

PERSPECTIVE

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Fall 2022 Edition

PRESIDENT'S MESSAGE

By Kerry A. Mackey, CP

HELLO my fellow paralegals!! Happy Fall!! PANJ started its new term in September and we kicked off our first in person dinner meeting since the pandemic at Pozio Bromberg & Newman's office in Morristown. William Kraiss, Esq. offered a presentation about how New Jersey's Rules of Professional Conduct (RPC) apply to paralegals. We were able to live stream the meeting and had individuals appear virtually.

PANJ held a Meet and Greet in October at Delicious Heights. Lately we have not had many opportunities to get together and just chat. My goal for the night was to get together and network. Several of **PANJ's** Board Members were in attendance to answer questions about the Association. Yummy food and drinks were enjoyed by all! It was a fun night getting to know our members and meet new members!

In November, **PANJ** will be hosting its last dinner meeting for 2022. **PANJ** will be hosting a dinner meeting at Berkeley College in Woodland Park, New Jersey on November 9, 2022. Peter J. Bakarich, Jr., Esq. of Winne Banta Basralian & Kahn, P.C. will be giving us a presentation regarding Surrogate Court. If you cannot appear in person for this meeting you can appear virtually through Cisco Webex or you can register to get a copy of the recorded meeting.

In December, **PANJ** is very excited to have Ann Pearson from Paralegal Bootcamp back as a guest speaker! Ms. Pearson will be presenting on Project Management for All Paralegals. We all know that paralegals need to have great project management skills so we hope you can join us for this presentation to learn more about those skills.



PANJ has almost finalized its list of guest speakers for the 2022-2023 term. Please keep an eye out for information regarding our upcoming meetings. For the months of December, January and February we will be hosting webinars via Cisco Webex. Once it starts to get a little bit warmer and once the chance of snow disappears, we will return to in person dinner meetings.

PANJ is very excited about all of the new guest speakers and topics that we have lined up for this term.

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.

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SAVE THE DATES! UPCOMING EDUCATIONAL WEBINARS

Wednesday, December 14, 2022

Guest Speaker: Ann Pearson of
Paralegal Bootcamp

Topic: Project Management for
All Paralegals

Location: Cisco Webex

Time: 7:00 p.m.

Tuesday, January 17, 2023

Guest Speaker: Michael Mirne, Esq. of
Law Office of Michael D. Mirne, LLC

Topic: Landlord Tenant Laws

Location: Cisco Webex

Time: 7:00 p.m.

MEET AND GREET – OCTOBER 18, 2022

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PANJ Executive Board Members



“The event was fun and informative, and it was great to interact in person. I like the organization and that they provide regular seminars to keep our knowledge fresh.” – Kimberly Molinelli

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Become a member of the **Paralegal Association of New Jersey** by **November 30, 2022** and get **\$10 off** the first year’s membership fee for a regular or sustaining membership and students and/or associates get a **\$5 discount!!!**

To receive the Membership discount, all Membership Applications must be emailed to Membership@NJPara.org and/or postmarked by **November 30, 2022**. Membership is not guaranteed and subject to approval by **PANJ**. Once approved, you will receive an invoice from PayPal for the discounted rate. If you do not have PayPal, you can mail in a check once you are approved.

Questions? Email all questions to Membership@NJPara.org

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To Will or Not to Will?

By: Melissa Acosta

Estate planning is extremely important. Specifically, having your final wishes expressed to your loved ones in a Last Will and Testament is highly recommended by trust and estate attorneys. Especially during unforeseen times like a global pandemic. It is important to have your financial affairs and estate planning affairs in order.

Why do so many people die without a Last Will and Testament? Recently, the world famous actor Chadwick Boseman passed away without a Will. His estate was worth millions of dollars at the time of his death and his surviving spouse was appointed as Administrator. Ultimately, his wife split his estate with his parents. It is important to note that without a Will, your estate is subject to be distributed in accordance with the laws of intestacy of the state where you pass away. It is no longer your decision to make.

Surprisingly, many famous people have passed away without having a Will in place. The list of famous people who passed away without a Will include: Sonny Bono, Michael Jackson, Prince, and Pablo Picasso to name a few.

Let's examine the reasons why some people may not have a Last Will and Testament in place.

The first reason may be that people have a fear of speaking about death. Death is not the easiest subject to address or deal with and it is something that some people think will never come if they do not take the time to address same. Oftentimes, people feel uncomfortable talking about death and also may feel uncomfortable talking about distribution of assets if there are any family issues that are pre-existing. This can often create stress and discomfort. As such, the topic of Wills and estate planning is avoided.

Another reason why people may not have a Last Will and Testament is because they do not want to incur the legal fees associated with hiring a lawyer. Some people may not have the financial resources to afford an attorney. Therefore, they do not take the steps to address their estate planning. Attorney's fees can vary from hourly fees to flat fees based on the type of work that needs to be completed but it is an expense that is well worth the investment for those who have the resources.

The last reason why a person may not have a Last Will and Testament is due to lack of example passed down by prior generation. Think about it, if we are taught to cook an authentic family dish that is delicious, the chances are that each generation in a family will learn the same dish. It works the same way with taking care of your wealth and estate planning. If your grandparents left a Will and your parents also had a Will, the chances are that you will also have a Will because addressing your last wishes and which beneficiaries will inherit assets is something that has customarily been done in your family for generations and has been passed down. Of course, there are exceptions that may not follow suit but for the most part, most generations will plan accordingly.

What we can learn best from Chadwick Boseman and all the other famous people that are mentioned in this article is that having a Will is important. It is especially important to hire a Trust and Estates attorney to assist you with the preparation of your Will. Although the topic of death may make us feel “uncomfortable”, having a Will is the best way to assure that your last wishes are fulfilled rather than having State laws of intestacy fulfill them for you.



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 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!



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How long have you been a member of PANJ?

I have been a member of PANJ since 2017.

Why did you decide to join the Association?

I believed it would further immerse me into the paralegal field and I would be able to determine if this was the career path for me.

What do you enjoy most about the Association?

I enjoy the events the most. After my first convention, I was impressed by the amount of work and attention to detail that went into providing a wealth of educational resources and services to the members.

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

My day can be repetitive in that each probate or administration file requires the same steps. Unless I have a particularly challenging file, which then creates an opportunity for the attorney to teach me something new.

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

Do not be afraid to ask questions at your job or to your fellow association members. Not only do you learn from asking questions, but it also helps you avoid careless mistakes.

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

Resilience. I have worked for some attorneys with extremely poor dispositions that made my job and life difficult. I learned to power through becoming efficient at my job, producing quality work and providing great service to clients.

Why did you get into the legal field?

I enjoyed assisting clients with paperwork and being a part of finding the solution to their problems. I also appreciated the challenges that often presented itself with various cases. AND I was good at it; I found my calling!

What should every paralegal have on their nightstand to wind down from a long day?

I would recommend keeping a journal. It is important to reflect and it gives you an opportunity to track your "wins" and to see how far you have come.

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NALA Conference and Expo

NALA's Conference & Expo was held in July in Phoenix. Although I haven't seen actual numbers, I did see a video and some pictures. There were SO MANY paralegals attending in person. It was so great to see so many people taking advantage of the Conference and Expo in person. I was unable to attend either in person or virtually. If anyone did attend, please let me know. I'd love to hear about your experience and perhaps share your thoughts and comments with your fellow PANJ members in the next issue of *Perspective*. Next year's Conference and Expo will be on July 12-14, 2023 in Boston. It's only a drive away next year!

Besides the seminars, Association business is conducted during the Conference and Expo, including a Board Meeting, Affiliates' Meeting and voting. Following are the results of the election:

Debra L. Overstreet, ACP	President
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Richard Hahn, ACP	At Large Director
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Deana M. Waters, ACP	Continuing Education Council Chair
Kelly S. Elder, ACP	Professional Development Committee Chair
Lisa M. Stone, ACP	Certifying Board Chair
Vanessa Finley, MBA, CAE	Chief Executive Officer

At the Affiliates' Meeting, the Affiliates' Award recipients are announced. I so pleased to say that **JENNIFER SMITH, ACP** is a recipient this year! I'm sure most of you know Jenn. She's the cheeriest person in a room! In case you don't know Jenn, I've known her for years. She's a wonderful person and has put so much into PANJ and the NJ Paralegal Convention to help make the Association and Convention the best they can be. Following is taken from Jenn's nomination and sums up her involvement in PANJ and the NJ Paralegal Convention. **Congratulations Jenn!**

Jenn was certified in Family Law and is currently an ACP and Training & Support Coordinator at Einhorn, Barbarito, Frost & Botwinick in Denville, NJ.

Jenn has been a member of NALA, PANJ, and the NJ State Bar Association Special Committee on Paralegals since 2009. Jenn has been a Trustee, Newsletter Editor and

President of PANJ and a Chair/Co-Chair of the NJ State Bar Association Special Committee on Paralegals. Jenn is [past president of NJ Paralegal Convention] and is currently a member of the Berkeley College Legal Studies Advisory Board. She has always served on multiple Boards and the Committee simultaneously, sharing her knowledge, ideas, insights and leadership skills for the benefit of NJ Paralegals.

Jenn worked and continues to work diligently in these rolls to advance the Boards' and Committee's missions, educating attorneys and the public on the use of paralegals and affording NJ Paralegals opportunities for CLE and networking.

Jenn modernized the NJ Paralegal Convention on many fronts, while using good old-fashioned grit to achieve the goals she set for the Convention. From securing vendors, to scheduling speakers to working with the venues, Jenn never hesitated to take on additional tasks to ensure a successful Convention. She enlisted family members, seized a vast area in her garage to store Convention materials and generously utilized her own time and gas delivering swag boxes to Convention attendees to minimize costs.

The NJ paralegal community certainly reaps the benefits of Jenn's tireless efforts.

CP Exam

The Knowledge Exam is available all year long online. The Skills Exam is administered in February, April, July and October.



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 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.

The following article was reprinted with permission of Dillon Fishman and Desire' Smith and the National Association of Legal Assistants, Inc. ("NALA"). This article originally appeared in the Q3 2022 issue of FACTS & FINDINGS, the quarterly journal of NALA. Inquiries should be directed to NALA, 6450 S. Lewis Avenue, Suite 250, Tulsa, OK 74136, or by e-mail to nalanet@nala.org.



Special Recipe of a Successful Case

Written by Dillon
Fishman, J.D., LL. M.,

Co-authored by
Desiré Smith, CP



Despite the expertise and effort of skilled support staff, investigators, and trial teams, courts scrutinize cases on appeal. In the face of increasingly tough legal review, effective trial teams should leverage the tool of jury instructions to strengthen their cases. Jury instructions provide helpful explanations of the law, are available online, and address key issues of both fact and law. This article addresses five specific reasons to use jury instructions and provides some practical tips on how to use them effectively.

Reason 1: Judges Value Instructions

All the hours and effort that teams put into building a case mean little if the evidence does not support a case that can prevail at trial and sustain the court's review on appeal. The law determines what evidence matters in a particular case and on appeal. Judges decide what the law is in a case and they begin with the instructions. Trial teams should do the same.

Reason 2: Instructions Explain the Law

By design, instructions are phrased so that juries of American citizens can understand them. They are not drafted to require an expert understanding of the law. Staff developing a case can also benefit from the clear-cut phrasing of instructions as they strategize and build their cases, including trial preparation materials, binders, and presentations

Reason 3: Instructions Create an Evidentiary Roadmap

At one time or another during a case, lawyers and support staff will review the elements of potential offenses, or the applicable civil instructions. Whether for civil matters, white-collar fraud, or other crimes, investigators tend to look up the elements of the statute for which they are investigating. However, jury instructions are like a topographical map with texture and layering, as opposed to the two-dimensional elements by themselves. By not only listing the offense elements but also providing clear and detailed explanations and references to relevant legal cases, jury instructions offer a much broader and deeper understanding of how to prove the case. Instructions put the "meat" onto the "skeleton" of the elements.

Reason 4: Lawyers Value Instructions

Attorneys and investigators often view cases differently, highlighting the importance of instructions. Investigators

correctly identify the threshold of probable cause to charge or arrest. In civil cases, the same applies to drafting and filing a complaint. However, as with attorneys who have to carry the burden, prosecutors tend to review cases with an eye toward not only proving the elements but also persuading beyond a reasonable doubt. Prosecutors are more likely to have spent extensive time fighting in court, where the arguments move far beyond the elements to the nuances. Jury instructions provide critical details, show the perspective of the prosecutor, surface the weaknesses in a case, and reveal how to strengthen a position. Thus, instructions help all members of the legal team spot gaps, reinforce their points, and address the evidence that matters most.

Reason 5: Instructions Matter for Trials and Appeals

By maintaining awareness of the relevant instructions, teams will better anticipate lines of attack from opposing counsel, whether defense attorneys or otherwise. For example, if an instruction defines intent in a particular way, looking for supporting evidence that meets intent based on that specific definition is paramount. Similarly, by using jury instructions early, trial teams can construct and approach their case in a way that anticipates questions and withstands scrutiny from the judge and jury during deliberations.

Process

Paralegals can use a court map to locate the correct circuit and district court websites. Some sites, such as those of the Seventh Circuit Court of Appeals and Fifth Circuit Court of Appeals, contain links to instructions for all federal circuit courts. Paralegals should take time to familiarize themselves with their local jury instructions and review them regularly for updates. Online resources also exist to help locate state and local jury instructions.

Before diving into the many online jury instructions, there are some useful questions to address:

Who has jurisdiction?

While a jurisdictional question would typically arise at the outset of the case, the question of jurisdiction is also relevant to preparing jury instructions. It may sound obvious, but pulling jury instructions from the Seventh Circuit on a case arising in the Fifth

Circuit could lead to misunderstandings of the necessary elements and cost your client thousands of dollars for time spent in vain.

Who has the burden of proof?

The burden of proof necessary in each case differs between civil and criminal cases. Civil cases are typically determined by the preponderance of evidence standard, which equates to more than 50%. In contrast, criminal cases require proof beyond a reasonable doubt, or roughly 95% certainty.

When are jury instructions important?

Jury instructions can matter early on during the fact-gathering process or investigation. However, in civil cases, paralegals can include jury instructions as part of their process for setting up a new file and familiarizing themselves with the applicable case law. In criminal cases, it is important to understand the applicable jury instructions before discovery even begins. If you begin with reading through discovery before understanding the criteria of a particular charge, you may overlook important details that could be detrimental to the case.

Jury instructions are relevant for the plaintiff/prosecutor and the defendant. The most valuable skill any paralegal can bring to a firm is the ability to apply the same analysis to the facts of the case no matter the party they are representing. The adage, “the best offense is a good defense” comes to mind in this context. Understanding that your case lacks a necessary element of proof can guide the evidentiary development going forward.

Scenario #1 White-Collar Crime

An Environmental Protection Agency (EPA) official is suspected of being offered lifetime family discounts on luxury clothing items at a family business in exchange for avoiding the inspection of certain family farms suspected of containing toxic chemical dumping sites.

Application of Jury Instructions to Scenario #1

The online jury instructions for the Fifth Circuit Court of Appeals (from which this case arises) online jury instructions show that 18 U.S.C. § 201(b)(1) prohibits bribery of a public official. From the instructions that the statute covers we learn that nominated public officials include those who have been officially informed that they will be nominated or appointed. First issue is determining whether the EPA official had been nominated or appointed and where he would be considered a public official. The second issue is whether inspecting the dumping sites would be an official act required of the individual. Last is determining whether the discounts were offered “corruptly” with an unlawful purpose, such as to hide illegal chemical dumping. In short, the instructions help paralegals and attorneys direct their attention to the issues that matter most.

Scenario #2 Employment Discrimination

An obstetrics practice is accused of employment discrimination for failing to hire a nurse on the basis that he is a male. The plaintiff claims that he had more experience than the other candidates and that the practice has not hired a male nurse in the last five years.

Application of Jury Instructions to Scenario #2

The online jury instructions for the Seven Circuit Court of Appeals (from which this case arises) show that Title VII of the Civil Rights Act that discrimination based on all protected classes is prohibited. It must be proven by a preponderance of the evidence that the plaintiff was not hired by the defendant because of his gender and that if the plaintiff had been a female, he would have otherwise been hired by the defendant. The jury instructions also inform that the Seventh Circuit does not employ the “motivating

factor” language that many of the other circuits use. In this case, the instructions reveal that the plaintiff does not have to prove that his gender was a motivating factor in the defendant’s decision to not employ him because the male nurse alleged a pattern of discrimination against males. The jury instructions show that he must prove by a preponderance of the evidence that gender discrimination was the defendant’s regular practice rather than something unusual. Last, the issue of damages will have to be addressed.

A question that may arise is whether jury instructions matter if the case never goes to court. Because it is often impossible to know which cases will settle and when, paralegals and attorneys must prepare each case as though they will have to win at trial. Thus, the best practice is to identify the elements, central issues, and legally relevant facts early. In turn, knowing the elements and instructions will inform the approach to settlement, including an accurate assessment of the case’s merits. Whether you are defending or suing, knowing the instructions that would be given to the jury can be helpful in encouraging a settlement of a civil case before the cost of trial or advising your client to take a plea for less time or lesser fines.

Conclusion

By emphasizing only case law and the nuts-and-bolts of cases, paralegals might easily overlook the usefulness of jury instructions. Jury instructions are designed to help jurors and can be an excellent way to find a concise and understandable summary of the law that judges trust. By using the instructions, paralegals will have a better command of exactly what the judge will tell the jury to consider in reviewing the evidence. In sum, because paralegals put precious time, billable hours, and extensive efforts into each case, they should use jury instructions to plan and prioritize for the best possible outcome for their client.

1. “Geographic Boundaries of United States Courts of Appeals and United States District Courts,” accessed May 11, 2022, https://www.uscourts.gov/sites/default/files/u.s._federal_courts_circuit_map_1.pdf.
2. For the Seventh Circuit Court of Appeals’ jury instructions, see “Our Recommended Web Sites,” Library of the U.S. Courts of the Seventh Circuit, accessed December 1, 2020, <http://www.lb7.uscourts.gov/reflinks.html#fedpatji>. For the Fifth Circuit Court of Appeals’ jury instructions, see “Federal Jury Instructions,” United States Court of Appeals Library for the Fifth Circuit, accessed December 1, 2020, <http://www.lb5.uscourts.gov/juryinstructions/>.
3. “State Jury Instructions,” Library of the U.S. Courts of the Seventh Circuit, accessed December 10, 2020, <http://www.lb7.uscourts.gov/reflinks.html#stji>.
4. Committee on Pattern Jury Instructions, District Judges Association, Fifth Circuit, Pattern Jury Instructions (Criminal Cases), 2019 ed., accessed December 3, 2020, <http://www.lb5.uscourts.gov/juryinstructions/Fifth/crim2019.pdf>.
5. United States Court of Appeals for the Seventh Circuit, Pattern Jury Instructions, accessed May 11, 2022.
6. <https://www.ca7.uscourts.gov/pattern-jury-instructions/pattern-jury.htm>. Resource for several court’s jury instructions: <http://www.utcourts.gov/committees/mujil/links.pdf>
7. Federal Civil Jury Instructions of the Seventh Circuit, accessed May 10, 2022, <https://www.ca7.uscourts.gov/7thcivinstruc2005.pdf>



Dillon Fishman, an attorney and a Marine Corps judge advocate for more than 15 years, has worked for five federal agencies. All views are personal and do not reflect the position of any government agency.

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Desiré Smith is a Certified Paralegal at Vowels Law in Henderson, Kentucky. Smith uses her knowledge and experience to assist clients litigating cases, primarily in federal black lung claims. She has experience in personal injury, veterans’ compensation, contracts, tort law, family law, expungements, estate planning, and equine law related to disputes of ownership. Smith has worked as a paralegal since 2013. She earned a Paralegal Studies degree from Daymar College of Owensboro, in an American Bar Association-approved program, graduating cum laude. Desiré has been a member of NALA since 2019 and recently joined the Continuing Education Council.

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Affiliate Spotlight



Debra L. (Debbie) Overstreet, ACP

President, *NALA* – The Paralegal Association (Volunteer Position)

Lead Realty Specialist, US Army Corps of Engineers

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How long have you been a member of NALA?

I have been a member of NALA since 1999.

Why did you decide to join NALA?

I originally joined for the certification exam discount.

What do you enjoy most about NALA?

The camaraderie with paralegals and the legal community across the country and abroad. It is wonderful to be able to reach out to someone for assistance or post on NALA Commons. I have made so many life-long friends throughout the years.

What is a typical day as NALA President like for you?

It is like having two full-time jobs. I am up at 5:45 AM reviewing and responding to emails, checking social media, and reviewing my NALA calendar for the day. During my breaks at my employment, I am responding to emails and texts, and most lunch hours I am attending NALA committee meetings. During the evenings I am reviewing committee correspondence, editing the NALA newsletter or *Facts & Findings*, or working on special projects. I also write the President's column for *Facts & Findings* and record Deb's Details for the monthly newsletter. Every Friday, NALA CEO Vanessa Finley, MBA, CAE, and I touch base on projects. Since my election, my travel schedule has increased tremendously. I attend and chair the Board of Directors meetings and attend meetings with the Professional Development Committee, Continuing Education Council,

and Certifying Board. I have appeared both in person and virtually on behalf of NALA at Affiliated Association and college paralegal program events.

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

Be a continual learner and be open to change. Our profession is unique in that our skills can be used in almost in industry. If you are not satisfied with your current position or just want to spread your wings by working in a different type of law, you have the ability to change!

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

Be flexible. As paralegals, we are usually pulled in several directions at one time. We must have the ability to re-focus our attention and energy at a moment's notice.

Why did you get into the legal field?

I entered the legal field at 17 years old with no idea what was in store. I was hired as a county judge's clerk and bailiff. The experience gained prompted me to continue in the legal field and I worked as a legal assistant the paralegal in the judge's private practice after his retirement from the bench.

Why did you join the NALA Executive Board?

I joined NALA and took the CP exam as a way to market myself. After completing LEAP, NALA's original leadership development program, I realized my passion for the paralegal profession. I want to provide my support and experience in the legal profession to others.

What book do you recommend every paralegal should read?

I recommend everyone read John Maxwell's *21 Indispensable Qualities of a Leader* and *The Traveler's Gift* by Andy Andrews.

Why did you become an advanced certified paralegal? Do you have any tips for someone who is interested in becoming certified?

My first ACP is in Discovery. I was a trial paralegal at the time I obtained the Discovery ACP. My second ACP is in Real Estate Principles as I am a Lead Realty Assistant for the US Army Corps of Engineers. Obtaining my CP and ACPs was a way for me to market myself. It was also personal satisfaction that I have the knowledge, skills, and ability to support my employer as a Certified Paralegal and Advanced Certified Paralegal.

My advice for someone who is interested in becoming certified is to take advantage of the CP study groups offered by NALA and its affiliates. Take the CP prep course offered at the NALA Conference & Expo. Utilize NALA's Certified Paralegal Exam Fundamentals book, the CP practice exams, and sample essays available through NALA. Study hard and remember, this is your journey. Strive for excellence!

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SEPTEMBER 19, 2022 DINNER MEETING SUMMARY
LEGAL ETHICS FOR PARALEGALS
By: Christine A. Principe, CP

We are back in person! We have not met in person in a very loooooong time! How wonderful it was to see people in the SAME room attending a dinner meeting. It was well-attended in person. If you attended and would like the link, please send an email request to Kerry Mackey, President, at info@njpara.org.

The PANJ boards strives to do its best to present interesting topics at its monthly dinner meetings. Ethics of any kind is always an important topic.

William A. Kraus, Esq., of Porzio Bromberg & Newman presented “Legal Ethics for Paralegals” at Porzio’s office on September 13, 2022. His practice areas focus on personal injury and medical malpractice. He has served as former chair of District X Ethics Committee, was appointed Special Master of Ethics on several occasions and has lectured on ethics.

Mr. Kraus discussed what legal ethics was and how it relates to paralegals. He went over the attorney discipline system and how the grievance proceeds from filing to final review. Mr. Kraus touched upon some important RPCs and discussed the unauthorized practice of law including:

RPC 1.6 – Confidentiality of Information
Client confidences must be maintained

RPC 1.7 – Conflict of Interest; Current Clients
Newly hired paralegals should be screened for conflicts of interest

RPC 4.2 - Communication with Person Represented by Counsel
Once the attorney represents the client in a matter, there can be no communication with another party in that action if that party is represented by a lawyer

RPC 5.3 - Responsibilities Regarding Nonlawyer Assistance
The paralegal’s supervising attorney “shall make reasonable efforts to ensure” that the paralegal’s conduct complies with the lawyer’s professional obligations. The lawyer can be held responsible for the paralegal’s wrongful conduct if the lawyer knows or ratifies the wrongful conduct or the lawyer knows the wrongful conduct but doesn’t take action to correct it

In re Opinion No. 24, 128 N.J. 114 (1993)

A paralegal is not engaged in the unauthorized practice of law if that paralegal is supervised by an attorney. That attorney must be knowledgeable about the field of law in which the paralegal is assisting that attorney. The paralegal’s physical proximity to the lawyer or his/her employment status are not important so long as the paralegal is being supervised by the attorney.

Mr. Kraus explained some tasks and activities that paralegals can and cannot do and engaged the attendees in hypothetical situations. A few examples of what a paralegal can do are:

- Interview witnesses
- Collect Records
- Draft pleadings and discovery
- Draft substantive correspondence for the attorney's review and signature
- Prepare land records
- Draft estate planning documents
- Communicate with the client, courts and agencies regarding non-substantive issues.
- Sign routine, non substantive correspondence. The correspondence must include the paralegal's identify and nonattorney status and the name of the responsible attorney

Lastly, Mr. Kraus discussed a few noteworthy RPCs and significant case law dealing with social media.

In the Matter of Robertelli, 248 N.J. 293 (2021)

Robertelli represented a defendant in a personal injury action. Robertelli asked his paralegal to do an internet search on the plaintiff. The paralegal accessed the plaintiff's Facebook page and sent a friend request without identifying herself. Plaintiff accepted the friend request. The paralegal reviewed plaintiff's private posts and videos of the plaintiff wrestling after the accident. Robertelli provided plaintiff's counsel with the video to use in the lawsuit. Plaintiff's counsel filed an ethics grievance against Robertelli alleging violation of RPC 4.2.

RPC 4.2 – Communication with Person Represented by Counsel (as set forth above)

The bottom line on social media – public information is fair game; you can't contact an adverse party to get access to privately maintained social media; the attorney must supervise the paralegal to sure that RPC 4.2 is not violated by the paralegal.

It was a very informative presentation.



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 in the complex commercial litigation department at Sills Cummis & Gross, P.C. Christine is a PANJ Board Member and 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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