PERSPECTIVE

Winter 2021 Edition Volume 38, Issue 3

PRESIDENT'S MESSAGE

By Kerry A. Mackey, CP

Happy Belated New Year my fellow paralegals! I hope you all had a happy and healthy holiday season and that your New Year is off to a great start. 2020 was a hard year for all of us so I wish everyone continued health and happiness with this upcoming year.

The Paralegal Association of New Jersey is excited about 2021! PANJ will be updating our website to include our upcoming webinars. Please visit our website for more information. We currently are hosting one webinar a month but are hoping to increase that in the near future. I hope to "see" all of you at our upcoming webinars. Our past webinars have been a great success and we are looking forward to our upcoming webinars.

In order to qualify for discounted attendance fees at the upcoming webinars/events, please remember to register for PANJ's Forum www.njpara/freeforums.net if you haven't already done so. Also, stay in touch by following PANJ on Facebook and LinkedIn and joining our LinkedIn Group!

Interested in becoming a member of PANJ? Please visit our website (www.NJPara.org) to review the Association Membership Application and feel free to contact Membership@NJPara.org with any questions. Some of the benefits of becoming a PANJ member include access to our Job Bank, discounts on our webinar meetings and even a discounted membership rate for the National Association of Legal Assistants (NALA).

The Annual New Jersey Paralegal Convention (NJPC) was held virtually this past October and was a great success. The seminar topics were all interesting and hard to pick which ones to attend. Further feedback from a paralegal who attended the Convention is included in this addition of *Perspective*. Kudos to all involved with the planning of the virtual convention and a BIG SHOUTOUT to Convention President, Jennifer Smith, ACP. Great job!!!

Please also mark your calendars and save the date for the Annual New Jersey Paralegal Convention (NJPC) on **October 15, 2021**. As the date grows closer, attendee and vendor information will be available at www.njparalegalconvention.com.

I am excited that this addition of our *Perspective* includes a few Board Member Spotlights. We have asked our Board Members to answer some questions about themselves so you can get to know them. I hope you enjoy getting to know our Board Members. Our next addition of *Perspective* will include more Board Member Spotlights.

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.

SAVE THE DATES!
UPCOMING EDUCATIONAL WEBINAR MEETINGS

Thursday, February 11, 2021

Guest Speaker: Amanda Sexton from FocusWorks Marketing
Topic: Words matter - How and what you say (and type) influences your personal branding

Thursday, March 11, 2021

Guest Speaker: Anthony DellaPella, Esq. from McKirdy, Riskin, Olson & DellaPelle, P.C.
Topic: Eminent Domain

Thursday, April 8, 2021

Guest Speaker: A representative from the National Notary Association
Topic: TBD relating to Notary Laws

Tuesday, May 4, 2021

Guest Speaker: TBD
Topic: TBD

Tuesday, June 8, 2021

Guest Speakers: David Disler & Melanie Lipomanis
Topic: TBD relating to Employment

www.NJPara.org


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THE PARALEGAL ASSOCIATION OF NEW JERSEY WELCOMES THE FOLLOWING NEW MEMBERS!

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Henvie Harmon

Erica Martinez

Amanda L. Rizzo

Brenda C. Sherman

Yvonne Williams

WE LOOK FORWARD TO SEEING YOU AT AN UPCOMING EVENT!

2020 NJ Paralegal Convention

By: Christine A. Principe, CP

I attended the New Jersey Paralegal Virtual Convention on October 16, 2020. It was the Convention's first time hosting on-line. I know from being on the Board, it took a lot of time and effort to plan and pull it off after the decision was made in the Spring to hold it virtually. Kudos to my fellow Board members and to Jennifer Smith, ACP, Convention President, for being our fearless leader and guiding us to a successful Convention.

I write from an attendee perspective.

The day consisted of 4 seminar sessions, with 11 topics to choose from:

7 Habits of the Indispensable Paralegal	Workers Compensation – Plf/Def	Real Estate
E Discovery	Brand Yourself	NALA/NFPA
Ethics	Federal Court	Family Law
Cyber Security	Medical Malpractice	

The 4 sessions I attended were: (1) 7 Habits of the Indispensable Paralegal, (2) Cyber Security, (3) NALA/NFPA and (4) Federal Practice. Handouts were provided by most of the speakers. The handout are very helpful during the presentation, but also useful future references. I earned CLE credit towards maintenance of my NALA Paralegal Certification.

The 7 Habits seminar included tips and practices to make the most of your paralegal career and to become an asset to your employer.

Cyber Security covered examples of breaches on the internet/network/cell phones. There were discussions on how to prevent breaches and various practices and protocols to put in place to keep your network and devices safe.

NALA and NFPA summarized the mission of their respective associations and presented on the qualifications for sitting for their respective certifying examinations, the particulars of the exam and maintaining certification.

Federal Practice covered initiating the complaint, discussed motions and pretrial matters. Differences between filing in state court and federal court were also reviewed.

Each session had a Q&A afterwards, and there was a live chat throughout each seminar which kept the attendees engaged.

The Convention also had a virtual Exhibit Hall. There was a variety of exhibitors from a title company, to corporate services, to legal support and more. I always keep the exhibitors' information. I have definitely had occasions to use vendors from past Conventions.

The two biggest take-aways from attending the Convention: (1) learning new things and (2) networking albeit virtually. I accomplished both! I've attended the Convention for years and have always taken away something to benefit myself in my paralegal career. Although networking was limited, I was able to reach out to other attendees during the chats in the convention.

I would highly recommend attending Convention if you have not already done so. It's rewarding personally and professionally!

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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 Convention. Christine can be reached at: NALALiaison@NJPara.org

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WEBINAR BLURB AT MONTCLAIR STATE UNIVERSITY ON NOVEMBER 9, 2020

By: Carol Snyder

On Monday, November 9, 2020 Jennifer Smith (ACP, Trustee at Large), Kerry Mackey (CP, President) and Carol Snyder (Treasurer) were guest speakers at Gary Laurie's Montclair State University Paralegal Studies class. Kerry gave an overview of the Paralegal Association (PANJ), including the membership benefits, networking opportunities, and upcoming webinars. Jennifer, Kerry and Carol each spoke about their background and experience working in the legal profession. Many of the students had questions about the role of a paralegal, how to break into the field, and switch practice areas. There were also several questions about the NALA Certified Paralegal Exam, including what the exam consists of, how best to prepare for it, and the benefits of becoming a Certified Paralegal.

PARALEGAL ASSOCIATION OF NEW JERSEY 1982

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More details coming soon!

www.NJParalegalConvention.com

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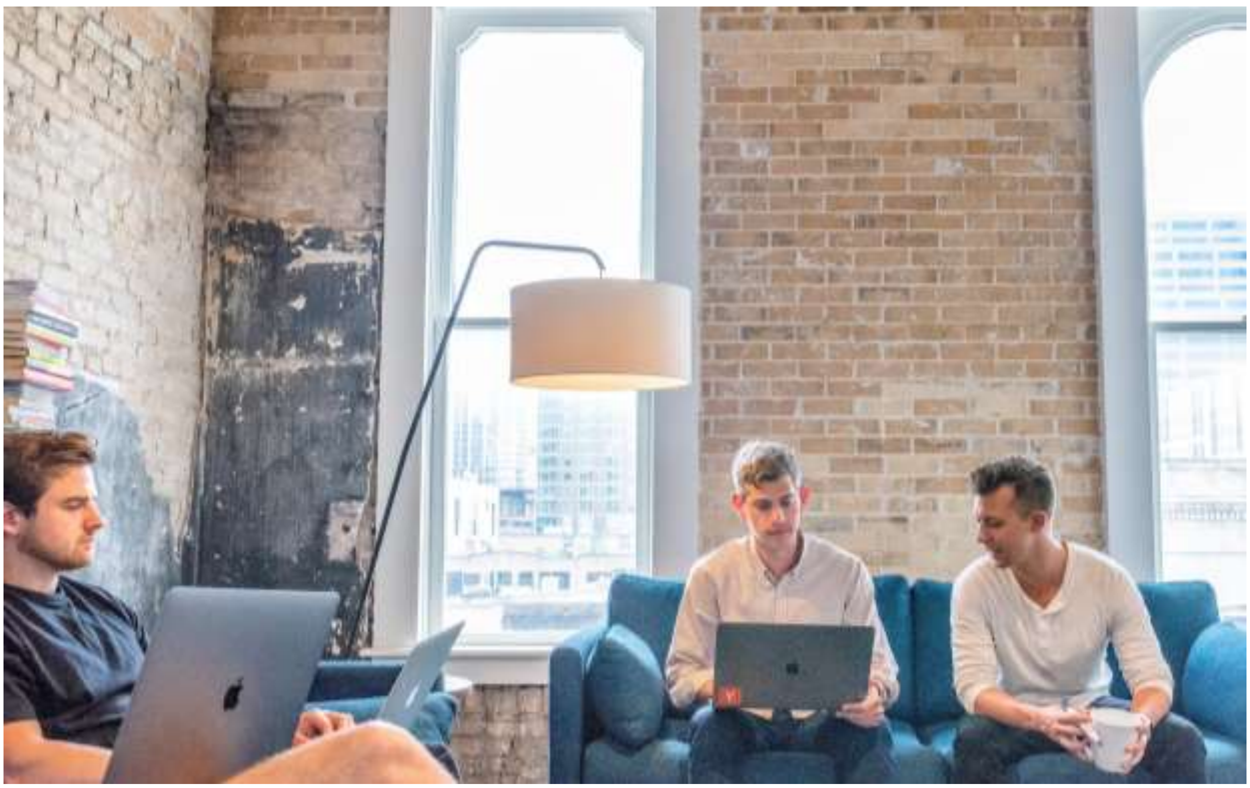

by Christopher Morga, CPCC on December 22

It's no secret that LinkedIn has quickly replaced the job boards of old. As it stands sites like CareerBuilder, Indeed, Dice and others still have their place in the world of job searching but they are not measuring up to the behemoth that has become LinkedIn. In fact, at the time of this writing there are over 760 million users and more than 260 million of them are considered "active" - for the sales pros and emerging entrepreneurs, this is the gold rush.

Where do I fit in?

Not all LinkedIn users are looking for a job and that's ok. You do not need to be actively searching for a job to get all the benefits out of LinkedIn. Like I wrote earlier, 500 million users are just using their profiles as a placeholder until the time that they need to build out a strategy for their career.

If you fall into this category then the first question to ask yourself is "Is where I am good enough for the rest of my career?" If the answer is no then we have to start putting together a plan. Right now you have a free, usable platform at your disposal to earn more income, land your next title jump, learn new skills and so much more.

The sales funnel.

If you've spent any time on YouTube and searched "entrepreneurship" then you know exactly what a sales funnel is. All of the top influencers are using this strategy to earn hundreds of thousands of dollars a year in sponsorships, endorsements, coursework and bonus income. As a career professional you can use the same tactics to gain notoriety and boost your career path.

The concept is simple. You begin with:

(1) An attraction page that inspires a "call-to-action" which leads to a
(2) Request for Presentation (RFP)
(3) Proposal or offer, that then leads to a demo - or in your case an interview.

These strategies are already things you have in place right now. The product is you - and you're a premium product and should be priced accordingly. Your experience and achievements are what make you the "difference maker" in your industry. Let's dive a little deeper..

Attraction Page: LinkedIn Profile

If you think of the internet as "the information superhighway" - a little callback to the 90's there, then your LinkedIn profile is your FREE digital billboard. You have a space available for everyone driving by to see your smiling face and understand why they should buy you. Each section of your profile should offer just enough compelling information to lead your potential new boss to want your resume. You should never have your resume posted on LinkedIn. This allows people to read all about you and then make a snap judgement without you ever having presented why YOU are the subject matter expert in your space.

Try to have narratives wherever you can. Showcase a headline that contains keywords from your industry that a potential employer would put in a job description. For example:

Senior Legal & Compliance Professional | M&A Process Expert | Certified "x"

By adding keywords to your headline, a recruiter would pull your profile up to the top of their search and they're going to open up your profile first. Another great tip is to write down your industry keywords and play a little word game with them. Massage them into your "About" section so that you get even more hits. These hits can result in opportunities that you may never even have thought to look for.

Request For Presentation (RFP): Your Resume

Once your prospective buyer reads through your LinkedIn profile and thinks "Wow! I want to see this person's resume"; you've peaked their interest. You've now set yourself up for interest and possibly an interview request. This is where you want to strut your stuff.

Unlike the LinkedIn profile that acts as your marketing billboard, your resume is going to need some quantifying statistics about how you've added maximum value to the organizations you've partnered with before. You want to showcase your results here.

If you're not familiar with the PAR/STAR methodology, here it is:

- Problem
- Action
- Resolution

Or

- Situation
- Task
- Action
- Result

This method directly hits the challenge a company had that you've fixed because they hired you. Remember that a job description is nothing more than a company's challenge statement. They are looking for an experienced professional that can take that challenge and turn it into a strength area. Each of your bullet points should be written in this format.

PRO TIP

Whether you have an Android or Apple phone, you automatically have 5 Gigabytes of storage in the cloud. Make sure to keep your resume, cover letter and any supporting job search docs with you at all times. Imagine how prepared you look to someone who asks for these documents if you can immediately say "what's your email?". You're now proving that you are ready to move.

Demo/Proposal: Interview

Now that you've led your prospective employer through your sales funnel, you're ready to deliver your demo of strengths and skills. In the interview you now have a chance to solidify your value add to the organization and lead them to the "Buy Now" button, or offer letter.

Try not to go down any rabbit holes in your interview, keep it conversational and stay on track to what problem you're solving in the company. Before the interview make sure to research the company, any "in the news" highlights and your interviewer so that you can find that common ground as an icebreaker. It's just a conversation. No need to psych yourself out - and for heaven's sake, have a thank you note prepared to send along within 4 hours of the interview close.

Round up

By now you can see why using the sales funnel strategy in your job search can be essential to you outshining your competition. When you give all of the information away on your LinkedIn like having your resume there, you are giving your prospective employer all they need to make a snap judgement and you never get the chance to present your talents.

These strategies are what have led my clients to $10k, $20k and evn up to $60k increases into their next jobs.

Christopher Morga, CPCC

Chris is a Certified Professional Career Coach and member of the Forbes Coaches Council - an invite only community of coaches focused on delivering results through actionable processes.

As president and founder of InvisiScope Coaching Solutions, Chris has married over 20 years of executive recruiting, project management and sales strategy experience to create the "Career Development Life Cycle". The CDLC is a framework specifically designed to maximize your entire career.

Chris has consulted with top companies such as Dow Jones/The Wall Street Journal, Capital One, BMW and many more to share his knowledge of what career success truly is. Whether you are a corporate professional looking to continue your journey up the ladder, or you're transitioning to your entrepreneurship pinnacle of success, Chris and his CDLC will act as your accountability partner.

Follow Chris on LinkedIn and learn more about ICS and what they offer at www.icsforward.com

****PANJ members receive a 1 hour free clarity call and a 15% discount on career coaching services including resume writing, interview prep and all the additions to drive your career, as Chris always says - #forward.****


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THE UNCONVENTIONAL PARALEGAL –
5 Tips Practical Mindfulness Can Help Mitigate Interruptions
By Vincent Ascolese

"The difference between misery and happiness depends on what we do with our attention" (Sharon Salzburg). Meeting a deadline also depends upon what we do with our attention.

Mindfulness is the basic human ability to be fully present, aware of where we are and what we're doing, and not overly reactive or overwhelmed by what's going on around us (https://www.mindful.org/what-is-mindfulness/). It is an esoteric but empirical means of obtaining awareness that can be cultivated through doing, as well as by minimizing interruptions. What follows is an elaboration on this practical application of Mindfulness with respect to mitigating interruptions.

1) Interruptions Can Be Mitigated

Paralegals are often under time constraints to complete projects and sometimes we obtain a degree of happiness when meeting a deadline. This can be a simple sigh of relief achieved upon completion.

Interruptions can be an impediment to the completion of a deadline. When attention is interrupted, often repeatedly, our level of happiness can veer toward misery. A break in the continuity of attention is an interruption. Sources of interruptions can be from attorneys, colleagues, clients, vendors, telephone, E-mail, mail, facsimile, etc. These are essentially three sources of interruptions: people, places, and things. However, these interruptions are within our control by mitigating the damage of interruptions and minimizing them and their effects through the application of Practical Mindfulness.

2) Mitigate Interruptions from People

It is generally not an accepted practice to make attorneys wait until we are ready for them. However, I have developed a practice of asking people who interrupt, even attorneys, if I could just finish typing a sentence before they have my attention. Most times, it is effective. Obviously, I will stop and devote my attention if the attorney has an urgent matter.

Sometimes placing my cell phone on silent has given me focus and calm at work and home. It is insidious to entertain personal phone calls or texts. As the '80s song goes, "One Thing Leads to Another." Mostly, using a cell phone at work may be inefficient or ineffective as an employee.

3) **Mitigate Interruptions from Places**

One way in which our attention can be more focused is by limiting the amount of distractions encountered when working in a law office or remotely. Oftentimes, an attorney will close their door when working on an urgent document, such as a brief. Closing a door may not be an option as a paralegal. Some law firms have conferences rooms that can be reserved for smaller projects. This is a great option when assembling a Document Chronology or summarizing a deposition. While working remotely I have used a bedroom or a picnic table in my backyard to evade interruptions.

4) **Limit Amount of Interruptions from Things**

A physical barrier may not be possible to prevent a break in the continuity of attention, but a little prevention goes a long way. I set up my desk at home and work so that only the materials needed for today's projects are staged on the left side. I do this so my attention is not distracted by extraneous stimuli. This enables me to concentrate only on the task at hand. Practitioners of Mindfulness manage what goes on around them, allowing them to better manage what is in front of them.

Mindfulness can Enhance or Strengthen Attention

"With Mindfulness practice, our mental fogginess begins to fade as our attention and working memory are protected and strengthened. Mind-wandering decreases, and our sense of clarity and well-being can bounce back. In this way, we are training our attention to be [Trial or Deadline]-ready [. . . .]" (https://www.mindful.org/youre-overwhelmed-and-its-not-your-fault/). This quote can be interpreted to mean that the ability to concentrate can be enhanced or strengthened. This has been a brief introduction into Practical Mindfulness for Paralegals. I elaborate on these suggestions and go into greater depth of Mindfulness as a paralegal in my webinar Practical Mindfulness for Paralegals.

Vincent Ascolese graduated from St. John's University with a bachelor's degree in Paralegal Studies in 1998. He has over 17 years working as a paralegal in various practice areas including: employment, commercial litigation, and business litigation. Most recently he works in practice areas including personal injury, workers' compensation and business litigation. Vincent has served on the Special Paralegal Committee to the New Jersey State Bar Association. He is an active member and is a former Trustee-at-Large for PANJ.

Professional Paralegals Deserve More Respect

By: Jordan Rothman, Esq.

Law firms typically take a few different approaches to how they treat paralegals. Some shops view paralegals as temporary, somewhat transitional employees, who will likely depart the firm after a certain period of time. Indeed, some prospective law students often take paralegals jobs to get legal experience before heading to law school, and others may wish to work as a paralegal for a year or two to see if they wish to become attorneys. Moreover, there is an extremely inaccurate and unfair perception among some in the legal community that many paralegals are simply individuals who did not have the skill, time, or patience to become lawyers (which I always thought was weird, since many attorneys regret their own career choices!). However, some firms view paralegals as integral, long-term members of their team and invest time and resources to develop their paralegal staff. For a variety of reasons, professional paralegals can be extremely valuable to law firms, and more shops should respect and invest in professional paralegals.

Legal Knowledge

As many attorneys know from firsthand experience, professional paralegals often learn valuable information about the practice of law. This can be important to shops, especially if there is a high rate of attorney turnover at a firm. For instance, after leaving Biglaw, I landed at a “street law” shop at which I had to appear in court several times a week and understand the hands-on mechanics of litigation. As an associate in Biglaw, I basically just wrote memos and conducted legal research, and I did not learn any practical knowhow about litigating cases.

Within my first week of working at this “street law” firm, I was given the simple task of drafting and filing a stipulation extending the time for us to oppose a summary judgment motion. I had absolutely no idea how to write such a document or how to file the stipulation with the court. However, the paralegal (and secretary) assigned to my team helped me draft the stipulation and told me what provisions needed to be included in this document. They then provided with me detailed instructions on when I needed to submit the document to the court, which courtroom I had to submit the document to (Room 130, of course, as my New York City colleagues would know!), and what I had to say to the clerk when I submitted the document. I relied on my paralegal (and secretary, I might have to do another article on how valuable legal secretaries can be!) heavily during my first few months at that “street law” firm before I learned the ropes of litigation, and that shop benefited greatly from the professional paralegals who were working there. Moreover, when I moved to a different firm that focused on a few mass torts matters, the paralegals provided invaluable advice on how matters worked in those cases. Mass torts cases often develop their own rules and procedures, and professional paralegals can help attorneys stay on top of how issues are handled in those matters.

Client Relationships

Professional paralegals are also important because they can forge long-term and strong connections to in-house counterparts. If a paralegal leaves a firm after a year or two, it might be difficult for in-house professionals to forge connections with paralegals, which can influence a client’s decision to stay with a given firm. However, if paralegals stay at a firm for years, these connections are easier to make.

For instance, I once worked at a mass torts shop that handled a few large mass torts matters for several big clients. Even though myself and other associates rarely had contact with individuals who worked for our clients, the paralegals were in communication with in-house people all the time. Our paralegals would consistently send reports, notes, and other materials to in-house people and answer all kinds of questions. In addition, the paralegals were very familiar with the procedures that in-house professionals wanted us to use for billing and other administrative tasks. Since mass torts matters can take many years to be resolved, over a long period of time, the paralegals at my firm were well-acquainted with some of the folks who worked for our clients. I am sure that this connection helped our firm retain these clients over the years because clients appreciate the relationships they had with professionals at our firm which would disappear if the clients went elsewhere.

Knowledge About a Firm

Professional paralegals are also valuable because they can develop a deep understanding about a firm and the people who work there. It might be difficult for new associates at a shop to ask other attorneys how they should approach specific situations or deal with certain people at a firm. However, a paralegal that has a familiarity with practices and people at a firm can suggest to attorneys how they can handle a variety of situations. In addition, every law firm has different practices when it comes to billing, document management, organizing work product, and other matters. It can be a lot easier for newer attorneys to inquire about such practices of paralegals than other attorneys at a given shop, since associates often rely on other lawyers for work and may not want to bother senior attorneys about certain matters. The institutional memory of professional paralegals, and the fact that they are not part of the attorney "chain of command," can help a law firm operate more efficiently.

All told, professional paralegals can be an invaluable resource for many law firms, but many shops do not invest too many resources in paralegals. Indeed, numerous firms do not pay paralegals bonuses, professional development expenses for paralegals, and other costs needed to train paralegals and ensure that they are long-time fixtures at a law firm. However, professional paralegals can not only help law firms provide the best possible legal services to clients but they can assist attorneys navigate administrative challenges as well.

Jordan Rothman is a partner of The Rothman Law Firm, a full-service New York and New Jersey law firm. He is also the founder of Student Debt Diaries, a website discussing how he paid off his student loans. You can reach Jordan through email at jordan@rothmanlawyer.com.

This article was originally published on September 30, 2020 on Above the Law (https://abovethelaw.com/), and is reprinted here with permission. The original article can be found at: https://abovethelaw.com/2020/09/professional-paralegals-deserve-more-respect/

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

I am a freelance virtual paralegal. I work from my home-based office. I work from 8 A.M. to about 5 P.M. My day is pretty busy as I work for various clients throughout the day (different firms).

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

Keep track of your assignments and your time. Oftentimes we get side-tracked with our work and may not keep record of the "timekeeping" but keeping accurate time is essential for a paralegal who is responsible for tracking his or her time.

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

I think one of the most important skills is calendaring my "follow-ups" and "deadlines". It is important to make a calendar entry of all important due dates regarding all cases as soon as cases enter the law firms and throughout the matter. It is also important to calendar the "follow-ups" of tasks, phone calls to the clients or things you are waiting to receive from the clients as these things can "slip through the cracks".

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

I always had an interest in law so I came across the paralegal field at the university I attended and it seemed like a good fit for me. I have been a paralegal for 22 years and I decided to stay because so far it has been a rewarding field for me.

Why did you join the PANJ Executive Board?

I thought it would be a good experience to meet other paralegals and to be a part of an organization that promotes the paralegal field like PANJ does. The monthly meetings that PANJ offers its members on various legal topics provides an opportunity to learn on different areas of law and I am always looking for an opportunity to learn.

Do you prefer coffee or tea to start your day? If you don't drink either, what do you drink?

I love love love Bustelo coffee. It is an absolute must to start my day 😊

Jennifer Smith, ACP

Trustee-at-Large; College Advisory Board Member for Berkeley College and Union County College; President of the New Jersey Paralegal Convention

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

There is no typical day for me. I work in family law and when emotions run high, so does the changing of my day.

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

Stay organized. This is key to ensuring all tasks get completed. I am a list maker and my list is constantly changing.

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

There are several skills that I have developed. Patience, understanding, and flexibility. These are all important skills to have when dealing with the public and people's emotions.

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

I stumbled upon the legal field by accident. I moved across the country and needed a job. My plan was to continue my nursing career/schooling. A friend of mine worked for an attorney. The attorney needed basic administrative help in the office. I needed a job. I started out filing, photocopying, etc. Having little to no secretarial skills let alone legal knowledge, I jumped in with both feet. Within a week I was sitting behind a desk, brushing up on my typing skills, and finding my way around the Lawyers Diary. Within a month a flyer came into the office for Law Office Management classes at the local community college. Since I was on the waiting list for the nursing program, I figured why not. Two years later I have my Paralegal Certificate and an Associate's Degree in Legal Studies. I loved the law so much I continued on with the Bachelor's Degree and I also obtained the status as an Advanced Certified Paralegal through the National Association of Legal Assistants.

Why did you join the PANJ Executive Board?

I feel strongly about my career and want to make sure that paralegals are recognized.

Do you prefer coffee or tea to start your day? If you don't drink either, what do you drink?

I don't drink coffee or tea. I am a diet soda drinker.

Carol Snyder

Treasurer; New Jersey State Bar Association Special Paralegal Committee

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

I work as a senior contracts consultant for a large medical device manufacturer. My primary responsibility is to review sales contracts with our customers, which are primarily hospitals, for three of our business units. Although no two days are the same, on a typical day I review contracts using a Playbook, which provides me with guidance for negotiating positions, have virtual meetings with contract stakeholders including business unit contract consultants, sales team members, subject matter experts, attorneys, and customers, and review and organize contract review request emails. I am also responsible for training contract consultants, drafting contract templates, maintaining a contract review request tracker, and uploading fully executed agreements into a contracts database.

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

Don't be afraid to accept a temporary opportunity. It is a good way to accumulate experience and learn how to function in different work environments.

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

The most important skill I have developed is attention to detail and keeping good records of my work. Taking the time to do things properly the first time has helped me to become more efficient in my role.

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

I was a stay-at-home who re-entered the work force as a part time legal secretary at a very small law office, which specialized in representing real estate 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. I decided to enroll in a paralegal studies program and graduated from Fairleigh Dickinson in 2009.

Why did you join the PANJ Executive Board?

I attended a PANJ Saturday Seminar when I was a paralegal studies student. My amazing recruiter, Melissa Haber, gave a workshop that day on resume writing and interview tips. I introduced myself to her, and after I graduated, we started working together. Melissa has placed me in several temporary positions in the pharmaceutical industry over the years, including the position I have now, where I transitioned from temporary worker to full time employee. I probably would not have met Melissa if I had not attended that Saturday Seminar. I wanted to "give back" to PANJ and become more involved.

Do you prefer coffee or tea to start your day? If you don't drink either, what do you drink?

I prefer green tea.

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NALA NEWS

December 2020

Membership

Not a NALA member? As a PANJ member you're entitled to a 25% discount on NALA's membership rates. NALA's membership also includes an $80 gift certificate which can be used for a variety of things including on demand webinars, NALA Expo and Conference, etc. What a great perk!

Current NALA members - NALA now has a 30-day grace period within which to pay your annual dues

Badges

If/when NALA issues your Badge, claim it, and share your NALA accomplishments.

NALA Expo and Conference

If you were not able to attend NALA's 2020 Expo and Conference in July, the NALA Conference Bundle is now available.

The 2021 Expo and Convention is currently scheduled for July 22-24, 2021 in Louisville, Kentucky.

Store

Need to add to your mask collection? (I personally have masks tucked away in a few places – my car, my husband's car, work (I'm hardly there though – phew!)). Pattern masks, solid masks, a woven mask for the winter, masks for errands, masks for walking in the park that requires them. They're everywhere! 😊 NALA is offering a "Phenomenal Paralegal" mask. Check it out in the store.

CLE

Don't forget the easiest way to earn CLE credit: reading Facts and Findings articles. You can earn one hour of CLE credit by reading five designated articles in Facts and Findings. Limit two hours per year.

Simple Law

Contract paralegals: check out Simple Law – connecting attorneys with paralegals. Grow your income.

CP Exam
The Skills Exam testing window is February 2021.

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.

Your purchase of the NALA CP Practice Exam includes NALA's new Practice Exam App which is available for one year from purchase.

NALA Commons
Log in to your NALA account for access. Have you engaged in any chats?

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	*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 Convention. Christine can be reached at: NALALiaison@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 an attorney at your firm would like to present a webinar, please contact Info@NJPara.org.

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

The Importance of Having Estate Planning Documents During a Pandemic

By Samantha Vitone

We can all agree that the year 2020 has changed our lives and one of the reasons is because of COVID-19. I know it did for me. In March, I got laid off from my very first paralegal job at a tax and foreclosure law firm in New York City. I was devastated not only because it was my first job working as a paralegal, but because I was only working there for about three months. During that time, many Americans like myself was feeling hopeless to finding a new job after getting laid off. Even today, many people are still looking for a job.

At the end of June, I was fortunate enough to be hired as a Paralegal/Administrative Assistant at a trusts and estates law firm called Avelino Law, LLP located in Summit, New Jersey and New York.

I did not know what to expect when starting the new job. What I first noticed was how busy everyone was with the back-to-back phone calls and the consistent e-mails flowing from clients. It then hit me as to why the firm was busy. COVID-19 is a huge threat to the lives and health of countless people. The virus has more people preparing for the worst. What I also witnessed at my job is those who almost died because of having COVID, called to do their estate planning documents.

According to CNBC.com, the pandemic has produced a rise in estate planning however, majority of Americans still do not have a Will. The LegalZoom.com survey found that 62% of Americans do not have a will and, of those who do, 12% created them in the past 12 months — and 44%, in the last five years. The more I work at the law firm, the more I realize how important it is to having your own trusts and estates documents such as a Will, a Living Will, a Power of Attorney and other documents.

I know it is scary to think about our own death but I do believe it is crucial to plan to protecting yourself as well as loved ones. Having proper estate planning documents will help control the disposition of assets at death and to enable other people to make our financial and medical decisions if we are unable to. Below are terms and definitions for basic estate planning documents in the state of New Jersey that can help you have a better understanding of what each term means.

Last Will and Testament – a document that defines the distribution of the assets of a testator (a person who has made a will or given a legacy) will be distributed upon their death.

Trust – a document that explains your assts are transferred to a trustee or trustees that you selected either while you are living or upon your death.

Living Will – is a document that provides "instructions to the Declarant's Medical team with regard to how they would like to have their end of life options honored when there are no medical options to extend a quality of life."

Power of Attorney – it is a document that allows you to appoint a person or organization to manager your financial, property or medical affairs if you become unable to do so.

It is never too early or too late to plan for your future at any age. Consider hiring a trusts and estates attorney to assist your estate planning needs because he or she can help you save a lot of time, energy, and effort in building out your estate plan. If you have any questions or want to start your estate planning documents, please feel free to reach out to me or Avelino Law, LLP.

Samantha is currently a paralegal and an administrative assistant at Avelino Law, LLP. Every day at her job, she is learning something new especially trusts and estates planning law. She is involved in the paralegal world by being member of a few Associations and she is the Social Media Coordinator of the New York City Paralegal Association, Inc. On her free time, she enjoys working out, walking outside, and spending time with family and friends.

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<u>**A Paralegal's Role in The Med-Mal Litigation**</u>
<u>**From Retention to Conclusion**</u>
By: Amala Shinde

Source of information for this article:

The Paralegal Association of New Jersey offered a webinar on The Paralegal's Role in Medical Malpractice Litigation on December 10, 2020 via Cisco Webex. William A. Krais, Esq. and Joan Bannan Harris, Esq. presented.

A paralegal may assist in the medical malpractice litigation process in the following critical stages once the potential client approaches your firm for retention of your legal services.

Client Intake

The paralegal's role begins right at the beginning of the handling of a matter by scheduling the initial meeting of the potential client with the attorney. This is also the best opportunity for the firm and you to make your first impression on the potential client. The main goal of the initial meeting is to get to know your client and to get to know the nature of his/her alleged medical malpractice (Med-Mal) case and to retrieve critical pieces of information right at the outset from the client. It is important to get factual information relating to the case including, but not limited to, details leading up to the alleged malpractice, details of the malpractice, details of the effect on the patient since the malpractice occurred, nature of the medical treatment provided, and the names of the treating physicians and medical facilities and/or clinics. This information will enable you to know who to collect medical records from, and to know who are the potential defendants or the adverse parties in the lawsuit.

Conflict Check

The paralegal will also need to run a conflict check on these defendants to make sure there is no conflict of interest with the firm with regard to the potential client and/or any of the potential defendant(s) before the law firm is retained to provide legal services.

Statute of Limitation Determination

You will have to keep in mind not only who was involved in the care, but when the care took place. You will have to make note of important dates of relevant medical treatment, date of the alleged malpractice and especially the date when the client discovered, or should have discovered, that his/her harm may have caused due to the fault of the doctor. This date is critical as it triggers the date of the Statute of Limitation determination.

Tort Claims Notice

You will also have to determine if the Tort Claims Notice is necessary under Title 59. If the defendant or the potential defendant is affiliated in some way with the State, or is the government employee, then the entity that employs the defendant may be entitled to receive a Tort Claims Notice under Title 59 to put the public entity and the public employee (the defendant) on notice of the potential claim. Such Tort Claims Notice must be issued within the very important ninety (90) days deadline from the date the cause of action arises, or the date on which the alleged malpractice was discovered or should have been discovered. Some of the public entities in New Jersey include Rutgers Health and University Hospital in Newark. Keep in mind even if the medical professional treated your client at a regular medical facility, however, if he/she is also affiliated with the State or with another public entity, that medical professional is also entitled to the Tort Claims Notice under Title 59.

Federal Court Case Determination

Med Mal case has to be filed in the federal court if the treating facilities are federally qualified health centers. Federally qualified health center employees are federal employees therefore they are sued in federal court. Federal Tort Claims Notice has to be filed instead of the State Tort Claims Notice. The United States Attorneys' Office handles the federal matters.

Medical Liens

Another critical part to figure out is who is paying the medical bills to determine if there is a medical lien involved, which is one of the things paralegals work on besides collecting medical bills. Paralegals routinely work on medical liens in connection with the payment of the medical bills. If medical care is paid by Medicaid or Medicare, or a self-funded ERISA health care plan, then a portion of the recovery in the case is paid back to them. Therefore it is important to figure out if there are any potential lien holders to account for that amount upon recovery of compensation by the client. Learn from the client in the beginning when collecting medical bills from the client who pays the medical bills. Paralegal communicates with the health insurer about the medical bills or whether there is a lien and the amount of the lien.

Record Keeping by Client

Remind clients to take photographs of the scars, open wounds, infection, dressing, etc. Tell clients to keep a diary about important doctor visits, etc. to keep track of information which will help develop the facts to utilize later on during the discovery and trial phases. It is critical to remind the client that they should not discuss the case with anyone or post anything on social media with regard to their case about the incident or their activities in general.

Collecting Medical Records

Keep a good log of your efforts which may be referred later on during the litigation. Begin by getting medical records from client if client can procure them from his / her doctors to get a head start. Make sure all parts of the chart are received. Have client sign HIPAA form to request medical records from client's treating physicians /hospitals. In New Jersey, Administrative Code sets cost to obtain medical records including treating and billing records. It also provides that such records be provided within thirty (30) days. Paralegal follows up with medical service providers until the requested records are received, hopefully in a timely fashion. Paralegal keeps notes / log of communications had with the medical service providers during such follow ups. Such notes could play a vital role in filing an application in the event of an untimely response or refusal to respond.

Medical records should include billing records. Look for information on who paid for the medical expenses to determine if there are any liens that exist. Additionally, hospital / doctor's records should contain records with date of service, chief complaint, examination findings, progress notes, orders for tests, diagnosis, medications, doses, identity of treatment, any advance directive, discharge summary, etc.

Sometimes you may need to reach out to the particular department of the hospital, for instance Radiology or Pathology, if you have a reason to believe that those services were provided but that those records were not included in the records you received.

Affidavit of Merit

In New Jersey, in an action against the licensed professionals, an Affidavit of Merit has to be filed within sixty (60) days from the filing of the Answer by each Defendant. The Affidavit of Merit is executed by a professional from the same specialty field with his/her expert opinion stating the defendant deviated from the accepted standard of care. An additional sixty (60) days can be requested for a good cause shown, which is granted fairly routinely. It is a good idea to file the Complaint and the Affidavit of Merit simultaneously whenever possible. Affidavit of Merit is mandatory. The court is not likely to waive this requirement.

Declining the Case

More often than not, attorneys end up declining the case as it comes to light that there is no liability involved by the alleged defendant(s). At such time, it is a good practice to advise the client in writing and advising that your office no longer represents the client in this matter, and further advising the client of Statute of Limitation deadline and Tort Claims Notice requirement if applicable.

You are not required to provide a particular reason in declining the case, though it is a good practice to advise the client why you are declining the case, and stating that your investigation is your opinion and that other lawyer may have other opinion if they wish to engage another attorney.

Legal Malpractice Caution

Attorney is liable for legal malpractice if adequate time is not given to the client to seek new counsel once you determine to discontinue client's representation. Therefore, it is critical to get informed consent from client at the latest before 3-6 months of the Statue of Limitation deadline.

Author's Personal Note

This is a broad outline which serves as a good overview for a paralegal assisting in medical malpractice litigation.

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