



The Gavel



Newsletter of the Lycoming County Paralegal Association

Pennsylvania Paralegal Week



The LCPA was happy to again celebrate Paralegal Week with a lunch event held on July 24th at the Mexican restaurant, Don Patron's, on Third Street. The LCPA provided a full lunch menu for members to enjoy and everyone in attendance was provided with an LCPA gift.

During Pennsylvania Paralegal Week the LCPA is happy to recognize the outstanding work performed by its members and celebrate the contribution that paralegals make to the legal system.



The 2014 Board of Directors hopes that all LCPA members had a great Paralegal Week.

Commonwealth of Pennsylvania



Governor's Office

PROCLAMATION

PARALEGAL WEEK
July 21 – 25, 2014

PARALEGAL DAY
July 25, 2014

WHEREAS, The practice of law is a demanding, challenging and complex endeavor – one in which the rights, liberties and safety of our citizens has been protected and preserved for centuries; and

WHEREAS, members of the bar require knowledgeable and reliable assistance to fulfill the duties of their profession. Paralegals have become an invaluable source of support in law offices, providing lawyers with a variety of skilled professional services throughout their practice; and

WHEREAS, paralegals are highly educated, trained and experienced professionals with expertise in legal and case research, interviewing clients and witnesses, legal and correspondence writing and other critical areas of successful and efficient law practices; and

WHEREAS, the value of talented paralegals is often overlooked by the general public, but their worth is never underestimated by the lawyers and firms for which they work.

THEREFORE, I, Tom Corbett, Governor of the Commonwealth of Pennsylvania, do hereby proclaim July 21 – 25, 2014 as PARALEGAL WEEK and July 25, 2014 as PARALEGAL DAY in the Commonwealth.



GIVEN under my hand and the Seal of the Governor, at the City of Harrisburg, on this third day of June in the Year of our Lord two thousand and fourteen, and of the Commonwealth the two hundred and thirty-eighth.

Tom Corbett
TOM CORBETT
Governor



Adult Name Changes in Pennsylvania

For an adult who is recently divorced, the procedure to change a surname is very simple. Forms are available in the Prothonotary's office to change a married surname to a prior surname. There will likely be a small fee for the forms/filing but the procedure is so simple that assistance from an attorney's office should not be necessary.

An adult desiring a name change of his/her given name or surname for a reason other than divorce, must file a petition in the Court of Common Pleas and publish notification to the community. Additionally, a background check, fingerprinting and lien/judgment search must be performed.

When speaking with a client who desires a name change, be sure to ask the reason(s) for seeking the change of name, the client's current address and past addresses for a five year timeframe. Your supervising attorney will need this information when preparing the petition seeking a judicial change of name.



After the petition has been filed the Court will order the petitioner give public notice, (in Lycoming County notice must be published in the Sun Gazette and in the Lycoming Reporter) of the intention to change the petitioner's name. Proof of Publication must be presented to the Court at the hearing. However, if the Court finds that publication of the notice would jeopardize the safety of the person seeking the name change (or said person's child(ren)) the Court can issue an Order waiving the publication requirement.

At the hearing, a petitioner must present official proof that there are no outstanding judgments against him/her and that the fingerprinting requirement has been complied with.



What do Personal Injury, Social Security Disability, Workers Compensation, Long Term Disability, and Divorce/Support cases all have in common?

The need for **VOCATIONAL EXPERT TESTIMONY** because it assesses and explains **damages**, **disability**, and **earning** capabilities. You have spent resources establishing or defending against liability. Now retain an expert so the damages aspect is professionally determined or rebutted.

Jerrold Rutkove, MA, CRC Vocational Rehabilitation Specialist

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\$90/hour in court, \$60/hour outside of court

New Member

The LCPA welcomes new member **Kiley Myers**. She has been a paralegal at Steinbacher & Stahl for five years. She currently assists several different attorneys in the office who focus primarily on estate and long-term health care planning. Additionally, Kiley is a notary public and a member of the Pennsylvania Association of Notaries. She enjoys gardening, fishing, outdoor activities, and spending time with friends and family. Kiley lives in Jersey Shore with her fiancé and young daughter.

What's Happening

On June 26th, Attorney Melody Protasio hosted a Lunch and Learn event about Involuntary Termination of Parental Rights, Adoptions and Same Sex Couples.

Attorney Protasio is a very knowledgeable speaker and the LCPA thanks her for hosting a CLE event for a second time!

Watch your email for an announcement regarding the next Lunch and Learn event.

Remind the lawyers that you know that the LCPA offers two free CLE credits to the attorneys that host our Lunch and Learn events.



Misuse of Pennsylvania's Protection from Abuse Law Hurts Victims and Clogs the Court System with False Claims



Want somebody out of the house? File a bogus PFA! Want custody of a child but don't have the money for a lawyer? File a PFA and obtain a child custody order while circumventing the formal custody process and associated court fees.

Unfortunately, people frequently misuse PFAs to evict, harass, or to gain leverage in a divorce/custody case. There is no fee for filing a PFA and a majority of PFA Petitions are granted at least on a temporary basis (because courts rightfully prefer to err on the side of protecting domestic violence victims).

Domestic abuse is a serious problem and it is imperative that legislators, police and the courts work to assist victims with getting help, staying safe and recovering from abuse. Each year there are brutal and unnecessary fatalities as a result of domestic violence in Pennsylvania. Tens of thousands of PFA petitions are filed statewide annually, but family law judges, attorneys and advocates still struggle with whether the PFA law strikes the right balance to protect victims while also limiting false claims of abuse.

The PFA law has been amended many times to increase protections for domestic violence victims. Amendments have included increasing the maximum duration of a PFA to three years, expanding the definition of abuse to include stalking and harassment, and implementing a statewide database (operated by the state police) of all PFA proceedings. Also, although it is a civil order, violating any provision of a PFA can result in a jail sentence of up to six months and up to a \$1,000 fine.

The PFA law does state that a person who files a PFA "in bad faith" must pay the defendant's attorney fees and can be criminally prosecuted. However, proving bad faith is difficult. A PFA is a public record that can haunt people like a criminal conviction. It can ruin job prospects for teachers, police officers, day care workers and others subject to background checks and abuse clearances. It can impede a person's right to own guns.

It has been suggested that a means to deter misuse of the PFA system would be for the Courts to make it easier for a defendant to recover attorney fees when a PFA is withdrawn or dismissed. Additionally, district attorneys could be more proactive by prosecuting "serial filers" of bogus PFA actions. Another potential change would be the removal of all record of a temporary PFA from the public database when said PFA is withdrawn or dismissed.

Improvements to the important Protection from Abuse law are necessary. Pennsylvania needs to limit the damage caused by bogus PFAs without weakening protections for victims of domestic violence.



Upcoming CLE Events:

Topic: Update on Oil/Gas Leases
Date: September 10th
Host: Attorney Mike Dinges

Topic: Overview of Juvenile Law
Date: September 23rd
Host: Attorney Jeff Yates

Topic: Workmen's Comp Cases
Date: October 22nd
Host: Attorney Tim Reitz



All members are invited to Board Meetings (held the second Tuesday of each month) and are encouraged to join a committee.

Committees: Membership, NFPA, Continuing Education, Job Bank, Service Project, Finance, Newsletter.



Kathy Harris

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Need assistance with medical related cases?

Personal Injury?

Medical Malpractice?

LCPA member Kathy Harris is available for subcontracting work.

She is a Registered Nurse and has her Bachelor of Science in Nursing and Master of Health Administration.

Kathy has also completed the paralegal studies program at Pennsylvania College of Technology.



Michele Frey is the 2014 editor of The Gavel. If anyone has any articles or contributions to The Gavel, please contact Michele at MicheleS@lepley.com

Disclaimer: Opinions expressed in The Gavel are not proported to be representative of the views/possession of the LCPA. Opinion articles are intended to be editorials meant to spark discussion about legal issues.

Disclaimer: Articles provided in The Gavel are not intended to be legal advice. All substantive work performed by paralegals must be supervised by a licensed attorney. Information provided cannot be relied upon as legal advice.



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