

PERSPECTIVE

Volume 37, Issue 4

Spring 2020

PRESIDENT'S MESSAGE

By Sarah M. Robinson

The Paralegal Association of New Jersey offers condolences to anyone who has lost someone close during the Coronavirus Pandemic. The present government restrictions, while understandable, offer an additional level of stress and grief to those in mourning. The Association sends wishes of strength and peace.

On March 7, 2020, PANJ was able to sponsor NJSBA's Premises Liability: Update 2020 seminar held at The Wilshire Grand in West Orange, NJ. However, for the safety of our attendees, speakers and sponsors, the March, April and May in person dinner meetings have been cancelled. June's dinner meeting is frequently the most well attended inviting fellow paralegals to witness the swearing in of the new Executive Board. The Association is monitoring the ongoing pandemic situation and will continue to make conscious decisions with everyone's best interests at heart. The Association is also researching professional, reliable platforms to offer free webinars monthly to PANJ members. Stay tuned!

PANJ has created a COVID-19 Board on the [Forum](#). The Board was created as a starting point for sources of varied information for paralegals both professionally and personally. It includes links to ongoing updates effecting the Court system as well as material for NJ businesses, employment benefits and protections. The information contained on the COVID-19 Board is not privileged and can be found online from other resources.

And with that I ask, WHO ELSE IS SICK OF HEARING OF COVID-19? SOCIAL DISTANCING? QUARANTINE? As paralegals, we are quite resourceful. Let us continue in the spirit of community and commitment to each other even if we have to do so electronically!!!

The American Bar Association recently adopted Resolution 102B revising the definition of "Paralegal" so that it is not used interchangeably with the title "Legal Assistant." This change was made "in order to clarify the work done specifically by paralegals.....the legal community has recognized a distinction between work done by paralegals and that of legal assistants." Paralegals continually strive for recognition of our contributions to the legal profession. Resolution 102B serves to acknowledge our efforts and PANJ will continue to promote the paralegal profession! A little history lesson: PANJ legally changed its name to The Paralegal Association of New Jersey Inc. from The Legal Assistant's Association of New Jersey (LAANJ) in 2007.

Election nominations are due before May 15, 2020.

The ballot is included in this issue.

Please print the ballot and submit your nominations before May 15, 2020 to the Election Committee Chair, Carina Yturbe, by email or regular mail.

While PANJ is a professional association and networking is beneficial to your career, serving on the Board gives you the chance to connect more closely with your peers and make lasting friendships.

I met Jennifer Smith in 2009 at a PANJ Board meeting in service as Trustees at Large. We would later co-chair the New Jersey State Bar's Special Paralegal Committee together. And now as I labor as the President of PANJ, she toils as President of the New Jersey Paralegal Convention. When I met Jennifer, I worked for a solo practicing in everything but family law and Jenn worked (and still does) for a mid-size firm where she does nothing but family law. While we may have crossed paths at some point, PANJ brought us together sparking the development of a professional relationship into a personal friendship. And Jenn is not the only one. Several PANJ members have become personal friends.

Finally, in the last issue of *Perspective*, I asked members for suggestions of improvement of the Association and ways the Association can further serve its members and the paralegal profession. Back in October 1983, the Association had 166 members. Presently, the Association has 163. While there was a period the membership grew to over 400 members in the 90's, membership has since remained steady at around 170 members. Former PANJ President, Kathleen M. Cummings, reflected that "membership size without membership participation is meaningless in terms of development of a professional organization that can effectively and aggressively address the issues that affect our professional lives."

The paralegal profession transcends the walls of law firms, corporations and other business entities. Membership in PANJ connects you to a community of professionals in the legal field who are committed to the development, promotion and recognition of paralegals. Making the connection is the first step. Nurturing and developing the connection requires conscious effort. Invest in your profession.

If you wish to contribute to upcoming editions of Perspective, please submit your pieces for review to Info@NJPara.org.

A Message from the *Perspective* Editor

Hello fellow PANJ members!! My name is Jessica Resnick and I am the Editor of *Perspective*. It's nice to meet you, so to speak. Some of you may know me as a Trustee-at-Large for PANJ. Maybe I'm just a fellow member at a dinner meeting. The purpose of this message is to introduce myself and share with you my thoughts on improving future newsletters.

After graduating from Fairleigh Dickinson University with my paralegal certificate, I started out at a title company. My job title was "pre-paralegal" and I quickly realized I wanted to expand my experience so I decided to move on to a law practice. I met PANJ President, Sarah Robinson, at the same title company! I now work for a boutique real estate law firm in Chatham and consider myself a "typical" real estate paralegal. I am also a Notary Public.

Sarah introduced me to PANJ and I decided "hey, I should join and keep up-to-date with the paralegal profession"! I applied to be a PANJ member in March 2018. In June 2019, I was voted in as a Trustee-at-Large and shortly thereafter, I was appointed as the Newsletter Editor.

Anyway, let's get to the interesting part of this message. I joined the PANJ Executive Board because I am appalled that paralegals are not regulated like other states. It is not mandatory to obtain American Bar Association approved paralegal education nor a paralegal certificate in New Jersey. Anyone can use the titles "paralegal" or "legal assistant".

If I can be part of the impetus to paralegal regulation, registration or required certification in New Jersey, I accept the task in service to our profession! While regulation, registration or required certification hasn't happened yet – that is okay! Resolving what's best for New Jersey paralegals will take time to iron out. In the meantime, I can at least begin here, as the *Perspective* Editor, to share my ideas with you about why I feel it is imperative to be involved with PANJ, and read the newsletters.

You might be reading this message and thinking, “how do the issues revolving around the paralegal profession concern me?” When I think of that question, I immediately wonder how paralegals could benefit from regulation, a registration program or required certification in New Jersey. “Rome wasn’t built in a day!” Getting involved with PANJ is the first step in many small strides towards regulation, registration or required certification in this State.

I agreed to be the Newsletter Editor so I can connect with people who are concerned about job security, education, or even networking with fellow professionals in the legal field. Even just a small commitment here and there, such as making phone calls on behalf of PANJ, can help build our Association into an even greater archetypal source for all New Jersey paralegals. I truly hope to see more of us volunteer our knowledge for the advancement of PANJ!

As someone who is fairly new to the PANJ Executive Board, and a novice Newsletter Editor, I will say it has been challenging, yet rewarding, to be included in PANJ. Therefore, I would love to hear from more of you on topics that are related to the paralegal profession. Give me a shout regarding your concerns as a paralegal! I can’t do it alone and I am asking you to take baby steps towards more contribution which is certainly a goal worth achieving.

Yours truly,

Jessica E. Resnick

Newsletter Editor

Newsletter@NJPara.org

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. You opted in at www.NJPara.org to receive this newsletter.

EMAIL RESPONSES TO NEWSLETTER@NJPARA.ORG

1. How many months or years have you been a PANJ member? _____

2. Do you read the quarterly Newsletter?

_____ Yes Do you find it easily accessible on the PANJ forum? _____ Yes _____ No

_____ No Briefly explain why you do not read it

3. What topics in the legal field would you want to see explored in the Newsletter?

4. Would you be interested in writing articles for the Newsletter?

_____ Yes

Would you be able to write an article for *each* quarterly Newsletter? _____ Yes _____ No

Would you be able to write upon request (no more than twice a year) _____ Yes _____ No

_____ No

5. Do you believe the Newsletter is graphically appealing (such as color or font)?

_____ Yes

_____ No How would you change the graphics? What changes would you recommend?

6. Do you feel the Newsletter should only be provided to PANJ members? _____ Yes _____ No

Please Explain. _____

EMAIL RESPONSES TO NEWSLETTER@NJPARA.ORG

IT'S ELECTION TIME AGAIN!!

The Paralegal Association of New Jersey (PANJ) is calling for all Regular members who may be interested in running for a position on the Executive Board, or who may wish to nominate someone for a position on the Executive Board, to come forward and so advise the Committee. The following are the positions comprising the Executive Board:

President
Vice-President
Recording Secretary
Corresponding Secretary
Treasurer
NALA Liaison
Three (3) Trustees at Large

REQUIREMENTS FOR NOMINATION:

- A. Nominee must be a Regular member in good standing with voting rights;
- B. If nominated to more than one position, the Nominee may run for both positions. However, if elected to more than one position, the party will take the higher office and the lower office will be given to the party receiving the second highest number of votes; and
- C. All nominees will be contacted and must confirm their acceptance of the nomination.

PRESIDENT: The President shall be the Chief Executive Officer, direct the policies of the Association and have general management of the business, property and affairs of the Association, and general supervision, direction and control over its other officers, employees and agents. The President shall preside at all meetings of the members and Executive Board.

VICE-PRESIDENT: In the temporary absence or disability of the President, the Vice-President shall perform the duties of the President. If the office of the President should become vacant during the course of a term, the Vice President shall assume the office of the President for the remainder of the term.

RECORDING SECRETARY: The Recording Secretary shall maintain a written record/minutes of all Executive Board meetings and be responsible for the upkeep of the records, other than financial, of the Association.

CORRESPONDING SECRETARY: The Corresponding Secretary shall prepare and forward all correspondence on behalf of the Association.

TREASURER: The Treasurer shall have general supervision over the care and custody of the funds.

NALA LIAISON: The NALA Liaison shall be a NALA member, be familiar with the NALA Bylaws and Standing Rules, shall receive minutes of all NALA meetings and shall represent the Association at the NALA annual meeting of Affiliations. This Officer shall be the main contact between NALA and the Association.

TRUSTEES AT LARGE: Trustees at Large shall complete any special project assigned by the President and/or Executive Board.

Please accept this as nomination of the following for the PANJ 2020-2021 slate of officers:

President: _____
Vice President: _____
Recording Secretary: _____
Corresponding Secretary: _____
Treasurer: _____
NALA Liaison: _____
Trustees at Large (Nominate 3)

FORWARD YOUR NOMINATION FORM TO:

Carina Yturbe
40 Washington Avenue
Lake Hiawatha, NJ 07034
cyturbe@dgrlegal.com

Member Signature

PLEASE RESPOND BY May 15, 2020

EXECUTIVE BOARD & COMMITTEE DIRECTORY – 2019-2020 TERM

EXECUTIVE BOARD:

PRESIDENT

Sarah M. Robinson
Info@NJPara.org

VICE PRESIDENT

Kerry Mackey, CP

CORRESPONDING SECRETARY

Michelle Mando

RECORDING SECRETARY

Jennifer Ciaburri

TREASURER

Carol Snyder
TreasurerPANJ@NJPara.org

NALA LIAISON

Christine A. Principe, CP
NALALiaison@NJPara.org

TRUSTEES AT LARGE

Melissa Acosta
Nyree Benitez
Melissa Cannella
JoAnne Haffeman
Kerry Mackey, CP
Jessica Resnick
Jennifer Smith, ACP
Ivette Torres

COMMITTEES:

JOB BANK

Michelle Mando
JobBank@NJPara.org

MEMBERSHIP

JoAnne Haffeman
Membership@NJPara.org

SOCIAL MEDIA

Allison Long
Michelle Mando
SocialMedia@NJPara.org

NEWSLETTER

Jessica Resnick, Editor
Michelle Mando
Newsletter@NJPara.org

PROGRAM PLANNING

Kerry Mackey, CP

PUBLIC RELATIONS

Ivette Torres

ELECTION

Carina Yturbe

HISTORIAN

Kandi Moncelsi, ACP

NJ STATE BAR

ASSOCIATION PARALEGAL COMMITTEE

Yolanda Barry – Co-Chair
Laurie Robinson – Co-Chair
Nyree Benitez
Lisa St. Clair
Nathmia Abedrabo
Sandra C. Csaposs, CP
JoAnne Haffeman
Sarah M. Robinson
Dorothy Secol, CLA
Carol Snyder
Jennifer Smith, ACP
Ivette Torres

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Nyree Benitez:

Mercer County Community College

JoAnne Haffeman:

Essex County College
Middlesex County College
Raritan Valley Community College
Union County College

Jennifer Smith, ACP:

Berkeley College
Union County College

Ivette Torres:

Berkeley College

For more
information
about the Board
go to
www.NJPara.org



**AMERICAN BAR ASSOCIATION
STANDING COMMITTEE ON PARALEGALS
REPORT TO THE HOUSE OF DELEGATES
RESOLUTION**

RESOLVED, That the American Bar Association adopts the amendments to the ABA Guidelines for the Approval of Paralegal Education Programs dated February 2020.

**REVISED DEFINITION OF PARALEGAL IN THE
GUIDELINES FOR THE APPROVAL OF PARALEGAL PROGRAMS**

G-103

As Used In The Guidelines:

- (a) "Program" means the entity or unit within the institution that provides the paralegal education;
- (b) "Committee" means the American Bar Association Standing Committee on Paralegals;
- (c) "Approval Commission" means the Approval Commission of the Standing Committee on Paralegals;
- (d) A ~~legal assistant or~~ paralegal is a person, qualified by education, training, or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible. ~~For the purposes of the Guidelines, the terms "legal assistant" and "paralegal" are used interchangeably.~~

REPORT

Background

In August 1973, the House of Delegates of the American Bar Association adopted the Guidelines for the Approval of Legal Assistant Education Programs ("Guidelines") as recommended by the Special Committee on Legal Assistants. Supporting evaluative criteria and procedures for seeking American Bar Association approval of paralegal education programs were thereafter adopted by the Committee. In 2003 the Committee was renamed the Standing Committee on Paralegals and the Guidelines renamed the Guidelines for the Approval of Paralegal Education Programs. The House of Delegates amended the Guidelines in 1977, 1990, 2003 and 2018. The Committee adopted revisions to the interpretive language of the Guidelines in 1989, 1990, 1992, 2000, 2001, 2008, 2013 and 2019.

The Standing Committee, through its Approval Commission, is continually working to update and modify the Guidelines to meet the challenge of creating improved standards for the education of paralegals. In July 2018, the National Federation of Paralegal Associations requested the Standing Committee review the current definition of a paralegal as outlined in the ABA Guidelines (G-103.d). The Standing Committee requested feedback from all ABA Approved Paralegal Education Programs, NALA...The Paralegal Organization, local, state and national paralegal associations, and bar association leaders (through ABA Bar Services) regarding terminology used for non-lawyer legal professionals.

The Standing Committee determined that the term “legal assistant” should be removed from the definition in order to clarify the work done specifically by paralegals. In the past the titles of “paralegal” and “legal assistant” have been used interchangeably, but the legal community has recognized a distinction between the work done by paralegals and that of legal assistants. In filing the amendment to the ABA Guidelines, the Standing Committee is asking the House of Delegates to approve a revised definition of paralegal (G-103.d).

The proposed amendment is the work product of the Standing Committee and Approval Commission, in consultation with paralegal educators, professional paralegal organizations and other interested parties. They are intended to ensure that the ABA Guidelines continue to represent and promote high standards of quality in paralegal education.

Respectfully submitted,

Chris S. Jennison
Chair, Standing Committee on Paralegals
February 2020

GENERAL INFORMATION FORM

Submitting Entity: Standing Committee on Paralegals

Submitted By: Chris Jennison, Chair

1. Summary of Recommendation(s).

The Standing Committee on Paralegals is recommending that the House of Delegates adopt amendments to the ABA Guidelines for the Approval of Paralegal Education Programs, eliminating the term “legal assistant” from the definition of “paralegal.”

2. Approval by Submitting Entity.

The Recommendation was approved by the Standing Committee at its meeting on October 19, 2019.

3. Has this or a similar recommendation been submitted to the House or Board previously?

This recommendation has not been previously submitted.

4. What existing Association policies are relevant to this recommendation and how would they be affected by its adoption?

The ABA Guidelines for the Approval of Paralegal Education Programs were initially adopted by the House of Delegates of the American Bar Association in 1973. The House of Delegates thereafter amended the Guidelines in 1977, 1990, 2003 and 2018.

5. What urgency exists which requires action at this meeting of the House?

N/A

6. Status of Legislation. (If applicable.)

Not Applicable

7. Cost to the Association. (Both direct and indirect costs.)

None

8. Disclosure of Interest. (If applicable.)

Not Applicable

9. Referrals.

In July 2018 the National Federation of Paralegal Associations requested the Standing Committee review the current definition of a paralegal as outlined in the ABA Guidelines (G-103.d). The Standing Committee requested feedback from all ABA Approved Paralegal Education Programs, NALA...The Paralegal Organization, local, state and national paralegal associations, and bar association leaders (through ABA Bar Services) regarding terminology used for non-lawyer legal professionals.

10. Contact Person. (Prior to the meeting.)

Chris Jennison, Chair
Silver Spring, MD 20906
Phone: (301) 538-5705
E-Mail: chris.s.jennison@gmail.com

Jessica Watson
Manager, Paralegal Programs
Standing Committee on Paralegals
American Bar Association
321 N Clark Street
Chicago, IL 60654
Phone: (312) 988-5757
E-Mail: Jessica.Watson@americanbar.org

11. Contact Person. (Who will present the report to the House.)

Chris Jennison, Chair
Silver Spring, MD 20906
Phone: (301) 538-5705
E-Mail: chris.s.jennison@gmail.com

EXECUTIVE SUMMARY

1. Summary of the Recommendation(s)

The Standing Committee on Paralegals is recommending that the House of Delegates adopt the amendment to the ABA Guidelines for the Approval of Paralegal Education Programs, eliminating the term “legal assistant” from the definition of “paralegal.”

2. Summary of the Issue which the Recommendation(s) Address

The amendment will update the ABA Guidelines for the Approval of Paralegal Education Programs by revising the definition of a paralegal to be more reflective of current terminology used by the legal community. In the past the titles of “paralegal” and “legal assistant” have been used interchangeably.

3. An Explanation of How the Proposed Policy Position Will Address the Issue

The adoption of the amendment will update the Guidelines for the Approval of Paralegal Education Programs so that they keep pace with current terminology used by the legal community.

4. A Summary of any Minority Views or Opposition which have been Identified

No other positions on this recommendation have been taken by other Association entities, affiliated organizations or other interested groups.

PANJ agrees with the ABA's revised definition of "paralegal" set forth in this Resolution. PANJ has updated its website and marketing materials accordingly to coincide with the ABA's decision and will continue efforts to educate members of the legal profession and the public about the paralegal profession.





www.NJPara.org

FREELANCE & INDEPENDENT PARALEGALS

MARKET YOUR BUSINESS TO PARALEGAL EMPLOYERS

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

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

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

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



NALA NEWS

March 2020

2020 NALA Conference and Expo

Mark your calendars!! NALA comes to New Jersey July 9-11, 2020 at Harrah's Resorts, Atlantic City. If you've ever considered attending a NALA Convention, now's the time to go. It's right in our backyard! I highly recommend attending. It's so beneficial - personally and professionally.

PANJ is in the early planning stages for a Welcome Reception for the evening of July 8, 2020. We hope you'll join us. With the current Covid-19 situation, we're taking it slow. More information will be shared as the date approaches.

Early Bird Registration for the NALA Convention expires May 15, 2019. NALA member? Use your \$80 Gift Certificate towards the cost of the registration. Can't make it for the three days? NALA offers a one-day registration for Thursday, July 9, 2020. July 9 is filled with CLE opportunities, the Annual Meeting, Affiliates Meeting, the Affiliates Showcase, evening reception and much more! Discounted room rates are available through June 13, 2020 or until the block of rooms fills up. Hope to see you there!

****Special Note:** NALA is monitoring restrictions on travel and gatherings due to the Covid-19 pandemic. They have not yet made any changes to the Conference yet but indicate on their website that they are "certain changes will need to be made at some point and to some degree" which may include virtual opportunities. If you have already registered, cancellations can be made prior to June 9, 2020 for a full refund. Be sure to monitor their website and social media for updates. If you are a NALA member or have already registered, keep your eye out for NALA's updates by e-mail.*

NALA Comes to New Jersey – Again

Melissa J. Hamilton, ACP will be speaking at the NJ Paralegal Convention in Iselin, New Jersey on October 25, 2020 about the CP Exam.

CP Exam

The Knowledge Exam is administered on demand all through the year. The Skills Exam is next available in April and July.

Gift Certificate

NALA members receive an \$80 Gift Certificate. Don't forget to use it towards the Convention registration or webinars!

CLE

Live and On-Demand Webinars are available for NALA members and non-members. The cost:

Length	Member	NonMember
1 hour	\$45	\$65
1.5 hour	\$45	\$65
2 hours	\$55	\$75

ABA Revises the Definition of Paralegal

The ABA recently revised its definition of “paralegal” by removing the term “legal assistant” from its definition. Listen to Jill Francisco, ACP, NALA’s President discuss this important topic at LegalTalk Network’s podcast, The Paralegal Voice, at <https://legaltalknetwork.com/podcasts/paralegal-voice/2019/12/paralegal-hot-topics-the-abas-proposed-definition-changes-and-new-education-guidelines/>.

Christine A. Principe, CP

Certified Paralegal

NALA Liaison

NALALiaison@NJPara.org

CONGRATULATIONS

EDWARD HOFFMAN, CP,

FOR PASSING THE CERTIFIED PARALEGAL EXAM!

The program to become a Certified Paralegal through the National Association of Legal Assistants (“NALA”) is prestigious and has high standards for those ready to accept the challenge.

Achieving the Certified Paralegal designation opens doors and commands respect from the legal community and is a life-long commitment throughout your entire career.

We encourage anyone who is interested in joining the rankings of Certified Paralegal or Advanced Certified Paralegal to reach out to our [NALA Liaison, Christine Principe, CP](#), for more information!

2020



SAVE THE DATE

July 9-11, 2020

Harrah's Atlantic City

NALA Conference & Expo

The Paralegal Certificate is Just the Start of Your Paralegal Training

By Ann Pearson



Indispensable paralegals know that their paralegal certificate is only the beginning of their paralegal training. If you're like most, you probably spent a good sum of time and money on that paralegal certificate, so it's not easy to immediately start thinking about more school or more courses. If you're already employed as a paralegal, it doesn't take long to figure out that the paralegal certificate was just the start to your paralegal education. That paralegal certificate was the base (or the foundation) that you can build upon with additional training in your practice area.

Ask Any Experienced Paralegal: How Well Did Your Paralegal Certificate Prepare You for that First Year?

Regardless of the practice area or experience level, all paralegals agree on one thing: if you want a successful career, don't ever stop looking for opportunities to attend paralegal training events (online or in-person). Think about any skill or hobby that you are really good at - and you know - it takes more than an introductory video or course to get you to the point where you're really good at it.

I think about the difference between my scuba diving skills and my sailing skills. I've been a certified scuba diver for over 10 years. A few years ago, I received my ASA 101 certification to sail a boat. Which means (technically) I can sail a boat up to 27 feet in length, in good weather conditions and only on closed bodies of water. Essentially: a small boat on a lake on a sunny day. Since passing that test a few years ago, I've only been on a sailboat once (and I quickly realized that I had no idea what I was doing).

That's what happens when any of us takes a new course on any topic and then we stop learning or don't put those new skills to practice right away. It got me thinking about how this can also affect a paralegal career if we're not careful.

Unlike my sailing course, I have put my scuba diving course to use a lot throughout the last 10+ years and have refined those diving skills throughout the years. I've even taken additional scuba certification courses that made me a better scuba diver. What most people don't know about getting certified as a scuba diver is that the basic scuba certification course does not teach you **how** to dive. It teaches you how to not panic and get severely injured when something goes wrong 60 feet below the surface.

There's a big difference between those two things. It's the same with the sailing certification. It taught me what to do when things go wrong on a sailboat. It didn't teach me how to be a master sailor. That comes with practice, continued learning and more practice. It's the same with paralegal certificate programs. They teach you how to survive through the basics.

A paralegal certificate program can't teach you how to be a successful paralegal. Having a successful paralegal career comes with determination, continuously refining (and redefining) your skill set, and a mindset of owning your career.

If you asked 100 paralegals who all went to 100 different paralegal certificate programs, they would all tell you the same thing. *The schools taught us theory and terminology, but not the skills that were needed on the first day of that first paralegal job.* In defense of all paralegal certificate programs, it would be difficult to teach *every* skill a paralegal might use at *every* different type of employer in *dozens of different practice areas*. They would have to offer separate paralegal certificate programs for every practice area.

The skills that you need as a litigation paralegal in a law firm are going to be completely different than the skills you need as a commercial real estate paralegal working in-house for a corporation. This problem is not unique to the paralegal profession. It's the same when lawyers graduate from law school. They know the case law, rules, and regulations - but they have a lot to learn before they're actually practicing law without supervision from other lawyers.

Ask any of your friends in the finance industry. They might have passed their exams, but they still have a lot to learn through on-the-job training or supplemental courses that teach skills now that they have the base or the foundation of what they needed to know.

If you have recently received your paralegal certificate, consider taking some advanced paralegal training courses in a specialty area (such as e-discovery, real estate or intellectual property) if your school offers them. Many paralegal certificate programs recognize the need for additional specialized training and offer courses in specific practice areas.

The only way to get the critical skills that you need for a successful paralegal career is to take the initiative and go get those skills.

Without them, you'll be like me out on that sailboat: stuck on that small sailboat in the middle of a small lake and find yourself in trouble if the weather gets bad. With technology now, there are so many easily accessible options for obtaining additional paralegal training at a minimal expense.

Consider some of these options to get the paralegal training you need to further your career.

- Local paralegal association meetings and events
- National paralegal conferences
- Online courses
- Your local paralegal schools (not just the one you attended)
- YouTube
- LinkedIn
- Vendor technology training events
- Your employer's intranet site (many will archive prior in-house training events)
- Ask to "shadow" a senior paralegal for a few days

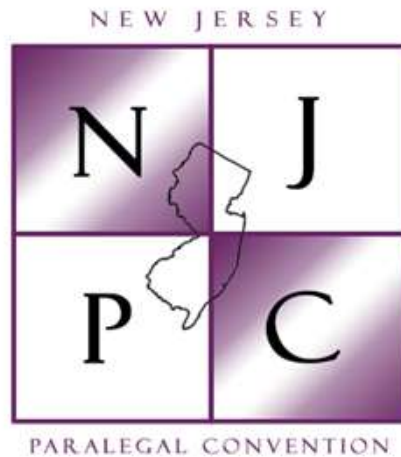
I know it can feel overwhelming to think you just spent all this time and money to get your college degree and then a paralegal certificate - and you thought you were **FINALLY** done with school. We're never really done learning. Ask any senior paralegal who is an indispensable member of their team, and they will tell you:

You are never too experienced to learn something new.

Ann Pearson is the Founder of the [Paralegal Boot Camp](http://Paralegal-Bootcamp.com), specializing in training for paralegals that focuses on the important skills not taught in most paralegal certificate programs. Ann started her paralegal career in the early 90's as a litigation paralegal and then was a paralegal manager for many years prior to starting her own company in 2010. When she's not working, you can usually find her somewhere near an ocean – either scuba diving, boating, cleaning up a beach, or volunteering to help save sea turtles.



Reprinted with permission from Paralegal-Bootcamp.com



SAVE THE DATE!

October 16, 2020

Delta Hotels by Marriott Woodbridge
(at the Metropark)
515 US Route 1 South
Iselin, New Jersey 08830

www.NJParalegalConvention.com

@NJParaCon



Offering **Bachelor's and Associate's degrees** in Legal Studies, as well as a **Paralegal Certificate program**, Berkeley College prepares students to enter the legal field in a range of careers. You'll learn from an exceptional faculty, including experienced corporate, litigation, and government attorneys who bring firsthand knowledge to the classroom.

Comprehensive support services and resources include the Center for Academic Success and the Berkeley College Pre-Law Advisory Center (PLAC), which provides guidance and support for students interested in attending law school.

Online Paralegal Certificate Options

Core Paralegal Certificate	18 credits	Cost: \$3,995
Elective Paralegal Certificate	9 credits	Cost: \$2,500
Advanced Paralegal Certificate	27 credits	Cost: \$6,495

To learn more about Berkeley's Legal Studies programs offered at our campuses in New York City, Newark, Woodbridge, Woodland Park, and Online, contact:
Info@BerkeleyCollege.edu

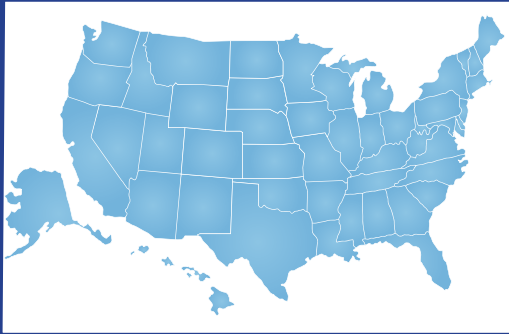


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Managing Multilingual Litigation Efficiently

Law firms face many challenges when handling high-profile, high-value, multilingual litigation. Enhancing efficiency, providing greater value to clients, obtaining a successful outcome in the matter and minding clients' budgets are top of mind and are often directly linked to accurate foreign language document translations throughout the litigation process. Procuring high-quality translations from the beginning of the matter can make all the difference in addressing these challenges.

Firms that mismanage translations early on face the risk of poor-quality, inadmissible translations and costly last-minute services. Translation does not need to be a significant hurdle or detrimental cost within multilingual litigation. However, it does require firms to be proactive.

Pitfalls of Handling Legal Translations In-House

From a myopic view, handling translations in-house can seem convenient. Firms may rely on associates, of counsel, or contractors with knowledge of a foreign language to perform the work of foreign language reviewers and professional translators. This is common when one or more associates at the firm are fluent in the foreign language and able to provide basic document translations and reviews. Yet the result can be inconsistently translated documents that miss important cultural distinctions and nuance – and that run the risk of being factually inaccurate.

Additional issues that can arise when relying on attorneys for translation services include:

- ☐ Lack of cultural awareness
- ☐ Claims of bias
- ☐ Significant workloads
- ☐ High costs
- ☐ Unexpected problems near deadlines

A Complex, Nuanced Process

Translation is a complex and nuanced process requiring in-depth knowledge of a language and culture. Attorneys may lack the cultural insight necessary to translate the correct meaning of the document with all of its intended connotations or implications.

They also may lack experience in translating business-, technical-, and legal-specific terms. That being said, even

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when attorneys are fluent in a foreign language and have the necessary knowledge and skills to provide accurate translations, it is still in a firm's best interests to work with a translation service. Translating legal documents is a time-consuming process, and attorney-produced translations are not cost effective, as they can draw an attorney away from more value-add client responsibilities.

Other potential issues arising from attorney-translated documents are certification and claims of bias. For a translated document to be submitted to a court or a government agency without the fear of the opposing party claiming bias, it may need to be certified. Documents translated in-house may provide a firm with information, but they may not provide evidence to effectively use in court. Certification provides accountability for the translated document, and the contents of a certification document can vary depending on a firm's needs. Generally, certified translations are accompanied by a statement that provides the translator's name and qualifications, identifies the translated document(s) and language, and guarantees the translation is complete and accurate.

If a firm were to submit an in-house translation or use the uncovered information in court, one of the most significant risks is a claim of bias. By handling its own translations, other parties of the litigation may argue the attorneys were consciously or subconsciously influenced to translate a document in their client's favor. Claims of bias can be challenging to overcome and can lead to unnecessary setbacks in a case. The time and cost associated with unnecessary legal challenges are concerning, not to mention the potential reputational damage before a judge.

The disadvantages of in-house translations also may impact the firm's bottom line. When a firm relies on associates to provide translations services, it places a significant workload on their shoulders. These associates may then bill their hourly fee not on legal matters, but instead on translations. This can amount to hundreds of billable hours and potentially increase the cost of the litigation.

Furthermore, as associates spend weeks or months on the translation project, they are unable to handle legal matters associated with the case and those for the firm's other clients. While the multilingual case may be a central

matter for the firm, it is unlikely to be the firm's only client or case. By ensuring associates are not overwhelmed by translations, the firm ensures that other clients receive the attention they deserve.

While firms may be able to adapt to the challenges associated with in-house translations for a time, there is a significant risk of unexpected difficulties toward the end of a project. Firms may find the workload too great for their associates and miss a deadline. Or firms may suddenly find certain documents are highly relevant to the case and require certified translations to be used in court.

These unforeseen issues often lead to purchasing emergency legal translation services. When a firm commissions a legal translation service provider late in the project, it is disadvantageous, often pushing up against court deadlines and resulting in higher fees due to the demand for last-minute services.

Why Partner with a Legal Translation Service?

To circumvent unnecessary challenges, partnering with an experienced legal translation service provider from the beginning of a matter is prudent. Doing so can provide firms with confidence that they will receive high-quality, accurate translations in a timely manner – resulting in the strongest possible foundation to pursue successful outcomes in their matters.

NEUTRAL, ACCURATE, HIGH-QUALITY TRANSLATIONS

A professional translator carefully crafts an accurate translation that considers the foreign language author's culture, which influences not only the understanding of individual words, but also the document as a whole. Like attorneys, translators have different areas and levels of expertise. Because of this, legal translation providers work with numerous freelance translators to ensure a firm's matter receives attention from a professional with the right knowledge and experience. Well-versed in business-, technical-, and legal-specific vocabulary, the right translator can discern the appropriate meaning of a word, sentence and the entire document. Their familiarity

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with legal, technical and business terms and their cultural knowledge ensures they identify underlying assumptions or coded messages. Moreover, by working with a professional translation team, firms can be confident that documents are translated consistently across the board. Firms should partner with a service provider that gives them access to the best possible translators and not choose a provider based on cost alone.

Yet another benefit is that professional translations are performed by a neutral third-party. This is particularly important in high-profile and high-value litigation. Having no stake in the outcome of the litigation protects firms against costly, time-consuming and damaging claims of bias. Such translations can be certified and avoid claims of bias in court. Whereas uncertified translations obtained in-house would require a second step of acquiring a professional certified translation, firms can immediately put third-party certified translations to use.

Working with a service that dedicates itself to providing neutral, accurate and high-quality document translations is cost-efficient. Professional translators working full time on a project administered by an experienced project manager will have a higher rate of output than associates inefficiently working through translations in-house. Firms also avoid unexpected costs by preventing emergencies, especially those that may arise toward the end of a project and require excessively fast, and therefore costly, professional translation services.

A PARTNER THROUGH THE LITIGATION PROCESS

Hiring a legal translation service provider offers firms more than high-quality translations. Experience in project managing large legal translation projects is essential. A translation vendor has the ability to scale for large projects – a capability most law firms lack. It can take on such projects by employing additional translators, project managers and other essential staff who understand discovery and the various litigation stages.

Conversely, firm associates acting as in-house translators are apt to mismanage translation projects due to inexperience managing projects at this scale.

As any firm knows, litigation is rarely a straightforward or predictable process. A translation service must be responsive and flexible to a firm's evolving needs and routinely respond to unexpected changes and emergencies in litigation-related translation projects. Third-party translators typically become an integral part of the litigation team, appropriately organizing and managing the document translation, reviewing the project based on the firm's needs and taking responsibility for ongoing and timely results.

While turning a blind eye to the positive influence that technology may have on the language translation process is unwise, technology is not always the answer to a challenging or cumbersome process. In the case of language, traditional human touch is necessary for high-quality legal translations.

What's more, longevity and cybersecurity are essential in modern litigation. Law firms benefit from translation vendors that utilize technology to track and store translated documents throughout the process and that archive translated documents and other relevant records – ensuring that translated documents are never lost.

Machine Translation Is Not a Solution – Yet

Machine translation (MT) and neural machine translation (NMT) have advanced significantly in recent years. Computers now have a greater ability than ever to translate a document from one language to another. One day, the process may be as accurate as human-based translation. It may eventually become a time- and cost-efficient solution to multilingual litigation. However, MT has a long way to go before this is universally true.

While turning a blind eye to the positive influence that technology may have on the language translation process is unwise, technology is not always the answer to a challenging or cumbersome process. In the case of

Managing Multilingual Litigation Efficiently

language, traditional human touch is necessary for high-quality legal translations. This is because translation is not a one-to-one task – an area in which computers are typically efficient. Many words do not have a reciprocal term in another language. Idioms, if literally translated, will make little sense in another language. Because of these factors, translation is as much an art form as it is a skill. It requires cultural understanding, training and experience to ensure that a translated document offers the same nuanced meaning as the original foreign language document.

Identifying a vendor that offers varied solutions, such as MT and NMT, to meet diverse circumstances is important; however, technology-based translations are appropriate in certain circumstances and not others. MT may be appropriate for culling high volumes of documents, though largescale, high-value litigation is likely not the place for inaccurate and uncertified machine translations.

High-Quality Translations Are Key to Successful Multilingual Litigation

When law firms take on cases with a foreign language element, the need for legal translations is certain. In complex and high-value cases, this often equates to hundreds of thousands or millions of emails, business records, contracts and other content that must be accurately translated to determine their relevancy to the claim. Even smaller matters with less at stake can easily produce volumes of documents that require translation and that could impact the outcome of the case.

Firms have several choices in how to address translations during multilingual litigation. The first is to handle

Firms have several choices in how to address translations during multilingual litigation. The first is to handle translations in-house with the assistance of multilingual associates or translators who are commissioned on a contract basis. Nonetheless, there are several risks associated with in-house translation projects, including disorganization, emergencies, inaccuracy, claims of bias and inadmissibility.

translations in-house with the assistance of multilingual associates or translators who are commissioned on a contract basis. Nonetheless, there are several risks associated with in-house translation projects, including disorganization, emergencies, inaccuracy, claims of bias and inadmissibility.

A second option is to utilize MT. This can be useful in certain, specific situations, although machine translations are often too literal, inaccurate and of poor quality. These factors make MT translations inappropriate for litigation. If any portion of a machine-translated document is incorrect, it can impact an entire case.

The third option – working with an experienced legal translation service provider – is perhaps most reliable. Taking this route can ensure high-quality, accurate, certified translations while securing a partner throughout the years of litigation. □

For more on how to effectively meet your language translation needs and manage successful multilingual litigation, visit Divergent Language Solutions at divergentls.com.

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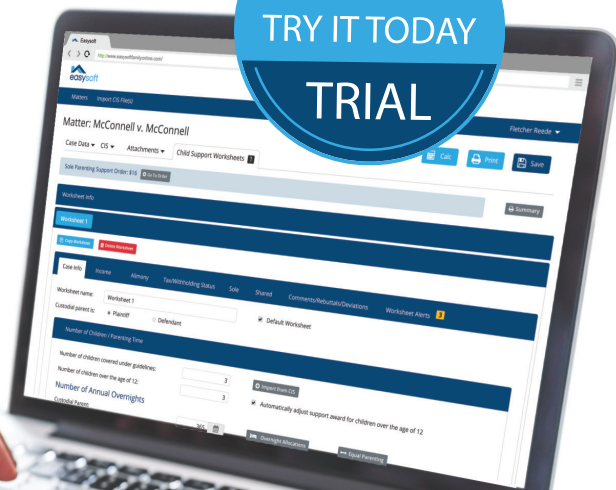


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Conducting Asset Searches on People and Businesses

By: Jerry Colasurdo

How do you find money to collect on once you secure a judgment?

Does someone have enough money to make suing them worthwhile?

Is a spouse hiding assets during a divorce?

The results of an asset search can have a significant impact on a variety of cases. But simply because there is a lawsuit - or the possibility of one - doesn't mean that you can conduct an asset search or that you'll definitely get the information you need.

We're going to fill you in on what it takes to conduct an asset search, what kind of information you can expect to get a result, and how to use this information to benefit your case and clients.

What you can and can't do

Only a limited portion of the population meets the criteria to conduct asset searches, as this information is highly protected. These searches can cover a wide variety of assets, including bank accounts, brokerage accounts, real estate, vehicles and boats. In a legal matter, the bank accounts often wind up being the most sought after given their liquidity.

With property, it can be difficult to actually collect on them. For example, if you have a judgment, you can levy on a bank account to collect your owed funds. But if there's not enough cash to cover the amount and you then have to look to property, you can wind up with a lien - which can leave you or your client waiting quite a while for the actual sale.

Since bank accounts are the most common type of asset search we're going to focus primarily on those. Bank and account information is exceptionally private, and the abuse of access to it resulted in a number of acts to ensure only those with an appropriate legal purpose can gain access to it. To conduct an asset search, you need a very specific reason that's covered under the permissible purposes of the Gramm-Leach-Bliley Act (GLBA) and the Fair Credit Reporting Act (FCRA).

Under these, the following permissible purposes are considered scenarios where you can conduct an asset search:

- Debt collection/fraud
- Collection on a judgment
- Authorized matrimonial or estate investigation
- Court order or subpoena
- Authorized employment background check

There are a few other situations where asset searches can be utilized, but they relate to investments and extensions of credit.

What information you can get

The amount of information that can be obtained during a bank search is often fairly extensive including:

- Financial institutions where accounts are held
- Specification of the type of account (checking or savings)
- Balance in account(s)
- Branch account was opened at (sometimes)
- If the account located is a joint account, we will be able to identify that it is a joint account
- Date of last deposit (sometimes)
- Amount of last deposit (sometimes)
- Recently closed accounts (sometimes)

Having the date and amount of last deposit can be helpful, as it lets you know that the account is active and will help dictate when you should submit a levy on account. If an individual or business receives recurring payments, timing these correctly will mean the funds will still be available. Additionally, having any recently closed accounts can help you prove fraudulent conveyance of funds in cases where money is being funneled to relatives, friends or shell companies to shield it.

Depending on the tools used, bank searches cover about 70% of financial institutions. However, there are other databases that only have 30-40% accuracy, so be sure your investigator has access to the more extensive options. We're finding more and more that people are shifting money across state lines into smaller banks and are getting savvier in how to hide their funds, making it important to cast a wide net in locating accounts.

Brokerage accounts can provide you with accounts such as 401Ks, IRAs, mutual funds, stocks and bonds. In order to fully comply with the Securities and Exchange Commission (SEC) rules, you will get the account name, the address and phone number of the institution and the account balance (at the time the search was run).

When searching for real property and tangible assets, including vehicles, boats and planes, the databases a licensed private investigator has access to are often more comprehensive than those non-licensed professionals can access, such as LexisNexis. A private investigator can also help determine what other liabilities an individual or business has, including tax liens, foreclosures, and other lawsuits that may require your client to "wait in line" when looking to collect.

What you need to conduct a search

In order to conduct an asset search in the United States, you need the social security number and date of birth for an individual. For a business, you would need to have the Federal Employer Identification Number (FEIN), the business address and the name of a principal/owner. If you don't have this information, an investigator can help locate them for you.

International asset searches are much more difficult, as other countries don't use identifiers the way we use Social Security numbers and FEINs. In these cases, it can be difficult to make sure you have the correct individual or entity. It is important to remember that other countries do not have the same legal procedures as the United States and forbid access to any banking information depending on the country.

How to maximize its benefits to your case

Conducting an asset search can help you gain valuable insight into what funds are available, where money may have been moved to in order to avoid discovery and determine when and how to levy after a judgment. In any of these scenarios, it's important to set clear expectations with your clients on what information may or may not be found.

If you're unsure whether or not you have a permissible purpose to conduct an asset search or are wondering if an asset search is right for your case, contact an investigator who specializes in these. You want to make sure you get accurate, informed answers to protect your firm and make sure any asset searches are valid in court and can be upheld.

Jerry Colasurdo, Chief Business Development Officer and Licensed Investigator, On The Lookout Investigations

With over 40 years of experience, Jerry Colasurdo is a Licensed Private Investigator (LPI), founder and past President of the New Jersey Professional Process Servers Association and Certified Process Server (CPS). He is one of the founders and past President of the New Jersey Professional Process Servers Association. He holds a national affiliation in the National Association of Professional Process Servers (NAPPS) and many other state Process Service organizations. In addition, he is internationally affiliated with the World Association of Detectives, Inc. (WAD). Jerry has extensive experience in an array of specialized investigations, including asset searches, criminal investigations, witness statements and surveillance.

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An Overview:

How to Obtain a Surety Bond

Quickly and Correctly

By: Neil Pederson

Your client or boss just called - you need to get a surety bond ASAP. What do you need to know to do this correctly? This article will guide you through the basics.

What is a surety bond?

A surety bond is a financial guarantee of payment. Three parties enter into a contract to guarantee that certain obligations will be met:

- to -The **principal** is the entity the court directs to post the bond or the party that needs to obtain the bond.
- The **obligee** is the entity that is being protected by the bond (which is usually your adversary).
- The **surety** guarantees that the principal will fulfill its obligations according to the bond's terms or will pay the obligee up to the limit of the bond.

Suretyship is an extension of credit, not an insurance policy or a risk transfer. Unlike insurance, the risk of loss under a surety bond stays with the principal, who indemnifies (or pays), the surety for any losses it sustains after paying or performing the guarantee to the obligee.

If there is a loss, the surety pays for the loss from its own funds and seeks to recoup the payment along with expenses and fees from the entities that indemnified the surety for the bond.

What type of bonds are generally required for litigation?

The most common types of bonds needed for litigation matters are temporary restraining order (TRO) bonds, preliminary injunction bonds, attachment bonds and appeal/supersedeas bonds (a bond that is required from an appellant who wants to stop the execution of a judgment until the appeal is final).

The principal obtains the bond by proving their financial solvency to the surety, indemnifying or securing against loss or damage for the bond and paying yearly bond premiums to the surety.

The TRO, attachment, and preliminary injunction bond guarantees the principal will pay the obligee for damages sustained in the event that the order granting the TRO, attachment or preliminary injunction was granted improperly. If the principal is unable to pay or refuses to pay the obligee, the surety will step in.

Appeal and supersedeas bonds guarantee payment of an entered judgment, costs and post judgment interest pending appeal. The bond prevents the judgment debtor from executing the judgment by either restraining or seizing assets.

How much does a surety bond cost?

The annual premium can range from one to three percent of the bond amount per year. The cost is risk based and will depend on the type of bond needed and the financial stability of the entity obtaining the bond from the surety.

What information do I need to obtain a surety bond?

It depends on what type of bond you need. There are different requirements for different types of bonds.

First, who is the client - an individual, a corporation, or other entity? If the client is a corporation, is it publicly traded or privately held?

Second, is the client a foreign or domestic entity (*i.e.*, incorporated in the US or abroad)? If the client is a privately held entity and the bond is sizeable, a financial statement will be required.

When it comes to obtaining a surety bond, work with an experienced firm that has an understanding of the intricacies of the process including the court's deadlines and complex requirements.

Getting prequalified is highly recommended

When seeking an injunction, TRO, or attachment, you should have your client prequalified for a bond. That way, you can represent to the judge that you can file the bond within a short time frame. You can even ask the judge to make the order effective immediately and dissolve it if the bond is not filed within three days. Having the order take effect immediately prevents the opposing party from taking steps to circumvent the order. It is beneficial to your client provided they can obtain the bond quickly.

In certain circumstances, clients cannot obtain bonds. If this is the case, you may have to alter your legal strategy, which is why prequalification is so important.

When your case is concluding and you know that a judgment will be entered soon and your client intends to file an appeal, it is best to line up the bond ahead of time.

The bond should also be lined up before the judgment is entered since in many jurisdictions there are no safe days (or days before the final entered judgment can be executed) once the judgment is entered.

Once the judgment is executed it can be costly for your client. In cases where assets are restrained it can make obtaining the bond difficult or impossible. In certain situations, your client's assets may need to be pledged to the surety to obtain a bond. Once restrained, they cannot be pledged.

Even if your client can obtain the bond after their assets are restrained, you will need to motion the court for an order lifting the restraints after filing the bond, as the filing of a bond does not automatically lift restraints. The restraining of assets can also be very disruptive to the continuation of a business.

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Infringement of Intellectual Property

By: Luis A. Rodriguez

International IPR infringement is a growing concern for United States companies especially in sectors such as pharmaceutical, agricultural, chemical & textile manufacturers as they spend billions in developing new products and in fighting piracy or counterfeit goods, resulting in huge revenue losses. Many countries understand the importance of intellectual property protection to the development of their economies as U.S. companies employ more than 400,000 people in the United States and many more abroad, so protection is warranted and needed.

Intellectual Property rights are often not treated as a top priority when running a business. This is a critical step that every business owner should closely examine.

Failure to recognize IP rights can have steep repercussions for your business including financial and reputational damage. Violations can open doors to potential lawsuits with big price tags, civil damages, injunction, impoundments, lost profits and significant legal fees to attorneys for expensive litigation so avoiding infringement is critical.

The first step in protecting your intellectual property is recognizing one of the four types you might encounter:

1. **Copyrights** are original artistic works including music, literature, video, movie, architecture and computer software.
2. **Trademarks** protect branding words like phrases, symbols, logos, goods, services and companies.
3. **Patents** cover inventions and rights to the invention for a predetermined time. These include utility, design and plant patents. The inventor's identity is secretive in nature until the patent is published.
4. **Trade secrets** protect information of a proprietary nature which includes formulas, programs and data.

What should you do to protect yourself?

Small businesses should begin by checking the United States Patent & Trademark Office databases to ensure a brand, logo, design or product name isn't registered. A few ways to avoid infringing is to:

1. Create original images or music,
2. Obtain licenses from the copyright holders
3. Use royalty free media to name a few

The Trade and Tariff Act of 1984 clarifies the conditions under which unfair trade cases under section 301 of the Trade Act of 1974 can be pursued. It was strengthened by the 1988 Omnibus Foreign Trade and Competitiveness Act.

Until all foreign leaders start to police this issue within their countries, the U.S. will continue to experience exorbitant loss on infringement in the U.S. and abroad.

About the author

Luis A. Rodriguez is a Client Service Representative at United Corporate Services, Inc. and a 2019 Top 50 winner of the Intellectual Property Rights (IPR Gorilla)Leader Award. Luis has over 20 years of Intellectual Property, Legalization, UCC and Corporate filing transactional experience. Says Luis: "I have a passion for providing co-workers and clients strategies that are insightful, impactful and informative." Contact Luis at luis.rodriquez@unitedcorporate.com or through LinkedIn.

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Top 4 Skills a Successful Paralegal Must Have in Order to Succeed

By: Melissa Acosta

One of the growing fields in our country is the field of the Paralegal Professional. Many companies and institutions hire paralegals and paralegals have become an important part of Corporate America. Now a days, you can obtain a job in the paralegal field in law firms, court houses, banks, and in the legal department of most corporations. Some may wonder what a paralegal actually does and why is this such a growing field? Others may wonder what are the keys of success for a paralegal and what does it take to make it in this ever growing field? This article will highlight the top 4 skills a successful paralegal must have in order to succeed.

There are several traits a paralegal should possess. The first is you must be organized. Throughout the course of your day, you will be getting tons of information and perhaps a lot of documentation as well. A successful paralegal knows how to keep an organized desk. Attorneys expect that you will maintain all the information they give you in an organized manner and being organized will make your job easier as you take on assignments and different tasks. One example of being organized could be keeping something as simple as a task list. A list of tasks that need to be done or assignments that have been assigned to you. Another example of something that could help keep a paralegal organized is a docket list of all active matters. This list should include the name of the matter and any important due dates relating to the matter. One other way to keep organized is by having an organized filing system. This would entail a way to identify all active files and a running list of all file locations so that all files are in order and easy to identify.

The second skill is the ability for a paralegal to prioritize. It is important that you ask the attorneys for the due date of each assignment you are given so that you can prioritize your work in an efficient manner. The more you prioritize, the likely you are to efficiently complete all of your assignments. This is especially important because we are often asked to complete multiple assignments at one time. It is very important that you keep a running list of the assignments assigned to you and the due dates. The assignments that are completed first should be the assignments that have the soonest deadline. It is also a

good idea to ask the attorneys for some guidance when it comes to making your priority list. It is a good idea to confirm with the attorney that what you have identified as priority fits their priority list as well.

The third skill is the ability to multi task. In order to be a successful paralegal you must be able to multi task and handle various assignments at the same time. It is a skill you develop with time but it is a very big skill that potential employers look for in a paralegal. The more you multi task, the more valuable you become to your employer. I would suggest that you start small with multi-tasking an e-mail with an assignment or answering the phones with an e-mail. It is not an easy task but it is one that is essential in this field.

The last skill for a successful paralegal is what I like to call the "sponge" skill. That means you must learn and act like a sponge when absorbing information. I always say if you learn 1 new thing each day you make yourself more marketable as a paralegal. You can never learn too much and your thirst for knowledge should always be a part of your job. If your job offers training courses in any area, you should certainly sign up. For example, some jobs offer continuing education opportunities and other jobs offer in house training. If your job does not currently offer these opportunities, it is a good idea to suggest this to your supervisor or office manager and it will not only benefit you but it will also benefit your employer in the end. Another way to learn would be to partner up with a senior paralegal in your job or attend your local paralegal organization where you can meet plenty of people in your field who can mentor you. You would be surprised how much you learn just by talking with a more experienced paralegal.

If you utilize the skills set forth in this article, you are on your way to having a successful career as a paralegal. It is a very rewarding field and a very interesting field. The demand for paralegals is at the highest that it has been in recent years. More and more companies are recognizing the value that a paralegal brings to their company or practice.

The author is the owner of Melissa Acosta Freelance Paralegal Services, LLC at www.njfreelanceparalegal.com and can be reached at mafreeslanceparalegal@gmail.com or (973)-903-7227.

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Staying Safe in Cyberspace

By: Mike Tanji and Frankie Mohylsky

In 2020 access to information technology (IT) is ubiquitous and connectivity to the internet is persistent. The computer you work on every day is one of hundreds that you use or interact with in some fashion every day, whether you realize it or not. There is no disputing the value IT brings to your work and personal life, but for all of its benefits, IT is a double-edged sword. The capabilities and trust you place in technology can be easily used against you. How much of a problem do you really face online, and what can you do about it?

The Nature of the Threat

Everyone needs to worry about different threat actors (bad guys) and specific threats. The three primary classes of threat actor are: criminal, non-state, and nation-state. Roughly speaking that translates into people who are in it for the money, people who are in it to make a point, and people who are in it for political-military reasons. It is not unheard of for different classes of actors to work together when their incentives are properly aligned. For example, nation-states may hire criminals to carry out actions on their behalf so that the attacks are not attributed to the nation in question.

The aforementioned threat actors have at their disposal a wide range of techniques that they could use to compromise your security and make off with valuable information. Of all the possible crimes they could commit, the three most widespread are:

- **Ransomware:** As the name implies, a ransomware attack locks your files and holds them “hostage.” Unlocking the files requires a key that only the attackers have, which they will part with for a fee. Failure to pay may result in the data being lost forever.
- **Business Email Compromise:** You may have heard of it described as “CEO fraud” or “CFO fraud.” attackers impersonate an executive and directs someone with the authority to move funds to send money to an account. Because superiors are supposed to be obeyed, and the request is not wildly out of line, the transaction takes place, and the firm’s money is lost to the scammers.
- **Cryptocurrency Mining:** A growing and costly attack that uses your own IT resources to “mine” cryptocurrencies such as bitcoin. Your systems do all the work – and you pay the electrical bill – and the attackers get all the money.

What You Can Do

The most significant thing you can do to combat cyber threats and protect yourself online is to adopt a security mindset. You don’t have to be an expert to maintain a sense of *awareness* and *vigilance*. If it sounds too good to be true it probably is; if it seems out of character, it’s probably a scam. You may not catch all the threats being thrown against you, but you can make yourself a much harder target.

It is also important to remember that protecting yourself online does not have to cost a fortune. The cybersecurity product and service market is measured in the tens of billions of dollars, but most threats can be dealt with using solutions that are free:

- **Start by using a password manager to create and store strong passwords.** My personal preference is 1Password (fee), but KeePass, LastPass and Password Safe are all free. Weak passwords and password re-use (using the same password for multiple accounts, including personal and work accounts) is a leading cause of hacks and data breaches.

- **Use Multi-Factor Authentication everywhere you can.** Multi- or two-factor authentication uses an additional piece of information (like a numeric code sent via text) in addition to a user name and password to help ensure the person logging into the account is the right person. Most major software as a service (e.g. Amazon, Google, Facebook, LinkedIn, PayPal) allow the use of MFA/2FA.
- **Update your software or operating system when asked.** We've all been in the middle of something important and gotten that pop-up that says, "updates are available, do you want to restart your computer now?" We've also all said "No" and put off updates for far too long. Software updates fix a wide range of problems, many of which could be used against you.
- **Make backups and store them off-line.** Today computer memory is so cheap we think nothing of saving books, whole catalogs of music, movies, and every document, picture, and email we've ever sent. But all that data can be a liability. The bad guys can't steal or ransom what they can't access.
- **Implement Full Disk Encryption.** If you're using a remotely modern PC or laptop you've got Full Disk Encryption (FDE) built into your operating system. In a Windows system it's called BitLocker or Device Encryption, and on a Mac it's called FileVault. Activation takes a few minutes, but the protection it affords is essentially forever.

Conclusions

Cybersecurity threats are real and they are only growing in frequency and sophistication. The more pervasive your use of technology, the greater your exposure to threats, and the deeper the negative impact a successful attack can have on your life. Just as you protect your house and the valuables therein, so too should you consider your computer, cell phone or tablet – and the data therein – as a resource of value to be protected.

For the threat actors you face, this is a business. An illicit one, but a business nevertheless. They have goals and a return on investment to achieve, so everything you can do to make yourself a hard target is going to direct their attention away from you and to greener fields. Making yourself a hard target can be done at little or no cost, but like anything worth doing, you have to be willing to put in the effort.

Mike Tanji, Global Marketing Officer and Chief of Staff at Global Cyber Alliance, Cyber Security Advisor to Cicayda iDiscovery

Mike Tanji has over 20 years of experience in cybersecurity and intelligence. Michael began his career as a member of the U.S. Army's Military Intelligence Corps and served as the Functional Manager of the Defense Indications and Warning System for Computer Network Operations. The original cyber threat intelligence organization. He was the Co-founder of cybersecurity IPO "unicorn" Carbon Black. As a cybersecurity practitioner he's caught malicious insiders, secured classified networks, helped create novel security products and services, and helped numerous organizations comply with pertinent laws, regulations, and policy in non-disruptive and cost-effective fashion. You can connect and find more information on Mike Tanji [here](https://www.linkedin.com/in/mtanji/) (<https://www.linkedin.com/in/mtanji/>).

Frankie Mohylsky, SVP Business Development, Cicayda iDiscovery

Frankie Mohylsky is the Senior Vice President at Cicayda eDiscovery. Cicayda is a cloud based eDiscovery software and services company that works with firms and corporations on both the strategic and tactical level to overcome the unique challenges of modern complex litigation and investigations. Frankie has spent the past 10 years in the technology sector, and started her career at the leading cloud and virtualization software, VMware. You can connect and find more information on Frankie Mohylsky [here](https://www.linkedin.com/in/frankiemohylsky/) (<https://www.linkedin.com/in/frankiemohylsky/>).



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THE CLOUD:

WHAT'S IN IT FOR PARALEGALS?

By: Steve Ferman

I am sure you've heard of cloud computing. You use it in your personal life without even knowing it! If you're using iCloud to store photos you take with your phone, you're already using cloud computing. Or if you use Dropbox, Google Docs or even Flickr these are all cloud computing services.

In fact, cloud computing has become so mainstream, we really don't think about it. We just consume it. As a paralegal, is now the right time to commit to using it in your work life?

So what is the Cloud anyway? It essentially takes your data and applications (or a hybrid of them) and stores them elsewhere rather than on your phone or at your office. You can then access them via the internet [hopefully using a secure communication like an encrypted link or a virtual private network (VPN)].

Cloud computing is very beneficial to paralegals and lawyers in a legal setting since it allows immediate access to case files remotely from anywhere, at anytime, from any device resulting in faster turnaround times and client satisfaction.

3 Ways Paralegals Use the Cloud

1. Storing client data. Centralized storage of all client data means all information is in one place, so anyone in your firm (with the proper permission) can access the files they need when they need them.
2. Storing legal documents and case files. Internet or cell service allows immediate access for review, modification, use at trial, transmission to client, etc.
3. Storing financial records. Accurate financial information at your fingertips 24/7.

We are officially in the 21st century. By using the Cloud, you move your data off of localized computers and servers not only making information easier to access but more importantly decreasing storage capacity concerns and reducing overhead while benefitting from disaster recovery usually not affordable to most companies especially freelance paralegals, small law firms and solo practitioners.

Your Cloud provider should have geo redundancy of your stored data and applications. If a disaster strikes, like Hurricane Sandy for instance, your data and applications are replicated to the Midwest or West Coast. With geo redundancy, you will never lose your information and reduce downtime.

Benefits of Cloud Computing

When deciding whether to implement cloud computing for your freelance paralegal business or law firm, consider these benefits:

- Lower your overhead costs. Because you're not paying for storage on servers in your office, you're not paying an IT specialist or firm as much to keep your technology up to date.
- Easier client access. Allowing clients to access information themselves will reduce overhead costs if you allow self-service.
- Increased access to legal services. Freelance paralegals, small law firms and solo practitioners become more aggressive, leveling the legal playing field with bigger competitors.
- Centralized data storage and management. Enables faster access to critical information as well as allowing clients to get information whenever they want it.
- Employ modern technology. Appeal to technology savvy individuals, both as potential clients and employees.
- Remain up to date. With cloud computing, information can be updated quickly-in just hours or days rather than months.
- Reduce downtime. Software upgrades are usually performed during off hours overnight or on weekends.
- Disaster recovery. Your cloud computing provider should provide back up and geo redundancy services. Peace of mind is priceless!

Security

Not all cloud providers are created equal. Do your due diligence and know who your partnering up with. Vet your cloud provider's security methods, policies and procedures on handling issues or breaches if they occur. For instance, is there a breach response program in place?

Although cloud computing offers many benefits, it offers one big risk- SECURITY. Risk to confidential client information is a grave concern. Large competitors have the benefit of in house technology departments to vet and retain cloud providers. Freelance paralegals, small law firms and solo practitioners can turn to eTegrity for all their cloud service needs.

Steve Ferman, former CEO and owner of Compunite Computers and Cloud Nation, brings over 38 years' experience in technology and security to eTegrity. Since 1986, Steve has started and sold multiple IT companies with the vision of anywhere, anytime, any device computing. He is one of the original tech pioneers and for years has been helping businesses migrate from brick and mortar offices and data centers to the cloud.

Steve is a Certified Network Engineer, Citrix Certified (CCSP), and MCP. He has vast consulting experience in the legal, accounting, data protection and security industries as well as intruder detection. His recognitions include being named to the Mentor Top 100 MSPs and Top 250 People; Top 100 Cloud Service Providers nationwide and he has also been published in IT World.

Why Paralegals Should Understand A.I. and Analytics in Today's Legal Field

By: Nova Levante (first appeared on *Grit Daily* on November 22, 2019)

In today's digital age, the question of how artificial intelligence (A.I.) will shift industries, particularly the legal realm, has been heavily debated. As a licensed attorney and technology enthusiast who is immersed in A.I., I found it interesting when my 65-year-old mother came out of retirement as an English professor to work as a paralegal in a law firm for the first time. Like many today, my mother was curious on how A.I., legal research, and time efficiency can fit into one picture.

How A.I. Can Transform Your Law Firm

The background of how paralegals can be valuable to firms is rooted in the evolution of A.I., as applied to legal research. In theory, the integration of A.I. in the workplace will drastically change or even eliminate a plethora of jobs in the short-term. A.I. has great potential in the medical, legal, and educational fields. But, the legal field in particular, is one in which A.I. will significantly impact and transform, but maybe not always in the most positive way. Why do you ask? It's very possible that holistic legal intelligence created by A.I. may limit or eliminate the need for paralegals. Such application would include the application of legal contracts and other documents for transactional work. The efficiency provided would allow firms to take on more clients, process documents and research sooner, and provide cheaper services. However, there would be an elimination of an entire job sector. This elimination, along with other job sector eliminations could result in American policy changes to protect jobs.

How A.I. Impacts Economic Policy

However, one issue is that those making decisions' about A.I. are political representatives whose constituents may not fully understand A.I.'s ultimate benefit. Just as those living in Flint and Detroit were understandably unhappy with the micro-economy when the automotive industry left Michigan, many Americans will be unhappy with the micro-economies A.I. harms. In theory, an afraid and unhappy population could convince legislators to put barriers up against A.I. implementation. However, it is also foreseeable that the business leaders in America will also have a pull with the legislature and stymie such interference with technological innovation. Therefore, if paperwork, researching, and call center jobs could be replaced by A.I. many people would need to be retrained for the new market place.

So What's a Paralegal To Do?

My advice, if you can't beat them, join them. There is only one sure way to ride the wave of constant change technology is bringing — continue educating yourself. The more educational resources paralegals have accessible to them, the better. Why? They almost wholly depend upon technology to help make the partner's and associate attorney's lives easier, which in turn, makes their lives in the office easier. Or should.

Whether you are utilizing legal research platforms such as LexisNexis, Westlaw, FastCase, or even Google Scholar, A.I. is changing the ways by which the legal field conducts their legal research, especially when we are talking about analytics. The more research you can do, the longer you can boast about job security. This idea can be intimidating for someone who is uncomfortable with computers or is training to become a paralegal for the first time. What does the average person know about artificial intelligence? Thankfully, a lot more than you'd think!

For example, the reason utilizing search engines such as Google or Amazon is beneficial today is because of the updated analytics and A.I. running in the background to scrape as much data as possible, tailored to your search. In my tenure with LexisNexis, the company utilizes "research and solutions consultants," who are often licensed and practicing attorneys who already know how to research, to then assist other paralegals and attorneys with their search techniques through a 'Paralegal Mastery Program.' Thompson Reuters Westlaw Edge platform also gives lawyers, paralegals, and law students a competitive-edge integrating new analytics into its research-based platform. Yet, the biggest struggle for most people from that point is where to begin training on using A.I. in their legal research. But, this is not something any paralegal should worry about because legal research providers offer those services free of charge.

Choose a Side

While retraining on technology may seem intimidating, that fear shouldn't stand in anyone's way of retraining for the workforce. No longer can we resist the age of technology. It could just result in serious malpractice issues for those in the legal field. A wonderful aspect of technology is it is a great equalizer of people because we are all learning every day. We all, paralegals and lawyers, have to be humble enough to learn and smart enough to join artificial intelligence in conducting legal research.



Nova Levante is a Legal News Columnist at Grit Daily. Nova is a licensed and practicing attorney focusing on debt negotiation, the Fair Debt Collection Defense, expungement, and bankruptcy. Nova attended Rutgers University, where Nova concentrated in global cyber-security law and policy. As a computer programmer and lawyer, Nova provides a unique perspective on technology law.

Original publication: <https://gritdaily.com/if-you-cant-beat-them-join-them-a-i-vs-paralegals/>

Paralegal's Guide to Selecting Medical Experts

By: Michael Lavinger, Esq.

Paralegals tasked with retaining medical experts face unique and somewhat stealth challenges. This is because paralegals are given varying degrees of direction by their attorney who then expects the correct expert will be selected. Those attorneys may not fully understand the medical issues raised, the underlying medicine, and the practice boundaries of all potentially relevant medical specialties. Even if the attorney does understand the foregoing, they may fail to communicate the task correctly. Beyond that, the attorney may not provide the necessary case details for the paralegal to make the correct decision. In the end, this could cause a paralegal to retain an expert in the wrong specialty, get a duplicative expert, or fail to obtain an expert who is necessary. At best, there will be wasted money, wasted time, and unnecessary stress. At worst, there can be expert preclusion, case dismissal, and a legal malpractice suit.

To be fair—and to state the obvious—attorneys have gone to law school, not medical school. They are not taught about medical specialties while in law school. Even if they know many specialties, they may not know all the specialties relevant to their case. If an attorney does not know that a specialty even exists, how could they choose it...and how could they instruct their paralegal correctly?

The same truths apply regarding medicine, pathophysiology, and treatments. Of course, nearly every personal injury attorney learns about the more common medical specialties from their earliest medical cases (usually with slip-and-falls, and motor vehicle accidents involving orthopaedic, neurologic, psychiatric, and spine matters). With more experience comes exposure to other specialties. Most personal injury attorneys will never see interventional neuroradiology, pediatric rheumatology, bariatric surgery, endocrine surgery, renal pathology, reproductive toxicology, or oculoplastic surgery cases.

Most cases may seem straightforward but no one should be blindly trusted. Thought about another way: Would you trust a doctor who knew only 75% of the diagnoses in their field?

Not only are paralegals responsible to correctly complete the tasks they have been given, they also may be working under an unreasonable attorney. This unenviable position is unfortunately quite frequent for paralegals. Attorneys who are disorganized, are medical-legal inexperienced, tend to procrastinate, or are prone to be unreasonable with their employees may make the paralegal's job more stressful and tenuous.

It is unreasonable to expect every paralegal—or *even every attorney*—to know the medicine of each case and the potentially relevant medical specialties. The best course is to be as knowledgeable as possible. That means trying to learn as much as possible about the facts of the case, the medicine, the issues, and the potentially relevant medical specialties, in order to make the best decision for the case and the client.

In the 28 years I have been running Medilex, a medical-legal consulting firm with medical experts in approximately 180+ medical specialties, I have been involved in approximately 15,000 cases. That is likely more than any single person in the country. Since the choice of expert is so critical, I provide a preliminary telephone discussion (called triage) for each case *without charge or obligation*. These calls may be a few minutes or may extend to an hour. I believe triage is necessary which is why I provide it for free.

I have found that attorneys and paralegals fall into one of five categories when they call:

- a) They **know** what specialty they need.
- b) They **do not know** what specialty they need.
- c) They think they know what specialty they need—but are **incorrect**.
- d) They think they know what specialty they need—but there is a **better choice**, (e.g., perhaps one expert can serve two roles, avoiding the need for another expert).
- e) They think they know what specialty they need—but have an **incomplete** list of the experts they actually need.

The most dangerous is the third category, although the fourth and fifth are very problematic. Failing to know is usually not a sin; failing to realize that or failing to obtain the needed information may be. Again, there can be serious repercussions for the attorney, the client, and the paralegal's job.

Sometimes learning vicariously is better than learning from one's own mistakes, so here are some examples (from both paralegals and attorneys):

- 1) A very experienced attorney called in a panic. He had been thrilled that an orthopaedic surgeon who had only handled defense malpractice cases agreed to review his plaintiff malpractice case.

While preparing the doctor for his deposition, the attorney asked how he did the surgical procedure at issue in the case; the doctor replied, “Oh, I don’t do that procedure.” This was a foot-and-ankle orthopaedic surgery case and this doctor was a general orthopaedic surgeon who, like many in his field, long ago stopped operating on feet (and ankles). The attorney almost put this expert up for deposition—after which he would have almost certainly been precluded from replacing him. Luckily, he realized this and avoided a legal malpractice claim.

- 2) A paralegal called asking for a gastroenterologist in a specific county to perform an IME. I did not have what she asked for but inquired further. Her case involved a woman who went to a barbeque, contracted *Salmonella*, went into renal failure, and got better. Though most *Salmonella* cases involve gastroenterology, infectious disease, or microbiology issues, this one mandated a nephrologist (kidney expert). Moreover, an exam was completely unnecessary because a nephrologist would have essentially nothing to examine. “Turn over so I can cut open your back and feel your kidney” is ridiculous. This case review was entirely based on the medical records. Two major errors were avoided.
- 3) A paralegal called about a gynecologist’s failure to diagnose cervical cancer. Her attorney told her to get a gynecologist and planned to retain an (medical) oncologist for causation/damages if the gynecologist opined positively. Unfortunately, most attorneys do not know about the field of gynecologic oncology. A gynecologic oncologist treats such cancers, specifically surgically, and coordinates the care by other specialists. Retaining this single expert avoided having to retain multiple experts.
- 4) An attorney who happened to be the chairman of his bar association’s medical malpractice committee called asking for an oncologist expert. The case involved a young male who had a leg tumor visible on MRI but not diagnosed by the radiologist. Eventually, he lost neurologic function. He had retained a radiologist for standard of care but was seeking a causation/damages expert. Because there was a radiologic study showing the tumor on “day one” and another showing it when it was diagnosed years later, the issue was whether it could have been removed soon after “day one” without neurologic injury. A nerve entangled tumor should be removed by a neurosurgeon. When explained that way, the attorney realized he needed a neurosurgeon and that his request for an oncologist was incorrect.
- 5) More attorneys and paralegals than I can remember have called looking for “an orthopaedic surgeon” for a lumbar or cervical spine surgery malpractice case. Although orthopaedic surgeons treat spines medically, unless they are fellowship-trained in spine surgery, they do not operate on the spine. Orthopaedic surgeons trained in spine surgery are called orthopaedic spine surgeons. The other specialty that operates on the spine is neurosurgery. Typically, the paralegal or attorney calling has minimally researched the defendant and found them to be “board certified in orthopaedic surgery,” hence the request for an orthopaedic surgeon. Retaining a (mere) orthopaedic surgeon arguably crosses the border into legal malpractice and risks expert preclusion. That is because in most states there is a requirement in malpractice cases to have an expert who performs the procedure in question. Similarly, retaining an orthopaedic spine surgeon in a case involving a neurosurgeon—or vice versa—can result in expert preclusion in states that require a malpractice expert be board certified in the same field as the defendant. Attorneys and paralegals calling from states which do not have that requirement, may not realize they have an alternate choice of expert.
- 6) An attorney facing summary judgment managed to get a neurosurgery expert in an intraoperative brachial plexus injury matter to opine not only about the neurosurgical standard of care, but also about the anesthesiology standard of care.

His reasoning was, “Well, the neurosurgeon has been in the operating room ‘plenty of times’ with anesthesiologists, so can opine about neurosurgery standard of care.” Of course, the quid pro quo then must be that because anesthesiologists have been in the operating room “plenty of times” with neurosurgeons removing brain tumors, they are qualified to be experts against neurosurgeons regarding standard of care in the removal of brain tumors.

- 7) Per his attorney’s specific instructions, a paralegal called requesting “a cardiologist” to opine about causation on a medical malpractice matter. The case involved whether cardiac stenting would have saved the plaintiff’s life. (General) cardiologists do not implant cardiac stents. Angioplasties and stent placements are performed by interventional cardiologists. Thankfully, this paralegal was able to convince his attorney that he had been told to get the incorrect expert.
- 8) Most paralegals and attorneys dealing with bone injury from alleged child abuse will call requesting a pediatric orthopaedic surgeon (or, sometimes, an emergency medicine physician). Such doctors are most concerned with fixing their patients, not usually with determining how the person was injured. In some cases, this may be the correct choice, but another specialty is implicated: child abuse and neglect pediatrics. There are specialized pediatricians who are fellowship-trained to determine which cases are, and which are not, abuse. They are uniquely qualified to analyze potential child physical (including internal, bruise, bone, neurologic, burn) injury, sexual injury, and death cases. As a bonus, child abuse and neglect pediatricians tend to be much less expensive than pediatric orthopaedic surgeons.
- 9) A paralegal inquired about a psychiatrist for a competency matter. Most psychiatrists are doing therapy but within psychiatry are multiple subfields including forensic psychiatry—psychiatry as it pertains to the law. Rather than a doctor who explores through psychotherapy one’s relationship with their mother during childhood, competency matters are best handled by a forensic psychiatrist.
- 10) A paralegal called not knowing what she needed. Her case involved an orbital fracture of a child dropped from a window. There is a field so small that one of its members once (decades ago) said “When I tell other doctors my specialty, I have to explain what it is.” That is small. The field is oculoplastic surgery. Oculoplastic surgeons operate on lacrimal (tear) duct malignancies and benign conditions, perform blepharoplasties (eye lid lifts), and fix orbital fractures.
- 11) Very frequently, paralegals and attorneys call for pain and suffering evaluations. They most frequently request emergency medicine physicians, trauma surgeons, critical care specialists, and pain medicine experts. As noted regarding child abuse cases, nearly all medical specialties are concerned with making their patients better—but not as concerned with the etiology of their injuries. Forensic pathologists are dealing with the deceased (who, of course, cannot be “fixed”); their job is to determine cause and manner of death and injury. As part of that, they determine the mechanism of death, the order of injuries including which were fatal versus not, and which impact consciousness. Forensic pathologists are typically best for pain and suffering cases.

From this handful of examples, the repercussions of retaining the incorrect expert are very apparent. Again, a paralegal may feel unable to question (or, heaven forbid, correct) their attorney but they might have the last chance to avoid such an error. The paralegal might even get blamed for the error—even when precisely following their attorney’s orders. “But I did exactly what you told me to do!” may not be an acceptable defense to prevent getting fired. Hence, paralegals face unique and stealth challenges when tasked with retaining medical experts.

As we all know, there is no simple way to navigate such interpersonal workplace situations with one's boss. Office politics can involve landmines and paralegals are almost never on equal footing with attorneys. Accordingly, they may become the scapegoat, particularly if the attorney is prone to rationalizing that any mistake must be someone else's fault.

Knowledge is power. Be open to learning about the facts, medicine, medical specialties, and the issues even if the new information seems to be at odds with what the attorney ordered. Though it may be excusable for an attorney or paralegal not to know about some aspect of medicine or of existing medical specialties, it is not usually excusable to fail to learn that and to obtain the needed information. Armed with information, a paralegal can then decide how to proceed, remembering that attorneys are responsible to represent their clients not only zealously, but also correctly. Similarly, a paralegal must act not only for their attorney but also on behalf of the case and client. No one wants to have to explain to a client, a judge, or worse—a legal malpractice insurer—why they chose the wrong medical expert. These are serious obligations about which each paralegal must always be cognizant. Doing both can be a juggling act, particularly with a difficult boss. So, it is best to get educated.

The job you save may be your own.

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Michael Lavinger, the director of Medilex, intended to be a physician until mid-way through college. Instead, an intense post-college stint doing systems work at a law firm led him to attend Boston University School of Law, from which he graduated in 1990. He was admitted to practice in New York, New Jersey, Connecticut, and Washington, DC. He left the practice of law in 1992 and began Medilex, which allows him to combine diverse medical and legal knowledge, exceptionally analytical abilities, and innate systems skills. It was more than 20 years ago that a doctor commented, "You know more medicine than law."

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