



The Gavel



Newsletter of the Lycoming County Paralegal Association

KEYSTONE ALLIANCE OF PARALEGAL ASSOCIATIONS ESTABLISHES THE CREDENTIAL OF PENNSYLVANIA CERTIFIED PARALEGAL

At its April meeting, the Keystone Alliance of Paralegal Associations ratified Pennsylvania's groundbreaking voluntary credentialing program for paralegals. Advancing the paralegal profession in Pennsylvania has been the steadfast mission of the Alliance since its establishment in 1995. In keeping with this goal, the credentialing program aims to establish a uniform standard of professionalism in the field and provides a reliable and consistent mechanism by which attorneys and the general public will identify qualified paralegals. Individuals meeting the eligibility requirements will be designated as a "Pennsylvania Certified Paralegal." (Pa.C.P.)

Keystone Alliance defines a paralegal as a person who is qualified through education, training, or work experience to perform substantive legal work requiring knowledge of legal concepts and ethics, and who is employed or retained by a lawyer, law office, corporation, governmental agency, or other entity to work under the direction of a lawyer or pursuant to state statute, administrative regulation or court authority in a capacity that, in most instances, would be performed by a lawyer in the absence of a paralegal.

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THE SUPREME COURT RULES ON PARALEGAL FEES

The Equal Access to Justice Act **5 USC § 504(a) & 28 USC § 2412(d)(1)(A)** is legislation that allows for a reasonable reimbursement of attorney's fees, expenses, and costs to prevailing parties in an agency adjudication proceeding. Agency involvement in a suit

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2008 PENNSYLVANIA SUMMIT ON THE PARALEGAL PROFESSION

The 2008 Pennsylvania Summit on the Paralegal Profession is held on September 13, 2008 at the Thompson Professional Development Center. Sponsoring of the summit will be the Keystone Alliance of Paralegal Associations. Hosting of the summit will be our very own Lycoming County Paralegal Associations. Moderating the entire Paralegal summit will be Kathleen M. Smith. Ms. Smith is the coordinator of the Paralegal Studies Program at the Community College of Philadelphia (CCP) where she is a Professor and also a past Assistant Dean. She has developed Paralegal CLEs and has received a College Foundation grant to develop a Paralegal Mentor Program. Private Law firms call on Ms. Smith to teach paralegal seminars.

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Pennsylvania Summit on the Paralegal Profession

The future for the Pennsylvania Paralegal

for Attorneys, Paralegals, Paralegal Managers,
Members of the Bench, Paralegal Educators and
Leaders of National and Local Paralegal Associations

Keystone Alliance of Paralegal Associations

The Voice for the Pennsylvania Paralegal

Who Should Attend:

- Attorneys
- Paralegals
- Paralegal Managers
- Judges
- Bar Assoc.Mem.

Keystone Alliance Member Associations

Lycoming County Paralegal Association

Lancaster Area Paralegal Association

Pittsburgh Paralegal Association

Philadelphia Association of Paralegals

Central Pennsylvania Paralegal Association

Chester County Paralegal Association

York County Paralegal Association

Montgomery County Paralegal Association

On September 13, 2008, the Keystone Alliance of Paralegal Associations will be hosting this year's "Paralegal Professional Summit". This statewide Summit will be held right here in Williamsport.

Over the last two years, a consortium of attorneys, educators, paralegals, paralegal managers as well as representatives from various paralegal associations have gathered annually to conduct valuable discussion with regard to the direction of the paralegal profession in general and more specifically as the profession continues to take shape within the Commonwealth of Pennsylvania. We consider your participation in this year's Summit to be indispensable.

Why attend? Discussion topics at this year's Summit will cover an array of topics all of which have substantial impact on the education and professional growth of Pennsylvania paralegals. Additionally, as you may know, the Keystone Alliance of Paralegal Associations is soon planning the launch of a statewide voluntary paralegal certification program. This is an important year for anyone who is interested in the future of the paralegal profession.

Please accept our personal invitation to join us for what surely will be a rewarding and enlightening round-table discussion. Registration is free and meals are provided at no cost. Also, we encourage you to share the brochure with members of your firm and paralegals in your office.

If you have any questions, feel free to contact Rebecca Buttorff, RP, at rebeccab@lepleylaw.com or George Roles at georgeroles@earthlink.net

SUPREME COURT RULING

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enables financial awards to the winning party - excluding the U.S. Government- unless the adjudicative officer of that agency finds substantial justification not to do so. The important question before the Superior Court was "if prevailing parties may recover for paralegal fees at the prevailing market rate or at the cost to attorneys"?

The Supreme Court ruled in *RICHLIN SEC. SERVICE CO. v. CHERTOFF* Paralegal fees may be recoverable at prevailing market rates under the EAJA!

In this Supreme Court Case handed down in early June of 2008, Richlin Securities Service employees were owed back wages due to a contractual classification of the company made in error. Once recognition of this mistake was noted, the Department of Labor ordered Richlin to pay the employees back wages. Richlin then hired counsel. Richlin filed a claim with the Department of Transportation's Board of Contract Appeals, stating that financial liability was to be shared by the Government because the contractual mistake was mutual. The Agencies Appeal Board ruled in Richlin's favor. However, when the EAJA's reimbursements were brought into play the Board denied paralegal fees as reimbursable at the rate billed by Richlin's chartered law firm (\$50-95\$/hr). Instead for nine years of paralegal services the Appeals Board reimbursed Richlin at the rate (\$35/hr). The dispute centered on this Language within **5 U.S.C. § 504(b)(1)(A)** "fees and other expenses." Whenever reimbursements for attorney fees occurred it would be based on the "prevailing market rate". This section was interpreted by the Agencies Appeal Board appropriately. When paralegal fees were to be reimbursed at "prevailing market rates" the Agencies Appeal Board refused to do so. According to the Agencies Appeal Board paralegal fees are merely "other expenses," reimbursable at "reasonable costs" (\$35/hr). The company appealed to the U.S. Supreme Court. The Supreme Court reacquainted itself with **MISSOURI v. JENKINS**, because in that case the term "attorney fees" included paralegal services.

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LONG TIME LPCA OFFICER SAYS FAREWELL

George Roles has been a member of the LPCA since January of 1999. The field of law George specializes in is General Practice. George graduated from Penn College's Paralegal Program with his Associate's and Bachelor's degree. During the past several years as an officer in the LPCA, George has helped with the undertaking of community projects during Christmas, organized LPCA events, and has been an editor for the Gavel -to name a few great contributions. George said that the LPCA, "always represents individual paralegals in Lycoming County" which is very true. The LPCA since it was founded some fifteen years ago, is designed to create a community connection for the paralegal profession in Lycoming County and nationally. With George's help the LPCA was able to do just that and now, as George relocates to Harrisburg, the members of the LPCA are appreciative and wish him the best.

LAW DAY 2008

May 1st of every year is LAW DAY. Lycoming County celebrated it in fine fashion.

Joy Reynolds McCoy of McNerney Page Vanderlin & Hall was Mistress of Ceremonies with US District Court Judges Muir and McClure as well as the Lycoming County Court of Common Pleas Judges Brown, Keiser, Anderson, Butts and Gray in attendance. The "Law Day Singers" were there to open the celebration with flare.

State Assemblyman Garth Everett was our Guest of Honor this year. The theme this year was "Rule of Law." The elementary students were asked the question: What rules does your school have during recess? Do you believe these rules are necessary?" The middle and high school students proposed the question: "To what extent do you believe a school can go to protect the safety of the students before violating the rights of the students? The students' answers revealed an understanding between their safety and their rights.

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PARALEGAL LICENSING

The Paralegal Association of Wisconsin and the State Bar of Wisconsin proposed four years ago to have the Supreme Court of Wisconsin grant licensure to qualified paralegals. The result on April 7th is, for now, Wisconsin paralegals will not be licensed. Their *ratio decidendi* was attributed to budgetary and jurisdictional concerns.

In the 1990's the Wisconsin Law community concluded paralegal licensing may be necessary. There were many discoveries made regarding the paralegal professions' impact on firms, corporations, and the public's needs. So, the Wisconsin Paralegal Association and the Bar of Paralegal Task Force composed the proposal that the Supreme Court reviewed.

The proposal stipulated that a paralegal will be required to accomplish all of the following; receive 18 semester credits from a pre-qualified paralegal studies program, ten (10) hours of continuing paralegal education during each two year reporting period.

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JOB BANK

FULL-TIME LEGAL ASSISTANT: Williamsport Firm seeks full-time Legal Assistant to provide administrative support to busy practice group in the areas of commercial transactions, real estate, litigation, insurance defense, labor law, transactional, wills, estate and elder law.

Candidate should have 3+ years secretarial experience and background working with Microsoft Word and Outlook. Excellent dictation, spelling and grammar a must. Prior legal secretarial experience preferred.

Please submit resume with cover letter stating salary requirements. Benefits include: Paid vacation, Sick Time Accrual, 401K Profit Sharing, Health Insurance, Life Insurance, and Long Term Disability.

Anyone interested should submit their resume and cover letter to: LCPA Job Bank, c/o Michele Frey, Lepley, Engelman & Yaw, 140 East Third Street, Williamsport, PA 17701 (or via courthouse mail). All entries will be submitted to the local law firm for consideration.

2008 PARALEGAL SUMMIT

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Ms. Smith has a wealth of experience both as an attorney and as a paralegal educator, and the Keystone Alliance is thrilled to have her present the 2008 Pennsylvania Paralegal Summit.

The schedule on this day for events is as follows: Registration and Breakfast 8:30 Welcome and Opening Remarks Discussion Topics 10:00, Paralegal Education Overview, Perspective and Changes, Expectations, Lite Lunch Break at noon, Discussion Topics 12:30 Regulation of Paralegals, new Pa. C.P. Technology Focus, Partnering Opportunities, Professional Associations, Educating the Public, Open Forum 2:15, Moving on with a 2009 Summit, Closing Remarks-Adjournment. There is more information at www.keystoneparalegals.org. Registration is FREE and Easy do so before September 3, 2008

2008 PARALEGAL DAY

The Governor proclaimed July 25, 2008 to be Paralegal Day in Pennsylvania and July 21 to 25, 2008 to be Paralegal Week in Pennsylvania. This year the LCPA celebrated by providing each member with a binder bearing our logo and invited all members to attend a luncheon on Paralegal Day. The luncheon was held at the outdoor picnic tables along side of the courthouse and lunch was purchased from Mel's Deli. The event was very well attended and everyone enjoyed the beautiful weather, delicious lunch and great company. Door prizes were awarded as follows:

Lang's Chocolate Gift Certificate to
Rachael Lepley Joy
Great Escape Movie Gift Certificate to Ken Try
Faxon Cleaner Gift Certificate to Ronca Boyd
Mel's Deli Gift Certificate to Hank Jacob

The LCPA hopes that all its members had a wonderful Paralegal Day. We are already looking forward to celebrating this event with our members next year.



MEMBER NEWS

Welcome Student Members

Welcome Student Members

On April 15, LCPA members Rebecca Buttorff and Michele Frey spoke to a group of students and their professors at the Pennsylvania College of Technology. The students and the professors have invited the LCPA to speak for the past several years. The students are always interested to learn about the benefits that the LCPA has to offer.

The presenters informed the students about networking opportunities through Lunch and Learn meetings, Job Bank postings and mentoring programs, as well as our affiliation with the National Federation of Paralegal Associations and the Keystone Alliance. The students were invited to attend a Lunch and Learn meeting.

The LCPA is pleased to announce that several of the students enrolled in the Paralegal Studies program at the Pennsylvania College of Technology have joined the LCPA!

- Stephanie Davies
- Rebecca Hovestine
- Josiane DeSousa
- Ronca Boyd

All have renewed their membership and the LCPA welcomes its new student member:

- Gordon Thomas.

The LCPA invites student members to make suggestions for future Lunch and Learn topics that may be beneficial to them.

PARALEGAL MENTORS

AVAILABLE TO STUDENTS

What is it really going to be like as a paralegal? Which paralegal field best suits my personality and goals? Want to find out what a career in the multifaceted paralegal profession is like in the “war” room versus the classroom?

Well, you’re in luck. There are a number of seasoned LCPA member paralegals who are ready and willing to discuss their respective fields of law with you. Join the LCPA Paralegal Mentoring program.

Not only will it be a great way for you to learn from experienced paralegals, but it will be a great way for you to increase your peer-to-peer paralegal network. If you would like to take advantage of this really great “real world” opportunity, contact Rebecca Buttorff at rebeccab@lepleylaw.com.

You will be glad you did!

Upcoming Lunch and Learn “Becoming a PACE Registered Paralegal”

Are you thinking of taking the PACE Exam, but aren’t sure what to expect. You wonder what the exam is like. What type of questions will I be asked? How do I prepare? Well, this fall the LCPA will be offering a Lunch and Learn on the PACE Exam. The LCPA has purchased the new version of the PACE Manual. This Manual will be available to members who are interested in taking the exam. It will be a great opportunity to learn what you need to know in order to become a Registered Paralegal.

Please join us at this enlightening Lunch and Learn. Watch your email for the date.

PENNSYLVANIA CERTIFIED PARALEGAL

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Pennsylvania Certified Paralegals must have the following minimum education, experience, or combination thereof:

Educational Requirements

- Bachelor Degree in Paralegal Studies OR a Bachelor Degree in any discipline from an accredited institution AND a Certificate from an ABA-approved Paralegal Program AND one (1) year of substantive Paralegal experience; OR
- Bachelor Degree in any discipline from an accredited institution AND three (3) years of substantive Paralegal experience; OR
- Associate Degree in Paralegal Studies OR a Certificate from an ABA-approved Paralegal Program AND three (3) years of substantive Paralegal experience; OR
- Associate Degree in any discipline from an accredited institution OR a Certificate from a non-ABA-approved Paralegal Program AND five (5) years of substantive Paralegal experience; OR
- Seven (7) years of substantive Paralegal experience; OR
- Designation of CLA, CP or RP or other Paralegal credential approved and recognized by the Keystone Alliance of Paralegal Associations AND two (2) years of substantive Paralegal experience.

Applicants must meet other qualifications and requirements to acquire this credential. The credentialing scheme contains a grandfathering provision and mandatory CLE obligations. The credential shall be recognized for two years and is renewable so long as the paralegal continues to meet all of the program's minimum requirements and qualifications.

For more information about the Pa.C.P. [program], contact Rebecca Buttorff, RP, Chairperson, Keystone Alliance of Paralegal Associations, c/o Lepley, Engelman & Yaw, 140 East Third Street, Williamsport, PA 17701, 570-323-3768, or email at Keystone_alliance@yahoo.com.

Or browse to www.keystoneparalegals.org.

The Keystone Alliance of Paralegal Associations is a professional organization comprised of paralegal organizations located throughout Pennsylvania. The member associations represent in excess of 1,400 paralegals of varying backgrounds, experience, education, and job responsibilities, reflecting the diversity of the paralegal profession. The Keystone Alliance was formally established in 1995 from groundwork laid in the 1980's by the paralegal associations in Pennsylvania. Any paralegal association located in and/or representing paralegals in the Commonwealth of Pennsylvania is eligible to become a member of the Keystone Alliance.

The Keystone Alliance currently consists of the following paralegal associations: Central Pennsylvania Paralegal Association; Chester County Paralegal Association; Lancaster Area Paralegal Association; Lycoming County Paralegal Association; Montgomery County Paralegal Association; Philadelphia Association of Paralegals; Pittsburgh Paralegal Association; and the York County Paralegal Association.

The Purpose and Goals of the Keystone Alliance are

1. To provide a statewide voice for paralegals in Pennsylvania;
2. To maintain a statewide communications network among paralegal associations and other members of the legal community;
3. To advance, foster and promote the paralegal profession in Pennsylvania; and
4. To monitor developments in the paralegal profession.

Watch this website www.keystoneparalegals.org for the application release date.

LUNCH & LEARN

The Lycoming County Paralegal Association had ample membership turnout for our January Lunch and Learn. The lecturer of "Traffic Citations-When to Defend?" was George E. Lepley Jr., Esquire, of Lepley, Englemen & Yaw. Attorney Lepley has had many years of experience in defending traffic citations and shared his expertise with the LCPA members present.

With over eleven million registered vehicles in Pennsylvania everyone interacts with the regulating laws of our states roadways at some point *dmv.state.pa.us*. The Pennsylvania Motor Vehicle Code was created to provide a uniform system of law regulating the use and operation of motor vehicles throughout the state; to promote safety. This concept was stated during an appeal from the Court of Common Pleas, in Allegheny County in 1915, the date when automobiles started becoming common **247 Pa. 545**. Today, after refinement of the Pennsylvania Motor Vehicle Code, drivers in their everyday rush continue to be pulled over by police officers. When this unusual moment occurs, remember, that as drivers there are rights everyone has. However, this does not preclude officers from giving citations. Since this is the case every driver should strive to keep their PennDOT Point value at zero. Points are added to a driving record when a driver is found guilty of violating the Motor Vehicle Code. When pulled over by an Officer a driver should consider respectfully requesting the officer to write the alleged offense as a section 3111

violation. The section 3111: Failure to Obey Traffic Control Devices, results in no point increase. After receiving the ticket the driver may seek counsel. Attorney Lepley brought up the fact that as Paralegals it is necessary to gather information through PennDOT about the client's full driving record. The driving record which PennDOT stores may be detailed enough to have relevant information.

The discussion on when to Defend Traffic Citations by Attorney Lepley expanded the knowledge of everyone present. The LCPA was grateful that Attorney Lepley was able to provide his time and experiences.

Lycoming County Paralegal Association's February Lunch and Learn had a great attendance. The lecturer was William J. Miele, Esquire, the Public Defender for Lycoming County. The presentation was on the important purposes and daily responsibilities of the Public Defender's office. The Public Defender's Office for Lycoming County provides legal counseling to indigent defendants who have been charged with criminal actions. There are currently six full time Attorneys working under the guidance of Attorney Miele, as well as with two Paralegals. This idea of a Public Defender System has its roots in the case heard by the Supreme Court **Powell v. Alabama, 287 U.S. 45**, where nine African-Americans were convicted of a crime that entailed capital punishment as a penalty. Immediately before trial in the lower court the defendants were finally given access to their Defense Attorneys. The U.S. Supreme Court granted Writ of Certiorari on the grounds of inadequate access to counsel.

The U.S. Supreme Court's Holding agreed that providing counsel throughout a defendant's trial is the only way to provide justice in capital punishment cases. Then **Gideon v. Wainwright, 372 U.S. 355** required state courts via the Sixth Amendment to provide counsel to indigent defendants in all criminal cases.

These cases have had a profound impact on the U.S. Justice system. Here in Lycoming County, Attorney Miele, with his staff at the County Public Defender's Office, aid defendants everyday in their desire for justice. Our Public Defender's office is unique because of the volume of capital punishment cases that enter the Court of Common Pleas in Lycoming County, considering the sparse population of our county.

Another important topic addressed at the Lunch and Learn was Protection from Abuse (PFA) injunctions. PFA orders protect victims of domestic violence from further abuse, but PFA orders are sometimes unjustified, often requested by an instigant during divorce/custody situations. Another important topic addressed at the Lunch and Learn was Protection from Abuse (PFA) injunctions. PFA orders protect victims of domestic violence from further abuse, but PFA orders are sometimes unjustified, often requested by an instigant during divorce/custody situations. Williams J. Miele, Esquire has an important job, as the Public Defender. The work of the Public Defender benefits our Justice system by representing defendants in need. The LCPA members were grateful that he donated his time to lead the Lunch and Learn.

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LUNCH & LEARN

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The Lycoming County Paralegal Association's guest speaker for the May Lunch and Learn was Tammy L. Taylor, Esquire, of the Federal Public Defender for the Middle District of Pennsylvania. The Federal Public Defender represents indigent defendants before the U.S. District Courts.

Attorney Taylor was a very informative speaker and seemed to enjoy sharing her experiences with the LPCA. Attorney Taylor brought to the paralegals attention ***Watson v. United States, 128 S. Ct. 579 (U.S. 2007)***. The Supreme Court ruled in ***Watson*** from December of 2007 that when defendants trade their illegal drugs for a firearm, the firearm is not in "use" within the meaning of **18 U.S.C.A. § 924 (c)(1)(A)**. That statute creates a sentence ranging from five years to life imprisonment when Defendants conceal, brandish, or discharge - viewed as *use*- firearms during an illegal drug transaction. Topics also included the Pennsylvania Law which requires a ten year registration for certain sex offenders. The LPCA was informed that prosecutions in the Federal System first and in the State System second constitutes double jeopardy, thus are barred **18 Pa. C.S.A. § 111**. However, prosecution in the State System first and in the Federal System second are not wholly barred by the Fifth Amendment to the U.S. Constitution.

Federal Courts view the Suppression of Evidence differently in contrast to Pennsylvania Suppression of Evidence. The 1984 Supreme Court case ***United States v. Leon, 468 U.S. 897, 104 S. Ct 3405 (1984)*** was mentioned

regarding evidence gathered from improper searches by Police. According to ***Leon***, evidence gathered on a faulty warrant may be admissible in court as long as the officers prior to the search acted in good faith. This case and its progeny is pertinent in many criminal cases.

The LPCA members at the Lunch and Learn had an enjoyable time. The LPCA is very appreciative to Attorney Taylor for her work and for her informative lecture.

Law Day

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The Elementary winners for essays were: Alex Schluter, first grade at Schick Elementary School and Lauren Ohl, fifth grade at McCall Middle School; winners for the art work were Robbie Barnes, fourth grade, Lyter Elementary School; Anna Lee Hafer, fifth grade, St. John Neumann Regional Academy, Intermediate; Carson Wishard, fifth grade, McCall Middle School; and Maggie Akers, sixth grade, Carl G. Renn Elementary School.

The Secondary division winners were for essays: Carolyn Whipple twelfth grade and Jillian Jackson, eighth grade, South Williamsport Jr/Sr High School; Alexa Ream eighth grade Jersey Shore Middle School and the winner for art work was: Craig Shaner, grade 12, Hughesville High School.

All winners were awarded a monetary prize, as well as a framed certificate. As with every year, the LPCA sponsored a reception for the kids and their friends and families. The pizza and cake affair was hosted by Ken Try and Alice Force, who did a tremendous job. The children and their parents always

appreciate this and we received many comments and thanks.

SUPREME COURT RULING

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When Congress legislated for attorney fees to be awarded to parties that prevail against the government, paralegal fees are a component of that. The Supreme Court ruled paralegal fees are to be set at "prevailing market rates" like attorney fees. This does not support or deny a law firm's authority to bill clients for paralegal fees as expenses or fees. Paralegals are an important cost-saving service to the public, and clients are to be billed at a rate which is customary to that field or locale. Law firms that are involved with the EAJA are to know that paralegal work should be delineated at the rate that is efficient for them. This case was very important and repercussions within the paralegal field are going to occur from it.

PARALEGAL LICENSING

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Also, the Paralegals would abide by ethical rules. The two administrative agencies which have historically been Wisconsin attorneys' license issuers and regulators are The Office of Lawyer Regulation and Board of Bar Examiners. To make things easy for everyone, these two entities, run by the Supreme Court of Wisconsin, were proposed to also oversee the new paralegal administration.

The Court unanimously decided that it would not establish a paralegal licensing system. The court encouraged a voluntary certification program for the Wisconsin Association of Paralegals just as recently had been successfully done by the Keystone Alliance of Paralegals.

Apparently the Wisconsin Association of Paralegals are going to focus now on having the legislatures in Wisconsin participate in having paralegals become licensed. More info at:
wisconsinparalegal.org/main.htm

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Check out our website at <http://www.lycolaw.org/lcpa/main.htm>