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Newsletter Committee

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PRESIDENT'S MESSAGE by Dana Jorna, Pa.C.P.

Dear Members, I hope everyone is well and safe.

It's hard to believe March is upon us and we are about to hit the one-year mark of the COVID-19 shutdown. While an end or return to "normalcy" still seems to be months off, I hope everyone is able to look back on the past year with pride in their ability to adapt and overcome recent life's challenges. Be proud when reflecting on the patience and grace you gave yourself when you struggled. Although it may seem impossible at times, I encourage you to prioritize self-care and mental health, whether that be finding a new hobby, taking walks, reading a book, or anything that will bring you joy. I'd like to thank the planning committee for recognizing the added stress the pandemic is causing and decided to focus February's CLE Presentation on "Mindful Meditation/Mindfulness-Based Stress Reduction". It allowed our members to take a break from legal talk and focus on how to reduce mental stress throughout our workday and daily life.

Before I completed a paralegal program and became a working paralegal, I majored in History at Bloomsburg University. I decided it was about time I dusted off my historian tools and I taught myself a little about the history of the paralegal profession. While it's likely lay people have been doing legal tasks which we associate with modern day paralegals for decades, or even centuries, today's notion and title of paralegal originated in the 1960s. The American Bar Association created a Standing Committee on Legal Assistants in 1968, later changing it to the Standing Committee on Paralegals in 2003.

See page 2

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Formal training began to appear in 1971 and the first professional paralegal associations came on the scene by 1974. The following year the federal government created a new job classification to include paralegals.

The 1980s brought about the expansion of the profession itself as well as the tasks handled by paralegals. Large, private firms and corporate law departments began to employ paralegals while others began to freelance and become independent contractors. Jumping to the end of the 20th Century, there were over 1,000 educational paralegal programs in the United States and voluntary certification became more and more common. With those changes, a trend appeared wherein employers began to expect and require higher levels of education. This shift prompted paralegal associations to discuss and call for required certification and licensing. Most recently, in February 2020, the American Bar Association adopted the following definition of 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."

Since this is just a brief summary of the history of a paralegal, I encourage you to take some time and learn more about our profession. You'll discover how we got where we are today and maybe map the places we can or will go in the future. Δ

Reference:

Cannon, Therese A.

Ethics and professional responsibility for paralegals / Therese A. Cannon. — 6th ed.
p. 16-18. <https://media.wolterskluwer.com/pdfs/SampleChaptersPDF/747.pdf>

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Mindful Meditation/Mindfulness-Based Stress Reduction

By Kimberly Sheridan-Megela,

February's CLE, Mindful Meditation/Mindfulness-Based Stress Reduction, was presented by Phillip Sallavanti. He has over forty-years of experience working in the human services field. His mindfulness journey began 25 years ago. He studied Mindfulness Based Stress Reduction (MBSR) at Thomas Jefferson University Medical Center's Mindfulness Center, in Philadelphia. He studied under the tutelage of Gina Biegel (Stressed Teens) and Dr. Amy Saltzman (The Still Quiet Place), which qualified him to teach children from Kindergarten through college age. Mr. Sallavanti is currently studying with Dr. Judson Brewer, Director of Mindfulness Research at the Mindfulness Institute at Brown University Medical Center, and is qualified to teach Dr. Brewer's Freedom From Habits. Craving to Quit Smoking, Eat Right Now and the latest Unwinding Anxiety.

The seminar was to help paralegals deal with everyday stress in the office and teach how to recognize stress, and cultivate tools to deal with daily workloads and deadlines. The practice aids in educating how to uni-task in a multi-task world. Studies have proven that uni-tasking is more productive, less mistakes are made and stress can be reduced. In other words, we learned how to cultivate awareness and focus on the task at hand. We learned how to reduce stress in all aspects of our life in order to obtain more joy and happiness.

We were offered a balance of educational content and experiential learning. The educational material emphasized over thirty-years of evidence based research for Mindfulness-Based Stress Reduction (MBSR). The experiential modules offered an introduction to the key mindfulness practices. During the workshop, we were able to directly experience key mindfulness practices and assess the effects on mind and body. We learned to apply simple mindfulness practices for immediate use, utilize mindfulness practices to increase presence, empathy, and counteract stress, anxiety, fear, and compassion fatigue.

After attending the Mindful Meditation/Mindfulness-Based Stress Reduction, I felt rejuvenated. Incorporating and practicing mindfulness into my daily routine certainly has made me more aware of the small things which are sometimes taken for granted. It brings me to the mindset that one thing at a time is ok. You don't necessarily have to juggle 10 balls in the air every minute of the day. Just a quick moment of mindfulness does wonders in the middle of a stressful situation. I learned, even when I don't have 30 minutes a day to sit and mediate, any time I take for myself is fine.

If anyone is interested in more information
contact Mr. Sallavanti at [calmo nepa@gmail.com](mailto:calmo_nepa@gmail.com).

Information for Lawyers:

How Paralegals Can Improve Your Practice

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

Part II

Continued from February 2021 MCPA Newsletter

4. How is the American Bar Association involved with the paralegal field?

The ABA endorsed the use of paralegals in 1967 and established the first committee on paralegals in 1968. Since 1975 the ABA has approved paralegal programs that satisfy the rigorous standard of the ABA Guidelines for the Approval of Paralegal Education Programs (PDF).

The ABA adopted Model Guidelines for the Utilization of Legal Assistant Services in 1991. The ABA Model Guidelines for the Utilization of Paralegal Services (PDF) were revised in September 2018. Many states such as Indiana, New Hampshire, North Dakota, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, West Virginia, and state bar associations such as Colorado, Connecticut, Michigan, Missouri, New Mexico, New York (PDF) and North Carolina have adopted these guidelines or their own versions.

Paralegal Work Assignments

5. What can paralegals do?

Paralegals can be delegated any task normally performed by a lawyer, as long as the lawyer supervises the work, except those proscribed by law. See the ABA Model Guidelines for the Utilization of Paralegal Services (PDF).

For example, paralegals can review and organize client files, conduct factual and legal research, prepare documents for legal transactions, draft pleadings and discovery notices, interview clients and witnesses, and assist at closings and trials.

Paralegals must avoid the unauthorized practice of law. Generally, paralegals may not represent clients in court, take depositions, or sign pleadings.

Some federal and state administrative agencies, however, do permit nonlawyer practice. See, for example, Social Security Administration. Check with specific agency to determine whether nonlawyer practice is authorized.

Paralegals may not establish the attorney's relationship with the client or set fees to be charged, and may not give legal advice to a client. See, Guideline 3 of the ABA Model Guidelines for the Utilization of Paralegal Services (PDF).



Maureen Stankiewicz

Victoria Molloy

Denise Wallace

Michelle Calkins

Typical tasks delegated to paralegals in various areas of the law are described on the websites of national paralegal associations, such as the National Association of Paralegals (NALA), the National Federation of Paralegal Associations, NALS...the association for paralegal professionals and the International Paralegal Management Association.

6. How would a paralegal improve my practice?

Your costs would be reduced.

You would be able to lower your legal fees.

Your clients would also appreciate increased contact with your practice through your paralegal.

7. How would a paralegal improve my practice's bottom line?

Paralegal time can be billed out separately to your clients, and at lower rates.

Paralegals can be paid less than an attorney, yet handle many tasks (under an attorney's supervision) that would otherwise be performed by an attorney.

The paralegal staff can be a profit center for your practice.

See chapters 2 and 3 in the book *Paralegals, Profitability, and the Future of Your Law Practice*, by Arthur G. Greene and Therese A. Cannon.

Comparative Client Cost of Lawyer Alone and of Lawyer Plus Paralegal (PDF), Figure 2.1 from *Paralegals, Profitability, and the Future of Your Law Practice*.

Shifting Work to Paralegals (PDF), an excerpt from *Paralegals, Profitability, and the Future of your law practice*.


SCOLA Update: Partnering with Paralegals (PDF), a publication of the ABA Standing Committee on Paralegals.

8. May I include my paralegal in my firm's pro bono activities?

Paralegals enhance the ability of law firms to provide more pro bono legal services just as they do paid services.

Attorneys should facilitate the participation of paralegals in a practice's pro bono activities. See, Guideline 10 of the ABA Model Guidelines for the Utilization of Paralegal Services (PDF).

Paralegal associations recognize the value of pro bono activities and encourage their members to provide such services.

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Topic and Speaker:	<p>What You Need to Know About Representing Applicants for Naturalization/U.S. Citizenship</p> <p>Presented by</p> <p>Emily M. Cohen, Esquire, and Mary Sims, Esquire</p> <p><i>**Applying for approval of CLE 1.5 (E) by NFPA and Keystone Alliance**</i></p>
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RSVP:	<p>To register please visit:</p> <p>https://us02web.zoom.us/meeting/register/tZYldeCpzo0GNft2-l8Lbu5qHzw2lMF_Mmz</p> <p>For any questions, please contact:</p> <p>Jennifer Echikson, Pa.C.P.</p> <p>jechikson@dischellbartle.com</p>

Ethical Considerations

9. What are my ethical responsibilities in employing a paralegal?

Lawyers are ultimately responsible for the work product of paralegals.

Lawyers are responsible for the ethical conduct of the paralegals whom they employ. Any transgressions by the paralegals may subject the lawyer to professional discipline. See, Rule 5.3 of the Model Rules of Professional Conduct.

Lawyers who supervise paralegals must develop, implement, and enforce policies to ensure that paralegals understand how their conduct must conform to lawyer's professional obligations. See, Rule 5.3 of the Model Rules of Professional Conduct.

Many state bar associations have adopted guidelines for the utilization of paralegals. These guidelines often include commentary describing specifically authorized or proscribed local practices. For example, there is a split of opinion on whether paralegals may attend real estate closings unaccompanied by a lawyer.

See chapter 8 in *Paralegals, Profitability, and the Future of Your Law Practice*, by Arthur G. Greene and Therese A. Cannon.

Unethical conduct by paralegals has a direct impact on a lawyer's practice. See *The Legal Assistant's Practical Guide to Professional Responsibility*.

10. What are my paralegal's ethical responsibilities?

Paralegals are not directly subject to any rules of professional conduct promulgated by courts, legislatures, or government agencies.

Paralegals who are members of national and/or local paralegal associations are required to follow the ethical codes of those associations, such as the AAPI Code of Ethics, the NALA Guidelines, the NFPA Guidelines, or the NALS Guidelines.

Unethical conduct by paralegals has a direct impact on a lawyer's practice. See *The Legal Assistant's Practical Guide to Professional Responsibility*.

11. How do I inform my clients about my paralegal's role?

Attorneys should promptly introduce paralegals to clients, as well as courts and other attorneys, by name and title. See, Guideline 4 of the ABA Model Guidelines for the Utilization of Paralegal Services (PDF). Using titles usually reserved for attorneys, such as "associate" or "counsel," is misleading and must be avoided.

Attorneys should explain to clients the contact paralegals will have with them.

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Attorneys should instruct paralegals in how to identify themselves in correspondence and on the telephone. See, Guideline 5 of the ABA Model Guidelines for the Utilization of Paralegal Services (PDF).

Attorneys should confirm that paralegals are identified clearly as such on business cards and letterhead. See, Guideline 5 of the ABA Model Guidelines for the Utilization of Paralegal Services (PDF). Some states do not permit attorneys to list paralegals on their letterhead.

12. May I screen my paralegal to avoid disqualification of my law firm under conflicts rules?

Screening of a paralegal who has a conflict with a client's interest was endorsed by the ABA in Informal Opinion 88-1521.

Imputed disqualification does not apply to nonlawyers, including paralegals, according to the new Comment 4 to Rule 1.10 of the recently revised ABA Model Rules.

Courts and bar associations that have addressed this issue generally agree with this principle. Only Kansas prohibits the use of screens for both lawyers and nonlawyers.

Fees & Compensation Issues

13. What fee should I charge for my paralegal's work?

Your paralegal's substantive legal work (i.e., not clerical work) may be billed directly to the client just as an attorney's work is billed, or considered in setting a flat fee just as an attorney's work would be.

A profitable paralegal generates more revenue than it costs to maintain the paralegal.

A financial analysis should take into account the paralegal's direct and indirect contributions (both revenues from paralegal hours and the benefits from shifting routine work to a paralegal and leaving more complex work to an attorney).

A quick test of profitability is the "Rule of Three": the paralegal generates revenue three times his or her salary.

See chapter 2 (pages 13-17) in *Paralegals, Profitability, and the Future of Your Law Practice*, by Arthur G. Greene and Therese A. Cannon.

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- ◇ Obtain its annual 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;
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14. How do I compensate my paralegal?

Attorneys may compensate paralegals based on the quantity and quality of their work and the value of that work to the law practice. See, Guideline 9 of the ABA Model Guidelines for the Utilization of Paralegal Services (PDF).

Paralegals may be paid discretionary bonuses based on the overall success of the law practice. See, Rule 5.4(a)(4) of the Model Rules of Professional Conduct.

Paralegal compensation, however, may not be contingent, by advance agreement, on the outcome of particular cases. See, Guideline 9 of the ABA Model Guidelines for the Utilization of Paralegal Services (PDF).

Attorneys may not split legal fees with paralegals nor pay paralegals for the referral of legal business.

Paralegals may not be partners or shareholders in a law firm.

15. Do I have to pay my paralegal for overtime?

This depends on whether your paralegal would be classified as an exempt or nonexempt employee.

Nonexempt employees are entitled to overtime compensation under the Fair Labor Standards Act and similar state laws.

Paralegals as a group may not be classified as exempt, according to the U.S. Department of Labor, because they are not required to have advanced professional knowledge acquired through prolonged, specialized instruction and study, and are not generally involved in the performance of duties that require the exercise of discretion and independent judgment.

The Department of Labor's new regulations on overtime pay, effective August 24, 2004, do not change its position. Also, the professional exemption provision specifically addresses the status of paralegals in Subpart D, §541.301(e)(7).

Recruitment & Education

16. How do I recruit and hire a well-qualified paralegal?

Determine the appropriate functions and desired qualifications of a paralegal for your practice.

Contact paralegal education programs. An ABA-approved paralegal program has met the stringent quality Guidelines established by the Standing Committee on Paralegals.

Contact national and local paralegal associations, such as NALA, NFPA or NALS. Most list jobs at no cost to the employer. Some also maintain resume banks, such as the AAPI Job Bank (available to AAPI members) or the IPMA Job Bank.

Advertise in newspapers and list openings on web sites.

Interview carefully, verify credentials, and check references.

See chapter 6 in *Paralegals, Profitability, and the Future of Your Law Practice*, by Arthur G. Greene and Therese A. Cannon.

17. What qualities should I look for in hiring a paralegal?

You want a person with excellent organizational skills, who is detail minded and able to multi-task.

Good communication skills, both oral and written, are essential.

A paralegal with a genuine interest in law and empathy with clients' problems will be a valuable member of the legal team.

18. What sort of educational programs would a paralegal have completed?

Educational programs for paralegals vary. These programs may or may not be approved or accredited.

Educational programs affiliated with a college or university may offer associate's degrees, bachelor's degrees, master's degrees, and/or certificates, which may be undergraduate or post-baccalaureate certificates. Proprietary schools generally offer certificate programs.

Educational programs approved by the American Bar Association must satisfy the stringent requirements of the approval process (PDF) supervised by the ABA's Standing Committee on Paralegals. These include a minimum of 60 semester hours of study (18 semester hours must be designed specifically to develop paralegal skills), extensive reports and periodic site visits. An ABA-approved paralegal education program has undergone a rigorous scrutiny of its curriculum, faculty, recruiting and admission practices, library and computer resources, student services, and other aspects of the program.

The American Association for Paralegal Education (AAfPE), NALS...the association for legal professionals, the National Federation of Paralegal Associations (NFPA), the National Association of Paralegals (NALA), and the American Alliance of Paralegals (AAPI) have developed core competencies for paralegals. Δ



HIGHLIGHTS FROM THE **MARCH** BOARD OF DIRECTORS MEETING

The Board met on March 4, 2021 VIA ZOOM.

The Community Outreach Committee met and discussed new ideas for 2021. Anyone who would like to join the committee or has additional ideas for outreach, please contact Dana Jorna at djorna@kanepugh.com.

February's Mindful Meditation CLE was well attended and we received positive feedback. This month's topic is on Immigration and in April we will have a presentation by MCAP. Both of these events will continue to be conducted by Zoom.

Please note, there will be poll questions at the end of our CLE Zoom presentations. These questions will be developed by our MCPA committees. Please take a few moments to complete the short poll. Your feedback will help us better serve our members.

Keystone Alliance changed its semi-annual Education Summit (postponed due to the Pandemic) to a CLE series instead of a one-day event.

At current, we have 75 members. Even though the discount period has ended, renewals are still be accepted. Don't miss out on membership benefits for the remainder of 2021.

NFPA's upcoming Spring Region Meeting in April will be virtual. Stay tuned for information on their Joint Conference in June.

Dana Jorna will be attending a Zoom Q&A Session with the Lansdale School of Business on March 16th. Anyone interested in being part of the session, please contact Dana Jorna at djorna@kanepugh.com.

If you have any questions or comments regarding any of the Board activities mentioned above, or have any topics you would like the Board to discuss, please contact Dana Jorna at or any Board Member

The Board will meet again by Zoom on **April 1, 2021, at 6:15 PM**. Any member is invited to attend Board meetings. If interested, please contact Dana Jorna to receive a Zoom invite.

UPCOMING MEETINGS	
MAY 6, 2021	OCTOBER 7, 2021
JUNE 4, 2021	NOVEMBER 4, 2021
SEPTEMBER 2, 2021	DECEMBER 2, 2021

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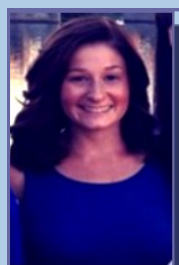
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Dana is a Litigation Paralegal at the law firm Kane Pugh Knoell Troy & Kramer, LLP. She has been a member of the Montgomery County Paralegal Association since 2013, and a board member since 2018. More recently, she has become the MCPA's Job Bank Coordinator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

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

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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—Treasurer***

Kozloff Stoudt Attorneys
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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.

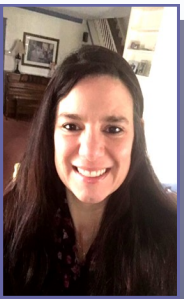
BOARD OF DIRECTORS

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. Nancy also served as the past President of the MCPA.

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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