

Briefly...New York



On the Horizon

NALS of NY Annual Meeting

May 2 - 4, 2014
Corning Radisson Hotel
125 Denison Pkwy. E.
Corning, NY 14830
(607) 962-5000

NALS 63rd Annual Education Conference & National Forum

Oct. 2 - 4, 2014
Crowne Plaza Houston Near Reliant-
Medical
8686 Kirby Drive
Houston, TX 77054
(713) 748-3221 or (800) 227-6963

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MESSAGE FROM THE PRESIDENT...

Happy 2014 to all of you! When the ball dropped in Times Square to bring in the New Year, for me it meant another chapter in my life had ended, and a new one was about to begin. So I was filled with happiness and sadness at the same time; but I was also filled with hope!

As we come to the end of our year together, I realize, too, that one chapter will close and another one will open, and I am hopeful!

For starters, although we lost nine members, which brought our membership down from 41 to 32, we added 2 new members between May 1, 2013 and now: **Betzaida Torres** and **Deborah Lewis**, brought us back up to 34, and we continue to hold steady at 34.

At our Annual Meeting in June, we had two first-timers in attendance: **Diana Rivera** and **Betzaida Torres**.

In October 2013, NALS of New York went live on LinkedIn. Although our LinkedIn group has only four members, I am hopeful that more of you will take advantage of this new way to network with your colleagues. I am participating in discussions in other LinkedIn groups for legal professionals, and I am finding it truly rewarding.

And the biggest beacon of hope for me concerning NALS of New York, Inc., was learning that one of our members has continued her membership for 51 years! That's right, 51 years! So, I will hope you will all join me in congratulating **Peggy Bennett**, member-at-large, on her accomplishment of being a member of NALS...the association for legal professionals for 51 years!

What is down the road for us? Plans are being made for the 2014 Annual Meeting! NALS of New York will soon emerge on Facebook! I would love to revive our local chapters and to open dialogue and collaborate with other legal professionals and other legal professional associations; there are no limits to what we can do if we work together as a team!

I am hopeful that we can continue to thrive as a State Chapter if each of us keeps an open mind; continues to renew our membership; recruits at least one new member; invites one colleague to join us at our meetings and functions; participates in discussions; shares ideas!

The possibilities are endless!

In friendship,

Toni

"If you always do what you always did, you will always get what you always got."

- Albert Einstein

2013/2014 NALS OF NEW YORK, INC.
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The Changing Role of Legal Support Staff

(by Cynthia Thomas, Law Practice Magazine/ABA, Jan/Feb 2014)

Recent advancements in technology used by law firms have blurred the lines between legal assistants/paralegals and legal secretaries. What were once two separate and distinct positions now overlap, and both jobs have changed significantly.

Traditionally, the terms legal assistant and paralegal were used interchangeably, with both referring to a nonlawyer legal support staff member who, after education and training, performed substantive legal tasks. Legal assistants generally have an advanced understanding of the law and legal proceedings, and routinely perform tasks such as researching cases, preparing discovery, interviewing people involved in cases, preparing case summaries and general case management. These tasks are generally performed independently and are billed to the client. A legal secretary, on the other hand, performs clerical and administrative tasks under the supervision of an attorney or a paralegal. Historically, the legal secretary's tasks commonly include word processing, dictation, handling incoming and outgoing mail, court filings and answering an attorney's telephone. These tasks are not billed to the client. While serving very different functions and having distinct job requirements and responsibilities, legal assistants/paralegals and legal secretaries work very closely together and often rely on each other to play instrumental roles in providing support to attorneys and to the practice of law.

WHAT'S HAPPENING TO LEGAL SECRETARIES?

Times are changing. Goodbye typewriter; hello laptops, smartphones and tablets. The increased use of these electronic devices in law firms allows attorneys to work independently anywhere, any time. These devices, along with voice recognition software, are just a few of the technological advancements that have vastly affected legal secretaries' duties. More attorneys type their own correspondence and use email rather than having a secretary type a letter and send it by U.S. mail. Younger tech-savvy associates need no encouragement to adopt the new technology and, as new generations enter the workplace, it will become the norm. A decrease in traditional clerical duties is also causing a major change in the role of legal secretaries.

Some law firms, wanting to cut costs and increase efficiency, are eliminating legal support staff positions, including secretaries. Those remaining secretaries, who once supported one or two attorneys, are now often supporting five or more, especially when assigned to younger lawyers. In addition, some law firms have retitled "legal secretaries" as "legal assistants," not only so they can bill certain tasks of the secretary (such as drafting correspondence or organizing documents) to clients, but also to entice a new generation of entry-level college-degree workers who view a secretarial job as temporary or transitional.

LEGAL ASSISTANTS/PARALEGALS?

Legal secretaries, however, are not the only legal support staff affected by computer technology. The role of the legal assistant/paralegal is changing as well. Legal assistants are now required to perform legal research—another activity that the firm can bill the client for doing. This requires that a legal assistant know precisely where to go for any necessary information. Twenty years ago, this would often require going into the law firm's law library and searching through books, spending countless (billable) hours reading and Shepardizing cases. Today most firms have discarded their books in favor of online services such as Westlaw and Lexis for legal research, not to mention the use of the Internet. This allows a legal assistant to perform the research in less than half the time, and with this faster technology the answer is often expected within minutes.

Another major change in the role of legal assistants involves the handling of discovery. Paralegals play a critical role in assisting attorneys with discovery. They help manage the discovery process, especially when large volumes of documents are involved. These documents are no longer housed in banker boxes with spreadsheets. Instead, through the use of computer technology, digital scanners and document management software, discovery documents are stored in electronic format. This use of document management software is another major technological change affecting legal support staff.

Therefore, the traditional role of a legal assistant has transformed into a more tech-savvy one, and paralegals are now training and working with IT personnel to assist in managing the discovery process. Thus, successful litigation legal assistants must now be familiar with document management software, and state and federal e-discovery rules, and they must be able to coordinate with outside litigation support vendors. As a result, the evolution of document management technology has created a new legal support staff member who merges the skills of a paralegal and a computer specialist into a legal technology specialist.

LEGAL TECHNOLOGY SPECIALISTS

A legal technology specialist provides technical support for large e-discovery projects, document production and document reviews. This position did not exist 15 years ago. If a specialized database was needed, the firm's IT technician or department would assist a legal assistant in creating one. However, a legal technology specialist not only requires advanced knowledge of document management software programs and database manipulation, but also a thorough understanding of federal and state rules of civil procedure. Not to mention attention to detail, multitasking, analytical skills and great customer service skills. And let's not forget someone who works well with attorneys, legal assistants and legal secretaries.

MOVING FORWARD

So what is the future role of legal secretaries and legal assistants? As technology continues to develop, legal and litigation support staff will continue to grow and remain to fill a vital function within law firms. For current legal secretaries and legal assistants to remain gainfully employed in the legal field today, they must first embrace technology as a survival tool and be willing to become proficient at the emerging software. Second, legal secretaries and legal assistants must adapt to change, demonstrate flexibility, be receptive to new projects and responsibilities, be willing to take on challenges to gain experience, and exhibit a desire for continuous learning and professional development. Third, to accommodate new technology and workflows, they will need to adjust their communications with lawyers so that more information can be shared regarding current projects and clients. Finally, they must be willing to work together and in teams.

Therefore, law firms need to begin to reclassify and create new job descriptions, duties and titles to better reflect the support staff's actual responsibilities. In addition, they must reorganize and restructure their organization to deliver the best client services. One possible new support structure is the development of client service teams. A client service team is based upon all members working collectively as a group. The team is comprised of partners, associates, paralegals and legal secretaries dedicated to performing the necessary tasks to provide quality services to clients and to ensure that the firm is running in a highly efficient and cost-effective manner. In a client service team concept, three roles dominate: (1) the client service coordinator, (2) the production coordinator, and (3) the production assistant. However, a team concept is only effective and successful if training programs assist all team members to retool and shift their thinking and approach to work in a more technologically advanced law firm world.

Cynthia Thomas is the founder of PLMC & Associates, a management consulting firm for small and midsize law firms, and is a member of the editorial board of Law Practice magazine. She was also a firm administrator for law firms in Los Angeles and San Francisco.

Advice from Cathy Underwood, Esq.

(From @Law Fall 2013)

Herewith, a list of dos and don'ts for legal support professionals from Cathy Underwood, Esq.:



1. Don't talk. Client confidentiality is essential and is covered by the Model Rules of Professional Conduct, and attorney-client privilege.
2. Don't commit UPL and don't misrepresent yourself.
3. Don't commingle funds. All funds of the client must be kept separate from the office operating account.
4. Do get a written fee agreement. These are not required by the rules, but it is always the better practice to get it in writing. This is proof of what the agreement was.
5. Don't solicit and do understand the rules on attorney advertising. Solicitation occurs when an attorney contacts someone she knows is in need of legal representation in order to persuade that person to hire her. Advertising is to the masses.
6. Do be honest.
7. Do strive to be competent and professional. Communication is a big part of competence and professionalism. Lack of communication is one of the most common reasons that clients contact the bar disciplinary office.
8. Do advise your attorney of any conflict of interest. A conflict of interest is anything that interferes with loyalty to the client.

Cathy's advice is to use her Dos and Don'ts as a helpful guideline, but remember there is no substitute for knowing the rules - for the sake of your professionalism and your supervising attorney's.



How to Save a Soggy Cell Phone

(from popularmechanics.com)

More cell phones die from drowning than from any other cause. Here are some steps you can take to save your waterlogged cell phone:

- Step 1 Remove the battery - immediately. Resist the urge to power up your phone to see if it works - just turning it on can short out the circuits. Take out the SIM card, too, which may retain data, such as contacts, even if the phone itself is fried.
- Step 2 Shorten drying time - If the phone stays wet for too long, it will start to corrode. Skip the hair dryer - it's too hot for this purpose. A better choice is a can of compressed air, an air compressor set to a low PSI, or a wet-dry vacuum.
- Step 3 Sop up remaining moisture - Submerge the phone in uncooked white rice for at least 12 hours. If you don't have rice handy, place the phone on paper towels, then put it in the freezer for 15 to 20 minutes. Replace the battery and power up to see if the phone works. If it doesn't, remove the battery, and stick the phone back in the freezer for another five to ten minutes. There's a good chance you'll have a working phone after a couple of tries.

QR Codes
(from www.avery.com)



Are you familiar with QR codes? You've probably seen them around - those quirky squares with the intricate black and white design inside. The design is actually a matrix code that stores a large amount of information in a small, square space. When scanned, it quickly and accurately decodes that data such as URLs and text (hence the acronym "QR" which stands for "quick response"). With the advent of smart phones and barcode-scanning apps, resourceful marketers began using QR codes as a portable way to promote their business.

Despite their high-tech nature, it's easy to create your own QR codes and place them on almost anything. Aside from magazine ads, newspaper ads, posters, packaging and brochures, there are plenty of practical QR code applications, such as:

1. Business cards - create a QR code that links to your website to give users an instant, more complete look at your company.
2. T-shirts, mugs and key rings - Freebies like these that feature your QR code can promote goodwill with your audience, and deliver a simple way to learn more about your company.
3. Name tag or shirt - Wear a name tag or shirt with a QR code at a convention so others can instantly capture information about your company.
4. Windows - Create and place a prominent QR code in your front window allowing those passing by to upload important data about your business.

When thinking of all the different ways your business can use QR codes, be sure to:

- * give individuals access to worthwhile information. Don't waste their time.
- * Use codes with enough clarity and size to scan on older-generation smart phones.
- * Indicate where the code directs users, and the benefit they'll receive by scanning it.
- * Send users to mobile-friendly destinations.

For more information, go to www.avery.com and search for QR Codes.



VA Aid and Attendance

*(excerpted from an article by Justin Elrod, Esq.,
from the Fall 2013 edition of @Law)*

VA Aid and Attendance is a pension benefit veterans may qualify for under certain circumstances. Whether the veteran was injured in the line of duty or currently receives any type of VA benefit is irrelevant. This benefit is available to any and all veterans who served at least 90 days, any one day of which corresponded with a period of war. The veteran need not have served in combat. The veteran must have received any discharge other than dishonorable. This benefit is also available to the surviving spouses of qualifying veterans who are now deceased; however, divorce cuts off entitlement to this and other VA benefits, as does remarriage after the death of a qualifying veteran.

Currently, VA Aid and Attendance will pay monthly up to \$2,054 to qualifying married veterans, \$1,732 to qualifying single veterans, and \$1,113 to qualifying widows of veterans; and none of the added income from this VA program is taxable under current rules. This means that, for married veterans, the benefit can increase an applicant's income by nearly \$25,000 per year without increasing that couple's tax obligations.

To meet the VA's health criteria to qualify for the Aid and Attendance benefit, the veteran or veteran's widow must present medical evidence showing that he or she needs assistance with activities of daily living. For those veterans and widows of veterans who prove qualifying military service and appropriate medical need, the final analysis focuses on the current financial status of the applicant - an asset test and an income test.

Seek advice from an experienced Elder Law attorney or accredited Veterans Administration attorney.



Humans are Still Essential in e-Discovery

(excerpted from an article by Patrick Oot in the February 2014 edition of Law Technology News)

The first phase of the Oracle/Electronic Discovery Institute research project has been completed, and it confirms what many advocates have been preaching about technology-assisted review:

1. Spending more money doesn't correlate with greater quality;
2. Senior attorneys know what they are doing; and
3. You can't turn discovery over to robots - humans are still the most vital component of the project.

One team's human input was a senior-level attorney who spent 64.5 hours on review and analysis. The team performed best at finding both responsive documents and privileged documents.

Conclusion: Software is only as good as its operators. Human contribution is the most significant element.

Very Useful Websites

(from the February 15, 2014 edition of Bottom Line Personal)



- ⇒ Heart smarts: Information on diagnostic tests, medications, surgical procedures, more. Bonus: Texas Heart Institute professionals will answer questions by e-mail.
TexasHeartInstitute.org/HIC
- ⇒ Top medical resource: Free, continuously updated online medical reference books.
MerckManuals.com
- ⇒ Travel savvy: City/state/country guides, reviews of accommodations and cruises, road construction delays, last-minute bargains, airport maps, etc.
TripSpot.com
- ⇒ Easier gardening: Use Lady Bird Johnson Wildflower Center's database to find native plants that meet your needs. They are hardier and less susceptible to pests and disease than non-native species.
Wildflower.org/plants
- ⇒ Small-business success: Raising funds...branding...essential technology...best business apps...cyber-crime prevention...more.
EpicLaunch.com
- ⇒ Faster reading: Free online software to help you boost your reading speed and comprehension.
Spreeder.com
- ⇒ Interested in Pinterest? How to use the popular image-based social medium.
MakeUseOf.com/pages/your-guide-to-pinterest



Lawyers Find Themselves Far Behind the Curve When It Comes To Discovery From Mobile Devices

(excerpted from an article by Craig Ball in the February 2014 edition of Law Technology News)

Most of us live two lives, one of them virtual, within our little boxes; and the other physical, where a bevy of vigilant technologies record our comings and goings.

We tend to think of handheld devices as data receivers or repositories. Yet, handhelds are prolific data generators, much more so than the desktop and laptop computers they supplant. Ask corporate lawyers how they are addressing data in handheld devices, and the response tends to be: "For the most part, we choose to ignore it" - thinking that the data is irrelevant or mistakenly assuming it's duplicative of sources already collected.

Parties ignore handhelds and tablet devices because, without proper tools and skills, handhelds are not easy to preserve, collect or process, and their content is ill-suited to review platforms designed for documents. To understand the content, you must understand data. And that's farther than most lawyers are willing to go, despite the crucial difference data can make in their cases.

Depending on your point of view, the massive shift to mobile is either a headache or an opportunity. Litigants and their lawyers must stop pretending the move to mobile isn't real or relevant. It's a challenge...but it's also an opportunity.

**NALS OF NEW YORK, INC.
PAST PRESIDENTS**

1960-1961	Ethel Gage, Deceased	Orange County
1961-1962	Marie Cognata	New York City
1962-1963	Betty Clemons	Oneida County
1963-1966	Evelyn Hodgson, Deceased	Onondaga County
1966-1969	Mary Ann (Crotty) Willets	Rensselaer County
1969-1971	Ruth Grosse, PLS, CLA	Queens County
1971-1973	Vivian Robilotto	Broome County
1973-1974	Anna Belle Webb	New York City
1974-1977	Tanya L. Reister	Broome County
1977-1979	Rose Mary Withun	Nassau County
1979-1981	Kathryn A. Long, Deceased	Rensselaer County
1981-1983	Joan I. Belsen, PLS	Suffolk County
1983-1985	Anita Cottrell, PP, PLS	Onondaga County
1985-1987	Kay Winpen	Ulster County
1987-1989	Beverly Comstock, PLS	Broome County
1989-1991	Wanita Parker, Deceased	Saratoga County
1991-1993	Clara G. Smith	Westchester County
1993-1995	Blanche D. Scharfenberg	Suffolk County
1995-1997	Dawn Santos	Orange County
1997-1999	Barbara Knoles, PP, PLS	Suffolk County
1999-2000	Mary Ann Schroder, PP, PLS	Nassau County
2000-2002	Terry Thomas	Ulster County
2002-2003	Mary Ann Schroder, PP, PLS	Nassau County
2003-2004	Mary Ann Schroder, PP, PLS	Nassau County
2004-2005	Cheryl A. Zeranti, PP, PLS	Suffolk County
2005-2006	Cheryl A. Zeranti, PP, PLS	Suffolk County
2006-2007	Diane Lynch, PP, PLS	Suffolk County
2007-2008	Denise Altruda, PLS	Suffolk County
2008-2009	Denise Altruda, PLS	Suffolk County
2009-2010	Denise Altruda, PLS	Suffolk County
2010-2011	Marion Sarcuni, PLS	New York City
2011-2012	Marion Sarcuni, PLS	New York City
2012-2013	Marion Sarcuni, PLS	New York City

☆ AWARD OF EXCELLENCE ☆

1995	Beverly Royce Aulman, PLS	Nassau County
1996	Anita Cottrell, PP, PLS	Onondaga County
1997	Rita Buckley	Suffolk County
1998	Florence A. Smith	Westchester County
1999	Barbara Knoles, PP, PLS	Suffolk County
2000	Terry Thomas	Ulster County
2001	Mary Ann Schroder, PP, PLS	Nassau County
2002	Cheryl A. Zeranti, PP, PLS	Suffolk County
2003	Denise Altruda, PLS	Suffolk County
2004	Diane Lynch PP, PLS	Suffolk County
2005	Antoinette B. Van Schaick, PP, PLS	Suffolk County
2006	Josephine Ramon, PLS	Nassau County
2007	Christine A. Mersand, PLS	Lower Hudson Valley
2008	Marion Sarcuni, PLS	New York City
2009	Gina Negrin, ALS	New York City
2010	Christine O'Connor, PLS	New York City
2011	Joyce Margraf (posthumously)	Suffolk County
2012	Not awarded	
2013	Not awarded	



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☆~☆ CHANGE OF MEMBER INFORMATION ☆~☆

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