

# PERSPECTIVE

Volume 41, Issue 1

Summer Edition

## ***PRESIDENT'S MESSAGE***

By Kerry A. Mackey, CP

Well I am sad to say that the summer is coming to an end but I am thrilled that **PANJ's** 2023-2024 term will be starting next month. **PANJ** may have been off for the summer but we have been working behind the scenes to schedule our upcoming dinner meetings and webinars for our upcoming term.

**PANJ** held a meeting back in June at Porzio, Bromberg & Newman, P.C. in Morristown, New Jersey. Brian Daly of Premier Vocational Experts LLC was not only our guest speaker and sponsor for the event but he also swore in **PANJ's** Executive Board for the 2023-2024 term. Mr. Daly gave us insight about cases involving Vocational Experts and Life Care Planners for personal injury cases. He provided us with information about the difference between a vocational expert and an economist. He also gave us information on when you may need an employability and earning capacity evaluation in a personal injury matter. He was very knowledgeable in this area and was great at answering all of the questions posed.

**PANJ** is holding their first meeting of the 2023-2024 term on September 20, 2023 at Berkeley College in Woodland Park, New Jersey. Joe Chang, Esq. of Alsaidi Chang Hamdan LLC will be giving us a presentation about an introduction to subpoenas. We will be sending out the invites shortly and hope to see you there!

Please save the date for the **New Jersey Paralegal Convention**!! This year the convention will be taking place on **Friday, October 20, 2023**. The Convention will be held at The Imperia in Somerset, New Jersey. Please check out their website for more information and to register. **TELL YOUR FRIENDS TO JOIN US!**



Some of **PANJ's** Board Members attended NALA's Annual Paralegal Convention in July. The convention took place in Boston, Massachusetts as well as online. I personally attended the conventionally virtually but Christine Principe, **PANJ's** NALA Liaison, attended in person and you can read more about that in this Newsletter. I attended a seminar with a New Jersey attorney and was so inspired by his presentation that I asked him to present at a **PANJ** event. John A. Bermingham, Esq. will be our guest speaker for a webinar in December so stay tuned for more details about that webinar. Mr. Bermingham will be giving us a presentation about Ethics and Law on December 6, 2023.

As a reminder, if you cannot attend a meeting or webinar but want a copy of the recording, you can request it! Just register for the event and send me an email that you would like a copy of the recording and I will send it to you after the meeting takes place. We are hoping to live stream all of our meetings in the future so if you want to attend virtually you can still be there with us virtually.

**PANJ** is always looking for new topics and presenters. If there is a topic that you like to learn more about, please email us!

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. If you have any suggestions on how we can improve our Association, please let us know! We want to hear from you. Please reach out to us and let us know what you think. You can email us at [Info@NJPara.org](mailto:Info@NJPara.org).

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](mailto:Info@NJPara.org).

*If you wish to contribute to upcoming editions of Perspective, please submit your pieces for review to [Info@NJPara.org](mailto: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](mailto:Info@NJPara.org).*

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**SAVE THE DATES!**

## **UPCOMING EDUCATIONAL WEBINARS**

[September 20, 2023](#)

Guest Speaker: Joe Chang, Esq. of  
Alsaidi Chang Hamdan LLC

Topic: Introduction to Subpoenas

Location: Berkeley College Woodland Park Campus,  
Woodland Park, NJ

[October 20, 2023](#)

2023 NJ Paralegal Convention

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

[November 2023](#)

Date: TBD

Guest Speaker: TBD

Topic: Criminal Law

Location: Porzio, Bromberg & Newman  
in Morristown, NJ

[December 6, 2023](#)

Guest Speaker: John A. Bermingham, Esq.

Topic: Ethics and Law

Location: Cisco Webex Webinar



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PARALEGAL ASSOCIATION  
of  
NEW JERSEY, INC.

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POST OFFICE BOX 142  
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## **PARALEGAL MEMBERSHIP DISCOUNT OFFER!**

The **Paralegal Association of New Jersey** is thrilled to announce that we are offering a discount to individuals interested in becoming a member of **PANJ** during the months of **September and October!!**

Become a member of the **Paralegal Association of New Jersey** (“**PANJ**”) by **October 31, 2023** 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](mailto:Membership@NJPara.org) and/or postmarked by **October 31, 2023**. 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](mailto:Membership@NJPara.org)

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- Professional Development and Recognition;
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- Certified Paralegal Exam Sweepstakes;
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- Free Standard Shipping for notary Supplies from Anchor Rubber Stamp;
- Cooperation and participation with local and state bar associations;
- Networking opportunities with fellow paralegals, students and attorneys;
- AND MORE!

[www.NJPara.org](http://www.NJPara.org)

**NJ ANNUAL  
PARALEGAL  
CONVENTION**

**OCTOBER  
20,  
2023**

**The Imperia at Easton  
1714 Easton Ave,  
Somerset, NJ 08873**

**VENUE IS WHEELCHAIR  
ACCESSIBLE.**

**SAVE  
THE  
DATE**

**[WWW.NJPARALEGALCONVENTION.COM](http://WWW.NJPARALEGALCONVENTION.COM)**

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# AMERICAN BAR ASSOCIATION

STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY

**Formal Opinion 506**

**June 7, 2023**

## **Responsibilities Regarding Nonlawyer Assistants**

*A lawyer may train and supervise a nonlawyer to assist with prospective client intake tasks including obtaining initial information about the matter, performing an initial conflict check, determining whether the assistance sought is in an area of law germane to the lawyer's practice, assisting with answering general questions about the fee agreement or process of representation, and obtaining the prospective client's signature on the fee agreement provided that the prospective client always is offered an opportunity to communicate with the lawyer including to discuss the fee agreement and scope of representation. Because Model Rule 5.5 prohibits lawyers from assisting in the unauthorized practice of law, whether a nonlawyer may answer a prospective client's specific question depends on the question presented. If the prospective client asks about what legal services the client should obtain from the lawyer, wants to negotiate the fees or expenses, or asks for interpretation of the engagement agreement, the lawyer is required to respond to ensure that the non-lawyer does not engage in the unauthorized practice of law and that accurate information is provided to the prospective client so that the prospective client can make an informed decision about whether to enter into the representation.<sup>1</sup>*

### **I. Introduction**

Nonlawyers<sup>2</sup> provide tremendous client and lawyer support for law firms. This Formal Opinion addresses a lawyer's ethical obligations when the lawyer delegates to a nonlawyer specific prospective client-intake tasks. Lawyers may train and supervise nonlawyers to assist with initial client intake tasks if the lawyers have met their obligations for management and supervision of the nonlawyers pursuant to ABA Model Rule of Professional Conduct 5.3 and prospective clients are given the opportunity to consult with the lawyers to discuss the matter.<sup>3</sup>

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<sup>1</sup> This opinion is based on the ABA Model Rules of Professional Conduct as amended by the ABA House of Delegates through February 2023. The laws, court rules and opinions, regulations, and rules of professional conduct, promulgated in individual jurisdictions are controlling.

<sup>2</sup> The term "nonlawyer" is used in this Opinion, consistent with the term as used in Rule 5.3, to include all law firm employees, agents, contractors, and vendors who are not licensed lawyers (or otherwise authorized to practice law) but work under the supervision of a licensed lawyer including, for instance, paralegals, legal assistants, case managers, firm administrators, intake staff, and clerks. This term does *not* refer to professionals who are licensed by a jurisdiction to provide legal services in that jurisdiction, such as Arizona Legal Paraprofessionals, Utah Regulatory Sandbox participants, Minnesota Legal Paraprofessional Pilot Project, New York Court Navigators, or Washington Limited License Legal Technicians.

<sup>3</sup> Because this Committee does not opine on substantive legal questions, this Formal Opinion assumes that the assistance provided by the nonlawyer does not violate applicable unauthorized practice of law regulations or statutes. Different jurisdictions may have different views on what constitutes the practice of law.

## II. Analysis

### A. Rule 5.3 Responsibilities Regarding Nonlawyer Assistants

ABA Model Rule of Professional Conduct 5.3 addresses a lawyer's responsibilities regarding nonlawyer assistants.<sup>4</sup> Rule 5.3(a) provides that lawyers who are partners or managers in a firm must ensure that the firm has policies that assure a nonlawyer's conduct is "compatible" with the professional obligations of the lawyer. Paragraph (b) of the Rule requires that lawyers who directly supervise nonlawyer assistants must "make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer." Comment [2] notes, "A lawyer must give such assistants appropriate instruction and supervision concerning the ethical aspects of their employment ...."<sup>5</sup>

A lawyer's delegation of prospective client intake tasks to a nonlawyer or the lawyer's use of technology to assist with the initial intake of clients provides significant benefits and increased efficiency to lawyers. For example, nonprofit legal services organizations frequently train, supervise, and rely on nonlawyers to perform initial screening of prospective clients to determine whether there are conflicts of interest and whether the prospective clients are requesting services that fall within the organization's practice areas. Similarly, for-profit law firms have offered limited scope online legal services that provide website intake questions, a menu of available limited scope legal document completion services (such as simple powers of attorney, LLC formation, property deed transfers, and name changes), a conflict checking algorithm, and then "click-to-accept-terms" engagement agreements.<sup>6</sup> Delegating initial client intake to nonlawyers also is common in mass tort and class action practices. There, trained intake personnel may check for conflicts of interest, collect basic information from prospective plaintiffs or class members for lawyers to ascertain their eligibility to make a claim, and explain how fees and costs are charged in such cases. If the prospective client meets the eligibility criteria and specifics set forth by the lawyers, then the intake personnel send the prospective clients the standard fee agreement for consideration.

While the benefits of using nonlawyer assistants are many, without proper policies, training, and supervision in place, this delegation could lead to ethical violations and unfortunate consequences for clients and lawyers.<sup>7</sup> The practice must be "carefully and astutely managed."<sup>8</sup>

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<sup>4</sup> MODEL RULES OF PROF'L CONDUCT R. 5.3, cmt. [2] "Lawyers generally employ assistants in their practice, including secretaries, investigators, law student interns, and paraprofessionals. Such assistants, whether employees or independent contractors, act for the lawyer in rendition of the lawyer's professional services."

<sup>5</sup> For an extensive analysis of Rule 5.3, see ABA Comm. on Ethics & Prof'l Responsibility, Formal Op. 467 (2014).

<sup>6</sup> See ABA Comm. on Ethics & Prof'l Responsibility, Formal Op. 10-457 & MODEL RULES OF PROF'L CONDUCT R. 1.18, cmt. [2] for guidance regarding lawyer websites and when an individual becomes a prospective client.

<sup>7</sup> See *In re Phillips*, 226 Ariz. 112, 244 P.3d 549 (2010) (setting forth guidelines for use of nonlawyers in intake process, including applicability of Rule 5.3 and prohibiting nonlawyers from having clients sign engagement agreements without attorney involvement); *In re Pinkins*, 213 B.R. 818 (Bankr. E.D. Mich. 1997) (relying, in part, on State Bar of Mich. Informal Op. RI-128 (1992), superseded by RI-349).

<sup>8</sup> State Bar of Mich. Informal Op. RI-349 (2010).



## B. Establishing the Client-Lawyer Relationship

When a prospective client contacts a lawyer for help in solving a legal matter, the lawyer and the prospective client discuss the scope of representation including the client's objectives for the representation and the actions the lawyer will take to achieve the client's goal.<sup>9</sup> Rule 1.5(b) requires a lawyer to communicate to the client the "scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible ... preferably in writing, before or within a reasonable time after commencing the representation, except when the lawyer will charge a regularly represented client on the same basis or rate."<sup>10</sup> Essentially, the client must know what the client bargained for.<sup>11</sup>

Rule 1.4(b) mandates that a lawyer communicate with clients and provide the clients, to the extent reasonably necessary, with explanations that allow the clients to make informed decisions regarding their representation. Some of the communication duties set forth in Rules 1.5(b) and 1.4(b) also apply in the context of explaining fee agreements to prospective clients. We note that Rule 1.4(b) does not expressly apply to prospective clients. Indeed, some of Rule 1.4(a)'s requirements—such as providing updates, consulting about means being employed to address objectives, and responding promptly to requests for information regarding a representation—would not make sense in that context. But it would seem imprudent to wait until after engagement for a lawyer to "explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation" as required by Rule 1.4(b). ABA Formal Opinion 02-425 (2002) applied Rule 1.4(b) to lawyers who "ask prospective clients to execute retainer agreements that include provisions mandating the use of arbitration to resolve fee disputes and malpractice claims." This interpretation has been extended to explaining "certain implications of the joint representation" by at least one ethics committee.<sup>12</sup> Therefore, we apply Rule 1.4(b) to lawyers when they communicate with both current and prospective clients.

A lawyer may develop policies, train, and supervise a nonlawyer so that the lawyer may delegate to the nonlawyer client intake tasks assuming those tasks do not constitute the practice of law in the applicable jurisdiction. For example, a lawyer may delegate to the nonlawyer obtaining initial information about the matter,<sup>13</sup> performing an initial conflict check,<sup>14</sup> determining whether the assistance sought is in an area of law germane to the lawyer's practice,<sup>15</sup> answering general

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<sup>9</sup> MODEL RULES OF PROF'L CONDUCT R. 1.2(a).

<sup>10</sup> Though the Model Rule states this obligation in the passive context, jurisdictions have interpreted the obligation to communicate this information to be a lawyer's obligation. *See, e.g., In re Freeman*, 835 N.E.2d 494, 498 (Ind. 2005). That interpretation logically flows from the conclusion that the Model Rules govern the conduct of lawyers.

<sup>11</sup> GEOFFREY C. HAZARD, W. WILLIAM HODES & PETER R. JARVIS, *THE LAW OF LAWYERING* § 9.02, 9-8 (4th ed. 2002); MODEL RULES OF PROF'L CONDUCT R. 1.5(b) ("requires" discussion of fees).

<sup>12</sup> N.Y.C. Bar Ass'n Comm. on Prof'l Ethics, Formal Op. 2017-7 (2017).

<sup>13</sup> Nonlawyers can be trained to obtain the names of all relevant parties, the date(s) of the incident(s) involved, and the nature of the legal matter.

<sup>14</sup> Nonlawyers can be trained to run conflict checks with the firm's systems and to filter for not just parties, but witnesses, opposing counsel, vendors, and other individuals who may create a potential conflict of interest for the firm. However, when a relevant or closely related name comes up in the conflict checking process, the lawyer must be the one to review the similarities and make the final determination of whether or not a conflict exists and whether any such conflict or not it is a waivable conflict.

<sup>15</sup> Where the lawyer's services would involve a single transaction, such as helping companies register their corporation filing documents with the state, with the appropriate training, a nonlawyer would likely be able to

questions about the fee agreement or process of representation, and even obtaining the prospective client's signature on the fee agreement as long as the prospective client is offered an opportunity to communicate with the lawyer to discuss the matter.

While many client-intake tasks lawyers perform may be delegable with proper policies in place, training, and supervision, lawyers who delegate do not relinquish their responsibilities under the Model Rules. Once the attorney-client relationship is formed, lawyers still have the responsibility to reasonably consult with the client regarding the client's objectives and how to achieve them.<sup>16</sup> Lawyers also have the responsibility to "promptly comply with reasonable requests for information" and consult with clients who have engaged them regarding limits on the lawyers' conduct given applicable laws and ethical duties.<sup>17</sup> And, Rules 1.2, 1.4, and 1.5(b) require a lawyer to communicate with clients about fees, the scope of representation, and any limitations thereon.

Whether a nonlawyer may answer a prospective client's *specific question* depends on the question presented and what would be considered to be the practice of law in the jurisdiction. That is important because Model Rule 5.5(a) prohibits lawyers from assisting others in practicing law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction. As Comment [2] notes, the definition of the practice of law is established by law and varies from one jurisdiction to another. Lawyers should understand how it is defined in their jurisdiction and take care that the supervised nonlawyers understand that definition and how it limits what nonlawyers may do. For example, whether a nonlawyer may answer a question relating to fee or cost calculation or how payments can be made may depend on whether the question requires the application of law to the facts of the case, as opposed to a question that merely asks about a firm procedural matter. When the question presented would require the application of law to facts, a nonlawyer also may convey a client question to the lawyer, have the lawyer determine the answer to the question, and then relay the lawyer's answer to the client, again, depending on the complexity of the question posed. The lawyer will be responsible for determining if the inquiry is best answered by the lawyer communicating directly with the client, so the lawyer can gather more information to make an informed recommendation.

Nonlawyers may provide general information about how the firm charges legal fees, such as explaining that fees are charged hourly, or on a contingency basis, or the matter is billed at a fixed rate. Or, if the question merely relates to how payments can be processed or other administrative matters, then the nonlawyer may provide information to answer the inquiry. However, if the prospective client asks about what legal services the client should obtain from the lawyer to address the client's objectives, wants to negotiate the fees or expenses, or asks for an interpretation of the rights and responsibilities set forth in the engagement agreement, Model Rules 1.4(b), 1.5, and 5.5<sup>18</sup> require the lawyer to respond. Ultimately, the scope of what the nonlawyers may do in this context will depend on whether the services in question constitute the practice of law in the

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explain the type of services provided for a set fee. Allowing a nonlawyer to answer general questions related to the lawyer's services in such a situation would not require them to provide independent legal advice. However, the nonlawyer must be trained to recognize when the client's questions venture from discussing general services.

<sup>16</sup> MODEL RULES OF PROF'L CONDUCT R. 1.2(a) & 1.4(a)(2).

<sup>17</sup> MODEL RULES OF PROF'L CONDUCT R. 1.2 & 1.4(a)(4), (a)(5).

<sup>18</sup> Once the prospective client becomes a client, then Rules 1.2 and 1.4(a) would also be implicated.

jurisdiction where they are being provided.<sup>19</sup> Because Model Rule 5.5(a) precludes lawyers from assisting others in engaging in the unauthorized practice of law, and Model Rule 5.3(b) requires lawyers to reasonably ensure the supervised nonlawyers conduct themselves compatibly with the lawyer's professional obligations, the lawyers are responsible for making sure this line is not crossed.

As noted above, delegation of prospective client intake must be carefully and astutely managed. What appears to be a simple question about how long the lawyer will spend on the matter, may actually be a question about the representation itself and cannot be accurately answered without the lawyer's personal knowledge and expertise.<sup>20</sup> Therefore, a lawyer must provide nonlawyers who are performing client-intake tasks with policies, training, and supervision regarding which questions the nonlawyer may answer, how to respond to those questions, and which questions should be presented to the lawyer.

## Conclusion

Nonlawyers provide significant client and lawyer support for law firms. A lawyer may train and supervise a nonlawyer to assist during prospective client intake screening by obtaining initial information about the matter, performing an initial conflict check, determining whether the assistance sought is in an area of law germane to the lawyer's practice, assisting with answering general questions about the fee agreement or process of representation, and even by obtaining the prospective client's signature on the fee agreement provided that these tasks do not constitute the practice of law in the applicable jurisdiction and that the prospective client always is offered an opportunity to discuss the fee agreement and scope of representation with the lawyer.

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<sup>19</sup> Indeed, the question of which jurisdiction's definition of the practice of law should be applied may be subject to a legal analysis. *See* ABA Comm. on Ethics & Prof'l Responsibility, Formal Op. 504 (2023).

<sup>20</sup> THE LAW OF LAWYERING, *supra* note 11, at §9.04; *see also* ABA MODEL GUIDELINES FOR UTILIZATION OF PARALEGAL SERVICES, Guideline 3(b), at 9, *available at* <https://www.americanbar.org/content/dam/aba/administrative/paralegals/aba-model-guidelines-for-utilization-of-paralegal-services-2021-web.pdf> ("Many state guidelines prohibit paralegals from "setting fees" or "accepting cases. . . . NALA Ethics Canon 3 states that a paralegal must not establish attorney-client relationships or set fees.").

# How to Balance Being a Mom and a Rockstar Paralegal

By Christina West

This one's for you, Paralegal Mom! Ever since I was a little girl, I remember having a mind of my own. I was a leader, an outspoken smart mouth with a vigilante-style, 'protect the underdog' attitude. I wanted to be perfect at everything I did.

I loved school all through twelfth grade. I remember wanting to be very successful. And then I found out I was pregnant at eighteen, right after I received my college acceptance letter. I knew I was going to have to make sacrifices, but what I didn't realize at the time was that I was going to reap the sweetest of rewards. Shortly after Spring semester, I welcomed a beautiful baby girl. I spent the next few years earning my degrees and paralegal certificate and getting married and having a few more babies.

To meet the requirements for my bachelor's degree, I had to complete an [internship at a law firm](#). Luckily, I was able to find one and I quickly became like a sponge absorbing the inner workings of how a law firm operates. It opened the door to a hallway of opportunities and my paralegal career began.

I went on to be hired by a prestigious local law firm where I grew in my experience and knowledge and learned the craft of being a paralegal from the best. The attorney I worked for, and his paralegal, took me under their wings and exposed me to the wonderful world of [Plaintiff's work](#).

It never gets old seeing the expression on someone's face when I tell them I have five children. And although now my role as a paralegal is much more relaxed than it used to be, it's always the same response, "*I don't know how you do it!*". Well, in this blog I'm going to share some helpful tips with you on how to do it, with a little bit of mama bear advice.



## **Time Management as a Paralegal Mom**

They say you see time through your children. There is no truer statement. Between school and work, the years just seemed to slip right through my fingers. I watched my children and my case list grow year after year, and when COVID forced us indoors, the work/home life balance tipped drastically.

I'm so much more mindful of my time now both as a mom and as a paralegal. Listen, I know that occasionally you have to bring work home, but you can't get into the habit of working from home after work. When I had several cases in litigation, I was detached at home most days and I had to make a change.

*Here are [3 Pro Tips for Paralegal Time Management](#).*

When I'm in 'mom mode' and at home, I'm spending my time focused on just that – my family and my home. I stopped spending my time at home, worried about work. I removed the work e-mails from my phone, and don't remote log in anymore.

When I'm at work, that is when I give 110% of my time and attention to the things that need to get done. I don't think about what to make for dinner or whose turn it is next to go to the dentist. I save those kinds of internal

discussions for the ride home, so it doesn't interfere with my thoughts on what I need to get e-filed or what demand needs to get out the door.

Your habits form your behavior. You must take an active part in changing your habits, in order to see change. Keeping your time at home and your time at work separated is a boundary you have to get into the habit of enforcing when you're a paralegal mom.

Master the [7 Habits of the Indispensable Paralegal](#) with our comprehensive guide.

## **Mistakes Happen**

You're going to mess up at some point as a mom and as a paralegal, and it's best just to accept that early on. We have to let go of this illusion that everything must be perfect. We are perfect just as we are. All we have to do is our best – with the tools we've been given and what we've learned along the way – and that is enough.

We require the same grace and understanding that we so freely give to others in our personal and professional lives. I'm always making mistakes as a mom. It is so hard to be a parent nowadays with all the different things we have to worry about.

Things break, and stuff gets spilled, and you'll lose your cool more often than you'd like. When we pause and reflect that we are only human, a beautiful thing happens – acceptance on all levels.

As a paralegal, I also have tons of things to worry about, and these emotions can disrupt a workday fast. I remember I made a mistake on a file once and then spent the rest of the day questioning my very own existence. I let my emotions override my ability to be reasonable.

I was stressing about what the attorney would think, worried about getting fired, and all of that angst and fear spilled over into my other files and reflected in my attitude. And then we came up with a solution, and just like that it was no longer the end of the world.

So, in those gut-wrenching moments when you're pondering running away from all the bills and grocery store lists, or what constitutes legal malpractice, take a deep breath, and remember that you're a rockstar mom and paralegal who can figure out anything!

Learn [how failure can benefit your paralegal career](#).

## **Sacrifice When You're a Paralegal Mom**

Being a paralegal mom, I'm all too familiar with sacrifices. I figured out that the key is to find a healthy balance. I quickly realized how detrimental making too many sacrifices at home for work was for my mental and physical health. It was years before I finally started using my paid time off.

The other day I had a doctor's appointment, and I could have gone back to work for another hour or two but instead, I sat on a bench by the beach and enjoyed the warm sun on my skin until I had to pick my kids up. [Self-care](#) should not be a sacrifice.

I used to not take lunch breaks and would eat at my desk, and let me tell you, it's not a sacrifice worth making. Take your break even if you don't eat. You can stretch, walk around, or find an empty conference room and YouTube "office yoga". There is a sacred power in enforcing which sacrifices you're willing to make as a mom and as a paralegal, and you should use it daily.

The peace and joy being at home brings us does not need to be sacrificed for work. This does not go without saying that there is value in being a paralegal who is willing to make reasonable sacrifices for work. I've worked for attorneys who felt strongly that taking care of staff and making sure they were happy, ensured that business would be good.

When I felt appreciated, I was more inclined to help out without expecting something in return. And then I've worked for attorneys who could care less about the sacrifices I was willing to make, and it completely deterred me from going the extra mile. I hope you're employed by a law firm that recognizes your extra mile, whether it's staying a few minutes late to help a client or working on a time-sensitive project at home.

Because when you feel valued and appreciated, you will naturally want to do these things and they won't feel so much like sacrifices.

*Get [tips on how to reduce stress](#).*



## **Open Conversation About Being a Paralegal Mom**

I've always been straightforward with my employers about my home life. I don't overshare of course, but my boss is well aware of how my husband and I handle things like picking up sick kids or school closings.

It's important to have these conversations with your employer early on to set the expectation, but it's not an easy conversation to have. The first time I couldn't muster up the strength because I was afraid it would make me a less desirable employee.

Recently I started a new position at a law firm where I had to figure out how to have this tough conversation. First, I waited until after my interview, and then on my first day filling out paperwork, I had a heart-to-heart with the firm



administrator about it. I was honest and raw. I was like here is what happens sometimes, this is how I handle it and I hope that's okay.

It was a well-received approach; I think because I came to the table with a plan. I hold similar conversations with my family. If I know I have a big case I'm working on, I let my husband know that I may need to work on it at home. I also let my children know what to expect when I have to work on something at home.

They are getting to the age where they understand the value of money and the role having a job plays in earning money. I've noticed that when I have these conversations early on, my children automatically go to Dad first when they need something, and they tend to occupy themselves in their rooms.

During COVID, they really saw a glimpse into the world of a paralegal. Even though they were never quiet when I was on the phone with an insurance adjuster, I think eventually they did start to respect it in their own ways. I found it very rewarding to explain to my children the role of a paralegal in the legal system.

*Learn the [7 C's of Paralegal Communication Skills](#).*



## Have Faith

When you're a mom and a paralegal, there are countless long nights and even earlier mornings getting everyone ready for the day. These are the days that feel like they'll never end but somehow, we get through them.

We're not superheroes, we don't have magical powers, but we do have one thing and that's our faith. I'm talking about the kind of faith you hold on to at 2 am when you wake up from a dead sleep wondering if you blew a statute or not. Or the kind of faith you have when you're questioning whether or not working and being a mom is the right thing to do.

I have faith in myself, my capabilities, and my qualities as a person and that's what guides me through this chaotic life. My faith allows me to ask for help when I need it and in return help others. I surround myself with people who have faith in me, who lift me up and have my back, and I distance myself from those who don't.

Faith in myself has steered me back on track when I've strayed off course. I remember a few days after I started my new position the attorney asked me to file a certificate of revival for an LLC he represents. I had no idea how to form an LLC, let alone revive one.

My experience was in [personal injury](#). No worries, I had faith in myself that I could figure it out, and I did. My faith shows up at home and in the office, and holding onto it has helped me balance these two roles.

## Conclusion

While there's still no handbook for how to do it all, there is thankfully the internet where other moms and paralegals share advice and support each other. Being a mom and a paralegal is not by any means an easy task, but many of the best qualities that make a great paralegal are exactly the same ones that make a great mom.

Both roles require us to be caring and emphatic, organized and on time, and to be able to quickly retrieve information. It's a delicate, messy balance when it

comes to being a mom and a paralegal, but I hope you have found some inspiration here.

*Here are [10 paralegal tips to fast-track your career](#).*



## Meet the Author

Christina West is a paralegal at Parkowski, Guerke & Swayze, P.A. After practicing in personal injury for six years, she decided to expand her knowledge of the law and transitioned into a real estate paralegal role. After a year of learning all things real estate, her journey led her to her current firm where she handles estate planning and business corporation matters. She is a Delaware native and graduated from the University of Delaware with a bachelor's degree in criminal justice. She continued her education at Delaware Technical Community College earning her Paralegal Certificate in 2017. She lives at the beach with her family, and enjoys reading, movies, and being outdoors.

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## A Glimpse of Persuasion: Learning from Honorable Robert J. Jones, J.S.C.

By: Christina Davidesko, J.D.



As a freelance paralegal working closely with attorneys on motion drafting, I was excited when I discovered an exclusive opportunity through the Paralegal Association of New Jersey (PANJ). The prospect of attending a Legal Writing Presentation by Honorable Robert J. Jones, J.S.C., a seasoned legal expert, sparked immense excitement within me. Finally, I would gain a rare glimpse of a judge's perspective, and I knew this experience would undoubtedly elevate my motion drafting skills.

### Robert J. Jones: A Distinguished Journey

Before delving into the valuable insights Judge Jones shared, let me introduce you to the man behind the wisdom. Honorable Robert J. Jones, a distinguished figure in the legal realm, had a remarkable journey that began with academic excellence at Rutgers College. After working in marketing, he pursued his passion for law at Rutgers Law School – Newark, earning his degree in 1993.

From there, his legal career soared as he embarked on a journey of clerking for esteemed judges in Middlesex County, gaining a wealth of experience and knowledge. Eventually, he established his solo practice, focusing on appellate work and motion practice. His expertise expanded further, delving into land-use law after being appointed attorney for the South Plainfield and East Brunswick Zoning Boards of Adjustment.

Beyond his professional achievements, Judge Jones remained active in his community, serving on various boards and contributing to non-profit groups. His dedication to education and sharing knowledge was evident through his role as an instructor for Legal Research and Writing at Fairleigh Dickinson University's Paralegal Studies Program.

### Show, Don't Tell: The Heart of Persuasive Writing

Following the advice of Judge Jones, I will keep this piece brief, leading with my strongest takeaway - **"Show, Don't Tell."** Though this is a common writing axiom, with Judge Jones, it hit differently. His approach to motion drafting broke the mold of what I thought was standard procedure.

He encouraged us to abandon the conventional rundown of procedural dates that often clutter motions and instead start with clarity - stating precisely what we are asking for. Simplicity was the key, and he urged us to use active voice and refrain from font choices like Comic Sans or Arial. According to Judge Jones, a strong preference is **Georgia**, a font that exudes professionalism and readability.

### Understanding the Audience

Judge Jones emphasized the importance of understanding our audience, whether it be the Judge or the Law Clerk (in most cases the later) reading through countless motions at in one sitting. To keep them engaged, he encouraged us to provide a roadmap - guiding them through our arguments with headings and subheadings. Visual aids like pictures and diagrams could be invaluable in explaining complex issues concisely.

So, the next time you need to do legal writing, ask yourself:

*“How can I show what I am writing?”*

The example that Judge Jones gave, which stuck with me was about how a company could have made their disclaimer more obvious. So, instead of simply saying that the company could have bolded the disclaimer, put the disclaimer in a larger typeface, italicized the disclaimer, underlined the disclaimer, or capitalized the disclaimer – he showed it:

- **The company could have bolded the disclaimer**
- The company could have placed the disclaimer in a larger typeface.
- *The company could have italicized the disclaimer*
- The company could have underlined the disclaimer
- **THE COMPANY COULD HAVE CAPITALIZED THE DISCLAIMER.**

Here, I said the same information in two different ways – which way do you remember?

### **The Transformation Begins**

Armed with Judge Jones's valuable advice, I returned to my motion drafting with renewed zeal. I realized that not all motions needed to follow the same rigid structure. Each case is unique, and my writing could now reflect the essence of the matter at hand.

As I embraced the "Show, Don't Tell" philosophy, I could feel my writing becoming more persuasive and engaging. In this journey with Judge Robert J. Jones, I not only gained valuable insights into persuasive writing, but I also learned to view motion drafting as an art form. It was not just about presenting facts; it was about creating a compelling narrative that left an indelible mark on the minds of its readers. And for that, I am forever grateful for this remarkable opportunity.



*Christina Davidesko is a certificated paralegal who earned her Certificate in Paralegal Studies from Fairleigh Dickinson University in December 2011. With extensive experience in the legal field, she has been providing paralegal services to various law firms. Christina's dedication to her profession led her to pursue further education, and in 2018, she obtained her J.D. from New York Law School. In 2022, she launched her freelancing paralegal business, **Christina Virtual Paralegal Services**, where she assists attorneys in drafting persuasive motions, assisting clients with the discovery process, and helping attorneys prepare for trial.*

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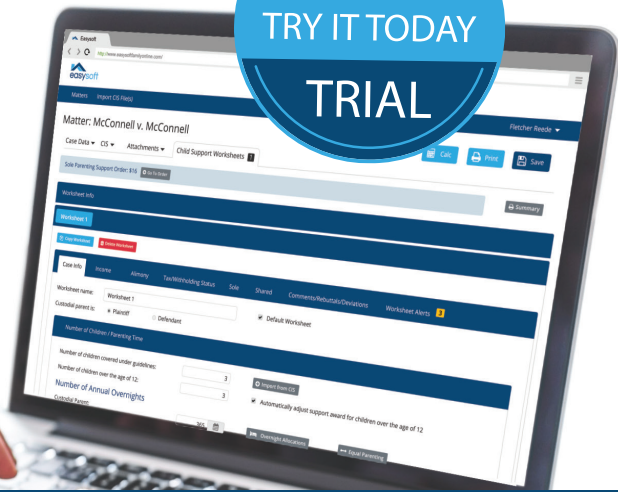


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## NALA Conference and Expo

NALA held their Conference and Expo on July 12 to 14, 2023 at the Westin Copley Place in Boston. I have to say it was a great event! Hundreds of people attended in person and hundreds attended virtually.

I had not attended a Conference in person for a while, but attended virtually the last several years. The Conference itself is reason enough to attend, but I knew I could not pass it up this year since it was in Boston. Boston is so close to home and such a fun city. I knew I had to go!



I grabbed the train at Newark Penn Station and several hours later arrived in Boston literally around the corner from the Westin. Easy! Getting upgraded to a suite on the 35<sup>th</sup> floor was a nice surprise too!



I arrived Wednesday and attended the Annual Membership Meeting and Awards and also the Affiliates Annual Meeting and Awards. Elected officers were introduced at each meeting, myriad awards we bestowed upon well deserving paralegals, passage of the By-Law amendments was announced, and general business discussed. Sharon Jones, ACP, was elected Affiliated Associations Director and Rich Hahn, ACP was elected Affiliated Associations Secretary.

The Houston Association presented at the Affiliates Annual Meeting on a very interesting topic: FOMO – Fear of Missing Out. The Houston Paralegal Association shared some great ideas of different applications to use to communicate with members and to interact with its members across several generations. The HPA also had helpful suggestions to engage members during events. PANJ is always striving to engage its members and recruit new members, so I'll definitely be sharing information from that presentation with the PANJ Board.

Thursday, I got down to business with my CLE:

- Test and Smart Phone Evidence from ID to Production
- Assisting at Trial
- A to Zs of Foreign Subpoenas
- Rules of Evidence

The speakers were so knowledgeable in their given areas and shared a wealth of information. I know the seminar material will be very useful. Each session was so informative, and it was enlightening to hear other paralegals speak of their own experiences in each of the seminars.

Thursday night was the installation of officers and a light reception. I must say you can readily tell each officer was proud to have been elected and all were so eager to start their term. Board members are:

- Cheryl J. Nodarse, ACP, Vice President
- Peonca S. Grier, CP, Secretary
- Debby J. Sawyer ACP, Treasurer
- Bridget Stuhr, ACP, Director at Large
- Jeanne Elliott, ACP, Director at Large
- Sharon Jones, ACP, Affiliated Associations Director
- Kristine M. Custodio Suero, ACP, DEI Chair



I talked to people from around the country and everyone was so excited to be there. NALA staff and officers were always mingling in the crowd and they were so enthusiastic about the Convention.

A convention application and Facebook page enabled everyone to keep track of their day and stay connected.



There were also fun little things throughout the convention to add some humor and lightness - elevator doors and seven-foot signs with motivational words, a picture booth of *Facts and Findings* to be photographed in, and badge ribbons to be collected! Some people's badges were probably a foot long by the time they collected all their ribbons: "New Jersey", "Speaker", "First Timer", "Testy", "100% Human" to name a few.

The vendor hall was filled with vendors so eager to share their products and services, engaging everyone who visited their table, holding raffles, playing games, and giving away winning prizes. I'm glad several vendors gave away reusable bags because I had so much swag to take back!

Unfortunately, I couldn't stay for Friday, but I got so much out of the time I attended.

It's not too soon to look forward to next year's convention at the Louisville Marriott Downtown Louisville, KY from July 11 to 13, 2024.

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	<p><i>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 &amp; 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: <a href="mailto:NALALiaison@NJPara.org">NALALiaison@NJPara.org</a>; <a href="mailto:cprin1216paralegal@outlook.com">cprin1216paralegal@outlook.com</a>.</i></p>
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## New Jersey's Open Public Records Act

By: Jessica E. Resnick



The Paralegal Association of New Jersey invited Edward Purcell, Esq. of Price, Meese, Shulman & D’Arminio, P.C. for its May 17, 2023 dinner meeting to present on the Open Public Records Act (“OPRA”) under the State of New Jersey and how it is a useful tool to paralegals. Mr. Purcell began by explaining the differences between statutory and common law right of access. The common law sets forth a broader right of access, than the Open Public Records Act (“OPRA”) and requestors should always make use of both. Mr. Purcell provided some additional history about OPRA. OPRA replaced the “right-to-know” law, which was not as useful to records requestors.

Mr. Purcell continued his presentation by transitioning to the responsibilities of the custodian for public records. The custodian is appointed to act on requests and can be held personally liable for withholding records, which violation may incur out-of-pocket penalties for the custodian. Public agencies are allowed to charge fees for the public records for paper copies but also for the costs for media such as CD-ROMs. In addition, there may be a “special service charge” to convert materials to other formats, if required. Custodians have seven (7) business days to respond to an OPRA request. If the custodian needs more time to process the same, it would be in the best interest of the requestor to grant an extension.

There are many exemptions and restrictions to the custodian’s responses. Intra-agency advisory, consultative, and deliberative documents are exempt, particularly as it relates to draft policies or resolutions still subject to review. In furtherance of this exemption, if the requestor is asking for minutes produced by a governing body, said minutes will not be available until after approval. Other documents which are exempt from the public are medical exam records, victim records, witness reports, and pension records. The custodian is required to redact unlisted phone numbers on non-privileged records. Criminal investigatory records are not permitted for the public’s review except for records which are required to be made by law—such as use of force reports. If the requestor is attempting to obtain

employee records, the custodian may only provide items such as salary, date of employment, and why the employee was terminated.

The most crucial component of utilizing OPRA is drafting the proper request with a narrow focus so that the custodian will have a clear understanding of the requestor's inquiry. Mr. Purcell underscored that OPRA is not a tool for the public agency to do research on our behalf. He recommended that if you need specific information on the person, to provide their full name. When it relates to a property, the lot and block on the municipality's tax map is to be supplied. The requestor should include a date range and the field of interest on all OPRA requests and avoid using the language "any and all".

If there is an improper denial, the requestor may have their attorney communicate with the agency's attorney. If this does not result in an appropriate response, the requestor can appeal the custodian's denial by filing an order to show cause in court, or an administrative appeal with the Government Records Council, within forty-five (45) days of the denial.



Mr. Purcell concluded his presentation by asking attendees which areas of law they are employed in and how they are currently using OPRA for their jobs. He further answered questions on how paralegals can structure their OPRA requests, specifically pertaining to their field of law, so they may procure the best results to be applied towards their due diligence. The meeting provided a thorough synopsis on the benefits of paralegal's utilization of OPRA and tips for achieving the most out of this tool.

Jessica is a paralegal with a focus in commercial real estate, leases, and entity formation. She is a Trustee-at-Large for PANJ and the Newsletter Editor for the *Perspective*. After graduating from college, she obtained her paralegal studies certificate and shortly thereafter, was employed for a title company before joining a boutique law firm. One month prior to the law firm's dissolution, she moved forward in her profession at Price, Meese, Shulman & D'Arminio, P.C. where she works with Mr. Purcell on OPRA requests and land use matters, amongst other paralegal duties. Jessica enjoys traveling to tropical destinations, going to concerts, and bodybuilding in her spare time.



## TIPS FOR PARALEGALS TO STAY CURRENT IN A “NEW DAY AND AGE”

By Melissa Acosta

We live in a world where technology and social media plays a big role in our personal and professional lives. Some may argue that too much social media, texting and modern use of the internet may not be as good as things were in the “old days”. However, we utilize some of these new technologies and trends to benefit us in the Paralegal world in order to stay up to date with our field and learn as much as we can in our respective areas of law.

We can use technology, social media, and the internet in the following way to benefit our paralegal careers:

- 1) **WEBINARS**: A lot of CLE Training courses, seminars and classes are now offered via Webinar instead of “in person”. You can log into the class as long as you have a computer and internet. There is usually a fee for each course, but you may find some freebies out there from time to time. This is a great example of how teaching has become virtual (especially during COVID-19) and how we as paralegals can use Webinars to expand on our knowledge and stay up to date with new law and current events.
- 2) **PODCASTS**: There are many educational podcasts geared toward your professional field. There are also many health and wellness podcasts which are equally as important for us to be able to perform at our jobs. For paralegals who are interested in a Paralegal Podcast there is “Paralegal Tea Time” by Melissa Acosta and Jessica Williams and “Paralegals on Fire” by Ann Pearson. These podcasts offer educational tips and discuss legal topics of interest that help paralegals stay current in their field.
- 3) **SOCIAL MEDIA**: Social Media websites like LinkedIn, Instagram and Facebook for businesses, allow users to follow business contacts and be up to date with the latest news announcements and updates. It is a good resource to have and to stay up to date within your field. With respect to LinkedIn, you can also promote yourself and your services as well as get an idea what other paralegals in your same area are doing so that you can stay current and up to date with your branding and marketing.
- 4) **AP**: There are various applications (“AP”) that can be downloaded for a fee or free on Apple and Android phones and some of the AP can be beneficial to paralegals on their day to day work such as the “Dropbox” AP which is used to manage and organize documents. Also, some time keeping programs have an AP for the phone which you can download if your firm approves of course. It is important to stay up to date with all available APs that may be helpful to you and your career.

Although we can all agree that there is nothing like the “good old days”, we should continue to adapt with the technology of our current times and utilize these tools to stay current and up to date with the latest news about our industry and paralegal careers.

We look forward to what the future holds and can’t wait to see what technology brings us next!



Melissa Acosta is the owner of Melissa Acosta Freelance Paralegal Services LLC (MAFPS). She has been a Paralegal for 24 years and enjoys assisting attorneys in the area of estate administration because it is an area where she gets to help people during a difficult time and really make a difference. She is the Co-Creator and Co-Host of a Paralegal Podcast called “Paralegal Tea Time” (available on Spotify and Apple Podcasts). Additionally, she is a current member of the New Jersey Bar Association Paralegal Committee. She enjoys traveling with her husband and taking long walks with her Chow-Chow Lady! She is most proud of her role as Trustee of the Christina S. Walsh Breast Cancer Foundation, a foundation that is near and dear to her heart!

You can reach Ms. Acosta at: [www.njfreelanceparalegal.com](http://www.njfreelanceparalegal.com)

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#### Professional Development and Public Relations:

- Do you have an opportunity to speak to members of your community about your professional life as a paralegal and are unsure of what to say?
- Do you wish to participate in presentations to paralegal students about the profession?

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If your firm is willing to participate and is equipped to host an upcoming dinner meeting, please contact [Info@NJPara.org](mailto:Info@NJPara.org).

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