

PERSPECTIVE

Volume 40 , Issue 1

Summer 2022 Edition

PRESIDENT'S MESSAGE

By Kerry A. Mackey, CP

HELLO my fellow paralegals!!! Summer is sadly coming to an end but that means **PANJ** will be starting its new term next month with in-person dinner meetings. I hope everyone has had a wonderful summer. **PANJ** may have been “off” for the summer but we have been cooking up some interesting topics for all of you.

BUT first, as you may have heard, **PANJ** celebrated its 40th Anniversary in June at Delicious Heights in Basking Ridge. The Honorable Claribel Cortes from the Middlesex County Surrogate Court was there to swear in **PANJ's** Executive Board. Esquire Process Servicing, LLC, Melissa Acosta Freelance Paralegal Services LLC, DGR, and FocusWorks Marketing were there to sponsor the event. It was a beautiful day with friends to celebrate a joyous occasion. **PANJ** handed out swag bags from our sponsors which included flyers for free in-person dinner meetings and webinars in some of the bags. We will be handing out more swag bags at our September dinner meeting so be on the lookout for our flyers if you attend our meeting next month.

I am very excited that **PANJ** is returning to in-person dinner meetings for the fall. As previously stated, we will hold webinars for the winter months to avoid having to cancel meetings last minute because of bad weather. Then starting in March or April 2023 we will return to in-person dinner meetings.

Please be sure to check out our new executive board list in this Newsletter. I am thrilled to announce that Cynthia Richardson has joined our executive board for this new term. I have asked Cynthia to work with one of our members to help find sponsors



for **PANJ**. If you have a company or know of a company that may be interested in sponsoring a **PANJ** event or becoming a **PANJ** vendor, please let us know!

I hope to see all of you at our in-person dinner meeting on September 13, 2022 at Porzio Bromberg & Newman (“Porzio”) in Morristown, New Jersey. The topics for our September meeting will be Ethics. Porzio’s office does still have COVID protocols in place and does require vaccination to enter the building. The outline of those protocols will be included in the invites that will be going out shortly. If you cannot attend the meeting in person we are researching a way to watch the meeting online at a reduced rate.

PANJ is always looking for help with our different committees. As a committee member you can help PANJ with different tasks such as researching new topics or finding new locations where we can host our in-person dinner meetings. If you have any interest in volunteering your time please reach out to me so we can chat!

We are working on some new topics that some of our members have suggested. As always, if there is a topic that you would like to learn more about please let me know. I will do the research and find a guest speaker to discuss the topic you are interested in learning more about.

Finally, the Association is open to suggestions for improvement. **PANJ** seeks to promote regulated high-level educational standards and uniform practice guidelines for paralegals throughout New Jersey. **PANJ** also provides helpful resources to new and experienced paralegals and promotes the education of the public for the advancement and improvement of the profession.

What are ways the Association can further serve its members and the paralegal profession? All suggestions are welcome! Send ideas and comments to Info@NJPara.org.

If you wish to contribute to upcoming editions of Perspective, please submit your pieces for review to Info@NJPara.org.

If you know a vendor who may be interested in advertising their product/service in the Perspective or at an upcoming webinar meeting, have the vendor contact Info@NJPara.org.

DISCLAIMER: The *Perspective* is a newsletter designed to report news and/or opinions of interest to PANJ members. The opinions expressed herein are solely those of the author, not the *Perspective* Editor nor the PANJ Executive Board. Publication herein does not imply endorsement in any manner. No information contained herein is intended nor should it be construed as legal advice. All articles presented herein are with permission of the author. Inclusion and editing of material is at the sole discretion of the Editor.



SAVE THE DATES!
UPCOMING EDUCATIONAL MEETINGS

September 13, 2022

Guest Speaker: William A. Kraiss, Esq. from
Porzio Bromberg & Newman, P.C.

Topic: Ethics

Location: Porzio Bromberg & Newman, P.C. in
Morristown, NJ

Friday, October 14, 2022

2022 NJ PARALEGAL CONVENTION

www.njparalegalconvention.com

Wednesday, November 9, 2022

Guest Speaker: Peter J. Bakarich, Esq. of
Winne Banta Basralian & Kahn, P.C.

Topic: Surrogate Court

Location: TBD

www.NJPara.org



SAVE THE DATE

WHEN: OCTOBER 14, 2022

WHERE: Imperia on Easton
1714 Easton Avenue
Somerset, New Jersey

We look forward to welcoming everyone back to an in-person Convention! Spend the day visiting with our vendors, interacting with our speakers and networking with other paralegals. More details to follow!

www.NJParalegalConvention.com



**OUR 40TH ANNIVERSARY PARTY AND EXECUTIVE BOARD
SWEAR-IN WAS HELD ON JUNE 8, 2022 AT DELICIOUS
HEIGHTS IN BASKING RIDGE, NEW JERSEY**



2022-2023 PANJ Executive Board



PANJ Signature Cocktail



PANJ Members with Judge Cortes



PANJ President, Kerry Mackey, CP, and Vice President, Sarah M. Robinson with PANJ sponsors



THANK YOU FOR ATTENDING!

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**WE LOOK FORWARD TO SEEING YOU AT AN UPCOMING
EVENT!**

MAY 2022 GENERAL MEMBERSHIP WEBINAR

SUMMARY

Peonca Grier, CP, NALA's current treasurer, joined PANJ on May 10, 2022 for a webinar to discuss NALA as an organization, the benefits of NALA membership and the CP exam. Peonca stated that NALA strives to be the premier resource for paralegals, a place for CLE, networking and professional development.

The following is a summary of Peonca's presentation:

NALA, created in 1975, is governed by its board, by driven by the members. Of members surveyed, 89% found value in the membership, 95% would refer the Association to other paralegals and 94% would renew their membership. Those are some pretty positive numbers!

Peonca discussed the fees for membership and highlighted some membership benefits such as a complimentary subscription to *Facts and Findings*, NALA's quarterly publication; discounted CLE; and an \$80 gift certificate to be used toward CLE, the Conference registration or certain items in their store. Members also receive a courtesy copy of NALA's Compensation and Utilization Survey, have access to NALA's Career Center for job opportunities, and access to Simple Law for contract paralegal opportunities. Additionally, PANJ member also receive a 25% discount on the NALA membership.

NALA Commons, a platform to collaborate with other members, is a place where members can share articles, ask questions, conduct polls or simply network. NALA Commons has many subgroups to join such as Study Group, Litigation, ACPs, Freelance, Paralegal Managers to name a few.

As to the CP exam, established in 1976, Peonca laid out the qualifications for taking the exam and the exam format. She explained how the exam evolved from nine sections on paper (YES, it's true!! In 2007 I took my CP exam with paper and pencil) to the current two-part exam taken on a computer. Peonca also summarized the requirements to maintain certification and gave a host of ways to achieve the 50-hour CLE requirement in the five-year period.

NALA issues badges through Credly, a way for you to showcase your achievements with NALA, either as a member, CP and ACP designation, etc. The badges can be added to your LinkedIn profiles or your email signature block to share your professional credentials.

Peona also touched upon an important topic: the terms certificate/certificated vs. certified. Certificate/certificated is achieved by completing a paralegal program. Certified is achieved by passing a certifying exam. NALA's CP program is accredited by the National Commission for Certifying Agencies.

On a personal note, I've been a NALA member for over 25 years and have always been very pleased with my membership and its benefits. Consider joining NALA to enhance your paralegal career!



Christine A. Principe, is a Certified Paralegal. She has been a paralegal for over 30 years assisting attorneys in a variety of practice areas including commercial litigation, mortgage and tax lien foreclosures, and estate administration. Currently, she is in the complex commercial litigation department at Sills Cummis & Gross, P.C. Christine is a PANJ Board Member and PANJ's NALA Liaison. She is also a Board Member of NJ Paralegal Convention. Christine can be reached at: NALALiaison@NJPara.org or at cprincipe@sillscummis.com.

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Finally, please remind your students to visit www.NJPara.org for upcoming events. If your school wishes PANJ to participate in co-sponsorship of an event or plan a Saturday seminar or simply visit your school to meet with your paralegal students, please contact Info@NJPara.org.

Member Spotlight



Jennifer D. Morin Smith, ACP
Advanced Certified Paralegal and Training & Support Coordinator at
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<https://www.linkedin.com/in/jennifer-smith-acp-846b7546/>

How long have you been a member of PANJ?

I have been a member of PANJ for 10+ years.

Why did you decide to join the Association?

I was interested in networking, learning more about what other paralegals do, making friends, and supporting my profession.

What do you enjoy most about the Association?

I find networking one of the most valuable tools. When I have a question about a procedure or what forms need to be completed, I send email to my network of colleagues and without fail, at least one of them has a response.

What is a typical day as a paralegal like for you?

I work in family law, so I am not sure there is a typical day. Just when I think I am going to accomplish a task (or two), an emergency is sure to strike. Family law keeps me busy throughout the day.

What's a helpful tip for someone in our industry?

I have found that being organized and on top of deadlines to be extremely important. I have also found being current on case law and court rules to be helpful as well. Join the New Jersey State Bar Association (NJSBA) as well as the section in which you are working, for me it is the Family Law Section. The section is very good about keeping everyone apprized of the rule changes within the court system. For example, since Covid-19 family law is filing through the Judicial Electronic Document System (JEDS). When you file things with exhibits, it is important to make sure your

“exhibit tabs” are on colored paper so the court can easily distinguish where the exhibits are located. This was something shared with the members of the Family Law Section through NJSBA.

What is the most important skill you have developed in your career?

There are many skills that I have found important but one of the most important is computer literacy. The more you know about the computer programs that you are working with the more efficient you can become. This to me, is huge. I strive to continue learning how to best use the computer programs I work with every day. I take classes, watch videos, ask questions, and just play around with the programs so that I am proficient. The more you know, the faster you will work.

Why did you get into the legal field?

I got into the legal field by accident. I needed a job; a friend of mine was working for a solo practitioner who needed help. I was hired part time to assist with filing, photocopying, and overall office work. It did not take long for me to fall in love with the law. Before I knew it, I was taking classes to obtain my paralegal certificate. But I didn't stop there. I continued on to get my Bachelor's Degree in legal studies.

Why did you become an advanced certified paralegal?

I am very proud of my profession and thought this was a great way to advance my career and provide me with additional knowledge. I love learning and this was a great way for me to continue my education. This also encourages me to continuing learning in order to keep my certification up to date.

Why are you a member of the National Association of Legal Assistants (NALA)? What are the benefits of being a member?

I belong to this organization not only because I feel very strongly about my profession but also because I am an Advanced Certified Paralegal and would like to continue with this recognition so belonging to NALA provides me with that ability.

GOTCHA



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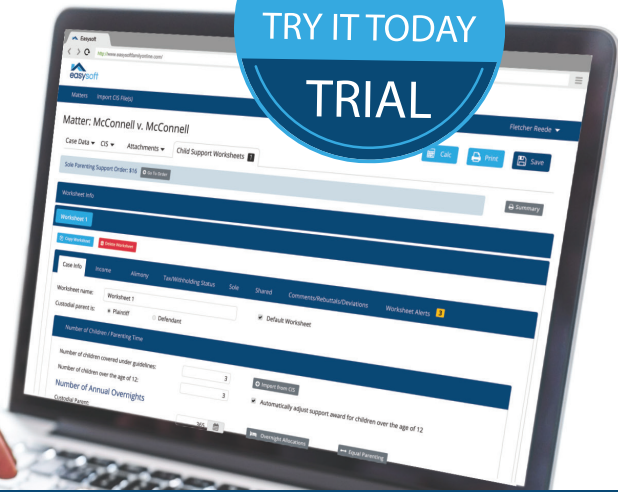


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SUMMER CLEANING TIPS FOR ATTORNEYS AND PARALEGALS!

By: Melissa Acosta

Summertime is upon us and even though we are all so very busy with our workload, client appointments and CLE credit requirements, it is the perfect time to review our desks and follow some of these helpful tips!

Clean and organize your desk

It is a well-known study that an organized desk produces better work results. This is easier said than done when you are “swimming” in work or attending tons of meeting with potential new clients. To reach any goal, you must set a realistic achievable plan. Therefore, you can take 30 minutes a day before your workday begins to organize your files on your desk by setting aside all the non-active files or less active files and place them in the file cabinets or file room. You should only keep the very active files so that they are easily accessible. For those who work with assistants, provide your assistants with all recent filing to clear your desk from the daily correspondence. For the paralegals who receive the daily correspondence, you can scan the correspondence into the system so that you and the attorneys have access to it. File the rest of the documents in the file cabinets files so that your desk is clear and organized just in time for this summer cleaning time!

Update your Desktop Computer

Similar to organizing your desk, your computer should be refreshed and updated so that you are ready to take on all new assignments and the client emails that will come your way this summer. For those firms that have an IT Department, you should coordinate with them to update all of the programs and software you use daily such as MS Word, Outlook, Excel, etc. This also includes any specialty programs for your area of practice. For attorneys that update this information themselves, be sure to review each software for the most updated version that you wish to use. Paralegals and attorneys should take special care in updating their professional emails. All deleted items should be deleted from the deleted items box if you no longer wish to have those emails take up memory space. A good summer tip for paralegals and attorneys who use outlook email is for you to create client folders under your inbox. This makes your outlook inbox very organized and all emails can be easily found.

Update your Social Media Accounts

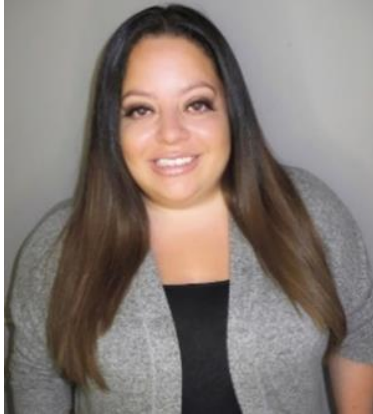
Paralegals and attorneys should always take the time to update their social media accounts such as LinkedIn. Also, if you have a business, your business Facebook, Twitter or Instagram accounts need to be updated as well. New posts need to be made to keep prospective clients abreast of current “Summer news” relating to your company. This is important because the internet is another way to gain new clients and what a better way to start this summer season than to have new clients!

Update your Notary and CLE Credit Requirements

Summer also comes with requirements and expiration dates. Paralegals who are notaries should check their expiration dates. Also, look into new law requirements taking place in the Fall of 2022.

Lastly, attorneys and paralegals should take inventory this summer of their CLE requirements and plan out what they need for the remaining of the calendar year.

Summer is here...let's get organized!



Melissa Acosta is the owner of Melissa Acosta Freelance Paralegal Services LLC. A freelance paralegal company that services the tri-state area in the areas of Trust and estates, personal injury, litigation, employment law and immigration. Melissa has been a board member of the PANJ and currently serves as a Trustee -at-Large she is also a member of the NJSBA Paralegal Committee. Her true passion is serving as Trustee of the Christina S. Walsh Breast Cancer Foundation, a foundation that helps breast cancer patients, which is a cause that is near and dear to her heart. In her spare time, Melissa enjoys spending time with her chow chow dog Lady and traveling with her husband!

If you know a vendor who may be interested in advertising their product/service in the *Perspective* or at an upcoming dinner meeting, have the vendor contact Info@NJPara.org.

If you would like to recommend a PANJ member to be featured in the next Member Spotlight, submit the member's name to Info@NJPara.org.

If your firm is willing to participate and is equipped to host an upcoming dinner meeting, please contact Info@NJPara.org.

Are you seeking employment? Make sure you check out the Job Bank! New positions are added regularly. Don't miss out on a potential great opportunity!



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Legal and Financial Planning for Elders Law Webinars Part 1 & Part II

By: Deborah Agbessi

The guests for the Legal and Financial Planning for Elders Law webinars were **Robyn Kohn**, MA, CDP, CMDCP and **Ryann M. Siclari, Esq.** Robyn is a credentialed healthcare communications and education professional. Robyn shared information about the Alzheimer's Association. Per Robyn, their most valuable resource is their 24/7 helpline 1-800-272-3900. Calls come in from any state. They speak in over 200 different languages. Masters trained clinical specialists answer the phones. Their website address is <https://www.alz.org/>. Ryann M. Siclari, Esq. is Counsel to Porzio, Bromberg & Newman out of Morristown, NJ and is a member of the firm's Wealth Preservation department. She has a Masters of Law specializing in Elder Law and concentrates her practice on a wide range of elder and disability law issues including long-term care, government benefits planning and advocacy, estate and trust administration, and estate planning.

PART I

Per Robyn, The Alzheimer's Association's website is a comprehensive repository of information, caregiver materials and resources. The site also has a community resources finder portal, which includes programs and services as well as community service providers. One can search available resources by zip code. If necessary, one can call the helpline for assistance with locating nearby resources. The Association is an educational outlet and support system for families and individuals who suffer from Alzheimer's and Dementia. There are 72 chapters across the country. They are an education and support partner for Alzheimer's and Dementia. There are 72 chapters across the country.

Attorney Ryann M. Siclari shared information regarding Legal and Financial Planning for Alzheimer's disease. The program is helpful to those who are in the early stages of Alzheimer's or Dementia, their care partners or family members or anyone who knows someone who are in the early stages of Alzheimer's and Dementia. She gave an overview of the different aspects of legal and financial planning that may affect them as their disease progresses.

The importance of planning early allows for the informed planning of complex issues. Planning early allows people with dementia to have a voice in the decision making process that pertains to their care, legal and financial matters. It also avoids the difficult consequences that may arrive from waiting too long. Early planning covers the following areas: Health Care and Long Term Care, Finances and Property, and the designation of someone to make decisions for the person with dementia when he or she is no longer able. Having the proper legal planning eliminates the guesswork.

Attorney Ryann M. Siclari discussed the legal documents that are recommended to have prior to a person becoming incapacitated. An **Advance Directive**: Indicate preference

about treatment care and end-of-life wishes. An Advance Directive should be in place for every adult. Ryan advised that family members and health care providers should have copies of all current advance directives including the **Durable Power of Attorney for Health Care** and the **Living Will**. Many states also use the Physician Order for Life Sustaining Treatment (**POLST**). An attorney drafts an Advance Health Care Directive. A POLST is a physician's order and is honored by the paramedics in an emergency.

An example of a POLST is a Do Not Resuscitate order (DNR). The paramedic reads the POLST but not the Advance Directive. A person in the end stage of a disease may have a POLST as an additional document.

The Alzheimer's Association has a Medic Alert, which confidentially stores the documentation. The HIPPA release is necessary for the release of information but does not give one the authority to make medical decisions for another person.

As Alzheimer's progresses, the person's legal capacity may diminish. It is recommended that the advanced planning and signing of legal documents be done prior to the person becoming incapacity. Only a judge can declare a person incapacitated. One should update their legal documents when there are changes that have taken place and if one relocates to another state.

Attorney Ryann M. Siclari also discussed in detail the **Durable Powers of Attorney**. It allows the person with dementia to name another person to make decisions when needed; they are lasting and should include **Durable Power of Attorney for Health Care** and a **Durable Power of Attorney for Finances/Property**. Said documents need to be in accordance with State laws.

It is recommended that an individual should have a Living Will. A Living Will states a person's choices for future medical decisions, i.e. the use of an artificial life support. A Living Will is used when a doctor decides a person is irreversibly ill or critically injured and near death. A Will on the other hand, takes affect when a person dies and names an executor and the beneficiaries. A Living Trust names a trustee, provides instructions about how to manage a person's estate, can include a broad range of property, helps avoid probate and specifies whether a trust will end when the last beneficiary dies or continue to benefit others.

Guardianship: In New Jersey, Guardianship is separate from Conservatorship. The court declares guardianship and appoints a guardian to assume total responsibility for the person. It is important to note that a diagnosis of dementia alone is not sufficient to obtain guardianship.

Some recommended **Legal tips for unmarried and domestic partners** are to have copies of legal documents easily accessible to both of you, bring Copies of legal documents when

traveling, complete hospital visitation authorization form, if necessary and make your wishes and documents known to your physician and your family.

One should take the necessary steps to legal planning which include: gathering existing documents, determine which documents need to be created, do it yourself online or office supply stores. It is highly recommended to find assistance by calling the helpline 1-800-272-3900. Elder Law Resources: websites: www.naela.org or www.lawhelp.org **Attorney Ryann M. Siclari** can be contacted via website: www.pbnlaw.com or phone: 973-889-4271.

Note: Reference used “Legal and Financial Planning for Alzheimer’s Disease” PowerPoint slides provided by the Alzheimer’s Association.

PART II

Per Robyn, the Alzheimer’s Association provides information, resources and referrals as well as educational programs and hosts daily caregiver support groups for families. The Association is an educational outlet and support system for families and individuals who suffer from Alzheimer’s and Dementia. There are 72 chapters across the country.

Attorney Ryann M. Siclari shared information regarding Legal and Financial Planning for Alzheimer’s disease. The program is helpful to those who are in the early stages of Alzheimer’s or Dementia, their care partners or family members or anyone who knows someone who are in the early stages of Alzheimer’s and Dementia. She gave an overview of the different aspects of legal and financial planning that may affect them as their disease progresses.

Part 2 focused on the importance of financial planning as early as possible in the disease process. Per Attorney Ryann M. Siclari, paying for care can be a significant concern after an Alzheimer’s diagnosis. Assessing one’s financial situation early in the disease process and coming up with a long-term financial plan can ease the stress and help one to focus on the present issues. How do we meet our current expenses? What is the lowest level of care that might be needed? What is the highest level of care that might be needed? What financial resources do we have now that could pay for this range of care? What additional resources might we need? Are there other questions that need to be answered?

To access the available financial resources, one must consider that paying for care with personal resources could include income from employment, fixed income Social Security, retirement plans, savings and assets, Reverse Mortgages, and Long-term care insurance. Attorney Ryann M. Siclari, discussed the advantages and disadvantages of Reverse Mortgages. She cautioned that they are not right for everyone. You have to be over 62 to qualify. In her opinion, someone who is over 62 but on the younger side, and expected to need a low amount of care and a low amount of care for a while would be the one who

could best use a Reverse Mortgage. Advantages of a Reverse Mortgage: Social Security and Medicare benefits are not affected, there are some income requirements, no monthly payments, and money received is tax-free and can be used in any way. Some cautions to consider are, eligibility for other government programs may be affected, closing costs and service fees can vary greatly and sole homeowners who stay in assisted living or a nursing home for over a year must repay the balance of the loan, which may result in loss of the home.

Another way to pay for long-term care is through Long-term care insurance. The Alzheimer's Association can assist with answering some of these questions associated with Long-term care insurance. Is Alzheimer's disease covered? When can the person with dementia begin to collect benefits? What is the daily benefit? How long will benefits be paid and is there a maximum lifetime payout? What kinds of care will the policy cover? Are there tax implications for receiving benefits?

When it comes to being a caregiver, there are tax deductions to be considered. Tax deductions also need to be considered for the person who actually needs the long-term care. Federal tax deferred accounts such as a 401K or an IRA, usually have a tax payment requirement upon distribution of the funds. However, Attorney Siclari stated that if the same amount of funds are used for Long-term care, the use is a qualified medical deduction and the tax-deferred money becomes tax-free.

Individuals who take care of chronically ill family members can possibly deduct the following expenses; personal care items, home improvements, ramp/safety bars, in-home care, nursing services, assisted living and nursing home care.

There are also State tax deductions and credits that vary by state but may include deduction of medical expenses, deduction of long-term care insurance premiums, caregiver tax credit and child and dependent care credit. Per Attorney Siclari, in New Jersey caregiver expenses that exceed 2% of the gross income can be deducted. Federal limit is 10% of the gross income.

Informal caregivers are family members, friends, neighbors, faith communities, volunteer groups. Utilization of the Alzheimer's Association's Care Team Calendar to coordinate informal care is also an option. Attorney Siclari recommended the use of a caregiver agreement for any person that is paid to provide caregiving services. www.care.com provides a way to legally hire caregivers.

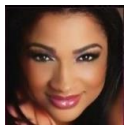
Services through the Older American Act authorizes funds for supportive services, nutrition services, family caregiver support and disease prevention and health promotion. They can be accessible through Area Agencies on Aging web sites: <http://www.eldercare.gov> or <https://eldercare.acl.gov>. They provide preliminary

screenings to see how much help a person needs to help qualify for Medicaid. Resource is for those 60 and over.

Attorney Siclari, discussed the difference between Medicare and Medicaid. Medicare is a government insurance program, paid into via the Medicare tax payment during working years. It is age-based. The eligible Medicare Age is 65. One may also be eligible if he or she is under 65 and declared disabled by the SSA for a period of 24 months. People of any age with End-Stage Renal Disease are also eligible. Medicare also requires payments to have been paid into the system for 10 years. Medicare is a federally administered and it does not pay for long-term nursing home care. It pays for some short-term care in a long-term care facility but not long-term care.

Medicare Part A, B and D are the traditional Medicare insurances. Medicare Part A covers, Inpatient care in hospitals, skilled nursing care for short-term rehabilitation in a long-term facility, home health care and hospice care. Once a person reaches the age of 65 they are automatically signed up or if under 65 after receiving SSDI for 24 months. In most cases there are no premiums and co-payments, co-insurance, deductibles may apply. Per Attorney Siclari, if a person did not pay into the Medicare system, they can buy in.

Per Attorney Siclari, under Medicaid law, a person is eligible if their assets are \$2,000 or below. A married couple has more flexibility. The Community Spouse can keep ½ of countable resources up to a maximum of \$138,000 and spend down the rest if there are excess resources remaining. Spending the money down is not the only option. Attorney Siclari protects assets. She will recommend shifting the excess resources to the Community Spouse as an income stream because income of the Community Spouse is not countable. She would take the Medicaid excess resources and convert them to a Medicaid Compliant Annuity. The Medicaid Compliant annuity allows that money to be paid back to the Community Spouse in large monthly installments as an income stream and not a resource. Proper legal counsel allows the Community Spouse to keep all of the money and not have to spend it down. She also has a lot of planning techniques for individuals as well.



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Paralegal Studies

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I am originally from Norfolk, VA. I moved to New Jersey in 2001. I enjoy serving in community events and serving in my church. I have over 20 years of experience in Medical Account Receivables and Medical Collections. I have served as a Legal Assistant and as a Legal Medical Collections representative. I am a life-long learner and desire to make a positive impact on the lives of others.



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