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GUARDIANSHIPS AND HOW TO AVOID

Written by Tracey L. Barnes, RP, Pa.C.P.

Co-Contributor Nancy Piechota, Pa.C.P.

On January 25, 2021, the Montgomery County Paralegal Association held its first meeting of 2021, albeit by Zoom. The first order of business for 2021 was to induct the 2021-2022 Board of Directors. The Honorable Stanley R. Ott (Ret) presided over the induction ceremony.

The Board of Directors for 2021-2022 (left to right) are:



Dana Jorna, Pa.C.P.
Tracey L. Barnes, Pa.C.P.
Lisa Effrig Lagreca, Pa.C.P.
Deborah Arbuckle, Pa.C.P.
Noreen Messmer, Pa.C.P.
Trista Davis, Pa.C.P.
Nancy Piechota, Pa.C.P.
Jennifer L. Echikson, Pa.C.P.
Karen D. Manzanares
(not pictured)

MCPA attendees were also treated to a CLE Presentation that evening given by the Honorable Stanley R. Ott (Ret) regarding Guardianships, or better yet—how to avoid Guardianships.

Judge Ott graciously supplied each attendee with a copy of the AOPC Guardianship Bench Book for Pennsylvania which he described as your “bible” for handling Guardianships in Pennsylvania. The Judge went on to explain the Guardianship should be your last resort. Guardianships are more expensive than other alternatives, there are more government regulations involved, more time-consuming, and can be very stressful to all involved. It is more important to have your family’s “affairs in order” which will avoid Guardianships in the future.

Having your “affairs in order” should include: having: (a) a Will; (b) a general Durable Power of Attorney; (c) a Health Care Power of Attorney; (d) an Advanced Directive; and (e) all your financial information organized. The more information put “in order” and made known to family members, the easier it will be for the family and alleviate any surprises in the future.

Judge Ott went on to explain the differences between these documents and the importance each one relates to a person’s “affairs”. As those documents relate to Guardianships, a current general Durable Power of Attorney is of great importance. By having this document on hand, the preparer is choosing whom they would like to assist with their financial affairs should the author be unable to handle, as opposed to Guardianships in which the Court appoints someone for you. In a Guardianship proceeding the person needing the assistance will be required to attend a hearing. Judge Ott stated that no one should want to make an elderly person attend a court proceeding and to have some stranger in a black robe decide their life. A Power of Attorney is a very powerful document and great care should be taken when preparing it. Once signed, the Agent named in the Power of Attorney has the ability to do what the author can do without limitations. The Agent should be chosen wisely, Judge Ott suggests that one person be named to its position. Parents struggle thinking they don’t want to show favoritism to one child over the other by just naming one child because parents love each of their children

equally. Estate preparers should remember that individuals have different strengths and weaknesses and parents can love their children “equally,” they don’t have to love them “identically.”

Health Care Powers of Attorney and Advanced Directives give guidance to families with regard to health care decisions. The Judge indicated that, in his opinion, the Health Care Power of Attorney is just as important as the General Power of Attorney since it is more a personal decision—it controls decisions relating to a person’s overall personal health.

The evening ended with a Q&A discussion. Amongst that discussion a member of the audience raised a the topic regarding mental health and Guardianships. Mental health is a difficult topic, especially when it comes to putting your “affairs in order”. The Statute on the Guardianship procedure was not meant to handle mental health disorders, such as, Bi-Polar, Alcoholism, Schizophrenia, and the like. The Mental Health Procedures Act is the Statute that is meant to assist in these matters and sometimes falls short. Judge Ott indicated that, there are many cases that come before the Orphans Court related to individuals with mental health disorders and the Montgomery County Orphans’ Court handles them on an individual basis.

Judge Ott, we thank you for donating your time to share with our members this important information regarding life planning.

Shout out to our sponsors

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THANK YOU FOR YOUR CONTINUED SUPPORT!

Join us for our next Board of Directors Meetings

MARCH 4, 2021

SEPTEMBER 2, 2021

APRIL 1, 2021

OCTOBER 7, 2021

MAY 6, 2021

NOVEMBER 4, 2021

JUNE 4, 2021

DECEMBER 2, 2021

WONDERING HOW YOU

CAN BE MORE INVOLVED IN MCPA?

**We are currently seeking someone to chair the
Community Outreach/Pro Bono Committee**

If interested contact Dana Jorna

MCPAPres@gmail.com

ATTENTION

Credential Renewal Reminder

**NFPA PACE Registered Paralegals
NFPA CRP Certified Registered Paralegals
Pa.C.P. Credentialed Paralegals**

***Are your Credential expiring
in February, March or April?***

NOW is the time to submit your renewal application and proof of CLE.

For more information, visit:

RP and CRP – www.paralegals.org or Pa.C.P. – www.keystoneparalegals.org

CLE Seminar



When:	February 16, 2021 6:00 P.M.
Where:	Via Zoom
Topic and Speaker:	<p>MINDFUL MEDITATION / MINDFULNESS-BASED STRESS REDUCTION</p> <p>Presented by Phillip Sallvanti</p> <p><i>**Applying for approval of CLE 1.0 (S) by NFPA and Keystone Alliance**</i></p>
Cost:	<p><u>Free</u> for MCPA Members</p> <p>\$10.00 for NFPA affiliated members (evidence required)</p> <p>\$20.00 for non-members</p>
Collection:	<p>MONTGOMERY COUNTY OFFICE OF CHILDREN & YOUTH</p> <p>To donate supplies to the Montgomery County OCY, please visit their Amazon wishlist at:</p> <p>(https://www.amazon.com/hz/wishlist/ls/1668FD8RG09L6?ref=wl_share)</p>
RSVP:	<p>To register please visit:</p> <p>https://us02web.zoom.us/meeting/register/tZwucOCsqD4uGtNa7r_nn9omEp2ZdcX_GjNg</p> <p>For any questions contact: Jennifer Echikson, Pa.C.P. jechikson@dischellbartle.com</p>

WELCOME NEW MEMBERS

Audrey Bartkowski

Dorsia Moser

MCPA Professional and Student members enjoy these benefits:

- ◇ Receive MCPA's bi-monthly newsletter MCPA Today;
- ◇ Access the MCPA job bank;
- ◇ Access MCPA List Serv where paralegals can get advice and assistance in all areas of practice;
- ◇ Monthly meetings or Seminars* dealing with topics that affect paralegals today;
- ◇ Obtain the annual MCPA Membership Directory;
- ◇ Automatic membership in the National Federation of Paralegal Associations (NFPA);
- ◇ Subscription to the National Paralegal Reporter, the official bi-monthly magazine of the NFPA;
- ◇ Network with paralegals and other members of the legal community.
- ◇ Stay on top of local and national trends in your career! Join MCPA today by visiting

Information for Lawyers:

How Paralegals Can Improve Your Practice

An exert from the American Bar Associations Standing Committee On Paralegals—Information on the Profession

It's one of the most important skills in practicing law: building an effective work team to serve clients in the best possible manner and generate profits. Paralegals can be a key element in that team, especially in fostering cost efficiency. The information in this section is intended to guide you in the effective utilization of paralegals in your practice.

The Paralegal Role in the Legal Profession

What is a paralegal? A 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 and who performs specifically delegated substantive legal work for which a lawyer is responsible. (ABA House of Delegates, 2020)

California, has a law specifying who may use the title "paralegal," and other states, such as North Carolina and Wisconsin (PDF) are considering similar proposals. Maine, Indiana (PDF) and South Dakota have defined the terms. Maine's definition also carries fines for misuse.

Paralegals are qualified to perform their responsibilities by completing an educational program, receiving training on the job, or through actual work experience. They are not licensed as attorneys are.

Paralegals perform substantive legal work that would otherwise be done by attorneys. Clerical work is not substantive legal work.

Attorneys remain responsible for legal work delegated to paralegals and must supervise paralegals' work.

Paralegals work under the supervision of attorneys and are not "document preparers" working directly with the public.

How are paralegals regulated? Paralegals currently are not licensed as lawyers are, nor subject to any other regulatory scheme. California, however, requires a certain level of education of persons using the title "paralegal."

What is a "certified" paralegal? Technically a "certified" paralegal is a paralegal who has completed the voluntary certification process of a professional association by developing a specified level of professional competency.

NALA: The Paralegal Association awards the designation Certified Paralegal (CP) or Advanced Certified Paralegal (ACP) to persons who have met its requirements, which include passing a competency exam.

The National Federation of Paralegal Associations (NFPA) awards the designation Registered Paralegal (RP) to persons who have met its requirements, which include passing the Paralegal Advanced Competency Exam (PACE) or the designation of CORE Registered Paralegal (CRP) to persons who pass the Paralegal CORE Competency Exam (PCCE). NFPA also offers an Assurance of Learning opportunity for paralegal education programs.

NALS...the association for legal professionals, awards the Accredited Legal Professional (ALP), the Professional Legal Secretary (PLS) and/or the Certified Legal Professional (CLP), and the Professional Paralegal (PP) certification designations which reflect a proficiency in procedural law, substantive law and an overall commitment to a higher standard of conduct and professionalism. NALS' Professional Paralegals may distinguish themselves further by earning Specialty Certifications in various substantive law areas.

The American Alliance of Paralegals (AAPI) awards the designation American Alliance Certified Paralegal (AACP).

The Texas Board of Legal Specialization offers a voluntary specialty certification program in six areas of Texas law. The California Alliance of Paralegal Associations (CAPA) offers a voluntary California Paralegal Certification Program. Florida, North Carolina, and Ohio also have state-specific voluntary certification programs.

The term "certified" is sometimes mistakenly used when referring to a paralegal who has earned a certificate by completing a course of study.

The American Bar Association does not certify individual paralegals.

Continued next month.....

BE SURE TO COME BACK NEXT MONTH TO LEARN HOW THE AMERICAN BAR ASSOCIATION IS INVOLVED IN THE PARALEGAL PROFESSION AND WHAT PARALEGALS CAN DO FOR YOUR BUSINESS.

OFFICERS

***Dana Jorna, Pa.C.P.—President***

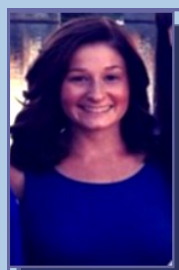
Kane, Pugh, Knoell, Troy & Kramer
(610) 275-2000
MCPAPres@gmail.com

Dana is a Litigation Paralegal at the law firm Kane Pugh Knoell Troy & Kramer, LLP. She has been a member of the Montgomery County Paralegal Association since 2013, and a board member since 2018. More recently, she has become the MCPA's Job Bank Coordinator and co-chair of the Community Outreach & Pro Bono committee.

***Tracey Barnes, Pa.C.P.—Vice President***

Dischell Bartle & Dooley P.C.
(215)362-2474
MCPAvp@gmail.com

Tracey is a Paralegal at the law firm of Dischell Bartle & Dooley P.C. in its Lansdale office. She has been an active member since the organizations inception in 1999 and has been a Board Member, Secretary, Treasurer and President. She is currently the Keystone Alliance of Paralegal Associations Credentialing Chair. In 2017, she was appointed as the CLE-Associations Co-Coordinator for the National Federation of Paralegal Associations (NFPA).

***Trista Davis Pa.C.P.—Treasurer***

Kozloff Stoudt Attorneys
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MCPAbursar@gmail.com

Trista is an Estates Administration Paralegal at Kozloff Stoudt Attorneys in Wyomissing. She attended Central Pennsylvania College completing the Paralegal Program and graduated in 2009. In 2014, she received her Pa.C.P. certification through the Keystone Alliance of Paralegal Association. Trista lives in Douglassville with her husband and son.

***Deborah L. Arbuckle, Pa.C.P.—Secretary***

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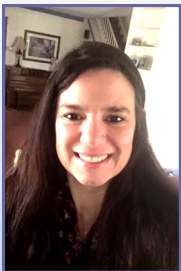
Deb is a Paralegal at the law firm Kaplin Stewart Meloff Reiter & Stein in its Blue Bell office. She has been a member of the Montgomery County Paralegal Association since 2003, serving as a board member from 2007 through 2011. Debbie has also co-chaired the MCPA Marketing Committee and currently co-chairs the Pro Bono and Community Outreach Committee. She has served as the primary delegate for the MCPA to the National Federation of Paralegal Associations for 10 years.

BOARD OF DIRECTORS



Noreen Messmer, Pa.C.P.

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.



Lisa Effrig Lagreca

Lisa is a Paralegal at the law firm of Dischell Bartle & Dooley P.C. in its Lansdale office. She recently graduated Summa Cum Laude from BCCC Paralegal Program and currently attends Pierce College. Lisa is a mother of four and grandmother of two. She has been a member of the MCPA since 2018 and is its newsletter editor.



Jennifer L. Echikson, Pa.C.P.

Jenn is a Family Law Paralegal at the law firm of Dischell Bartle & Dooley P.C. in its Lansdale office. She graduated from Peirce College in 2009 with a Bachelor of Science in Paralegal Studies. She became a certified paralegal through the Keystone Alliance of Paralegal Association in 2015. Jenn is on the planning and outreach committees for the MCPA and is also membership chair of the Family Law Paralegals of Pennsylvania.



Nancy Piechota, Pa.C.P.

Nancy is a Certified Paralegal at the law firm of Mannion Prior, LLP in King of Prussia. Nancy sits on the Board of Directors and also serves as Chair of the Marketing Committee. She was the past Vice President of Keystone Alliance and is the Primary Delegate to the Keystone Alliance for Montgomery County Paralegal Association..



Karen D. Manzanares

Karen is a Law Clerk for Attorney Michelle A. Fioravanti and recently became a realtor. After graduating from Villanova University she spent 22 years as a law clerk for the Governor's Office, Pennsylvania Department of Transportation (PennDOT) Chief Counsel in King of Prussia.

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