



# The Gavel



*Newsletter of the Lycoming County Paralegal Association*

## THANK YOU TO ALL WHO HELPED WITH THE CHARITY PROGRAM THIS HOLIDAY SEASON!

The LCPA collected \$495.00 towards this past season's Christmas project. The LCPA contributed \$300.00. Two coats, two long sleeve tee shirts, and two \$10.00 Weis Market gift cards were also donated. Sue Jones and Pam Toseki did the shopping for the Christmas gifts for our family. It is noted that a set of sheets was also provided for the boys; however, this was not on the list of gifts. A total of \$519.37 was spent at Kmart for the gifts. \$.63 was donated to the Salvation Army kettle, \$100.00 K-mart gift card was purchased and a \$170.00 Weis Market gift card was purchased. There was \$5.00 cash remaining which was just included with the gift cards to be given to the family. Two representatives from Lycoming County Children & Youth came to pick up the gifts. A special recognition goes to the benefactors who helped give gifts to needy people during this Christmas season and they are the Honorable Dudley D. Anderson and the Honorable Richard A. Gray. The local attorneys who contributed during this holiday season are Anthony D. Miele, Esq, Christian D. Frey, Esq, and Jonathan E. Butterfield, Esq. Also, to all of those who helped in the Law Firm of Miele & Rymsza, P.C. thank you!

There is a letter in the member news section from the Lycoming Clinton Joinder Board in appreciation for the overall contributions from the legal community during this Holiday Season.

### INSIDE THIS ISSUE

- *Thank you Letter from Lycoming-Clinton Joinder Board*
- *LCPA Discussion on Pa. Certification*
- *Maintaining Paralegal Credentialing*
- *Status of Indiana's Paralegal Regulation*
- *What is Legal Process Outsourcing*
- *Disciplinary Action against N.J. Attorney for misuse of paralegal*

### Paralegal Work Product Protection

According to **Pa. R.C.P. 4003.4** parties are entitled to immediate copies of statements concerning the action litigated or statements concerning its subject matter. This statute and the idea that a party is to receive copies of statements made by another party in a civil suit turned into an important case involving the paralegal profession. The case ***Brant v. Turnamian, Pa. Com. Pl. (1991)***. This issue began from a case involving medical malpractice at York Hospital in 1986. The Defendants in this case -York Hospital- requested the delivery of a paralegal's notes.

*Continued on Page 4*



## **LCPA DISCUSSION ON PARALEGAL CERTIFICATION “Pa.C.P”**

An important Lunch and Learn was given in October of 2008. The discussion was on the becoming a “Pennsylvania Certified Paralegal”. Many questions were asked by the paralegals in attendance about the new state certification. The attendance was quite impressive due to the nature of this presentation. Rebecca Buttorff, RP, Chair of the Keystone Alliance of Paralegal Associations was the presenter.

Rebecca was a member of the Keystone Alliance Ad Hoc Committee on paralegal regulation. The Keystone Alliance’s Committee looked into how other states standardized their paralegal profession. Also, the Ad Hoc Committee reviewed the Keystone Alliance surveys, along with member associations’ surveys. The Ad Hoc Committee recommended to the Alliance that at this time, the Keystone Alliance’s efforts to advance the paralegal profession would be best spent on certification. The Committee presented to the framework for the Pennsylvania Certified Paralegal credentialing program

According to [keystoneparalegals.org/certification.html](http://keystoneparalegals.org/certification.html) an applicant intent on certification must have one attorney who is in good standing with the Pennsylvania Supreme Court, who will vouch for that paralegal’s skill level. An applicant must send a copy of transcripts from her educational institution or a copy of her diploma. In instances where this would not apply and an applicant instead holds another paralegal credential, then a copy of that certification and her current letter of good standing may be accepted.

The members of the Keystone Alliance of Paralegals Associations have worked hard to develop this credentialing program. It was the goal of the Keystone Alliance to set a standard which would encompass the level of expertise needed to be recognized as a qualified paralegal

Due to the number of paralegals with an education from some Institution this has become a major requirement for certification. An American Bar Association approved paralegal program quickly progresses an applicant to certification. It is important, if holding a Bachelors or Associates paralegal degree, to be aware of whether your program was ABA approved, if not then more substantive experience would be needed. The distinction between having a Bachelors or Associates degree in Paralegal studies is that the applicant must also have one year substantive experience for the former and three years substantive experience for the latter. If the applicant has a Bachelors or Associates degree other than in a paralegal program then they must also garner three years of experience and five years of experience, respectively. For those applicants without having attended an Educational Institution yet still aspiring to be certified as a Pennsylvania Paralegal the Keystone Alliance has created standards to be met. This Grandfathering in is allowed if the applicant has had seven years of substantive paralegal experience. There are also continuing legal education requirements as well for all applicants.

During the meeting those present learned a great deal about this new standard for Pennsylvania paralegals. The impact of this certification may have not fully been felt yet, but over time it will be.

Choosing to become certified demonstrates a commitment to the paralegal profession and provides recognition that the professional standards have been met.

## PARALEGAL WORK PRODUCT PROTECTION

*Continued from Page 1*

These notes were composed when a witness met twice with the Plaintiff's paralegal. During these meetings, the interviewing paralegal wrote down impressions given by the witness. The witness was a friend of the Plaintiff who observed the allegations. The Defense's counsel, representing York Hospital, wanted these notes. The Plaintiff's counsel responded with a brief in opposition to the request, citing the paralegal's notes were not verbatim statements and not signed by the witness, therefore inconsequential.

According to the explanatory notes for **Pa. R. C. P. 4003.3** Statements of witnesses taken by an attorney are discoverable, except for the mental impressions from that attorney. But an attorney's agents, such as an insurance investigator, may not have their notes withheld. So, the question before the court was may paralegals mental impressions be held as privileged communication.

The court refused defendants motion to compel based off of **Pa. R. C. P. 4003.3**, and **4003.4**. The court found that because the paralegal's notes were not signed by the witness and the contents were irrelevant the order to compel was denied. This rationale is because when an attorney hires a paralegal they expect the paralegal to do work that is crucial for their preparations of the case. Thus the submitted paralegal's work becomes the hiring attorneys work leading to its privileged status.

## MAINTAINING REGESITERED PARALEGAL CREDENTIALING

For those registered paralegals who never renewed their membership, the PACE standards committee has granted an amnesty period. To receive the updated credential those expired registered paralegals must first meet the following criteria.

### **Effective through the end of April of 2009**

A renewal form can be downloaded on the website [paralegals.org](http://paralegals.org) and with a \$25 check sent into the NFPA headquarters:  
1 Batterymarch Park  
Quincy, MA 02169  
(617) 770-3000

*Continued on Page 5*

## WHAT IS LEGAL PROCESS OUTSOURCING?

There is a growing trend for reducing costs in large law firms and corporations legal departments. It is called Legal Processes Outsourcing (LPO). A company called Clutch Group, dealing with Global Legal Solutions, met in December of 2008 with numerous Fortune 1000 companies to discuss how the current economic recession is affecting legal work. At this conference Clutch Group President Paul Mandell spoke with the attendees about how "the legal world is evolving." The main location for outsourced legal assistance is India, due to its common law based structure, widespread use of English and high standard of Legal ethics. According to [cpaglobal.com](http://cpaglobal.com) 79,000 law graduates annually enter the India workforce. This is a huge resource for major corporations and global law firms needing legal research assistance, deposition review, and even U.S. court motion preparation.

*Continued on Page 6*

## DISCIPLINARY ACTION AGAINST ATTORNEY FOR MISUSE OF PARALEGAL

In May of 2006 a New Jersey attorney, Neal Pomper, sent his paralegal to a paternity dispute hearing. During the hearing the paralegal identified herself as a lawyer, entered an appearance on the record and was addressed as "counselor" without objecting.

After the paralegal advocated for Pomper's client the hearing officer reported the paralegal's actions to the Supreme Courts Committee on the Unauthorized Practice of Law. The paralegal admitted to this Committee of practicing law without a license and calling an adjournment that day would have been the correct protocol. The District VII Ethics Committee was subsequently notified. In December of 2008 the Disciplinary Review Board has stated they may censure attorney Pomper for failure to delegate his professional duties properly.

*Continued on Page 6*

## INDIANA REGISTERED PARALEGAL TITLE IS DECIDED

In November of 2003, the Supreme Court of Indiana received a special proposal from the Indiana Paralegal Association, Michiana Paralegal Association and the Northeast Indiana Paralegal Association. The proposal, expected to be **Rule 2.2**, would have made the title (IRP) "Indiana Registered Paralegal." The Indiana Supreme Court Rules Committee accepted to assess the paralegals' position by creating a subcommittee to review the proposed **Rule 2.2**.

The subcommittee then submitted this proposal to the Supreme Court in 2005. In September of 2008, the Indiana Paralegal Association received their answer. The Indiana State Supreme Court's Rules Committee rejected the proposal. The Court's response was that they would not, at this point in time, regulate the paralegal profession.

*Continued on Page 6*

## MAINTING REGISTERED PARALEGAL CREDENTIALING

*Continued from Page 4*

Also there may be additional fees for the time period that has passed since the last renewal. The Continued Legal Education requirements must be met for the period in which none were accounted for and in the current period. Continued Legal Education (CLE) credits that were given by a NFPA approved issuer during the absentee period will be accepted, dependent on how many renewal periods were missed. The renewal period will extend two years from the last scheduled renewal. The amnesty period for an expired Registered Paralegal will end April, 30 2009. Check your wallet sized card for the next renewal date or send questions on your current Registered Paralegal status to Ann Price at [vpdp@paralegals.org](mailto:vpdp@paralegals.org)

## (LPO)

*Continued from Page 4*

Why are large firms and high earning corporations outsourcing a portion of their Legal work? The following example sheds light on why. Trained lawyers in India are available to interested parties at \$30 an hour, excluding other fees, doing work needed by the purchaser.

According to an article written by Daniel Brook on *legalaffairs.org*, document coding, which requires a complex understanding of legal terminology, is 20 percent of the costs found within parts of the United States. Some companies offer to summarize depositions for \$1.50 a page. This is inexpensive compared to the rate U.S. paralegals may charge. Reasons like this make outsourcing legal jobs appear economical. Whether services outsourced in the legal field are attorneys, paralegals, or research assistants, 80,000 and upward legal jobs will be outsourced by 2015 according to *reasearchandmarkets.com*. This data was organized by surveying top LPO vendors.

All this is very fascinating provided we remember a majority of American client's legal work is handled within our Borders, however in populated cities and elsewhere offshore legal work is making a difference.

## DISCIPLINARY ACTION AGAINST ATTORNEY

*Continued from Page 5*

Pomper has already been reprimanded for violating **Professional Conduct Rule 5.5(a)(2)**, assisting the unauthorized practice of law, and *per se* **8.4(a)**, violating an ethics rule. Pomper was allegedly confused about the type of hearing he was sending his paralegal into. Pomper was under the assumption that an attorney was not required to be present for a hearing discussing the results of a blood test. The hearing actually addressed the client's blood test results and the paternity dispute.

However, Pomper's response to the charges is ineffectual because nonlawyers may not represent anyone receiving blood test results from a court. Pomper scolded his paralegal and has refunded his client's retainer. The Disciplinary Rules Board stated that a suspension for Pomper is unfounded. This is because his paralegal was not instructed to practice law, according to the investigation. Thus, the Disciplinary Rules Board voted 8-0 for censure, meaning a formal condemnation of his actions.

## INDIANA REGISTERED PARALEGALS

*Continued from page 5*

However, the Court is open to reexamining this proposal in the future depending on the need for such a rule. The problem that is to be addressed, according to the Indiana Paralegal Association, is that some people can abuse this system.

The point argued by the different Paralegal Associations in Indiana is that the need for minimum standards should be part of the process to become a paralegal. Indiana already has a definition of the paralegal profession-**I.C. 1-1-4-6** which is used in the state for recognition purposes. The utilization of this definition is regulated by **Guideline 9.1-10**. There are numerous States with a similar approach such as Colorado, Kentucky, and New Hampshire to name a few.

The hopes of regulation in this profession will improve Attorney's measurement of their paralegals competency, leading to a higher quality profession.



# MEMBER NEWS

## LYCOMING – CLINTON JOINDER BOARD

SHARWELL BUILDING  
200 EAST STREET  
WILLIAMSPORT, PENNSYLVANIA 17701-6613

### JOINDER ADMINISTRATION

DEBORAH M. DUFFY  
MH/MR Administrator

MARK D. EGLY  
CYS Administrator

CHARLES F. GREEVY, III  
Solicitor

570-323-6467  
1-800-525-7938  
Fax: 570-326-9471

January 5, 2009

### JOINDER BOARD COMMISSIONERS

ERNEST P. LARSON  
President  
ADAM C. COLEMAN  
Vice President  
JEFF C. WHEELAND  
Treasurer  
THOMAS H. BOSSERT  
REBECCA A. BURKE  
JOEL LONG

Ms. Michele Stone  
Lycoming County Paralegal Association  
c/o Lepley, Engleman & Yaw  
1401 East Third Street  
Williamsport, PA 17701

Dear Michele:

Please extend our heartfelt thanks to the Lycoming County Paralegal Association and its members who participated in "adopting" a family for the 2008 Christmas Gift Project. We understand from Mary Wilson that your generosity to this needy family was amazing and greatly appreciated. Through the generosity of many individuals, businesses, and organizations, such as yours, the Lycoming-Clinton Joinder was able to provide Christmas gifts to 600 children involved in services with Lycoming Children and Youth Services and/or the Lycoming-Clinton MH/MR Program. We're sure there were many happy faces on Christmas morning!

Our plans for this year's Christmas project will be to contact the past year's donors sometime in October to determine their continued interest in the project. In the event you wish to sponsor a family, we will provide you with your requested information by early November. You will be able to coordinate further details, such as gift pick up/delivery, directly with the assigned Caseworker.

Thank you again for your participation in the Christmas Gift Project. The generosity within our community was incredible! If you require any additional information, please do not hesitate to contact our Project Coordinator, Cathy Bennett, at 323-6467.

Best wishes for the New Year!

Sincerely,

Mark Egly  
C&Y Administrator

Deborah Duffy  
MH/MR Administrator

## NEW YORK CITY TO HOST FIRST ANNUAL PARALEGAL TECH CONFERENCE

This upcoming February 2<sup>nd</sup>-4<sup>th</sup> at the Sheraton New York Hotel & Towers registration begins for Paralegals located in and around New York City, and Williamsport with enough ambition. The First Annual Paralegal Technology Institute's Conference will be sponsored by Law Technology news and Estrin LegalEd. Law Technology news *lawtechnews.com* gives the latest details on a variety of legal software and hardware used in law firms. Estrin LegalEd *estrinlegaled.com* organizes seminars for paralegals employed in law firms, Fortune 1000 companies, and governmental agencies. The events in New York will focus on emerging technology that may be utilized by Paralegals in the upcoming years. Registration for the Paralegal Technology Institute also includes free admission to Legal Tech. Legal Tech is a legal technology trade show where vendors offer products to attendees. The conference's discussion will examine managing E-discovery and the tremendous amount of emails, using the latest trial prep technology and using the latest techniques in document database design as well as the latest budgeting software. NALA has approved for those able to attend 11 CLAE credits. The speaker will be Monica Bay, editor in chief of *Law Technology News* and she will examine how to get a competitive edge using new litigation assistive technology.

As some paralegals become more active in Law firms attending this, if financially possible, and looking into their websites will be good ways at staying abreast of advancing legal apparatuses or current law office technology.

## INTERSTING READ FOR PARALEGALS

A new book titled "Lessons: From the Top Paralegal Experts: The 15 Most Successful Paralegals and What You Can Learn From Them" has been produced with the help of some of the best paralegals in our Country. Over four years the book was in process of being worked on with the help of fifteen paralegals gleaned from the profession by four prestigious judges. These highly successful paralegals, from a broad range of legal disciplines, most with over 20 years of experience, shared their secrets with author Carole Bruno.

According to an article on the book written in *usprwire.com* there are organizational tips, technology techniques, and other guidelines that are useful. The book is published by Delmar Cengage Learning and is highly recommended on *Amazon.com*. The idea behind this book is that real-world lessons from paralegals are written down for others to read and practice.

The author Carole Bruno is the President of the National Institute for Continuing Paralegal Education and has worked over 34 years in the paralegal profession.



## 2009 MEMBER DIRECTORY

Last Name	First Name	Email Address	Area of Practice	Employer
Bowman	Ann	<a href="mailto:AnnBowman@earthlink.net">AnnBowman@earthlink.net</a>		Law Office of Patricia L. Bowman, Esq.
Boyd	Ronca	<a href="mailto:RoncaBoyd@yahoo.com">RoncaBoyd@yahoo.com</a>	Penn College of Technology - Student	Penn College of Technology – Student
Buttorff	Rebecca	<a href="mailto:Rebeccab@lepleylaw.com">Rebeccab@lepleylaw.com</a>	Personal Injury, Civil Litigation	Lepley, Engelman & Yaw
Davies	Stephanie	<a href="mailto:jskbest@verizon.net">jskbest@verizon.net</a>	Penn College of Technology - Student	Penn College of Technology – Student
DePasqua	Philip	<a href="mailto:Pdepasqua@mpvhlaw.com">Pdepasqua@mpvhlaw.com</a>	Litigation Paralegal	McNerney, Page, Vanderlin & Hall
DeSousa	Josiane	<a href="mailto:Josieds@hotmail.com">Josieds@hotmail.com</a>	Penn College of Technology - Student	Penn College of Technology – Student
Doane	Jennifer	<a href="mailto:Jend@lepleylaw.com">Jend@lepleylaw.com</a>	Penn College of Technology – Student - Civil Litigation	Lepley, Engelman & Yaw
Drawbaugh Redden	Catherine	<a href="mailto:credden@paelderlaw.com">credden@paelderlaw.com</a>	Estate Administration	Marshall, Parker & Associates
Fleeger	Valerie	<a href="mailto:valfl221@aol.com">valfl221@aol.com</a>	Real Estate and Estate Planning	Williams & Smay
Force	Alice	<a href="mailto:aforce@mpvhlaw.com">aforce@mpvhlaw.com</a>	Estate Administration	McNerney, Page, Vanderlin & Hall
Frey	Michele	<a href="mailto:MicheleS@lepleylaw.com">MicheleS@lepleylaw.com</a>	Estate Planning, Estate Administration, Civil Actions	Lepley, Engelman & Yaw
Guintier	Janine	<a href="mailto:jguintier@elionwayne.com">jguintier@elionwayne.com</a>	Bankruptcy, Real Estate, Civil Trial, Commercial Litigation	Elion, Wayne, Grieco, Carlucci, Shipman, & Irwin, P.C.
Hovestien	Rebecca	<a href="mailto:hovreb42@pct.edu">hovreb42@pct.edu</a>	Penn College of Technology - Student	Penn College of Technology – Student
Jacob	Edwin "Hank"	<a href="mailto:Jacobparalegalsvc@hotmail.com">Jacobparalegalsvc@hotmail.com</a>	Civil Litigation	Self-Employed / Marks, McLaughlin & Dennehy
Jones	Sue	<a href="mailto:Sajones4@comcast.net">Sajones4@comcast.net</a>	Divorce, Custody, Adoption	Miele & Rymsza
Koziol	Janice	<a href="mailto:Jkoziol@mpvhlaw.com">Jkoziol@mpvhlaw.com</a>	Domestic Relations	McNerney, Page, Vanderlin & Hall
Lepley Joy	Rachael	<a href="mailto:Rachaelj@lepleylaw.com">Rachaelj@lepleylaw.com</a>	Criminal Defense, Real Estate	Lepley, Engelman & Yaw
Lowry	Amber	<a href="mailto:lowamb09@pct.edu">lowamb09@pct.edu</a>	Student	Pennsylvania College of Technology
Mallery	Christie	<a href="mailto:Christie@sz-law.com">Christie@sz-law.com</a>	Criminal Defense, Family Law	Schemery & Zicoello
McCoy	Cathy	<a href="mailto:Langdonelaw75@alltel.net">Langdonelaw75@alltel.net</a>	Real Estate, Title Searches	Law Office of J. Howard Langdon, Esq.
Mitstifer	Sarah	<a href="mailto:Sarah@sz-law.com">Sarah@sz-law.com</a>	Real Estate, Workman's Compensation	Schemery & Zicoello
Price	Janet	<a href="mailto:Jprice@mcclaw.com">Jprice@mcclaw.com</a>	Estate Administration	McCormick Law Firm
Redden	Catherine	<a href="mailto:credden@paelderlaw.com">credden@paelderlaw.com</a>	Estate Administration	Marshall, Parker & Assoc.
Rooney	Melissa	<a href="mailto:Melissa@cbatty.com">Melissa@cbatty.com</a>	Domestic / Family Law	Casale and Bonner
Stoll	Glenda	<a href="mailto:glendas@lepleylaw.com">glendas@lepleylaw.com</a>	Litigation	Lepley, Engelman & Yaw
Toseki	Pam	<a href="mailto:Ptoseki@comcast.net">Ptoseki@comcast.net</a>	Bankruptcy, Federal Criminal Defense, Estates	Miele & Rymsza

# 2009 MEMBER DIRECTORY

Thomas	Gordon	<a href="mailto:Thogor50@pct.edu">Thogor50@pct.edu</a>	Paralegal Student	Pennsylvania College of Technology
Try	Kenneth	<a href="mailto:ktry@mpvhlaw.com">ktry@mpvhlaw.com</a>	Real Estate	McNerney, Page, Vanderlin & Hall
Weber	Shelby	<a href="mailto:Shelby@cbatty.com">Shelby@cbatty.com</a>	Estate Administration	Casale & Bonner
Wooding	Wendy	<a href="mailto:Wwooding@kcnet.org">Wwooding@kcnet.org</a>	Family Law	Law Office of Patricia L. Bowman, Esq.
Wyant	Stephanie	<a href="mailto:Stephanie@maleelawfirm.com">Stephanie@maleelawfirm.com</a>	Estate Administration, Estate Planning	Malee Law Firm
Young	Charm	<a href="mailto:Cyoung@mcclaw.com">Cyoung@mcclaw.com</a>	Real Estate, Refinancing, Real Property	McCormick Law Firm
<b>Sustaining Member</b>				
Pennsylvania College of Technology				
Contact: Prof. Kevin Derr		<a href="mailto:Kderr@pct.edu">Kderr@pct.edu</a>		

## LCPA Board Of Directors

**Stephanie Wyant**

*President*

**Janice Koziol**

*Vice-President*

**Amber Lowry**

*Secretary/Director*

**Pam Toseki**

*Treasurer*

**Ken Try**

*Director*

**Catherine D. Redden**

*Director*

**Christie Mallery**

*Director*

**Rachael Joy**

*Director*

**Rebecca Buttorff, RP**

*Director*

## Committee Chairs

**Membership**

Ken Try

**Bar Liaison**

Janice Koziol

**Continuing Education**

Pam Toseki

Rachael L. Joy

**Newsletter Editor**

Gordon E. M. Thomas

**Job Bank**

Christie Mallery

**Finance**

Pam Toseki

Catherine Redden

**Service Project**

Rachael L. Joy

**Pro Bono**

Ken Try

**Keystone Alliance**

Stephanie Wyant

Rebecca Buttorff, RP

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