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EVERY ANGLE

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EVERY ASPECT

OF DAILY BUSINESS OPERATIONS

WINTER/SPRING
2018/2019

PARALEGALS OF KAPLIN STEWART

The basics of electronic discovery

Both Pennsylvania state and federal courts have adopted rules for the production of electronic discovery. Companies and individuals facing litigation in these jurisdictions must understand and comply with these rules and take reasonable steps to preserve electronically stored information (“ESI”), or they may face sanctions for failing to do so.

Electronic discovery is the exchange of ESI as part of the litigation discovery process. ESI refers to information stored in electronic form and includes files such as word processing documents, spreadsheets, emails and attachments, instant and text messages, databases, voicemails, digital images, videos, metadata, and any other type of electronic file. ESI may be stored on a variety of media, including computer hard drives, laptops, flash (usb) drives, company network servers, the “Cloud”, mobile devices (mobile phones and/or tablets), and information stored on social media websites, such as Facebook, Twitter, and LinkedIn. ESI consists of both the typed content of a document and the document’s metadata. Metadata can include information such as the document’s author, creation date, recipient, subject, and modification dates.



Collection of ESI from companies or individuals usually begins with a company’s IT department or an e-discovery vendor. It is important to have a professional technologist conduct the collection of ESI in order to ensure the integrity of the process. This collection process is extremely important because copying or accessing ESI can alter or destroy its metadata, computer systems may automatically overwrite or discard metadata as a part of a routine collection process (without the operator’s awareness or direction), and ESI may be rendered incomprehensible if separated from the software or system used to create it.

Because ESI can reside on virtually any electronic medium and can be significantly more voluminous than traditional paper discovery, locating, preserving and collecting ESI can pose significant challenges for companies and individuals involved in litigation. But once the data is collected, counsel representing these companies and individuals can, through specialized ESI processing programs, use metadata filtering and searching to narrow the collected ESI to match key issues in a case.

The ESI search process can significantly assist in the identification of key documents for use in the litigation process. The process can be managed to eliminate duplicative and irrelevant documents, search and sort by metadata fields (e.g., isolate all emails sent in a limited date range), and extract text from the ESI enabling text word searching capabilities. These capabilities can significantly streamline the document review process and allow for targeted searching through large amounts of data.

Here at Kaplin Stewart, we have the personnel and review and processing tools in place to guide our clients through the electronic discovery process smoothly and efficiently. Please contact us with any questions you may have regarding the electronic discovery process.



A. Lynne Scott, is a Paralegal with the firm’s Construction Department. Ms. Scott can be reached at (610) 941-2471 or via email at ascott@kaplaw.com.



KS Welcomes

Jocelyn Hamlin is a paralegal in the firm's Real Estate Transactions and Corporate Law & Business Planning Departments. She joined the firm in 2018 with over 20 years of legal experience. Prior to joining Kaplin Stewart, Jocelyn was a paralegal with the law firm formerly known as Norris McLaughlin & Marcus, P.A., specializing in commercial real estate transactions. She was also licensed in Pennsylvania as a title insurance agent since 2004. Jocelyn is involved in the firm's real estate and transactional work, including purchases, sales, financing, and leasing. She performs a wide range of duties necessary for the closing of transactions, including document preparation, entity formation, title/survey review, and recording. She is also a notary public. Ms. Hamlin may be reached at jhamlin@kaplaw.com or 610-941-2528.



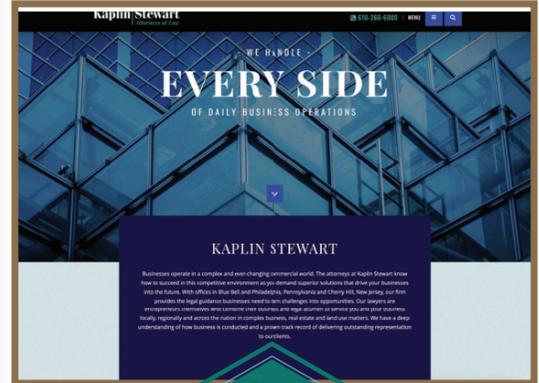
Joanne Cicala is a paralegal in the firm's Estate and Trust Department for both our Pennsylvania and New Jersey offices. She joined the firm in 2018 with over 30 years of legal experience. Prior to joining Kaplin Stewart, Joanne was a paralegal with a local law firm also specializing in estates and trusts and for many years with the law office of Edmund P. Butler. Her primary focus is working closely with families through the probate process and in the administration of estates, trusts, the preparation of federal and state death tax returns, fiduciary income tax returns and fiduciary accountings. She has worked with several area law firms in the preparation of fiduciary accountings involved in Orphans' Court litigation and is one of the original beta testers of estate administration software. Ms. Cicala may be reached at jcicala@kaplaw.com or 610-941-2514.



We are absolutely thrilled to announce that our new website www.kaplaw.com has won a gold "AVA Digital Award".

AVA Digital Awards is an international competition that recognizes excellence by creative professionals responsible for the planning, concept, direction, design, and production of digital communication.

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The American Bar Association defines a paralegal as follows:

“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.”

Paralegals are not licensed as lawyers are, but in recent years, many voluntary certification programs have been enacted across the United States. Many of these programs have been created by paralegals themselves as a way of instituting and maintaining a standard of professionalism that paralegals strive for. In Pennsylvania, the Keystone Alliance of Paralegal Associations, formalized in 1995, created and regulates the Pennsylvania Certified Paralegal program (Pa.C.P.). A paralegal must meet work and educational requirements in addition to having an attorney attest to their skill level and work ethic. A Pennsylvania Certified Paralegal must renew that certification every two years and must complete twelve hours of continuing legal education within that two-year period. Currently, there are 262 Pennsylvania Certified Paralegals in the Commonwealth.

The National Association of Paralegal Associations, founded in 1974, has two voluntary certifications available – the Paralegal Advanced Competency Exam® and the Paralegal CORE Competency Exam™. Both of these credentialing exams place a strong emphasis on education and work background as criteria in order to sit for these exams.

Paralegals are key members of a successful legal team. They perform a multitude of tasks, including research, drafting of pleadings and motions and filing documents with the court. The work the paralegal performs is a cost-effective way to provide legal services to a client, while ensuring the best results possible for that client.

The paralegal profession continues to evolve, with an emphasis on education, work ethic and professional responsibility.

¹In 2012, Washington State instituted the Limited License Legal Technicians. These paralegals once licensed, are able to offer legal services to clients. The practice area is currently limited to family law.



Deborah L. Arbuckle, is a Pennsylvania Certified Paralegal with the firm's Land Use, Zoning and Development Department. Ms. Arbuckle can be reached at (610) 941-2573 or via email at darbuckle@kaplaw.com.

“RULONA”

Pennsylvania's current notary law, known as the Revised Uniform Law on Notarial Acts or “RULONA” based on a uniform model act promulgated by the Uniform Law Commission in 2010, became effective on October 26, 2017. RULONA updated the certificates of the notarial acts, including the following short form certificates:

For an acknowledgment in an individual capacity:

State of _____
 County of _____
 This record was acknowledged before me on _____ (date)
 by _____ (name(s))
 Signature of notarial officer _____
 Stamp _____
 Title of office _____
 My commission expires: _____

For an acknowledgment in a representative capacity:

State of _____
 County of _____
 This record was acknowledged before me on _____ (date) by _____ (name(s) of individual(s)), as _____ (type of authority, such as officer or trustee) who represent that (he, she or they) are authorized to act on behalf of _____ (name of party on behalf of whom record was executed)

For a verification on oath or affirmation:

State of _____
 County of _____
 Signed and sworn to (or affirmed) before me on _____ (date) by _____ (name(s) of individual(s) making statement).
 Signature of notarial officer _____
 Stamp _____
 Title of office _____
 My commission expires: _____

For witnessing or attesting a signature:

State of _____
 County of _____
 Signed (or attested) before me on _____ (date) by _____ (name(s) of individual(s)).
 Signature of notarial officer _____

For certifying a copy of a record:

State of _____
 County of _____
 I certify that this is a true and correct copy of a _____ in the possession of _____ Dated _____
 Signature of notarial officer _____
 Stamp _____
 Title of office _____
 My commission expires: _____

The Uniform Law Commission updated the model act in 2018 to include sections authorizing remote notarization, and recommended that states update their laws. While

remote business is routinely performed using modern technology, Pennsylvania has not enacted laws to authorize a notary public commissioned in the Commonwealth of Pennsylvania to perform notarial acts using a web cam over the internet or other audio or video technology for a remotely located individual. If a notarial act relates to a statement made in, or a signature executed on, a record, Pennsylvania law requires that the individual making the statement or executing the signature appear personally before the notarial officer.

Keep in mind that each state has enacted its own notary laws and that Pennsylvania's statutory requirements may not be consistent with those of other states. Consider reviewing your business forms and contracts that are to be notarized in Pennsylvania or in other states to be sure any notarial certificates are compliant with current law. In addition, if the notarized documents are to be used in other countries, they may need to be authenticated with an apostille to be valid for legal purposes for use in countries that are members of the 1961 Hague Convention. Notarized documents for use in countries that are not members of the Hague Convention may need to be authenticated and legalized in the manner required by the law of the country in which they are to be used, and may be valid only in that country.



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Unless otherwise expressly stated herein, all discussions and opinions are based upon the law of the Commonwealth of Pennsylvania and the State of New Jersey.

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