incapacitated person.

**Reports to be filed by the Guardian.** A Guardian of the Person must file with the Court a report, within one year of the appointment and at least once annually thereafter, attesting to the following: the current address and type of placement of the incapacitated person; any major medical or cognitive problems experienced by the incapacitated person; a brief description of the incapacitated person's living arrangements and the

social, medical, psychological and other support services he is receiving; the opinion of the guardian as to whether the Guardianship should continue, be terminated or modified, and the reasons for that opinion; the number and length of times the Guardian visited the incapacitated person during the past year.

A Guardian appointed for an incapacitated person's Estate must file with the Court a report, within one year of his appointment and on an annual basis thereafter, attesting to the following: the incapacitated person's current principal and how it is invested; the incapacitated person's current income; the expenditures of principal and income since the prior report; and the needs of the incapacitated person for which the guardian has provided since the last report.



Can a Guardian be paid for their services? An individual serving as a guardian for an incapacitated person may be financially compensated from the incapacitated person's assets if the guardian obtains Court approval. and how it is invested; the incapacitated person's current income; the expenditures of principal and income since the prior report; and the needs of the incapacitated person for which the guardian has provided since the last report.

Can a Guardian be paid for their services? An individual serving as a guardian for an incapacitated person may be financially compensated from the incapacitated person's assets if the guardian obtains Court approval.

CONTINUED ON NEXT PAGE



## RECAP OF ELDER LAW CLE

### CONTINUED

Ms. Anderson then entered the world of Medicaid planning. This is an area where there are a lot of misconceptions for people planning their senior years. I have broken down some of that information here.



Among the concerns of a family facing the prospect of admitting a loved one to a nursing home is how they will

afford the costs. Most health insurance plans and Medicare provide very limited coverage for patients in nursing homes. Unless you have long-term care insurance to cover your care, the only option is to pay for the care yourself until your assets are exhausted and then apply for Medicaid. Generally, to qualify for Medicaid eligibility, your financial resources can be no more than \$2,400. This includes cash, stocks and bonds, bank accounts, your IRA, and real estate not your principal residence. Also, if you transfer any financial resources to family or friends within five years of the date you apply for Medicaid, these will be counted as available resources, and may affect your eligibility.

There are a number of resources that are not counted in determining your eligibility for Medicaid. These include your automobile, household goods, clothing, jewelry, a grave marker, a pre-paid funeral, and your home if you state an intention to return to it after your nursing home stay, or it is used as the principal residence of your spouse or dependent child.

After qualifying by showing your resources have been spent down to \$2,400, you will have to prove that your income is insufficient to pay for your

nursing home care. Generally, all of your income, but not your spouse's income, is counted. This includes pensions, Social Security, and interest and dividends from bank accounts and other investments. You are, however, permitted to keep \$45 per month as a personal needs allowance.

If you are married and living at home with your spouse, different rules may apply in determining your eligibility. Generally, your spouse is permitted to keep his or her income and any qualified retirement funds. Also, your spouse is permitted to keep a portion of the resources owned by either of you, in addition to the resources mentioned above that are not counted in determining your eligibility for Medicaid. This amount is approximately one-half of the couple's non-exempt resources, with the low limit of \$23,884 and a high limit of \$119,220 in 2015. These amounts change from year to year."



Ms. Anderson brought up an important point that once the individual has died, Medicaid will commence recovery of funds paid from any assets available.

When do you need a Living Will? If you become unable to direct your own medical care because of illness, an accident, or advanced age, the right legal documents are your lifeline. When you do not write down your wishes about the kinds of medical treatment you want and name someone you trust to oversee your care, these important matters can be placed in the hands of estranged family members, doctors, or sometimes even judges, who may know very little about

been determined that you are about what you would prefer.

A Living Will is a legal document in which you direct your doctor to withhold or withdraw life-sustaining treatment, whose only purpose is to prolong your dying process, if you are in an end-stage medical condition or a state of permanent unconsciousness.

What kinds of treatment can you refuse? All medical treatment including, but not limited to, cardiac resuscitation, artificial feeding, blood, antibiotics, surgery, and mechanical respiration. If you want treatment that will make you comfortable and help with pain, you can direct your physician to only provide that treatment to you through a Living Will.

When does your Living Will come into effect? Upon you or any other person providing a copy of your doctor and it has incompetent or your condition is terminal or you are permanently unconscious. However, if your doctor cannot in good conscious follow the instructions in your living will, they must inform you or your agent of this fact. Your doctor must then assist you in finding another doctor who will comply with the instructions in your Living Will.

A Living Will lets you to decide now what medical treatment you want in the future if you become incompetent and are in an end-stage medical condition or a state of permanent unconsciousness. Failure to prepare a Living Will may cause increased stress on your loved ones who are left to decide the proper medical treatment for you.

**CONTINUED ON NEXT PAGE**

## RECAP OF ELDER LAW CLE

### CONTINUED

**W**e have either had to touch on this area with loved ones, will be touching on it in the near future, or we will be touching on it ourselves as we get older. We would like to thank Ms. Anderson for taking the time to present Elder Law to us and making it so interesting and informative.

We would also like to thank Jennifer Kuemmerle and Luther Woods Nursing and Rehabilitation Center for allowing us to use their facilities for this CLE.

**UPCOMING  
CLE EVENT:  
April 28, 2016  
at 6:00 pm**

## Expungement Laws

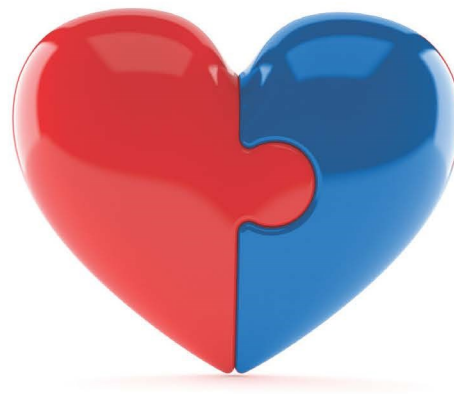
*Presented by  
Erica Briant, Esquire and  
Annette M. Long-Tulio*

at the

**Whitpain Township  
Administration Building  
960 Wentz Road  
Blue Bell, PA 19422**

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**SAVE THE DATE**  
**CLE Event**

Magisterial District Judge  
Regina Armitage

And

Magisterial District Judge  
William J. Benz

SATURDAY, April 9, 2016  
8:00 a.m. - 2:00 p.m.

**GIANT**  
315 York Road  
Willow Grove, PA 19090

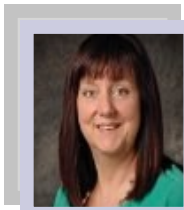
Hosted by the Bucks County Paralegal Association  
and Philadelphia Association of Paralegals

*Judge Armitage and Judge Benz will cover a review of the Pennsylvania Landlord Tenant Act with an emphasis on the practical application of the law and procedure involved by using hypothetical fact patterns based on actual cases.*



**OFFICERS*****Roberta (Ro) Fedorka, PA, C.P.— President***

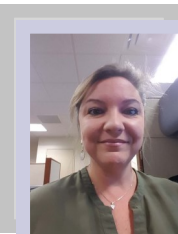
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Ro is the Paralegal Supervisor for O'Brien & Ryan, LLP in Plymouth Meeting. She has been a member of MCPA since 2005 and has served as chair of the Planning & Community Outreach Committees. She has also previously served as Treasurer for four years and Secretary for two years and was recently elected to serve as President. She resides in West Norriton with her husband, Larry.

***Suzanne H. Sarver, RP— Vice President***

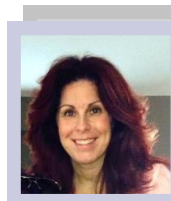
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Suzanne works for Gramercy Property Trust as a Registered Paralegal in the Horsham office. She currently serves as a Board of Director of the Association as well as Contributing Editor to its newsletter and has recently been elected as the Vice President. She resides in East Norriton with her husband, Brian.

***Jen Kuemmerle, CRP, Pa. C.P.—Secretary***

Luther Woods Nursing & Rehabilitation Center  
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Jen is the Vice President of Finance at The Luther Woods Nursing & Rehabilitation located in Hatboro. She has served on the Association's Board of Directors and was recently elected to serve as its Secretary. She lives in Hatboro with her husband and two children.

***Kelly Smith—Treasurer***

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Kelly is a Paralegal at the law firm of Kane, Pugh, Knoell, Troy & Kramer in its Norristown office. She currently serves as the Association Treasurer, a position she has held since 2013. She is also the Job Bank Coordinator for the MCPA. She lives in Phoenixville with her cat, Emmett J.

**BOARD OF DIRECTORS**

**Christopher Gregg**  
(2014—2016)

Chris works for the law firm, Kane, Pugh, Knoell, Troy & Kramer as a Paralegal. He has been an active board member for the past 3 years and serves as its Social Media Committee Chair. Chris was born and raised in Willow Grove and still resides there with his family and their dachshund Queenie.



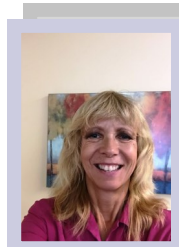
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Noreen is a Paralegal with the law firm of Ford & Buckman, P.C. in Blue Bell and has worked with Sarah Ford, Esquire for over 40 years. She has been a Board member since 2010 and also serves on the Hospitality/Planning Committee. Noreen lives in Blue Bell and is the mother of three and Nana to three granddaughters.



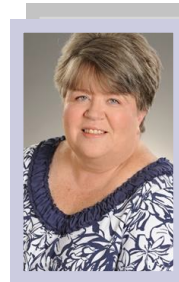
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Michelle is a Paralegal with Miller, Turetsky, Rule & McLennan located in Collegeville. She is an active member of the Association and currently serves as the Layout Editor of the MCPA newsletter. She lives live in Collegeville with her husband, Wes.



**Shari Weber Bradley, Pa. C.P.**  
(2016—2018)

Shari works for Peter E. Bort, Esquire at Bort Law which is a general practice firm. A long time member of MCPA, she was recently elected to the Board of Directors. Shari lives in Eagleville and is the mother of two twenty something boys and stepmother of three teen boys.



**Nancy Piechota, Pa. C.P.**  
(2016—2018)

Nancy is a Paralegal at the law firm of Mannion Prior, LLP in King of Prussia. Nancy was recently elected to the Board of Directors and also serves as Chair of the Marketing Committee. She lives in Berks County with her husband, Joe and rescue dogs.

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