

# PERSPECTIVE

Volume 39, Issue 3

Winter 2022 Edition

## *PRESIDENT'S MESSAGE*

By Kerry A. Mackey, CP

Hello my fellow paralegals! I hope everyone had a great holiday season and is staying warm! As you are aware **PANJ** took off for the month of December. In November **PANJ** had Patricia Greer from Berkeley College to present the Ins and Out of Real Estate which was well attended! Then in January Jackie Dasplit from The Becton Dickinson Intellectual Property Group gave us a very informative presentation on Intellectual Property.

On October 24, 2021, **PANJ** sponsored The Alzheimer's Association's Greater NJ Chapter Walk in Succasunna, New Jersey. It was a VERY COLD morning but it was a great event. We were proud to be there and meet new individuals and to support a GREAT cause. We met a representative of the Alzheimer's Association who will be working with an Elder Law attorney to present a two-part webinar on Legal and Financial Planning for Elders. Keep an eye out for those invites! The Alzheimer's Association Greater New Jersey Chapter serves counties in central and northern New Jersey and is located in Florham Park, New Jersey. For more information regarding The Alzheimer's Association visit [alz.org](http://alz.org).

October is also breast cancer awareness month and **PANJ** proudly made a donation to the Christina S. Walsh Breast Cancer Foundation. This foundation helps breast cancer patients pay for expenses that they cannot afford due to the increased cost of cancer medical expenses and treatments. The foundation has a goal to assist patients and families with comfort as well as financial assistance when they need it the most. If you are interested in learning more about this foundation please visit their website at <https://www.christinaswalshbcf.org/>

We have included a Save the Date notice with all the dates for our future webinars for this term along with the topics and guest speakers. **PANJ** will be hosting two webinars in April. We hope to see you there! As always, please email us to let us know if there is a certain topic that you would like to learn more about and we will look



into it! The website will be updated with more information regarding the future webinars.

As previously advised, **PANJ** is celebrating its 40<sup>th</sup> Anniversary this year. We are hoping to hold an in-person party in early June and are researching locations. We look forward to celebrating this monumental occasion with you so please be sure to stay tuned for more details.

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

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](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).*

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

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## **MARKET YOUR SCHOOL TO PARALEGALS**

PANJ wants to showcase your school to our readers by including your ad in an upcoming newsletter and...

**PANJ will offer your ad in the upcoming  
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If you wish to move forward with this offer, please email [Newsletter@NJPara.org](mailto:Newsletter@NJPara.org).

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



**SAVE THE DATES!**  
**UPCOMING EDUCATIONAL WEBINAR MEETINGS**

[Thursday, February 17, 2022](#)

Guest Speaker: Nicola Jackson from the National Notary Association  
Topic: Notary Laws

[Wednesday, March 16, 2022](#)

Guest Speaker: Jen Spencer from  
PRAISE Training LLC  
Topic: Ethics

[Tuesday, April 12, 2022](#)

Guest Speaker: Robyn Kohn, MA, CDP, CMDCP from the Alzheimer's  
Association and Ryann M. Siclari, Esq., LL.M.  
Topic: Legal and Financial Planning for Elders Part I  
(Legal portion)

[Tuesday, April 26, 2022](#)

Guest Speaker: Representative from NALA  
Topic: NALA

[Tuesday, May 10, 2022](#)

Guest Speaker: Robyn Kohn, MA, CDP, CMDCP from the Alzheimer's  
Association and Ryann M. Siclari, Esq., LL.M.  
Topic: Legal and Financial Planning for Elders Part II  
(Financial portion)

[Wednesday, June 8, 2022](#)

40<sup>th</sup> Anniversary Party & Installation of Officers

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



I am thrilled to announce that **The Paralegal Association of New Jersey** will be celebrating its 40<sup>th</sup> anniversary this year!!!! We are in the process of locating the perfect spot to host our big party. If you have a location that you think would be the perfect spot for this celebration PLEASE LET ME KNOW!

Do you have any stories or photos from the early years of **PANJ**???? If so, I want to hear from you! I would love to collect stories, shoutouts or photos from anyone who has a memory of **PANJ**. Please email me at [info@NJPara.org](mailto:info@NJPara.org) and forward any memories you have about PANJ's beginning.

**PANJ** is looking for a vendor to sponsor our 40<sup>th</sup> Anniversary Party. **PANJ** has had loyal vendors over the years and we want them to join us at this celebration because without them we would not be where we are! I would love an opportunity to speak with our vendors about sponsoring this event. If you have any interest in taking part in our 40<sup>th</sup> anniversary I would love to hear from you.

Very truly yours,

Kerry A. Mackey, CP

President - [Paralegal Association of New Jersey](#)

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

Email- [Info@NJPara.org](mailto:Info@NJPara.org)

Cell- (908)502-1439



On Sunday, October 24, 2021, PANJ sponsored the Alzheimer's Association's Greater NJ - Walk to End Alzheimer's. The walk took place at Horseshoe Lake Park in Succasunna, NJ. It was a chilly morning but many participants showed up for the amazing cause. The Alzheimer's Association helps raise money for research, care and support of the Alzheimer's community. In total, the Northwest walk has raised \$120,739 of its \$136,000 goal. The Northwest NJ walk is the newest Alzheimer's Awareness walk in NJ, and the walk committee is hoping to increase participation in this walk for next year. PANJ was proud to support this foundation. For more information regarding The Alzheimer's Association visit [alz.org](http://alz.org).



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**THE PARALEGAL ASSOCIATION OF NEW JERSEY  
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*Dominique Spagnolo*

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



## Paralegal Profession as a Second Career

By Carol Snyder

Some of us know at an early age exactly what we want to be when we “grow up”. For those of you who knew you wanted to become a paralegal when you were young, you probably enrolled in a paralegal studies program after graduating from high school. Upon obtaining your paralegal certificate or degree in legal studies, you most likely found a paralegal position in a law firm or in industry. However, some of us took a different path to get to the same place. I would like to share my story with you.

When I went to college in the 1970’s, I was not aware that the paralegal profession was an option for a college graduate. I believed that my choices were either to go to law school or business school. I was pretty sure I didn’t want to become an attorney, so after graduating from Douglass College (the women’s residential college of Rutgers University) with a B.A. in political science, I attended graduate school at the University of Pennsylvania, where I received my masters in business administration. I worked for several years as a financial analyst in several industries, which I enjoyed but didn’t “love”.

A few years after I started working, I met my husband, and we started a family. I was fortunate to be able to stay home to raise my children and am very grateful that I had those years with my kids, who are now grown and living on their own. When my youngest started high school, I felt that it was time for me to reenter the work force, although I had no idea as to how I would go about doing that. I firmly believe that an opportunity will present itself if you are open to exploring what might be possible. So, when one of my friends posted a job share for a legal secretary, I decided to try it. For a little over a year, I worked part time in a very small law office, which specialized in representing brokers who made loans to small businesses. During the time I worked there, I became interested in learning more about the paralegal’s role in a legal setting and enrolled in Fairleigh Dickinson’s paralegal studies program in 2009.

While I was a student at FDU, I received a flyer from PANJ advertising a Saturday Seminar for paralegal students, which I decided to attend. One of the speakers at the Seminar was a recruiter from Execu Search, Melissa Haber. That day was the start of my relationship with Melissa, who has placed me in many of the positions I’ve had over the years, including my current position at Becton Dickinson.

Unfortunately, when I graduated from FDU the job market was not good in New Jersey. For six years I held a series of temporary positions, some that Melissa found for me, and others that I found on my own. I didn’t realize at the time that I was building my skills; with each position I learned something new which I could add to my resume. Fortunately, I discovered that employers didn’t seem to mind that I had a lot of “temp” job experience; what was important to them was that I was able to explain what I had accomplished and why each position had ended.

After six years of trying, I was beginning to think that I would never land a permanent position. Then in 2015 my luck finally changed. Due to my paralegal certificate, business background, paralegal experience, and the fact that New Jersey is the “pharma capital” of the United States, Melissa was able to place me as a temp Paralegal Specialist at Ferring Pharmaceuticals. I worked at Ferring for about two months when they offered me a permanent position. I felt on top of the world!

Eventually I outgrew my role at Ferring and began to look for a new opportunity. In 2020 I was hired by Becton Dickinson, a medical device company, as a Senior Contracts consultant. My primary responsibility is to review and negotiate sales contracts with our customers, who for the most part are hospitals located throughout the country. I have learned to use a “Playbook”, which provides our positions on legal and business contract terms, and am currently being trained to redline complex agreements, such as Master Agreements which outline terms and conditions of sale for all the products BD sells. I am now the lead negotiator to resolve outstanding issues on some of our customer calls. Acting as the “lead” negotiator was rather scary in the beginning but over time has gotten easier for me. I find my work both interesting and challenging as I am constantly being asked to do new things. And for the first time in my career, I am part of a team of paralegals doing similar work, whom I collaborate with daily.

My advice to someone who is looking to make a career change to the paralegal field is to never give up. You will probably have to start at the bottom to gain the experience that you need, which can be frustrating when you know deep down how capable you are, but if you are willing to put in the time and effort, it will be worth it in the long run. Don’t be afraid to accept a temporary position, as it is a good way to learn something new. I have found that many employers prefer to hire temp to perm because they want to make sure the potential candidate is going to work out. Working as a temp is a good way to figure out what you like; it helped me to realize that I prefer working in the pharmaceutical industry (not for a law firm) and that I wanted to be a Contracts Paralegal. Make sure you have a good resume and utilize LinkedIn to expand your network. Search the PANJ Job Bank, which is constantly being updated, for job listings. I found one of my positions that way.

Good luck to anyone who is attempting to transition into the paralegal field!



Carol Snyder is the PANJ Treasurer. She works at Becton, Dickinson, and Company as a Senior Contracts Consultant. In her spare time, she enjoys reading and exercise and is awaiting the arrival of her first grandchild in mid-December.

# GOTCHA



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## **NALA Expo and Conference\***

If you weren't able to attend NALA's Expo and Conference in July, recording bundles are available for a cost of \$575 for NALA Members and \$628 for non-NALA members. There are 39 hours of available CLE. If you attended the Conference and would like the bundle, the cost is \$199 for NALA members and \$249 for non members.

## **Shop**

NALA has an updated publication: [Certified Paralegal Exam Fundamentals](#). NALA also has t-shirts, tumblers and masks for sale.

## **Paralegal Voice**

Don't forget to tune into this informative podcast. All kinds of topics are covered.

## **YouTube**

NALA has a YouTube channel. Besides candidate videos for prior elections, there are also two panel discussion videos entitled "All About the Journey" and "So You Want to be a Paralegal." Check them out!

## **NALA's Website**

It's redesigned and it is easier to enter your CLE. See how:

<https://nala.org/wp-content/uploads/2021/11/How-To-Enter-Your-CLE.pdf>.

## **CP Exam**

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



*Christine A. Principe, is a Certified Paralegal. She has been a paralegal for 34 years assisting attorneys in a variety of practice areas including commercial litigation, mortgage and tax lien foreclosures, and estate administration. Currently, she is in the complex commercial litigation department at Sills Cummis & Gross, P.C. Christine is a PANJ Board Member and NALA Liaison. She is also a Board Member of NJ Paralegal Conference. Christine can be reached at: [NALALiaison@NJPara.org](mailto:NALALiaison@NJPara.org)*



# THE NEW JERSEY ACADEMY OF MEDIATORS & ARBITRATORS

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**2021 NJ PARALEGAL CONVENTION**  
**SUMMARY OF BANKRUPTCY, MICROSOFT WORD AND ETHICS SEMINARS**

The 2021 New Jersey Paralegal Convention was held virtually on Friday, October 15, 2021. Four sessions, with three seminars each provided a variety of topics to choose from.

Below is a summary of the sessions I attended.

**Bankruptcy**

I run into bankruptcy sometimes in my litigation files. It's all foreign to me and seems so confusing. David Stein, Esq., of Wilentz, provided an overview on how he handles his bankruptcy matters, usually Chapter 7s. David said it was very important to have a uniform practice in bankruptcy matters so there's a document trail and cases are conducted the same way. He has a massive intake questionnaire for the debtors to complete. Lots of questions and documents need to be provided to him so that he can assess the matter and prepare for the necessary bankruptcy filing. He provided tips to be used everyday, touched up some commonly used bankruptcy terms and discussed the general manner in which a case moves through bankruptcy. It was very informative to get the overview of a bankruptcy matter from a practicing bankruptcy attorney.

**Microsoft Word**

Most of us use it hours a day, every weekday. Despite that, I always think it's a good idea to review Word every once in a while. It will serve as a refresher or provide with you with a new tip or two. Sometimes I fuss with all the features, explore a tab or a drop-down menu and see where that leads. With only 75 minutes for the seminar, Betty Bethea of Wilentz chose a few topics of Word to discuss: styles, clipboard, cut and paste, tables to name a few and covered examples of each that any paralegal may encounter. Betty was so clear in her instructions, she was very easy to follow. Having shared her screen, attendees got a clear picture of what she was speaking about.

**Ethics**

We are all affected by it and ethics is super important to our careers. The Ethics presentation, given by Lori Hager, Esq. of Myers Wolin, was very insightful about working from home during these current times. Lori reviewed a few of the most important RPCs (which we, as paralegals are all governed by too), and discussed dealing with paper documents outside the office and the need to keep those papers and all electronic documents safe while outside the office environment. Lori cautioned the attendees about some current scams paralegals should be on the lookout for. Refreshingly, Lori stressed that work boundaries should be honored, work breaks taken and PTO and vacation time booked to stave off burnout. Lori suggested various ways in which offices may be reopening and doing business going forward. Lori's presentation was very educational.



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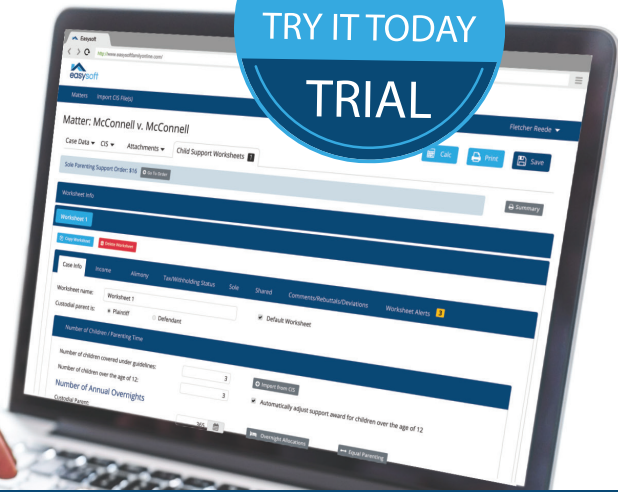


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# How Paralegals Can Avoid UPL

**By: Ann Pearson**

**August 19, 2021**

Paralegals can avoid the unauthorized practice of law (UPL) by becoming familiar with their state's rules. Rules against UPL specify that paralegals (or anyone who is not licensed to practice law) cannot provide attorney-client services to people, among other prohibitions. Unfortunately, the rules regulating UPL can often be confusing, sometimes resulting in unknowing breaches that can prove costly to a paralegal's career.

While they teach paralegal ethics in most paralegal certificate programs, it is often difficult to apply those ethics until you are working as a paralegal in the real world. So what should you know about UPL rules as a paralegal, and how best can you avoid falling foul of these regulations as you go about your work?

## **What is UPL?**

According to Black's Law Dictionary, UPL is "the practice of law by a person, typically a non-lawyer, who has not been licensed or admitted to practice law in a given jurisdiction." Essentially, by this definition, a person who is not licensed to practice law may not offer attorney services or get paid for them. This involves client representation, offering legal advice (solicited or otherwise), and drafting legal documents. All that being said, the ABA does not define "the practice of law." Instead, each state has its own UPL regulations. The ABA has a [state-by-state listing of them here](#).

## **Three Things Paralegals Should Avoid**

### **1. Offering Legal Advice**

The definition of legal advice as a concept tends to be vague and ambiguous. For example, what exactly can be considered legal advice? Sometimes, a sentence as simple as "you will win this case" may be considered legal advice. This happens frequently at those initial client intake meetings for [personal injury paralegals](#).

Other times, it is more tricky to handle because it doesn't happen in the office. For example, that family gathering when your aunt was recently in an automobile accident, and she's wondering what you think her case might be worth.

Plan in advance for these types of situations because they will happen. Have a planned response, such as "I am not a lawyer, so I can't answer that. But I'd be happy to refer you to a good lawyer I know who specializes in that."

This rule takes on a new level of complexity as most Bar Associations define legal advice based on the client's perception of legal advice. Therefore, paralegals must always

exercise discretion and professional judgment but must never offer independent legal consultations in place of an attorney.

When in doubt, your response to the client should be a reminder that "I am not a lawyer and cannot give legal advice. But I will relay your message to the attorney, and someone will get back to you with an answer to your question."

## 2. Representing a Client

Paralegals cannot appear in court on behalf of a client. This is a pretty simple rule to adhere to; paralegals are not recognized in most courts. However, this is not always the case, as a limited number of administrative law courts may allow paralegal client representation in special cases.

There are specific processes at court that do not require a formal court appearance but still count as client representation. For instance, filing a writ, motion paper, or other processes that need to be signed by an attorney will definitely count as client representation.

While a paralegal is allowed to draft legal documentation, they are not allowed to file it without the guidance of an attorney. Nor are they allowed to supervise the execution of legal documents without a lawyer present (or reasonably available), except in specific circumstances. For example, in Utah, the state bar association has [Licensed Paralegal Practitioners](#) who are permitted to supervise the execution of specific types of legal documents without the supervision of an attorney. There are similar programs in California (the [Licensed Document Assistant](#)) and Washington (the [Licensed Legal Technician](#)).



## 3. Negotiating Client Fees

The negotiated fee between a client and the attorney establishes the framework of the attorney-client relationship. The agreement to pay for legal services – even before

payment is actually made – is considered the client's part of the contract. This implies that it should be discussed between the attorney and the client directly.

This rule gets broken frequently, as clients typically expect inquiries about service costs or charges to be delegated to an employee, as they find in most other businesses. Therefore, it would be best if you were ready to deflect such discussions and direct clients to the attorney instead.

## **Recent Cases That Got Paralegals Into Trouble**

The rules of paralegal ethics exist for a reason, and paralegals found to be in breach are investigated and prosecuted according to the regulations and jurisdiction of their states.

### ***Brown v. Karmin Paralegal Services (2019)***

Sometime in March 2017, the plaintiff reached out to the defendant, seeking legal services for a child support case with his ex-wife.

Karmin prepared legal documentation, gave legal advice, and engaged in several breaches of paralegal ethics, including but not limited to the preparation of opening and closing statements for Baron to use in court.

Baron lodged a complaint with the Committee on the Unauthorized Practice of Law, where it was decided that Karmin's actions constituted the unauthorized practice of law. Following an investigation, charges were filed against Karmin, and Pre-Trial Intervention was initiated, conditioned on the payment of restitution.

### ***Disciplinary Counsel v. Smidt (2020)***

Melissa M. Smidt, a paralegal in Ohio, got into trouble after accepting a \$1,000 payment from a client to negotiate a loan modification.

Subsequently, the client terminated Smidt's legal representation and demanded a refund that Smidt refused to provide. As a result, a complaint was filed with the Committee on the Unauthorized Practice of Law, where it was decided that Smidt's actions constituted the unauthorized practice of law.



## How to Avoid Violating Paralegal Ethics and UPL

As you have seen, the rules regarding UPL are not always exact, especially when applied to real-life situations. Despite this, there are ways to avoid breaching these rules and the potential consequences that may follow.

- **Always disclose your paralegal status to clients:** As a paralegal, it is your responsibility to make sure all potential clients, and people you frequently interact with, know your status as a paralegal and how that differs from an attorney. In addition to introducing yourself as a paralegal at that first meeting or during the first phone call, include your title in the signature line of your email, so the client is reminded that you are not a lawyer.
- **Avoid giving legal advice to anyone (even your friends and family!):** It is always wiser to let the attorney in charge give direct legal advice to clients. However, suppose a situation arises where this is impossible because you are relaying information from the attorney (who is not available) to the client. In that case, you should clearly inform the client that you are relaying this information from the attorney.
- **Never work without attorney supervision:** Remember that your primary role as a paralegal is to provide legal support services. Therefore, always ensure you work in tandem with an attorney.
- **Trust your instincts:** Don't take any chances; if a particular activity seems like it might lead to a UPL violation, follow your gut and stop immediately.

## Conclusion

It is quite easy to mistake paralegals for attorneys because they work directly with attorneys and often handle tasks that require legal expertise. Despite this, even the most experienced paralegal must be supervised by an attorney.

While there are various and sometimes unclear activities that can be classified as UPL, it is the duty of paralegals always to be accountable for their actions at all times.

The punishment for breaching paralegal ethics and engaging in the unauthorized practice of law may range from minor fines to criminal prosecution or even debaring the supervising attorney. It is therefore vital to set clear boundaries with clients, no matter how friendly they seem. When faced with an ambiguous legal situation, the safest bet is to refer the client to an attorney.

## Meet the Author



**Ann Pearson** is the Founder of the Paralegal Boot Camp, host of the [Paralegals on Fire! Podcast Show](#), and passionate about promoting the paralegal profession. Ann spent 20 years working as a paralegal manager and a litigation paralegal before opening the Paralegal Boot Camp in 2010. Her training programs focus on adding immediate value to a paralegal's career and bridging the gap between what a paralegal learns in school and what they actually do on the job. When Ann is not working, you can usually find her somewhere near the ocean, either boating, scuba diving, or rescuing sea turtles.

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