



The Gavel



Newsletter of the Lycoming County Paralegal Association

Paralegal Day

Paralegal Day is a day intended to celebrate and appreciate the work done by paralegals.

Honoring Paralegal Day helps the LCPA bring greater awareness to the contributions that paralegals make to the legal system.

The LCPA is working on organizing this year's Paralegal Day celebration.

In the past the LCPA has honored Paralegal Day by hosting special social events or providing gifts for members.

If you would like to be involved in organizing this year's celebration, please contact any member of the LCPA's Board of Directors.

LAW DAY

A national day set aside to celebrate the rule of law. Law Day underscores how law and the legal process have contributed to the freedoms that all Americans share.



The idea of a Law Day had first been proposed by the American Bar Association in 1957.

Law Day asks Americans to focus upon every American's rights as laid out in the fundamental documents of American democracy: the Declaration of Independence and the federal Constitution.



On May 2nd Lycoming County celebrated Law Day.

This year's theme was "American Democracy and the Rule of Law: Why Every Vote Matters."



After the conclusion of the ceremony, the LCPA sponsored a reception for the student winners.

The LCPA thanks the following members for organizing this year's event:

**Shelby Weber
Sarah Heintzelman
Nicole Oeler**

**Traci Paulhamus
Rebecca Hovenstine
Michele Frey**

File in Common Pleas or with the Magistrate?

Helping Clients Decide Where to Bring a Claim

In Pennsylvania a lawsuit involving a claim of \$12,000.00 or less can be filed in Magisterial District Court.

There are some benefits associated with filing a civil complaint at the magistrate. The filing fees at the magistrate's office may be slightly lower than Common Pleas Court. Service fees for a civil complaint filed at the magistrate typically are significantly less than Common Pleas. The most important benefit is the timeframe within which the case will be heard. The Magisterial District Court will hear a case typically within a couple of weeks of the filing of a complaint. Sometimes the plaintiff will appear pro se at the magistrate's office and only hire legal representation if the decision is unfavorable to him/her. In most circumstances, if a plaintiff is successful before the magistrate, the filing costs are added to the judgment amount. Such is not the case in the Court of Common Pleas. Also, decisions are issued by the magisterial judge within five days.



There are some detriments associated with filing a civil complaint at the magistrate as well. As a matter of course, some lawyers recommend that their clients do not defend claims made in the Magisterial District Court and instead file an appeal to move the matter to Common Pleas Court. This forces the plaintiff to incur legal fees because the preparation of a complaint suitable for filing in Common Pleas Court most often requires legal representation. Additionally, it is important to consider that the magistrate may be a non-lawyer having only minimal training in interpreting the law. As paralegals, we know first-hand that laws do not always make sense and sometimes seem "unfair." In some surrounding counties, it has been this author's experience that the Magisterial Judge may even refuse to review relevant case law.



If you decide your client would like to file a lawsuit in Magisterial District Court, you must first determine which Magisterial District Judge has authority to hear the case. You may file in the Magisterial District where the transaction took place, where the defendant can be served, or where the defendant conducts business.

Either party may appeal the Magisterial District Judge's decision by filing a Notice of Appeal with the Prothonotary within thirty days of the Magisterial District Judge's decision (within ten days of a judgment for possession in a landlord-tenant case). Regardless of which party is successful before the Magisterial District Judge, if the party who lost files an appeal, the case starts over in the Court of Common Pleas and the plaintiff must attempt to prove his/her case again. If the defendant wins and the plaintiff does not appeal, the plaintiff may be barred from suing the defendant again on the same claim.



Kathy Harris

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Need assistance with medical related cases?

Personal Injury?

Medical Malpractice?

LCPA member Kathy Harris is available for subcontracting work.

She is a Registered Nurse and has her Bachelor of Science in Nursing and Master of Health Administration.

Kathy has also completed the paralegal studies program at Pennsylvania College of Technology.



The LCPA welcomes new member **Nicole Oeler**. She is a paralegal at Dinges, Dings & Waltz, LLC. She works for Attorney Christina Dinges and is involved with cases which pertain to family law. Nicole graduated from the Paralegal Program at Penn College in 2005 and has been a paralegal for over eight years. Nicole is married, has three daughters and lives in South Williamsport.



LCPA reusable tote bags for sale! Help save the environment and promote the Lycoming County Paralegal Association

For a \$3 donation to the LCPA you can have a reusable tote bag.
For a \$5 donation you can have two reusable totes.

The tote bags are navy blue and feature our logo as pictured (left).



On April 26th Attorney Denise Dieter hosted a Lunch and Learn event about social security disability. She spoke about evaluating a client's qualification for SSDI and SSI. Attorney Dieter explained the initial application process as well as appealing a social security denial. She also gave instructions on preparing the necessary witnesses and documents for the administrative hearing. Attorney Dieter was an excellent speaker and the LCPA thanks her for her willingness to host April's Lunch and Learn event.



Employment Law

Wages

Minimum wage requires employees to be paid at least \$7.25 per hour and to be paid overtime for any worked hours in excess of forty per week. Overtime is one and half times normal pay.

Employers may only make deductions out of a paycheck that are allowed by law (health insurance, union dues, taxes, etc.). Employees are entitled to receive a paycheck for the last weeks of work (even if fired). Employers are required to provide a pay stub each week that lists your hours worked, money earned, and deductions. Unscrupulous employers will sometimes call an employee an “independent contractor” to avoid paying minimum wage or overtime.



At Will Employee

Most work between an employer and an employee is performed under the “Employment at Will” principle. Simple stated, either the employer or the employee may terminate the employment relationship at any time, for any reason (or no reason). This means that an employee may be fired without explanation or just cause and for such reasons as personality conflicts (or even differing political views). Though this is the rule in most workplaces, it does not apply to unionized workers, civil service workers, or workers with contracts.

There are some exceptions: An employer may not fire an employee if doing so would violate a specific law, such as the discrimination laws, employees qualifying for Family and Medical Leave Act (FMLA) or a recognized public policy.



Family and Medical Leave

Under FMLA an employee has the right to take up to twelve weeks of unpaid leave to care for a new child, to care for a child, spouse or parent with a serious health condition, or to care for your own serious health condition. To qualify for family medical leave, an employee must work in a business that has at least fifty workers and must be under employ there for at least twelve months

and for at least 1,250 hours in the previous year. An employee must give at least thirty days notice (unless the illness is sudden).

Discrimination

It is illegal for an employer to treat employees differently because of race, color, age, national origin, religion, gender, disability or pregnancy (or Sexual Orientation (in Philadelphia only)).





The LCPA recently awarded \$150.00 to Samantha Heltman, who was the recipient of the Outstanding Senior Project Award at the Pennsylvania College of Technology. Samantha is enrolled in the Paralegal Studies Program at the college.



Earlier this year the LCPA funded its annual scholarship, the Maxine Stiffler/LCPA Scholarship, in the amount of \$250.00. The award was provided to a student in the Penn College Paralegal Studies program who is pursuing a bachelor's degree and maintaining a minimum grad point average of 3.0.

Upcoming EVENTS

Lunch and Learns:

Topic: Adoption, Involuntary Termination and Same Sex Couples

Date: June (TBA)

Host: Attorney Melody Protasio

Topic: Update on Oil/Gas Leases

Date: August 19th

Host: Attorney Dale Tice

Topic: Overview of Juvenile Law

Date: September 23rd

Host: Attorney Jeff Yates

Topic: Workmen's Comp Cases

Date: October 22nd

Host: Attorney Tim Rietz

Board Meetings are held the second Tuesday of each month at the Tower Café at noon. All members are invited to join.





Michele Frey is the 2014 editor of The Gavel.

If anyone has any articles or contributions to The Gavel, please contact Michele at MicheleF@lepleylaw.com

Legal Laughs

An attorney passed on and found himself in Heaven, but was not at all happy with his accommodations. He complained and was told his only course of action was to appeal. The lawyer immediately appealed and was informed it would take three years to hear his appeal. The attorney protested that this was unconscionable, but to no avail.

The lawyer was then approached by the devil who told him that he could have the appeal heard within a few days if the lawyer would change the venue to Hell. When the lawyer asked why appeals were heard so much sooner in Hell, he was told "We have all the judges."

