

PARALEGAL

The Philadelphia Association of Paralegals' 2006 Presidential Message

BY VALERIE A. DOLAN

Special to the Legal

At the Philadelphia Association of Paralegals' bi-monthly luncheon, held Jan. 10 at the Loew's Philadelphia Hotel, the group's newly elected board of directors for 2006 was introduced. Incoming president Valerie A. Dolan addressed the attendees and reviewed PAP's plans for expansion of services to the membership as well as to Philadelphia's legal community, including CLE (continuing legal education) expansion.

On Jan. 10, the Philadelphia Association of Paralegals (PAP) held its first bi-monthly luncheon of 2006. Ezra Wohlgerlenter of Feldman Shepherd Wohlgerlenter Tanner & Weinstock inducted the new board members who are listed as follows: Valerie A. Dolan, president (Liss & Marion), Barbara Nield, first vice president (Schnader Harrison Segal & Lewis), Kathy Merlino, second vice president (GlaxoSmithKline), Christine Hewlett, treasurer (Hangley Aronchick Segal & Pudlin), Donna McDonnell, secretary (Jaffe & Hough), Barbara McBride, assistant treasurer (Hangley Aronchick), Sharon DeNofa, assistant secretary (Lucas Cavalier), Robert Hrouda, national and state delegate (Feldman Shepherd), Lyndora Patterson-Tiller (Independence Blue Cross), Adena Tuckman (Rohm & Haas), Renee Mazzeo (Post & Schell) and Gisela Miller (Hangley Aronchick).

With each new year comes the chance for new beginnings, a way to make new memories, an opportunity for change and the ability to make and break resolutions. With this in mind, I began thinking of how to take an association that has been in existence for 33 years and create something new and lasting as well as how to build on what has been a solid foundation under great leadership over these past years. As your elected officers, it is the board's duty to oversee the daily requirements of the association and see to the needs of its members. I have noticed that over the past few years, not only have the needs of the



of Paralegals.

VALERIE A. DOLAN is currently a litigation paralegal for Liss & Marion and has been a paralegal for more than 10 years in the Philadelphia legal community. She is the current president of the Philadelphia Association

membership drastically changed but also the needs of the association itself and the paralegal profession in general. We are not the same individuals working in the same type of jobs as in years past. Our profession has taken on a life of its own and has even been expanded to include supervisory positions and independent contractors.

I am looking forward to working with the newly elected board members and each of you in expanding the role of PAP in the legal community. In my opinion, there is an overwhelming need to bring the paralegal profession to the forefront of the legal community in Philadelphia. In the ever-changing legal market and the dynamics of the law office itself, we need to show and educate attorneys how best to utilize a paralegal and the cost effectiveness of such use to their clients in general. One way to do so would be to strengthen the relationship between the Philadelphia Bar Association and PAP.

Thanks largely to the efforts of Bob Hrouda over the past three years, and by working together with the Board of Governors and various committee chairs of the bar, we will develop ideas and projects that paralegals can participate in throughout the year and work side-by-side with attorneys in the area. We are also developing a PowerPoint presentation that will focus on the paralegal profession and its past, present and future. My hope is to show this presentation to area law firms, corporations and government entities to generate interest and support for our profession.

The main focus of the presentation itself

will be regulation. Currently, five states have paralegal regulation and 18 have pending regulation — that is 23 out of 50 states. PAP has been working with associations across Pennsylvania, New Jersey, Maryland and Washington, D.C. to bring the issue of regulation to these states. Our neighboring state of New Jersey has already addressed regulation, and it is awaiting pending resolution on the issue of who will ultimately be responsible for overseeing the paralegal profession in that state: the state bar association or the state legislature. The main issues that we are faced with regarding regulation evolve around grandfather clauses and educational requirements.

PAP has long advocated the need for continuing legal education of paralegals. I am a PACE-registered paralegal, as well as Barbara Nield, who serves as PAP's first vice president and PACE ambassador. In order to maintain our PACE status, we are required to have 12 CLE credits every two years, or six per year. Your board of directors would do you a great disservice if we did not keep our eye on changes in the profession and bring them to your attention. Twenty-three out of 50 states speaks volumes. Therefore, we thought it was important to get our members' thoughts and comments on key issues before we acted.

Many of you received a survey regarding regulation and CLE. We received over 100 responses. Responses received from our members are as follows: 76 percent are pro regulation; 66 percent already attend seminars; 90 percent stated that your employers do not require CLE credits. 33 percent would agree to three credits as mandatory for paralegals to obtain each year, 36 percent agreed to six credits, and 7 percent agreed to more than six credits per year; 69 percent would attend a luncheon seminar, 34 percent an evening seminar and 26 percent a weekend seminar; 78 percent reported that your employer supported your involvement with PAP.

In moving forward with our member responses, the board is going to be voting on

key issues, including mandatory CLE over the next year that will be directly affecting each member. PAP will be making every effort to offer CLE credits throughout the year and will be utilizing the Web site and newsletter to announce this information, which will be mainly offered through our specialty committees and annual education conference. CLE credit can be obtained through your employers and is also offered through pro bono work: one CLE credit is given for every three hours of service. PAP has recently appointed a CLE coordinator to help us to begin offering these opportunities to our members.

These opportunities, and more, will not be possible unless you get involved. I challenge each and every member to join a committee, attend a brown-bag luncheon sponsored by one of our specialty committees, participate in pro bono opportunities or assist in the planning of at least one event or social. The life of the association depends on your willingness to step forward and help us meet the needs of the overall membership and the community at large. The networking opportunities are endless and the friendships made are priceless.

This would be your chance to shine and contribute to the community and your profession. PAP offers various awards throughout the year for eligible members, meaning you are not eligible unless you are a participating member. This is your association and it is your job to participate in it — my job as president and the job of the board is only to guide you. Without more member participation, PAP will be unable to grow and continue to bring you the quality services that we now offer.

Lastly, I would like to take this opportunity to thank each and every member of the 2005 board for their hard work and dedication to the association, many of whom chose to run again in 2006. I would also like to thank them for showing their faith in me by electing me as president of PAP. It has truly been a pleasure working with each of you.

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The Philadelphia Association of Paralegals Calendar of Events

The Public Relations and Marketing Committee will meet Thursday, Jan. 26, at 12:30 p.m. at the offices of McCarter & English, 1735 Market St., Philadelphia. For additional information contact Kirsten Fullerton at 215-979-3871 or by e-mail at kfullerton@McCarter.com.

The Intellectual Property Committee will meet Thursday, Jan. 26, at the offices of GlaxoSmithKline, Franklin Plaza, 16th and Race streets, Philadelphia. The topic is "Internet Issues" and the speaker is Brendan Becker of GlaxoSmithKline. For more information, including the meeting time, contact Kathy Merlino at 610-270-5896 or by e-mail at mary.k.merlino@ask.com.

The Professional Development Committee will meet Wednesday, Feb. 1, at 12:30 p.m. at the offices of Hangley

contact Barbara McBride at 215-496-7357 or by e-mail at bmg@hangley.com, or Adena Tuckman at 215-592-3451 or by e-mail at atuckman@rohmhaas.com.

The Newsletter Committee will meet Monday, Feb. 6, at 12:30 p.m. at Hangley Aronchick. All interested members are welcome. For additional information contact Christine Hewlett at 215-496-7193 or by e-mail at chewlett@hangley.com.

The Pro/Bono/Community Services Committee will meet Wednesday, Feb. 15, at 12:30 p.m. at the offices of Blank Rome, One Logan Square, 18th and Cherry streets, Philadelphia. For more information contact Judith Barsley at 215-569-5349 or by e-mail at barsley@blankrome.com.

The Litigation Committee will host its meeting and

Wednesday, Feb. 22. The facilitator is Nicholas Cook of Document Technologies Inc. Lunch will be provided. For details about location, contact Marie Paynter at 610-565-2710 or by e-mail at mpaynter@legalscritsia.com.

The Intellectual Property Committee will meet Thursday, Feb. 23, at the offices of Fox Rothschild, 2000 Market St., Philadelphia. The featured speaker is the firm's John P. Blasko and the topic is "Changes to PCT Practice." For additional information including time, contact Kathy Merlino at 610-270-5896 or by e-mail at mary.k.merlino@ask.com.

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Environmental

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Pursuant to the PM2.5 Implementation Rule emission sources located in PM2.5 non-attainment areas, such as the Philadelphia region, may be affected in two primary ways. First, states will likely propose in their SIPs measures for applying RACT to existing sources of PM2.5. In developing such RACT requirements, states must consider the size and types of sources that emit PM2.5 and its precursors.

In its preamble to the proposed PM2.5 Implementation Rule, EPA suggests that there is a broad mix of source categories responsible for PM2.5 and precursor emissions, such as electricity generating units, industrial boilers, oil refineries, other types of combustion activities and solvent usage. Further, the level of emissions of various pollutants and their effect on PM2.5 attainment is a complex inquiry. Therefore, although EPA provides various alternative methodologies for states to consider in evaluating RACT, it is likely that existing sources with significant emissions of PM2.5, SO2 or NOx may be required to install or enhance pollution controls in order to help the state demonstrate reasonable further progress toward attainment of the PM2.5 NAAQS.

The second way in which area emission sources will be affected is through the implementation of non-attainment new source review requirements for PM2.5. In

Pennsylvania and New Jersey, the existing non-attainment new source review permitting programs have been focused on emissions of NOx and volatile organic compounds which are precursors to ground-level ozone or smog. Now, with EPA's designation of PM2.5 non-attainment areas, new source review program rules must also be applied to emissions of PM2.5.

As a general matter, non-attainment new source review requires that new major sources or modifications of existing major sources causing a significant increase in a non-attainment pollutant, must achieve the lowest achievable emission rate (LAER) and obtain emission credits at a prescribed ratio to offset the newly proposed emissions. Under EPA's proposed PM2.5 implementation rule, a source will be characterized as "major" for new source review purposes if it has the potential to emit 100 tons per year of PM2.5.

For modifications to existing major sources, the proposed PM2.5 implementation rule establishes a significant net emission increase threshold of 10 tons per year of PM2.5, and 40 tons per year for the PM2.5 precursors SO2 and NOx. (However, states may attempt to demonstrate that it is not necessary to regulate NOx emissions in this manner.) Sources with project emissions exceeding these levels would therefore be required to meet LAER and obtain emissions offsets for PM2.5.

EPA's new source review requirements will also have implications for minor sources of PM2.5. Specifically, consistent with the

Clear Air Act, Pennsylvania's existing new source review program requires a minor source applying for a plan approval to demonstrate that the source meets the best available control technology. In practice, as major sources are driven to achieve new levels of PM2.5 control using LAER, RACT or other control requirements, that BAT standard for minor sources will also become more stringent.

Although the implementation procedures currently being developed relate to the PM2.5 NAAQS set in 1997, EPA has recently proposed to further tighten the PM2.5 NAAQS. On Dec. 20, 2005, EPA announced its proposed revision to the 24-hour PM2.5 standard from the current level of 65 micrograms per cubic meter to 35 micrograms per cubic meter. This proposal is in response to recent scientific findings about the risks of short-term particle exposure.

For example, according to a recent EPA estimate, approximately 450 people in Philadelphia would die prematurely each year due to fine particle pollution, even if the current PM2.5 standard was being met. EPA anticipates that the more stringent PM2.5 standard will be finalized by September. Upon finalization, EPA will begin the process of designating attainment and non-attainment areas, and states will be required to revise their SIPs to demonstrate how they will meet the more stringent standard. These actions will cause Pennsylvania and New Jersey to impose even tighter controls on existing and new sources of PM2.5 emissions in the region.

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One of the questions I am often asked is, "how do you do it?" And my answer is easy. I

have a lot of support from both my friends and my co-workers, and especially my family. I am a single mother with a full-time job, and I have been a board member for the past three years. I have to travel sometimes and stay late after work for meetings, but I have their support and belief in me and what I am doing.

Please note that my door is always open. Please feel free to stop by, call me or e-mail me if you have any concerns or questions. I am very excited to see what the new year brings, and I want to thank you for the opportunity and the challenge to lead this association through 2006.

NOLAC

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in white suits and masks gather up mounds of debris on the sidewalks and medians. As you follow Orleans Avenue to the north and Tulane Avenue to the west — past the university and fortress-like criminal courthouse — there is a strong odor of rot. Outside a house in Chalmette a waterlogged book lies on the sidewalk. Its faded title: *The Millionaire Mind*.

But this desperation is a magnet for good Samaritans, and many lawyers around the country have jumped at the chance to help out. The Young Lawyers Division of the American Bar Association, which has an ongoing contract with FEMA to provide legal help wherever disaster strikes, has organized attorneys to staff about 45 disaster relief centers in Louisiana and 35 in Mississippi. They also helped the Louisiana State Bar Association set up a hot line for low-income people that is staffed by law students.

Firms around the country have taken on major tasks as well. New York's Schulte Roth & Zabel is working with the Lawyers Committee for Civil Rights Under Law in a pending class action against FEMA on

provide them with temporary housing assistance. Several firms have helped The Appleseed Foundation come up with Katrina-related legislative proposals. Schulte has done research on family law issues, and Jones Day has looked at ways to ensure that local businesses and displaced residents are hired to rebuild the city. Yet more firms have filed class actions against insurance companies for denial of flood coverage, the Army Corps of Engineers over the city's defective levees, and government agencies over their response to Katrina. And New Orleans-based McGlinchey Stafford is tracking litigation and legislation at hurricanelawblog.com.

NOLAC, too, is getting reinforcement from around the country. King & Spalding and Debevoise & Plimpton called Moreau to offer support. King & Spalding partner Reagan Smith took on an oral argument in a dispute that went before the 5th U.S. Circuit Court of Appeals in December. The suit, which contends that vouchers for Section 8 housing should include money to pay for utilities, was a new area of law for Smith. He spent a day in NOLAC's New Orleans office going over his presentation with the attorneys. "I think what they are doing is amazing," Smith said. "They are very courageous." NOLAC, which took the case in 2004, was relieved to hand it off to Smith.

from Berkeley's Boalt Hall School of Law, the University of North Carolina School of Law, and Loyola University New Orleans School of Law have also volunteered. Others have sent money. The American Bar Association contributed \$133,000, which Moreau says will pay for the salaries of two attorneys for one year, and the AARP Foundation and

Debevoise donated enough to support two junior attorneys for a year. Legal Services Corp. also sent the group an additional \$50,000 grant after Katrina hit.

The people of New Orleans will need Katrina-related legal help for years as they face bank foreclosures, construction scams, predatory loans and ongoing battles with FEMA. To help meet their needs, Washington, D.C.'s Equal Justice Works is raising money to send 15 attorneys to the Gulf Coast to work with local law schools and groups like NOLAC. So far Equal Justice has brought in \$1 million from the JEHT Foundation and \$75,000 each from the Association of Corporate Counsel, Latham & Watkins, and Greenberg Traurig.

"We're trying to overcome a devastation of biblical proportions," Moreau said. "The help we've received from volunteer lawyers, law students, and others has lifted our spirits and let us know we're not alone in this battle."

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