

PERSPECTIVE

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Summer 2021 Edition

PRESIDENT'S MESSAGE

By Kerry A. Mackey, CP

Hello my fellow paralegals! Happy late summer! I hope everyone has had a wonderful summer. While **PANJ** has been taking a “break” over the summer we have been working behind the scenes to plan our upcoming webinars for the 2021- 2022 term. We are looking forward to the upcoming term and hope you will join us on our future webinars.

I am thrilled to announce **PANJ's 2021-2022 Executive Board**. Please see the full list of our Executive Board within this Newsletter. We have two new individuals that have joined our Executive Board. I would like to welcome Laurie Robinson and Diane Wolfe to our Executive Board. We are ecstatic to have you on our Board and look forward to working with you! PLEASE

Due to the fact that the COVID-19 pandemic is still prevalent we are going to continue with our monthly webinars versus in person dinner meetings. We hope that later in this term we can safely return to in person dinner meetings.

We are very excited for the upcoming webinars for the 2021-2022 term. Our first webinar will be held on September 23, 2021 at 6:00 p.m. The topic will be on 1031 Exchanges and our presenter is from the First American Exchange Company, LLC. Invitations to the webinar will be sent out shortly. Please visit our website for more information.

The website will be updated with more information regarding the future webinars. If there is a topic that you are interested in learning more about please let us know! We are always looking for new topics and new guest speakers.

Just as a little reminder – Please see our instructions below on how to join our webinars. Please note that you **do not** need a Webex account to join any of our webinars. After you have registered you will be sent an email with a link to join the meeting. That email will also include a phone number to call in for the webinar if you wish to take part over the phone.



If you would like to run a test run on how to join a Webex meeting, please visit <https://help.webex.com/en-us/nti2f6w/Webex-Meetings-Join-a-Test-Meeting>

Instructions on how to join Cisco Webex Meeting:

1. Open your email invite, and click Join Meeting
2. If this is the first time you are joining a Webex meeting, the Webex app will automatically download.
 - a. If you don't want to install anything on your computer or phone, click Join from your browser.
 - b. Click the installer file to install the app. If the app did not automatically download then click Download the app again.
3. Enter your name and email address, and click Next.
4. Enter the meeting password from your email invitation and click Next.
5. There will be a preview window where you can make sure that your audio and video are working before you join the meeting. Choose how you want to hear:
 - a. Using your computer audio (headset or speakers)
 - b. Call In- You can use your phone for audio. Dial the phone number in the email invitation when the meeting starts.
6. Choose whether or not you want to have your video and microphone turned on before you join the meeting.
7. Click Join Meeting.

For further instructions on joining a Cisco Webex meeting, please check out the link below:

https://help.webex.com/en-us/nrbgeodb/Join-a-Webex-Meeting#id_135011

PLEASE MARK YOUR CALENDARS for The **2021 NJ Paralegal Virtual Convention** on October 15, 2021. Registration is **OPEN**. Please visit the Convention's website for more information and to register at: www.njparalegalconvention.com

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 WEBINAR MEETINGS

Thursday, September 23, 2021

Guest Speaker: Bill Lopriore from the First American
Exchange Company, LLC
Topic: 1031 Exchanges

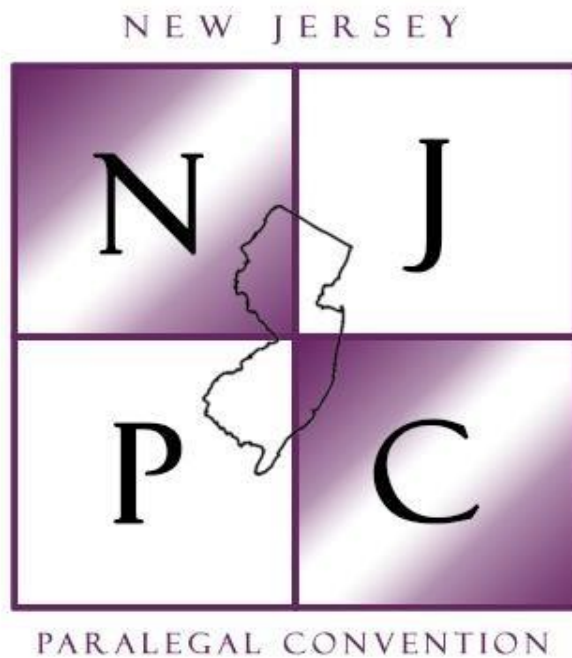
Wednesday, November 17, 2021

Guest Speaker: Patricia Greer from Berkeley College
Topic: Real Estate Ins and Outs

Wednesday, January 19, 2022

Guest Speaker: Jackie Daspit from The Becton
Dickinson Intellectual Property Group
Topic: Intellectual Property Laws

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The **2021 NALA Conference and Expo** was held virtually July 22 through July 24, 2021.

The last in-person Conference was in Scottsdale, Arizona in 2019 and there were around 700 attendees. Last year, NALA was forced to go virtual and there was around 900 attendees. This year, NALA was planning for in-person Conference in Louisville, Kentucky but pivoted to a virtual platform in the Spring after two-thirds of past Conference attendees surveyed indicated they preferred a virtual Conference. There were over 1400 attendees this year. NALA anticipates next year's Conference to be in person and it will be held in Phoenix, Arizona.

If you haven't attended NALA's 2020 virtual Conference, the sessions were presented by pre-recorded video. The speakers were available during the sessions to answer questions in the Chat or Q&A boxes, and the speakers were available on screen at the end of the sessions to address live questions. The Chat boxes were super busy with comments and ideas being shared by the attendees.

Thirty-two sessions were offered during the three days of the 2021 Conference. Attendees could earn 11 CLE credits. The 32 sessions covered an array of topics. There was something for everyone. Some of the sessions included:

- CP Review Courses
- A Look Inside Crime Scene Investigations
- An Interactive Legal Writing Lab
- How to Write an Appellate Brief
- Anatomy of a Complex Murder Case
- Avoiding the Unauthorized Practice of Law
- Insurance law seminars
- Internet law seminars
- Constitution seminars
- Spoliation of Social Media Evidence

Additionally, during session breaks, there were panel discussions held on multiple topics. Several of the topics included:

- Diversity, Equity and Inclusion – How do you fit in?
- CEC Education Station
- Gentle Stretching with Amy
- Cultivating Leadership
- Paralegal Educators
- Students Zoom Room

Just like last year, NALA had an app to use also during the Conference. It enabled attendees to receive notifications during the Conference and review speaker, attendee, exhibitor and sponsor lists. The app also had a game center. Attendees earned points for numerous activities such as attending sessions, visiting exhibitors and vendors, downloading handouts and scheduling zoom

meetings with speakers, exhibitors or even other attendees. The top point earners were entered into a drawing for a gift certificate.

Additionally, the Conference is just not for CLE. Annual Meetings were also conducted during the Conference: NALA Membership Annual Meeting, NALA Affiliated Associations Annual Meeting, and both NALA Board of Directors meetings.

The following business was conducted at the meetings:

► Election results were announced as follows and the officers were installed on July 23, 2021:

- Vice President: Debra Overstreet, ACP
- Secretary: Cheryl Nodarse, ACP
- Treasurer: Peonca S. Grier, CP
- At Large Directors: Richard Hahn, ACP and Cassie Snyder, ACP
- Affiliated Associations Director: Bridget Stuhr, ACP
- Affiliated Associations Secretary: Sharon Jones ACP

Melissa Hamilton, CP continues her term as President.

► Awards were presented at both the NALA Annual Meeting and the NALA Affiliated Associations Annual Meeting. Our very own [Sarah M. Robinson](#), a past President and current Vice President of PANJ, is a recipient of the 2021 NALA Affiliated Award! Sarah invested (and invests) a great deal of time and effort into PANJ and is well-deserving this award!

► NALA's By-Laws were amended to include a Diversity Equity and Inclusion Committee. The new Committee's purpose is to further NALA's goal to encourage, maintain and support diversity, equity and inclusion; monitor the trends of DEI; foster an open dialogue throughout NALA to celebrate diversity of its members and leaders; and strengthen DEI initiatives throughout NALA.

► The Diversity, Equity and Inclusion Committee was established and the chairs appointed.

► NALA announced it will be updating their leadership program in the coming year. The leadership program was designed to give paralegals the opportunity learn and develop their own personal leadership skills.

► Further, NALA announced it will shortly be unveiling their new website. NALA says it will be more modern, easier to search, and user friendly.

Importantly, each year, NALA supports a charity local to the site of the Conference. Since the Conference was virtual this year, NALA chose two national efforts: Feeding America and Legal Services Corporation.

In addition to attending the Annual Meetings, I personally attended the following CLE sessions and found each one informative. Attendees very active in the Chat and Q&A boxes. I included a comment for each.

- CP Review Litigation
- CP Review Torts
- You can never go wrong with refreshers.*
- Avoiding the Unauthorized Practice of Law

An important topic to stay on top of. The speaker gave examples and expounded upon each with further explanation.

- EDiscovery Workshop – Identify and Collect
I wanted a better understanding of eDiscovery so I can assist the attorneys in more depth during discovery. This session was interactive with the speaker posing questions and allowing the attendees time to answer her questions in the chat. What a good idea!
- Art of the “Search”
What good is the EDiscovery collected, if you can’t find what you’re looking for in the database! Interactive as well; very engaging!
- Spoliation of Social Media Evidence
Social Media is finding its way a little more into my commercial litigation cases. How helpful.
- How to Write Appellate Briefs
I don’t write them but it was interesting to get insight into how they are prepared.

It was great to attend the Conference virtually, as it was so much less expensive and I still benefited from it. There were so many comments and questions in the Chat rooms and at the Annual Meetings throughout the Conference inquiring if NALA can/will keep some component of the Conference virtual next year. NALA responded it would be looking into and is mindful of the 1,400+ attendees for this year.

If you weren’t able to attend the 2021 Conference, consider attending next Year’s Conference in-person. Video is never a substitute for in-person, and in-person is much more fun! It’s rejuvenating to see other paralegal’s enthusiasm to better themselves professionally!

Lastly, if you weren’t able to attend the 2021 Conference, a recording bundle is available at NALA’s website: www.nala.org/Conferences/nala0Conference-expo.

CP Exam

The Knowledge Exam is administered all year long. PSI opened some centers. Check out their website for availability in your area: <https://www.psionline.com/closures>. If you’re having difficulty finding a testing center, your workplace may be eligible. Contact NALA @ testing@NALA.org.

The Skills Exam testing window is July 2021.



Christine A. Principe, is a Certified Paralegal. She has been a paralegal for 34 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 Conference. Christine can be reached at: NALALiaison@NJPara.org

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New Board Member Alert!

Diane H. Wolfe

Trustee-at-Large



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

Always different. I am primarily responsible for the estate administration clients which involves aspects from probating the estate to conclusion when the Refunding Bonds and Releases need to be prepared. In addition, I review and file pleadings for estate litigation. Some days there is a need to witness/notarize estate planning documents for clients or go through old files to scan, save and shred them.

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

Having a calm voice when talking to clients especially if they have had a death in the family. The ability to listen to clients even when you have things to do within reason. Sometimes they just need to vent.

What do you do to relax/wind down after a long day of work?

Play fetch with my Blue Heeler, Mookie, read a book or if weather permits relax on my deck and enjoy nature. MY favorite thing is to FaceTime with my grandchildren...I have 3 in Boise, Idaho and 1 in England.

If you worked as another profession before becoming a paralegal, how did you transition into the paralegal profession?

I worked in the childcare industry. I loved teaching 3-year-old children and eventually became a director. I found that skills that I would use to talk to the children and parents carry overed to the clients in the law office.

If you could change one thing about how you got into the legal profession, what would it be? Would you have gone to school first to obtain a paralegal studies certificate? Would you have taken the CP exam before working as a paralegal?

If you had asked me 20 years ago that I would be a paralegal and love what I do, I would not have believed it. I loved working in the childcare industry and I had dreams of opening my own center. However, being a divorced mother of three children, the childcare business does not pay. When my ex-husband opened the door to this profession, I was a little unsure if I would like it but the pay was \$7,000 more a year than I was getting and less hours and less stress. As I became more and more familiar with the estate/elder law, I began to enjoy what I did. It wasn't until I began working in my current firm that I wanted to pursue my CP. I passed the knowledge portion in November 2020 and will be taking the Skill portion at the end of July.

New Board Member Alert!

Laurie Robinson

Trustee-at-Large & Co-Chair of the New Jersey State Bar Association Special Paralegal Committee

What do you do to relax/wind down after a long day of work?

I became a Yoga teacher. Prior to the pandemic, I was burning myself out working all day, attending meetings late into the night, getting up early playing catch-up. I realized that I was not loving myself. I began encouraging hardworking women to practice self-care. I became a Yoga teacher with the hope that I can help other busy women to recognize that they too need to take a break and through yoga I could guide them on that journey.



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

It is important to prioritize and always ask questions on clarifications. Often some people see asking questions as a sign of weakness when it is not. If you want something, ask for it. That does not make you weak. It makes you stronger. Lastly, learn to accept criticism. Sometimes you will find that it can be useful in making you better. All criticism isn't always meant to be bad, but to help make you better. You will learn what you can take away from it.

How did you decide to become a paralegal and why did you stay as a paralegal?

I became a paralegal by accident. My career choice was an architect, but I had too many graduating credits, so I was sent to work-study and landed in a law office. One of the secretary's was out and I was asked to fill in and help out. It was so rewarding, that I never looked back.

If you could change one thing about how you got into the legal profession, what would it be?

When I began my career many of the educational opportunities of today were not available. Instead, we had on the job training/hands on training. I worked my way up to Office Manager for 13 years. However, after I gained the experience, I always felt as if I was missing something, so I met with Linda McDonald Carter, Esq., who at the time was the Director of Paralegal Studies at the Essex County College. Since then, it has been a great learning journey. I went back to school and earned an Associates in Business and a Paralegal Certificate. I made the Dean's List and Phi Theta Kappa.

There is not much I would change about the profession; it is a very rewarding career. Every career path is different, and as such I don't believe there is a right path. Everyone learns in their own way so whether one chooses to attend school or learn on the job, I cannot answer.

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

Prioritizing and organization. Without these two skill sets, you will most likely face a difficult career road.

Jennifer Negro

Trustee-at-Large



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

Always try to pitch in and help. Try to think ahead of your attorney and be prepared in advance.

How did you decide to become a paralegal and why did you stay as a paralegal?

I always wanted to be a lawyer. I interned at a firm in college and worked my way up. I decided to not go to law school but never left the field. I love working in the legal field.

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

Multi-tasker extraordinaire! I am a real estate paralegal, and this market has been insane. Between closings, e-mails, and phone calls I am moving all day. We are in a fast-paced environment, but it makes the day interesting.

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

The ability to be a quick learner.

If you could change one thing about how you got into the legal profession, what would it be? Would you have gone to school first to obtain a paralegal studies certificate? Would you have taken the CP exam before working as a paralegal?

The one change I would have done was taken my CP exam much sooner. I am trying to study for it now but I must admit that it is tough with juggling work and family life.

What do you do to relax/wind down after a long day of work?

Besides being with my family after a long day, I like to read my book before bed. It helps me to unwind and get lost in the book I am reading.

Why did you join the PANJ Executive Board?

It's important to be market yourself and meet new people who are within the field to hear their stories and learn from each other.



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Law firms, corporations, agencies, business entities, and other paralegal employers who contact PANJ looking for desirable candidates scroll to the "Employers" section of the Job Bank page of www.NJPara.org to access the Job Bank Posting Form.

For an annual fee of \$50, freelance, contract or independent paralegals can advertise their business with a weblink on the Job Bank page in the "**Freelance Paralegals for Hire!**" section across from the "Employers" section allowing paralegal employers immediate access to your web page, LinkedIn Page or whatever platform in which you advertise.

[This offer is only open to PANJ Members.](#)

If you wish to take advantage of this marketing opportunity, please email Info@NJPara.org.



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[†] Indicates if Available Dates calendar is activated

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Member Spotlight



Susan Helman

Susan Helman Paralegal Services, LLC

[https://www.linkedin.com/in/susan-g-helman-b402b923/
sghelman@verizon.net](https://www.linkedin.com/in/susan-g-helman-b402b923/sghelman@verizon.net)

Why did you decide to join the Association?

One of my mentors and employers, Melissa Acosta, who owns and operates Melissa Acosta Freelance Paralegal Services, is a board member of PANJ. She has encouraged me to join and come to meetings.

Before I even knew Melissa, or of her freelance firm, I attended an all-day PANJ convention presented years ago. It was a memorable day of inspiring workshops, keynote speakers, and fun swag. I remember coming out of these workshops with new information which would enable me to do better at my job and with new tools to do so.

Working remotely, especially during these Covid times, one needs other professionals to connect and network with, lest we get stale personally and professionally. I look forward to getting to know more of the members.

What do you enjoy most about the Association?

Well, I just joined! I have attended a few online sessions this year. One always learns something new to bring away that makes the sessions worthwhile. It is interesting to hear how others spend their days or have reinvented themselves over the years (or during this pandemic) in various professional positions.

I look forward to giving back by sharing some of my tips and information and *perhaps* joining a committee.

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

Usually, crazy and hectic! That phrase should just be a synonym for Paralegal!

I really like working in the Trusts and Estate area of law. Often, we are reaching out to clients who have just experienced great personal losses. I like building those relationships through empathy and helping them navigate the process of putting their loved ones lives in order. Trust & Estates also offers opportunity for significant autonomy in work. While some of the work is administrative in nature, I outwardly admit I like some of those administrative tasks, which are satisfying because they are finite in their assignments, easily accomplished, and easy billable hours.

I am presently freelancing and working remotely. So, if I have a moment, (ha!), there is chance to sit outside and eat my lunch or do a household chore. And there is always the opportunity to play or walk or to just sit outside with my dog (Golden Retriever named Obi Won Kanobi). I spend a lot of time (nonbillable) acrobatically stepping over my large dog to get to the printer!

What are the most important skills you have developed in your career?

1. Be confident but do not be afraid to ask questions!
2. Be empathic and sympathetic with your clients; I find working and connecting with most clients to be very satisfying.
3. Speak up for yourself; learn to say NO when your plate of assignments is too full or ask for assignments to be prioritized when in doubt.
4. Delegating projects takes skills and patience.
5. Working with nice people makes one's day all worthwhile; do not stay in toxic environments.
6. Be your authentic self.

Why did you get into the legal field?

Like many undergraduates with a liberal arts education, I toyed with law school. Being a paralegal in New York City in my 20s was fun. Finding a paralegal job was easy and it offered the opportunity to earn enough money to live on my own in the big city. I worked for a small high profile white collar criminal litigation defense firm (everyone on Wall Street was getting indicted in the 80s). All the partners were former U.S. Attorneys, and all the associates were under 30 years old. I liked the excitement of litigation, putting pleadings together, and learning to navigate the New York Court system. The federal and New York clerks knew me!

Eventually, after many stops and starts, I found my way to the calmer Trusts & Estate area of law where the deadlines are more controlled and predictable. (Although the excitement of an occasional estate litigation over a grandmother's broken china still fulfills my litigation paralegal adrenaline).

The legal field has always afforded me the opportunity to support myself, be challenged intellectually and earn a living. For these attributes, and all the people I have worked with and have been mentored by along the way, I am grateful.

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Honing Your Expertise as a Notary Public Will Monumentally Strengthen Your Role as a Paralegal

By: Rachel J. Lefler, Notary Consultant: National Notary Association

The office of Notary Public is uniquely mysterious. With its origins lying in the beginnings of civilization, the average person will require the services of a Notary at least once in their lifetime, if not many more. Yet, the average individual also cannot accurately describe what actual function the Notary Public serves, let alone comprehend the delicate nuance involved in carrying out such a role. In most states, it is quite simple to obtain a commission by meeting minimum residency and background requirements. In many states, including New Jersey, there is no requirement to fulfill a certain level of education or demonstration of such through a formal exam. Nonetheless, it is imperative to not only be self-motivated to study the state laws that govern notarial conduct, yet also recognize the level of personal effort necessary to grasp and apply professional standards. Given this dynamic, it is not surprising that Notaries often feel insecure of their skills and find difficulty in commanding respect for the profession. Yet, the reality remains that the Notary Public carries a critical charge in society as an impartial gatekeeper to deter fraud, often within the most sensitive of paper transactions, in order to protect the best interests of the general public. To nurture this role, one must utilize their autonomy with the utmost integrity in order to protect themselves, their clients, and the public at large.

Paralegals work frequently with Notaries Public, and often even obtain their own commission as part of their in-house duties in law firms. What seems to be rather straight-forward can also become wildly complicated, especially for a paralegal. Paralegals will regularly, at the direction of attorneys, apply legal concepts to the preparation of a wide range of documents, while also requiring many of such documents to be notarized. It is important to note that both paralegals and attorneys, at some point, will inadvertently give directions to a Notary that is not congruent with the law or professional standards of care. This is virtually unavoidable, given the little attention that is paid to this function in legal studies. This current precedent presents a unique opportunity for the paralegal to take charge in mitigating potential damages, which will in turn offer great value to their firm. The reality is, shortcuts will be taken for the sake of short-term convenience or perceived 'loopholes' in statute. However, it has been proven through numerous case studies that anything that removes integrity from a notarial transaction is risky to everyone involved. Skirting the law and even professional responsibility as a Notary Public, or pressuring a Notary to do such a thing, is not often worth the risk. Unfortunately, many Notaries still second-guess their skills and intuition (especially while under the influence of a legal professional), and although it is usually inadvertent, they act with impropriety – jeopardizing their livelihoods and causing important transactions to backfire. Taking the time to learn the legal obligations of their jurisdiction, in addition to professional guidelines across the board as outlined by industry experts, will go a long way in protecting the paralegal's own interests - along with their counterpart attorneys and the clients they serve, bringing a most valuable asset to their services in a greatly litigious society (as well all know it).

As a preliminary approach, it is critical to first grasp the fundamentals of completing a notarial act, such as the elements of personal appearance, proper identification, scanning the document for completeness, and accurately filling out the certificate, as well as observing any particular ceremonies to follow through with such as administering an oath, if applicable. For these steps, there are specific laws to be observed, yet also a bit of personal and professional discretion that factors into the big picture for a successful,

airtight transaction. For example, New Jersey Notaries are not required by law to maintain a journal of notarial acts, or even use an official seal of office when completing an official certificate. While not a direct violation of the law, there are potential ramifications for not keeping a ledger of information to refer to, should the transaction be contested at any point in the future. A well-documented journal commemorating each notarial act can mean all the difference in determining a legal case, and further protecting the Notary Public and interested parties from potential direct or vicarious liability, should they not be able to properly recall a situation. The State of New Jersey specifically recommends gathering the following information for every signature notarized: the date and time, type of notarial act, title of document (including the date of document), the printed name and address of the signer, the method in which they identified themselves, and the signer's signature. One could make a reasonable assumption how this information could prove critical in a dispute. Although the National Notary Association currently recommends refraining from gathering sensitive information that could threaten the signer's privacy (unless required by law), such as identification serial numbers and thumbprints, capturing a signature goes a long way in proving whether a transaction is valid. Consider also, that a well-kept journal goes a long way in showcasing the Notary's due diligence. Regarding the use of the seal, although also not required by law, the seal not only gives an air of formality, it also serves to further exemplify the Notary's valid commission where it might otherwise take additional steps to be verified.

Attorneys and paralegals are no stranger to the concept of 'spirit of the law.' What may not be written in stone (or statute), does not always equate to being open to wide interpretation in a court of law. Taking the time to peek at case studies will illustrate how impropriety is often judged when a Notary Public is involved (a key reference book: Notary Law & Practice: Cases and Materials by Closen, Ahlers, Jarvis, Morris, Spyke; 1997).

Just as the American Bar Association provides great value to working attorneys and paralegals, it is imperative for the Notary Public and also those within the legal field to maintain a membership with a professional association that serves their educational needs, as laws, standards, even social and technological dynamics continue to evolve. Learning professional standards does not happen overnight – in fact, much of the learning process comes from experience that only happens at the signing table. However, making it a personal mission to master the professional concepts beyond the basics will go a long way in your career as a paralegal and setting standards in the workplace that will be of great benefit to the entire outfit.



Rachel Lefler first became a Notary in 2009 at the encouragement of a former boss, after receiving a mailer in the office from the National Notary Association (NNA). Rachel found the role to be highly intimidating, yet was also overcome with curiosity and fascination with the obscurity of it all. After joining the NNA as an employee in 2013, regularly serving seminars as a Live Scan Technician, it became her mission to build an expertise in order to better serve the customers, yet also to best serve her own community. Currently, Rachel continues to work full-time for the NNA as a Hotline Counselor, and runs her own mobile loan signing business out of her home in Huntington Beach, CA.



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Information for Lawyers: How Paralegals Can Improve Your Practice

By: The American Bar Association Standing Committee on Paralegals

It's one of the most important skills in practicing law: building an effective work team to serve clients in the best possible manner and generate profits. Paralegals can be a key element in that team, especially in fostering cost efficiency. The information in this section is intended to guide you in the effective utilization of paralegals in your practice.

The Paralegal Role in the Legal Profession

1. What is a paralegal?

- A paralegal is a person, qualified by education, training or work experience, who is employed or retained by a lawyer, law office, corporation, governmental agency, or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible. ([ABA House of Delegates, 2020](#))
- [California](#) has a law specifying who may use the title "paralegal," and other states, such as [North Carolina](#) and [Wisconsin](#), are considering similar proposals. [Maine](#), [Indiana](#), and [South Dakota](#) have defined the terms. Maine's definition also carries [fines for misuse](#).
- Paralegals are qualified to perform their responsibilities by completing an educational program, receiving training on the job, or through actual work experience. They are not licensed as attorneys are.
- Paralegals perform substantive legal work that would otherwise be done by attorneys. Clerical work is not substantive legal work.
- Attorneys remain responsible for legal work delegated to paralegals and must supervise paralegals' work.
- Paralegals work under the supervision of attorneys and are not "document preparers" working directly with the public.

2. How are paralegals regulated?

- Paralegals currently are not licensed as lawyers are, nor subject to any other regulatory scheme. [California](#), however, requires a certain level of education of persons using the title "paralegal."

3. What is a "certified" paralegal?

- Technically a "certified" paralegal is a paralegal who has completed the voluntary certification process of a professional association by developing a specified level of professional competency.
- [NALA: The Paralegal Association](#) awards the designation [Certified Paralegal \(CP\)](#) or [Advanced Certified Paralegal \(ACP\)](#) to persons who have met its requirements, which include passing a competency exam.
- The [National Federation of Paralegal Associations \(NFPA\)](#) awards the designation Registered Paralegal (RP) to persons who have met its requirements, which include passing the [Paralegal Advanced Competency Exam \(PACE\)](#), or the designation of CORE Registered Paralegal (CRP) to

persons who pass the [Paralegal CORE Competency Exam \(PCCE\)](#). NPFA also offers an [Assurance of Learning](#) opportunity for paralegal education programs.

- [NALS, the association for legal professionals](#), awards the [Accredited Legal Professional \(ALP\)](#), the [Professional Legal Secretary \(PLS\)](#) and/or the [Certified Legal Professional \(CLP\)](#), and the [Professional Paralegal \(PP\)](#) certification designations, which reflect a proficiency in procedural law, substantive law, and an overall commitment to a higher standard of conduct and professionalism. NALS' Professional Paralegals may distinguish themselves further by earning Specialty Certifications in various substantive law areas.
- The American Alliance of Paralegals (AAPI) awards the designation [American Alliance Certified Paralegal \(AACP\)](#).
- The [Texas Board of Legal Specialization](#) offers a voluntary specialty certification program in six areas of Texas law. The California Alliance of Paralegal Associations (CAPA) offers a voluntary California Paralegal Certification Program. [Florida](#), [North Carolina](#), [Wisconsin](#), and [Ohio](#) also have state-specific voluntary certification programs.
- The term "certified" is sometimes mistakenly used when referring to a paralegal who has earned a certificate by completing a course of study.
- The American Bar Association does not certify individual paralegals.

4. How is the American Bar Association involved with the paralegal field?

- The ABA endorsed the use of paralegals in 1967 and established the first committee on paralegals in 1968.
- Since 1975, the ABA has approved paralegal programs that satisfy the rigorous standards of the [ABA Guidelines for the Approval of Paralegal Education Programs](#) (PDF).
- The ABA adopted Model Guidelines for the Utilization of Legal Assistant Services in 1991. The [ABA Model Guidelines for the Utilization of Paralegal Services](#) (PDF) were revised in September 2018. Many states such as [Indiana](#), [New Hampshire](#), North Dakota, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, West Virginia, and state bar associations, such as Colorado, [Connecticut](#), [Michigan](#), Missouri, [New Mexico](#), New York, and [North Carolina](#) have adopted these guidelines or their own versions.

Paralegal Work Assignments

5. What can paralegals do?

- Paralegals can be delegated any task normally performed by a lawyer, as long as the lawyer supervises the work, except those proscribed by law. See the [ABA Model Guidelines for the Utilization of Paralegal Services](#) (PDF).
- For example, paralegals can review and organize client files, conduct factual and legal research, prepare documents for legal transactions, draft pleadings and discovery notices, interview clients and witnesses, and assist at closings and trials.
- Paralegals must avoid the unauthorized practice of law. Generally, paralegals may not represent clients in court, take depositions, or sign pleadings.
- Some federal and state administrative agencies, however, do permit nonlawyer practice. See, for example, [Social Security Administration](#). Check with specific agency to determine whether nonlawyer practice is authorized.

- Paralegals may not establish the attorney's relationship with the client or set fees to be charged, and may not give legal advice to a client. See, Guideline 3 of the [ABA Model Guidelines for the Utilization of Paralegal Services \(PDF\)](#).
- Typical tasks delegated to paralegals in various areas of the law are described on the websites of national paralegal associations, such as the [National Association of Paralegals \(NALA\)](#), the [National Federation of Paralegal Associations, NALS...the association for paralegal professionals](#) and the International Paralegal Management Association.

6. How would a paralegal improve my practice?

- Your costs would be reduced.
- You would be able to lower your legal fees.
- Your clients would also appreciate increased contact with your practice through your paralegal.

7. How would a paralegal improve my practice's bottom line?

- Paralegal time can be billed out separately to your clients, and at lower rates.
- Paralegals can be paid less than an attorney, yet handle many tasks (under an attorney's supervision) that would otherwise be performed by an attorney.
- The paralegal staff can be a profit center for your practice.
 - See chapters 2 and 3 in the book *Paralegals, Profitability, and the Future of Your Law Practice*, by Arthur G. Greene and Therese A. Cannon.
 - [Comparative Client Cost of Lawyer Alone and of Lawyer Plus Paralegal \(PDF\)](#), Figure 2.1 from *Paralegals, Profitability, and the Future of Your Law Practice*.
 - [Shifting Work to Paralegals \(PDF\)](#), an excerpt from *Paralegals, Profitability, and the Future of Your Law Practice*.
 - [SCOLA Update: Partnering with Paralegals \(PDF\)](#), a publication of the ABA Standing Committee on Paralegals.

8. May I include my paralegal in my firm's pro bono activities?

- Paralegals enhance the ability of law firms to provide more pro bono legal services just as they do paid services.
- Attorneys should facilitate the participation of paralegals in a practice's pro bono activities. See, Guideline 10 of the [ABA Model Guidelines for the Utilization of Paralegal Services \(PDF\)](#).
- Paralegal associations recognize the value of pro bono activities and encourage their members to provide such services.

Ethical Considerations

9. What are my ethical responsibilities in employing a paralegal?

- Lawyers are ultimately responsible for the work product of paralegals.

- Lawyers are responsible for the ethical conduct of the paralegals whom they employ. Any transgressions by the paralegals may subject the lawyer to professional discipline. See, [Rule 5.3](#) of the Model Rules of Professional Conduct.
- Lawyers who supervise paralegals must develop, implement, and enforce policies to ensure that paralegals understand how their conduct must conform to lawyer's professional obligations. See, [Rule 5.3](#) of the Model Rules of Professional Conduct.
- Many state bar associations have adopted guidelines for the utilization of paralegals. These guidelines often include commentary describing specifically authorized or proscribed local practices. For example, there is a split of opinion on whether paralegals may attend real estate closings unaccompanied by a lawyer.
- See chapter 8 in *Profitability, and the Future of Your Law Practice*, by Arthur G. Greene and Therese A. Cannon.
- Unethical conduct by paralegals has a direct impact on a lawyer's practice. See *The Paralegal's Guide to Professional Responsibility*.

10. What are my paralegal's ethical responsibilities?

- Paralegals are not directly subject to any rules of professional conduct promulgated by courts, legislatures, or government agencies.
- Paralegals who are members of national and/or local paralegal associations are required to follow the ethical codes of those associations, such as the [AAPI Code of Ethics](#), the [NALA Guidelines](#), the [NFPA Guidelines](#), or the [NALS Guidelines](#).
- Unethical conduct by paralegals has a direct impact on a lawyer's practice. See [The Paralegal's Guide to Professional Responsibility](#).

11. How do I inform my clients about my paralegal's role?

- Attorneys should promptly introduce paralegals to clients, as well as courts and other attorneys, by name and title. See, Guideline 4 of the [ABA Model Guidelines for the Utilization of Paralegal Services \(PDF\)](#). Using titles usually reserved for attorneys, such as "associate" or "counsel," is misleading and must be avoided.
- Attorneys should explain to clients the contact paralegals will have with them.
- Attorneys should instruct paralegals in how to identify themselves in correspondence and on the telephone. See, Guideline 5 of the [ABA Model Guidelines for the Utilization of Paralegal Services \(PDF\)](#).
- Attorneys should confirm that paralegals are identified clearly as such on business cards and letterhead. See, Guideline 5 of the [ABA Model Guidelines for the Utilization of Paralegal Services \(PDF\)](#). Some states do not permit attorneys to list paralegals on their letterhead.

12. May I screen my paralegal to avoid disqualification of my law firm under conflicts rules?

- Screening of a paralegal who has a conflict with a client's interest was endorsed by the ABA in Informal Opinion 88-1521.
- Imputed disqualification does not apply to nonlawyers, including paralegals, according to the new [Comment 4 to Rule 1.10](#) of the recently revised ABA Model Rules.
- Courts and bar associations that have addressed this issue generally agree with this principle. Only Kansas prohibits the use of screens for both lawyers and nonlawyers.

Fees & Compensation Issues

13. What fee should I charge for my paralegal's work?

- Your paralegal's substantive legal work (i.e., not clerical work) may be billed directly to the client just as an attorney's work is billed, or considered in setting a flat fee just as an attorney's work would be.
- A profitable paralegal generates more revenue than it costs to maintain the paralegal.
- A financial analysis should take into account the paralegal's direct and indirect contributions (both revenues from paralegal hours and the benefits from shifting routine work to a paralegal and leaving more complex work to an attorney).
- A quick test of profitability is the "Rule of Three": the paralegal generates revenue three times his or her salary.
- See chapter 2 (pages 13-17) in *Profitability, and the Future of Your Law Practice*, by Arthur G. Greene and Therese A. Cannon.

14. How do I compensate my paralegal?

- Attorneys may compensate paralegals based on the quantity and quality of their work and the value of that work to the law practice. See, Guideline 9 of the ABA [ABA Model Guidelines for the Utilization of Paralegal Services \(PDF\)](#).
- Paralegals may be paid discretionary bonuses based on the overall success of the law practice. See, Rule 5.4(a)(4) of the Model Rules of Professional Conduct.
- Paralegal compensation, however, may not be contingent, by advance agreement, on the outcome of particular cases. See, Guideline 9 of the ABA [ABA Model Guidelines for the Utilization of Paralegal Services \(PDF\)](#).
- Attorneys may not split legal fees with paralegals nor pay paralegals for the referral of legal business.
- Paralegals may not be partners or shareholders in a law firm.

15. Do I have to pay my paralegal for overtime?

- This depends on whether your paralegal would be classified as an exempt or nonexempt employee.
- Nonexempt employees are entitled to overtime compensation under the Fair Labor Standards Act and similar state laws.
- Paralegals as a group may not be classified as exempt, according to the U.S. Department of Labor, because they are not required to have advanced professional knowledge acquired through prolonged, specialized instruction and study, and are not generally involved in the performance of duties that require the exercise of discretion and independent judgment.
- The Department of Labor's professional exemption provision on overtime pay addresses the status of paralegals in [subpart D, §541.301\(e\)\(7\)](#).

Recruitment & Education

16. How do I recruit and hire a well-qualified paralegal?

- Determine the appropriate functions and desired qualifications of a paralegal for your practice.
- Contact paralegal education programs. An ABA-approved [paralegal program](#) has met the stringent quality Guidelines established by the Standing Committee on Paralegals.
- Contact national and local paralegal associations, such as [NALA](#), [NFPA](#) or [NALS](#). Most list jobs at no cost to the employer. Some also maintain resume banks, such as the [AAPI Job Bank](#) (available to AAPI members) or the [IPMA Job Bank](#).
- Advertise in newspapers and list openings on web sites.
- Interview carefully, verify credentials, and check references.
- See chapter 6 in *Profitability, and the Future of Your Law Practice*, by Arthur G. Greene and Therese A. Cannon.

17. What qualities should I look for in hiring a paralegal?

- You want a person with excellent organizational skills, who is detail minded and able to multi-task.
- Good communication skills, both oral and written, are essential.
- A paralegal with a genuine interest in law and empathy with clients' problems will be a valuable member of the legal team.

18. What sort of educational programs would a paralegal have completed?

- Educational programs for paralegals vary. These programs may or may not be approved or accredited.
- Educational programs affiliated with a college or university may offer associate's degrees, bachelor's degrees, master's degrees, and/or certificates, which may be undergraduate or post-baccalaureate certificates. Proprietary schools generally offer certificate programs.
- Educational programs approved by the American Bar Association must satisfy the stringent [requirements of the approval process](#) (PDF) supervised by the ABA's Standing Committee on Paralegals. These include a minimum of 60 semester hours of study (18 semester hours must be designed specifically to develop paralegal skills), extensive reports and periodic site visits. An ABA-approved paralegal education program has undergone a rigorous scrutiny of its curriculum, faculty, recruiting and admission practices, library and computer resources, student services, and other aspects of the program.
- The American Association for Paralegal Education (AAfPE), [NALS...the association for legal professionals](#), the [National Federation of Paralegal Associations \(NFPA\)](#), the [National Association of Paralegals \(NALA\)](#), and the [American Alliance of Paralegals \(AAPI\)](#) have developed core competencies for paralegals.

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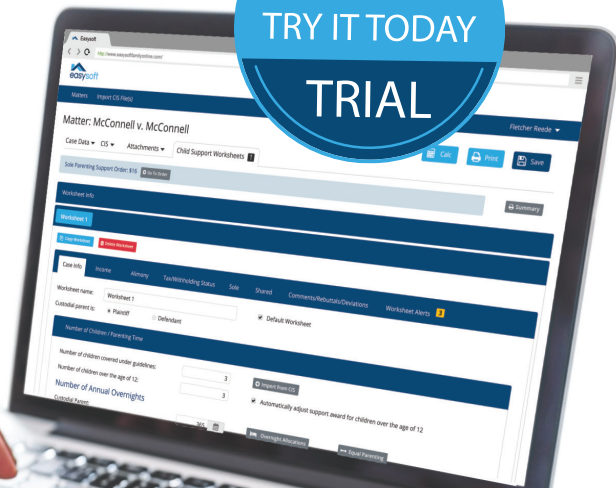


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How Firms Can Market During COVID-19

By: Melissa Acosta

Many businesses have had to adapt during the COVID-19 pandemic. A lot of businesses have experienced layoffs, downsizing and relocation of office spaces. In addition, some businesses have been closed for some time and some are working remotely. This has caused us to not only re-invent the way we work but also how we now market ourselves to try and generate new business during this pandemic.

Here are some tips and recommendations that can help your business gain exposure for new potential clients:

Law Firm Instagram, Twitter, and Facebook Accounts:

Now that most of the general public is quarantine or home schooling their children, they have more time to browse the internet. It is a good idea for your law firm to have an Instagram, Facebook and Twitter account and that these accounts are updated frequently. The amount of people that can be reached via social media can result in potential clients and has been proven to be beneficial for many businesses. In fact, for every “hashtag” used on Instagram, you can potentially reach thousands of followers on your law firm page. The more people know about your firm, the better!

Linked In Account

It is important that each attorney have an updated LinkedIn account. Linked In is not only for networking with your colleagues, but you are also able to post any recent accomplishments and law firm news which is free advertising!

Alignable App

This is a professional networking app. for small businesses. The beauty of this app is that you are able to network with other professionals like certified public accountants and certified financial planners in the industry who may want to refer clients to your law firm. In addition to generating referrals and obtaining business leads, you are also able to promote events, find vendors, and engage in a forum with other professionals. Many attorneys have signed on to this app. This app is free to download via the “apple app store”.

Law Firm Newsletter

Many law firms have taken this opportunity to create their own law firm newsletter. This newsletter contains current industry highlights and updates for example and is sent to all of their current and former clients. This shows the current and former clients that the lawyer is current in the area of law and also that they are “thinking” about the client. This ensures that the client is highly likely to contact the lawyer again when they need further assistance.

Personal Law firm website

It is extremely important for the law firms to have their own website. The general public will conduct thousands of “google” searches now that they are home during COVID-19 and your website can pop up during a search. It is just that simple! That can make the difference between your firm getting a client or

not. It is worth the investment. Companies like godaddy.com have good rates. It is good practice to compare a few different website carriers and see which works best for you and your practice.

It is important for law firms to continue to market themselves as best as they can during this pandemic. Many businesses have experienced hardships including layoffs, downsizing, and relocation of office space. We have to also see what has changed for the better and seize those opportunities such as the increase of the use of social media. It is important for law firms to take advantage of the free advertisement they can showcase on social media as well as the other tips mentioned in this article to ensure they can thrive during the pandemic!



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/webinar, 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/webinar, please contact Info@NJPara.org.

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