

MCPA TODAY

Official Publication of the Montgomery County Paralegal Association

Fall 2006

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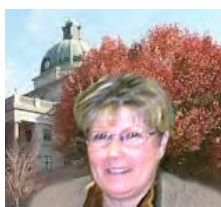
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New Members

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Message from the President

Beth Ann Breckenridge



*We make a living by what we get; we
make a life by what we give.*

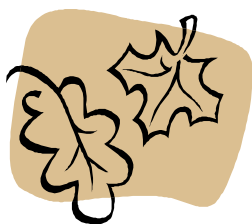
Sir Winston Churchill

I hope you have all enjoyed your summer. Labor Day has already come and gone. I am sure your schedules have been busy, getting your son or daughter off to college and/or getting the kids ready to go back to school or perhaps savoring those bittersweet moments of excitement helping your little one put on that backpack for his or her first day of kindergarten.

Please mark your calendars - on **September 21st** MCPA is having an estate and asset planning seminar at Kaplin, Stewart, Meloff, Reiter & Stein, P.C. Maury Reiter, Esquire will be our guest speaker. Our 2nd annual family picnic is scheduled for **October 21, 2006**. Our election meeting is scheduled for **November 9th**. There are several seats on MCPA's Board of Directors which will need to be filled. I would like to encourage you to get involved in your association. If you have any questions or would like information on what's involved in serving on the Board, please feel free to contact any Board member.

In September and October we will be collecting donations for our paralegal colleague in Iraq. More information on this event is in this newsletter. MCPA will again be volunteering at the Special Olympics. If you are interested in volunteering or need more information regarding this event please contact Karen Garcia at karen.garcia@us.henkel.com.

I wish you a Happy Autumn and look forward to seeing you all at an upcoming seminar and/or event.





By **Debra Hindin-King**

NFPA Region II Director *NFPA*

*The Leader of
the Paralegal Profession™*

Remember volunteers bring priceless talent and leadership to your association and we are a hot commodity!

“It's time for greatness -- not for greed. It's a time for idealism -- not ideology. It is a time not just for compassionate words, but compassionate action.”

Marian Wright Edelman

ATTENTION: Association Volunteers Wanted!

Have you every heard of a Volunteer Paycheck and how can you receive one? If life is all about money then why am I working so hard for free? Many organizations without volunteers would not exist or if they did the cost of their services would be a lot higher. Obviously they need our talents and skills but what's in it for all of us? How many times have you heard the plea from your local association's leaders for volunteers to assist with organizing an event?

We have all asked ourselves the same question on numerous occasions – how much time will this take and what benefit will I derive from my volunteer's efforts? Since paralegals are experts in multi-tasking we are all perfect volunteer candidates to assist our local associations with their planned activities. Volunteering may open new channels in your life! We all like to have our efforts appreciated by those asking us to provide a few hours toward an event which is well organized, makes the best use of our limited time and provides us a good feeling that we have made a meaningful contribution on behalf of our association.

Your local association and NFPA are member driven organizations seeking enthusiastic and committed volunteers such as you to accept the challenges of providing leadership and continued support of the paralegal profession. The next time you receive a call from a fellow member of your association to provide a few hours of volunteer assistance – accept the challenge and remember a simple “thank you” is your volunteer paycheck. Remember you bring special talents, energy and ideas to your association through your volunteer efforts – you should be proud of your accomplishments and contributions to your community and promoting the paralegal profession. Your association may be seeking volunteers such as yourself with the following skill sets including organization, communication and a commitment to the project as a volunteer. Contact your local association's Board to inquire further about current volunteer opportunities.

STILL AVAILABLE!!!

MCPA Long Sleeved T-Shirts and Golf Shirts are still available for purchase. Contact Kathy Zamorski if you are interested.

(kmz@eastburngray.com)

The cost is \$20 for the long sleeve and \$10 for the golf shirts. They make a great addition to your Fall Wardrobe!!



There are also a few Wawa Shorti Coupons still available for purchase.

Contract Tracey Barnes, RP, if you are interested.

(traceyb@dbyd.com).

The cost is \$3 per coupon.





Ethics Board Opinion

Caveat: The following opinion of the Ethics Board of the National Federation of Paralegal Associations, Inc. (NFPA) is advisory only and should not be construed as binding on any reviewing authority and must be interpreted in conjunction with the applicable state's supreme court rules and opinions governing the professional conduct of members of the legal community. It carries only such weight as an appropriate reviewing authority may choose to give it.

QUESTION: Can a paralegal continue to work in a law office during the thirty (30) days his/her attorney supervisor has been suspended from the practice of law?

OPINION: This is a difficult question to respond to as there is no clear answer found in either the ABA Model Rules, NFPA's rules or in state rules.

The ABA model rules **Rule 5.3 Responsibilities Regarding Nonlawyer Assistants** states: With respect to a nonlawyer employed or retained by or associated with a lawyer.

- (b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and
- (c) a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:
 - (1) the lawyer order or, with the knowledge of the specific conduct, ratifies the conduct involved; or
 - (2) the lawyer is a partner in the law firm in which the person is employed, or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

Under Pennsylvania's Rules of Professional Conduct (Section 81.4 of the Pennsylvania Code, specifically, Rules 5.3 and 5.5), an attorney who is suspended from the practice of law shall not engage in activities which would constitute the practice of law.

In an informal opinion issued by the Pennsylvania Bar Association Committee on Legal Ethics and Professional Responsibility (93-92B) the attorney seeking the opinion was reminded that a suspended lawyer "has no greater status than that of a paralegal." The opinion cited Rule 5.3 which covers the supervision of non-lawyers and can be found at the following link:

<http://www.pacode.com/secure/data/204/cha/pter81/s5.3.html>.

Also cited in the opinion is Rule 5.5 which covers the unauthorized practice of law and can be found at:

<http://www.pacode.com/secure/data/204/cha/pter81/s5.5.html>

See also § 91(e) (2) of the Pennsylvania Code, which cites Enforcement Rule (j) (4), stating that a formerly admitted attorney may not perform "any law-related services from an office that is not staffed, on a full time basis, by a supervising attorney. In some states, the regulatory scheme for the practice of law contains provisions setting out certain responsibilities a suspended or disbarred attorney has to current clients while the attorney is prohibited from practicing law.

Typically they provide that the attorney will take all reasonable steps to avoid any foreseeable prejudice to current clients, and allow the attorney to provide information to any lawyer taking over the legal matters of his/her clients. If such is the case in the state in question, the paralegal may be allowed to assist the attorney in satisfying these obligations.

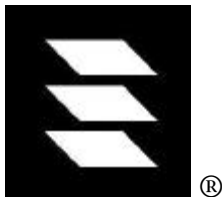
There is a fine line with regards to a paralegal doing substantive paralegal work vs. clerical tasks. As such it may not be practical for a paralegal to work in an office for the length of the suspension unless the suspended attorney has designated another attorney to oversee his office

operations. We believe the options for the paralegal are limited in that it is difficult for the paralegal to continue to perform their job functions without the supervision of an attorney but because of the circumstances and the length of the suspension it may not be feasible for them to move to another firm. The obligation, we believe, falls upon the suspended attorney to try to make arrangement to allow the paralegal to keep their position without violating the professional conduct rules prohibiting the paralegal from working unsupervised.

By making a request to the National Federation of Paralegal Associations (NFPA) for an opinion and/or recommendation concerning proper conduct for a member of the legal profession as it pertains to ethical conduct, obligations, utilization and/or discipline of paralegals, the inquirer and his/her employers, employees, agents, and representatives stipulate that they have read the caveat above, and agree to indemnify, hold harmless, and defend the NFPA, its Officers, Directors, Coordinators, Ethics Board and Managing Director from any claims arising from any act or omission of NFPA except those occasioned by NFPA's willful or deliberate acts.



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MONTGOMERY COUNTY PARALEGAL ASSOCIATION



Please
Help
Support
our
colleagues
in the
Armed
Forces!

The MCPA has joined NFPA's program of adopting a Paralegal in the Armed Forces that is deployed in a war zone. We'll call ours Diana. Diana is a Staff Sergeant in the US Air Force. In June, a care package was sent by MCPA to Diana, telling her about our organization and providing her with items that she may have difficulty getting in a war zone. Due to the quick need for the supplies, the package was sent at the last minute but now we are hoping to get everyone's support in providing her with some more meaningful items! Previously, Diana was sent a few paperback books (including the book "I am a Soldier Too" written by the first female POW, Jessica Lynch), some baby wipes, body lotion, suntan lotion, candy, some cards she can send back home and many other small items.

Please consider donating items from the following list to include into the care package. Items will need to be dropped off or received by Charlene Healy, RP or Beth Breckenridge. We'll be sending a care package in **October**. Let these young men and women know they are not forgotten!

Please Note: Items You Cannot Send To U.S. Military: <http://www.usps.com/supportingourtroops/mailingrestrictions.htm> (the DHL web site includes playing cards as being restricted items)

Suggested Items

Hygiene

Antibiotic Ointment
Chapstick/lip balm/Carmex

Sunscreen (Bull Frog is good)
Bug Repellent (with deet)

Face cleaner
Eye drops/Saline
Liquid hand sanitizer/Baby wipes
Foot/body powder (Gold Bond)
Deodorant
Shampoo/Conditioner
Tooth Brush/Toothpaste
Nose spray/nose drops
Hand/Body Lotion
Band-aids, Mole Skin
Soap
Mouth Wash
Nail Clippers
Dental Floss
Tums/Rolaids
Tylenol/Aspirin
Q-Tips

Food

Single serving pasta
Ready to heat soups
Lunchables
Ramen Noodles
Powdered Power-aide/Gator-aide or
sweetened Kool-aide/Tang
Granola bars/Cereal Bars
Fruit Roll-ups
Raisins
Beef Jerky (no pork)
Applesauce
Fruit/Pudding Cups
Cereal (individual servings)
Chex Mix
Tuna Kits

Snacks

Hard Candy (no chocolate-it melts)
Snack Mix
Chips/Cookies/Crackers/Microwave
Popcorn/Pretzels
Pop Tarts
Licorice
Sunflower seeds
Aqua drops

Gum
Peanuts in a shell
Rice Kristy Treats
Snack Cakes
Jelly Beans

Misc.

Condiments (salt/pepper/sugar/coffee supplies)
Lemonade mix/Ice Tea mix (individual packets)
Cough drops
Stationery/envelopes/stamps/pens
Dice/travel games
Individual instant coffee bags
Books/magazines
Tylenol, Ibuprofen & Allergy medicine
Zipper Ziploc bags - small & large
Instant cameras
RainX
Small sewing kits
Mini Flashlight
Travel Games
Puzzle Books
Stress Balls
Paperback Books (novels)

Thank you from the bottom of my heart! If you have any questions, please do not hesitate to contact me at:

Charlene M. Healy, RP
Charlene529@comcast.net



Antibiotic Ointment
Chapstick/lip balm/Carmex
Sunscreen (Bull Frog is good)
Bug Repellent (with deet)

Face cleaner
Eye drops/Saline
Liquid hand sanitizer/Baby wipes
Foot/body powder (Gold Bond)
Deodorant
Shampoo/Conditioner
Tooth Brush/Toothpaste
Nose spray/nose drops
Hand/Body Lotion
Band-aids, Mole Skin
Soap
Mouth Wash
Nail Clippers
Dental Floss
Tums/Roloids
Tylenol/Aspirin
Q-Tips

Food

Single serving pasta
Ready to heat soups
Lunchables
Ramon Noodles
Powdered Power-aide/Gator-aide or
sweetened Kool-aide/Tang
Granola bars/Cereal Bars
Fruit Roll-ups
Raisins
Beef Jerky (no pork)
Applesauce
Fruit/Pudding Cups
Cereal (individual servings)
Chex Mix
Tuna Kits

Rice Kristy Treats
Snack Cakes
Jelly Beans



THE MONTGOMERY COUNTY PARALEGAL ASSOCIATION

When:	September 21, 2006 6:00 P.M.
Where:	Kaplin, Stewart, Meloff, Reiter & Stein, P.C. 910 Harvest Drive Blue Bell, Pennsylvania
Special Guest:	Maury B. Reiter, Esquire Mr. Reiter will speak regarding the utilization of entities for estate and asset planning as well as basic estate planning **Note: This presentation is approved for 1.0 CLE Credit**
Menu:	Light dinner and beverages provided by Kaplin, Stewart, Meloff, Reiter Stein, P.C.
RSVP:	By Monday, September 18, 2006 To Tracey L. Barnes, RP, at Traceyb@dbyd.com

**MARK YOUR CALENDARS NOW AND LET US KNOW THAT WE WILL SEE YOU
ON THE 21ST!!**



SECOND ANNUAL MCPA FAMILY PICNIC

Saturday, October 21, 2006
Mondauk Commons Park, Upper Dublin Township
3:30 pm to 7:00 pm

Activities for Adults and Children Alike!

Hamburgers and Hot Dogs supplied by Shady Nook Café, Pennsburg,
Pennsylvania

Bring your favorite dessert – prizes to be awarded for the best dessert!!

Please bring your own beverages, cans and plastic/paper containers only—no
glass bottles.

Please let us know before September 29, 2006, that you and your family can
come to an afternoon full of fun!!!

kmz@eastburngray.com



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PARALEGAL ASSOCIATION





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