Texas Paralegal Journal

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I am truly honored to represent you as President for 2018–2019. We have some amazing plans and ideas for the membership this year. This President’s Message will be devoted to elaborating on these plans and how we want to exhibit our appreciation for your membership.

As you have already discovered, there are some new features in the *Paralegal Pulse* e-newsletter and in the *TPJ*. One of my goals was to spotlight members, volunteers, directors, vendors, and events from around the state. We truly have outstanding members all over Texas who contribute to the growth of our profession. The Paralegal Division (PD) depends upon these members to continue advancing our profession. As such, these members and volunteers deserve recognition, so I hope you are enjoying getting to know your fellow PD members and volunteers from around the state.

Additionally, there will be PD events and meetings in different districts, including Board of Directors meetings. Did you know that all members are welcome to attend our quarterly board meetings? The board is hard at work for the membership during these busy meetings to conduct business and continue moving the Paralegal Division forward. If you are interested in attending one of these meetings in your area or would like more information, please email me at president@txpd.org and let me know.

We will be offering more CLE webinars as well as working to offer at least one free vendor sponsored webinar. These webinar announcements will go out via e-blast, district newsletters, *Paralegal Pulse*, and *TPJ*. There are already some great webinars with interesting and relevant topics in the works so don’t miss out. Furthermore, the district directors along with their sub-chairs are working hard to offer more CLE opportunities, member only appreciation events, and community service opportunities.

To make sure you have every opportunity to learn about all of these events, there will be more social media activity; specifically each district has its own Facebook page. Be sure to follow your district for important news and announcements as well as local and state wide events.

Another goal is to promote membership in the Paralegal Division as well as the fabulous benefits to our members, including how your membership helps to continue moving paralegals forward in Texas. More details on this in future e-newsletters and the Winter *TPJ*.

We are “Division with a Vision… Empowering Paralegals” and I’m available, as well as the rest of the PD leadership, to empower you with necessary tools and information needed to assist you in advancing your career and promoting the paralegal profession. We value each and every one of our members!

—Stephanie R. Sterling, TBLS-BCP
President 2018–2019

**President’s Message**

**Stephanie R. Sterling, TBLS-BCP**

Be a step above the rest – Join the Paralegal Division of the State Bar of Texas

PD provides many benefits for career growth:

- Networking with paralegals across the state
- Powerful CLE opportunities such as Texas Advanced Paralegal Seminar (TAPS)
- Professional Development
- Professional magazine with substantive articles and updates from across the nation

**THINK ABOUT IT…...**

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**Be a step above the rest – Join the Paralegal Division of the State Bar of Texas**

**PD**
EDITOR'S NOTE

In this edition, President Stephanie Sterling, TBLS-BCP, gives her first “President’s Message” and discusses her goals for the year ahead. Also, be sure to read about the 2018 Annual Meeting in Austin and CLE speakers, as well as about the PD awards! There is a special social media announcement and other updates in the Board of Directors Summary.

DIGITAL TPJ TIP
We hope you are enjoying how much more the digital version of the TPJ offers to our members and advertisers.

This month’s tip: You can share articles! Click on the title of the article and it will take you to a text dialog box with the familiar share icon at the top. Click on that icon and you have the option of sending it to someone’s e-mail or sharing it on your own social media!

Thank you for being a PD member!
By Megan Goor, TBLS-BCP, Editor, Texas Paralegal Journal

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FALL 2018

TEXAS PARALEGAL JOURNAL 3
Do you really think you don’t do appellate work? Think again. The appeal begins before the event that triggered the lawsuit. It begins with the advertisement for the job opening, with the promises Suzy and Sam made to each other before they got married, when the other driver suffered from his first allergy response, before the doctor entered medical school, before the cement company ever made their first batch of cement.

The lawyer may not realize this, but the paralegal does. That is why Pat the Paralegal is so careful to track every telephone call, every text, email, and office visit, and why Pat collects and organizes all the documents. While everything is equally important to the case, it is not necessarily on the same level of importance at every stage of representation. Likewise, the organization of this information is different at each stage, and organization is critical at trial. The attorney relies upon the paralegal to help prepare for any contingency that may arise in trial through accurate, thorough record keeping and file organization. Consequently, it is essential that the paralegal understand exactly what they need in order to ensure the attorney has everything necessary to fight for the client.

Here are some examples of how to prepare effectively both the file and the attorney for trial and the subsequent appeal.

Pre-Trial Obligations:

• Make a Checklist of the Elements That Must be Proven
  Before the trial preparation begins, make a checklist of the elements each side must prove. Use the list for trial preparation and take it to the trial to check off as each element is proven.

• Prepare the Evidence
  Pre-trial investigation and discovery are of major importance to prevent surprises and to have more information than the opponent. Decide how to organize the evidence before it is gathered, and file it according to the plan as soon as the evidence is received. Prepare predicates for each piece of evidence as it is received. Make a list of all witnesses and the information or predicate that witness will provide. Make a list of any testimony or evidence helpful to your client that an opponent’s witness could provide or sponsor. The key to being effective at trial is to be able to locate the evidence as quickly and efficiently as possible, whether the evidence is in electronic or in hard copy form. Know where it is and how to access it.
Obtaining materials in a timely manner will also give the attorney an opportunity to identify problematic evidence, materials an opponent may use against the client or a witness, or reveal additional sources for evidence. Evidence must be part of the trial record (even if the judge does not allow the evidence presented) to be considered in the appellate record, and the attorney cannot present to the court what the attorney does not have.

Always keep hard copies of all evidence in the event of a computer crash or power outage. Never be in a position where evidence needed for trial is inaccessible. Paper copies will always do the job—trying to explain to the judge why the exhibit is not available will not.

**Watch Trials**

Television trials do not count! It is imperative to watch trials in the courts where the attorney practices, but it is equally important to watch trials in other courts. Observe the way the judge conducts court and how the attorneys behave and conduct themselves. Learn new trial or evidence techniques from other types of law, and by watching what other paralegals are doing during those trials.

**Find and Know the Local Rules**

Most jurisdictions have local rules, and some individual courts have local rules. Federal courts can also have local rules. Keep a hard copy of the Texas Rules of Civil, Criminal, and Appellate Procedure (for your District and Circuit), and the local rules for each court the attorney practices in. Try keeping a notebook or binder with the rules organized by county and then court number for quick reference. Advise the attorney of any rules they should know before they appear in court; not knowing and complying with the local rules can potentially cost the attorney and the client dearly. Judges do not appreciate attorneys who do not follow or are unfamiliar with their court rules. This makes a bad impression upon the judge and may damage the attorney’s reputation in that court.

**Learn the Judge’s Preferences**

Watch how judges try cases and hold hearings—where do they want the lawyers to stand? Do they want the exhibits marked during trial or before? What irritates the judge? Some of this information can be collected by asking the court staff. The bailiff, clerk, and court reporter know more about this court than anyone else and can be a valuable resource. Knowing the judge’s preferences in advance can assist with tailoring the file for trial and provide an advantage in presenting the case to the court. It will also aid in preparing a new attorney, or one with a habit that may irritate the judge, to go before the court without catastrophe or embarrassment.

**Obligations During Trial:**

- **Sit at Counsel Table if Possible**
  The law permits paralegals to sit at counsel table, with the judge’s permission, to assist the attorney during trial. Bring someone else to run errands for the attorney while Pat the Paralegal is at counsel table. Judges frown upon the distraction of constant movement at counsel table from “go-fers.” If the attorney is trying the case alone, press the importance of assistance during trial. Without the benefit of help, details are missed in the hustle and bustle of trial by even the best attorneys.

- **Help with Jury Selection**
  No one should pick a jury alone. Pat the Paralegal can be the attorney’s second set of eyes by watching other members of the panel while the attorney is focused on questioning a specific prospective juror. Pat watches the venire members’ body language, reactions to the attorneys, dress, characteristics, nervous habits, attitude, etc. Detailed, accurate notes will aid the attorney in deciding who will best support the interests of the client, and the attorney often needs a second opinion on who to cut and who to keep.

- **Keep Track of the Exhibits**
  A judge can admit, reject, or provisionally allow evidence the attorney offers. Admitted exhibits must be marked as admitted. Provisionally admitted exhibits must be marked so they can be “connected up.” If evidence is rejected, it must be offered for the record to preserve the issue for appeal. The jury gets all evidence admitted. If they get something they shouldn’t have, it can cause a mistrial. If an exhibit is admitted for the record only, it is only for the appellate court and not for the jury. Any exhibits admitted for a limited purpose may become admissible generally, later in the trial. Pat must keep track of each exhibit’s status.

- **Keep Predicates at the Ready**
  All evidence and testimony requires a proper predicate to admissibility. The attorney must lay the predicate properly for evidence the attorney wants admitted and must know when the other side has failed to lay an adequate predicate for the evidence that side wants admitted. The attorney must be
Know the Law and Write it Down

• Be Professional in Dress and Conduct
  Dress conservatively and professionally. The attorney can wear Mickey Mouse ties, but Pat the Paralegal cannot. The attorney may show emotion, but the Pat the Paralegal cannot. The paralegal is an extension of the firm and the client and must appear at all times to be professional and collected. Remember: you are not you, you are your client. Be courteous and polite. Do not be a distraction for the judge or the jury. Any unprofessional conduct on the part of the paralegal may reflect on the attorney’s professionalism or diminish the attorney’s effectiveness.

• Check the Elements Checklist
  Verify the burden is sustained before the attorney rests their case by checking the elements checklist and the exhibits list. If necessary, the attorney should re-offer all the evidence your side believes has been admitted, and then offer again the evidence that has not been admitted. Make sure that evidence that was not admitted before the jury, or the judge in a bench trial, is admitted for the record only. If evidence was admitted for a limited purpose, make sure the record is clear that the evidence was admitted for that purpose only, and then re-offer it for the other purposes you want the evidence admitted for. Keep track of the other side’s evidence and make sure unadmitted evidence does not go to the jury, and that evidence admitted for a limited purpose is not considered for any other purpose by the jury.

• Make Notes for Everything that Must be Done in the Motion for Instructed Verdict
  The Motion for Instructed Verdict is very technical. It must explain why opposing counsel has not sustained their burden without informing them of how to fix it. In a civil trial, if opposing counsel states your burden has not been sustained, have case law to support a request to reopen to prove up what they say is missing. If the attorney is sure they have proven the element or the judge will not allow a reopen, point out on the record where the attorney proved the element by citing the exhibit or naming the witness. Keeping track of the witnesses and exhibits and taking detailed notes will assist in this process.

Trial is a Significant Part of the Appeal

Only the trial court can commit error. If an error is not part of the trial record, it did not occur. Judges are often less careful with their rulings if they observe that the attorney is unfamiliar with how to preserve the record. The record does not show physical acts. They must be converted into words and pictures in order to be preserved for the record. If the evidence is static, make sure it is offered into the record. If the evidence is dynamic, there must be a record of each change, and that record must be in evidence. If something is offered for the record that cannot be sent to the appeals court, the attorney must ask to substitute another representation for the evidence. For example, if you offer the front seat of a car into evidence, ask to substitute a photograph. If you offer a service dog into evidence, ask to substitute a photograph.

• Confirm the Court Reporter is Taking it Down
  Bench conferences are typically not repeated in open court, so there is a very good chance that unless the court reporter was taking down the bench conference, the discussion is not in the record. The paralegal is in a position to observe the court reporter while the attorney is at the bench, so develop a signal to alert the attorney that the court reporter is not transcribing the bench conference.

• Note Possible Grounds for Reversal in Case of a Loss
  Make notes of any errors the judge makes while the trial is still fresh in your memory. If opposing counsel does
something improperly, confirm that the record reflects it and that your attorney has asked for relief from the consequences of that action. Remind the attorney of any issues at the end of trial to ensure the record reflects the issues and that the attorney has properly preserved the record.

- **Make Notes for the Appellate Attorney**

  Make additional notes of any important trial events for the appellate attorney. Suggest to the attorney that you also participate in the appellate discussion regarding the trial and bring the notes you made. Your attention to detail during the trial and notes may prove valuable information for the appellate attorney.

Paralegals are valuable tools for their attorneys, but if they are not assisting the attorney at counsel table, much of their value is being wasted. Sitting at counsel table is exhausting, yet exhilarating, work. The paralegal is essentially functioning as another attorney who makes no objections and questions no witnesses. The paralegal must see and hear everything that occurs in the courtroom, down to the smallest detail, because nothing that happens in the courtroom is insignificant.

The work is challenging, the demands are rigorous, the time spent in preparation is arduous, and the acclaim paralegals receive is most often nonexistent. Yet, all the effort devoted is absolutely worth the difference you make in a client’s life with a winning verdict.

Justice Dauphinot attended Fort Worth public schools and received her B.A. and A.B.D at Texas Christian University. Justice Dauphinot studied in Mexico as a Fulbright Fellow, is fluent in Spanish, and earned her M.A. at Stanford University as a Woodrow Wilson Fellow, and earned her J.D. at Southern Methodist University in 1978 as the first female Hatton Sumners Scholar.

Justice Dauphinot practiced criminal trial and appellate law in Tarrant and surrounding counties before being elected Judge of Tarrant County Criminal District Court # 2 in 1989. She was later elected to the Second Court of Appeals in 1995, where she remained until taking senior status on January 1, 2017.

Justice Dauphinot is Board Certified by the Texas Board of Legal Specialization in Criminal Law and Criminal Appellate Law, is a member of the State Bar College, and a former member of the Texas Judicial Council. Justice Dauphinot enjoys spending time with her family and pets, guest speaking, and serving as a visiting judge in other jurisdictions.

Focus on...

Tips on Family Law & the Military

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Family law matters concerning a member of the military create several unique issues as compared to the typical civilian cases, as specific state and federal laws will apply. When one spouse (or both) are serving in the armed forces, a divorce is more complicated and there are different rules concerning jurisdiction, child custody, and health insurance and retirement benefits. Servicemembers and civilian spouses should take the time to learn about the special issues involved in military family law matters and should seek an attorney who is experienced and knowledgeable on the subject.

If you are one of the nearly 1.1 million active duty American military personnel stationed around the world—or the spouse of one—you will deal with issues in a divorce that do not affect civilians. For example, servicemembers have certain rights concerning where a divorce is filed. A suit for divorce may not be filed in Texas unless at the time the suit is filed either party has been: (1) a resident of Texas for the preceding six-month period; and (2) a resident of the county in which the suit is filed for the preceding 90-day period. The residency requirement will also be met when both the military member and their spouse reside in Texas due to military service.

Military Benefits Should Be Considered In A Family Law Case

The medical benefits program available to active duty service members, retirees, and family members is called TRICARE. After a divorce, a service member’s children continue to qualify for TRICARE. Unfortunately for civilian spouses, unless you meet some pretty stringent requirements, you will no longer qualify once you are divorced. You get to keep your TRICARE coverage only if all of the following things are true:

• You do not qualify for health insurance through your own employment.
• You have not remarried.
• You meet the requirements of the 20/20/20 rule, meaning that you were married for at least 20 years, your spouse has at least 20 years of military service, and there was at least a 20-year overlap between those two time periods. (Lesser benefits are available to spouses who meet a 20/20/15 rule, meaning the overlap was at least 15 years.)

“My wife can’t get a share of my pension—we have not been married ten years during my service.” Wrong! There is no minimum number of years for divisibility of the military pension. The so-called “10/10 Rule” (or 10-Year Rule) is a source of confusion for many individuals when dealing with a military divorce. The 10-Year Rule only affects
how the former spouse receives the share of military retirement pay to which he or she is entitled as a result of a divorce. The first “10” of the 10/10 Rule requires a couple to have been married for at least ten years. The second “10” requires the military spouse to have served at least 10 years of service creditable towards retirement during the marriage. If both these conditions are met, then the Defense Finance and Accounting Services (DFAS) may directly pay a former spouse his or her share of military retirement pay. If the 10-Year Rule is not met, then the military spouse must provide the former spouse his or her share directly, which could be done by mailing a check, setting up an allotment or automatic payment, or some similar method.

How does remarrying affect the benefits awarded to you in a military divorce? First, let’s start with the retirement pay. That would not be affected by your remarriage, as it is considered a split of marital property and is stated in your divorce decree. If your ex-spouse passes away, and you are covered by the Survivor Benefit Plan (SBP) as a “former spouse”, your benefits through SBP would stop if you remarried prior to age 55. If that marriage ends due to death or divorce, your SBP benefits would restart. You will lose military health care benefits PERMANENTLY if you remarry. Finally, base privileges including the commissary, exchange and recreational facilities would be terminated upon remarriage, but could be reinstated in the event the marriage ends.

Determining Child & Spousal Support with a Military Parent
When a servicemember is involved, calculating child and spousal support requires including all income, taxable or not.

When determining the military parent’s income, it is best not to use a tax return. Because some of the income that servicemembers receive is tax-free, you will be calculating with an amount that is too low. Instead, use the Leave and Earnings Statement (LES), which is similar to a pay stub but far more comprehensive. The LES will show you the military parent’s basic pay, housing and other allowances, as well as information about how many dependents the servicemember is claiming and how much accrued leave is available. The IRS does not tax military housing and food allowances, but in most states, child support guidelines include all income, whether it is taxable or not.

Military Parents Have Special Concerns
If you are in the military, the SCRA is your friend: it can prevent a judge from issuing court orders that could affect your relationship with your children. If you are the non-military spouse, you may feel upset by the delays, because the law gives servicemembers extra time to respond to legal proceedings and allows them to request hearings be postponed until the servicemember can be there. The entire divorce case may be delayed, causing it to take a lot longer to get to the final judgment. That said, there are often issues related to children that need to be resolved quickly so that the children have some stability and predictability. For example, if a servicemember successfully requests an SCRA delay, the court can still make a temporary custody order. This avoids making the civilian parent and child wait for resolution of their post-separation living situation, and also prevents service members from abusing the SCRA just to prevent the civilian parent from exercising parental rights. For example, one military parent left her child, who was under a joint custody order, with her new spouse instead of her ex-husband, who had parenting rights. The court would not allow her to use the SCRA to prevent a change of custody and instead awarded the father primary custody.

In Texas, both child support and spousal support awards may not exceed 60% of a military member’s pay and allowances. The normal Texas child support guidelines, worksheets and schedules are used to determine the proper amount of child support to be paid, but because military paychecks are unlike any other paychecks, it can be challenging to determine what a servicemember’s actual pay is. Start with the servicemember’s base salary. There is also a housing allowance, calculated using location, family commitments, and the servicemember’s pay grade. There are also pay differentials for hazardous assignments and other variations in responsibilities. It is also typical for the servicemember to receive “in-kind” compensation in the form of housing, meals, and other non-monetary compensation.
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Pay Down Debt or Save for Retirement?

By Craig Hackler, Financial Advisor, Raymond James Financial Services

And bear in mind that investment returns are anything but guaranteed. In general, the higher the rate of return, the greater the risk. If you make investments rather than pay off debt and your investments incur losses, you may still have debts to pay, but you won’t have had the benefit of any gains. By contrast, the return that comes from eliminating high-interest-rate debt is a sure thing.

An employer’s match may change the equation
If your employer matches a portion of your workplace retirement account contributions, that can make the debt versus savings decision more difficult. Let’s say your company matches 50% of your contributions up to 6% of your salary. That means that you’re earning a 50% return on that portion of your retirement account contributions.

If surpassing an 18% return from paying off debt is a challenge, getting a 50% return on your money simply through investing is even tougher. That old saying about a bird in the hand being worth two in the bush applies here. Assuming you conform to your plan’s requirements and your company meets its plan obligations, you know in advance what your return from the match will be; very few investments can offer the same degree of certainty. That’s why many financial experts argue that saving at least enough to get any employer match for your contributions may make more sense than focusing on debt.

And don’t forget the tax benefits of contributions to a workplace savings plan. By contributing pretax dollars to your plan account, you’re deferring anywhere from 10% to 39.6% in taxes, depending on your federal tax rate. You’re able to put money that would ordinarily go toward taxes to work immediately.

Your choice doesn’t have to be all or nothing
The decision about whether to save for retirement or pay off debt can sometimes be affected by the type of debt you have. For example, if you itemize deductions, the interest you pay on a mortgage is generally deductible on your federal tax return. Let’s say you’re paying 6% on your mortgage and 18% on your credit card debt, and your employer matches 50% of your retirement account contributions. You might consider directing some of your available resources to paying off the credit card debt and some toward your retirement account contributions.

There’s another good reason to explore ways to address both goals. Time is your best ally when saving for retirement. If you say to yourself, “I’ll start saving until my debts are completely paid off,” you run the risk that you’ll never get to that point, because your good intentions about paying off your debt may falter at some point. Putting off saving also reduces the number of years you have left to save for retirement.

It might also be easier to address both goals if you can cut your interest payments by refinancing that debt. For example, you might be able to consolidate multiple credit card payments by rolling them over to a new credit card or a debt consolidation loan that has a lower interest rate.

Bear in mind that even if you decide to focus on retirement savings, you should make sure that you’re able to make at least the monthly minimum payments owed on your debt. Failure to make those minimum payments can result in penalties and increased interest rates; those will only make your debt situation worse.

Other considerations
When deciding whether to pay down debt
It’s Not Easy Being Green, or Being a Notary, Particularly an Online Notary

By Joseph Jacobson*

Many of you who are notaries have a little discussed conflict that arises from your job. This article exposes that conflict and also discusses the new challenges of being an online notary.

Notary Commissions Are Issued Only to Individuals, and Requires a Bond to be Posted
Notary commissions are issued by the Secretary of State to individuals, who must be residents of the state of Texas. Other states have similar requirements.

You, as an individual, have to post a $10,000 bond to be used to settle grievances with the public. This bond can be purchased in Texas for less than $100. Your notary commission is not valid without the bond.

A member of the public may make a claim against your notary bond for actions you took or failed to take when performing or failing to perform notary duties. If a claim is made, the insurer may pay the claim (and the insurer’s responsibility...
pay is limited to $10,000, or the insurer may assert some defense to the claim. For example, the bonding company could assert that the claim against the notary was not filed in a timely manner.

At some point, the bonding company may choose to pay the amount of the bond to the claimant rather than respond to a claimant’s assertions. But payment to the claimant does not end the matter. This bond is not errors and omissions or malpractice insurance policy. A bond is a promise to pay up to a set amount (e.g., $10,000), but the bonding company may then assert its claim for the amount it paid against the covered party (the notary). So, if the bonding company pays $10,000 to a claimant, then the bonding company can bring an action against the notary who purchased the bond for the $10,000 it paid to the claimant. The bonding company sues you the notary.

The difference between a bond and insurance is that the notary is ultimately responsible for the amount of the bond if there is a claim against the bond. But that’s not all!

The claimant retains the option to sue the notary for damages in excess of the bond asserting the notary committed some error or omission or some malpractice or negligence in the practice of being a notary.

The Secretary of State’s instructional videos accessible on YouTube suggest that notaries purchase errors and omissions or malpractice or negligence insurance policies, although not required in order to qualify for a commission.¹

Who’s in Charge and Who Gets to Charge?
Fees are set by the statutes governing notaries² and may be collected by either the notary or the notary's employer.³ The notary's employer may determine whether or not the notary notarizes a document unrelated to his or her work activities, and this does not violate the notary’s commission’s obligations.

Notary Documents: Conflicts of Interest and the Rule “If You Use It, It’s Yours”
The notary must keep a book of all acts of the notary. If the employer pays for filing fees, and a bond, and provides the notary as an employee a notary’s book to record the required information, then the employee must retain the notary’s record book, if and when the notary leaves the employer. The employer may have unwittingly given the book to the employee. The notary’s “books and public papers” belong to the “office of the notary public” rather than to the individual or the individual’s employer.⁴ The author presumes the notary’s books and records may be digitized and stored on a computer. These stored records are required to be given to the employee—notary, when that employee leaves. Realize, the notary’s book and public records are available to the public for inspection and copying (provided the fees are paid), by the public. If the notary were to resign the office (for example because the notary moved to a different state), then the notary must turn the notary’s book and other public papers over to the County Clerk; so, these records may remain public.

Whether you keep the record in a book purchased by your employer or you, or whether you keep the information in electronic format in accordance with Tex. Adm. Code 6 87.41, when you are no longer an employee, you must obtain those records and take them with you.

Those records are public and open to anyone, not just the individuals whose signature you notarized, but to anyone at all, i.e., the public. So, your employer cannot claim your records are related to your employment.

Your employer may see a conflict in your taking away names of his or her clients with you to your next position. These concerns cannot be addressed by the employer’s withholding your access to your notary book and seal. The employer has to protect itself through non-disclosure agreements or other agreements, outside of your notary activities.

More Conflicts With Online Notary Activities
If you elect to become an online notary and conduct online notarizations for your employer, you’ll quickly face conflicts with control of required record keeping. You have to maintain a recording of the online transaction with full audio and video for at least 4 years. If you work for a financial institution, the financial institution may have the system set up so it records and properly encrypts the transactions which you notarize.

That sounds great, but if you leave, it is again just as with the notary book, your responsibility to keep the video and audio recordings and have them available for review. This is considered a public record even though your employer may not have the same perspective. The employer sees a record of his or her financial planning clients leaving the office with you. The employer rationalizes (incorrectly) that you received your pay as an employee, worked as directed by him or her, and had access to these notarizations solely because he or she had those clients and prepared those estate planning documents. But that is not what the notary statutes and rules state.

Again, the employer’s protection may best lie in non-disclosure agreements or other agreements ancillary to your employment.

You may be tempted to leave the material to your employer’s safe keeping on its computer system. But this course of action may not be adequate. You have to know you would have as much access as you would need to fulfill your obligations for a request of a video and audio recording. Assuming the best of circumstances and the employer encrypts the video and audio recording of your online notarizations, will the employer provide you an encryption key and access; so, you may comply with requests from the public? Remember, that you are the one who will be liable and have to reimburse the bonding company, or...
Have to face the notary malpractice suits individually.

Are You Really Protected? By What Insurance, Carried by What Entity?
Your employer may have malpractice or errors and omissions insurance that would cover anything related to the law practice. But is notarizing a document “practicing law.”

A malpractice carrier could argue that acting as a notary is not part of a legal practice. As support, the malpractice carrier could refer to the Secretary of State’s Web site which includes a disclaimer noting advertising must contain, advising the public that a notary is not licensed to practice law in Texas.5

Since a notary is not licensed to practice law in Texas, then legal malpractice coverage would appear to cover errors that are different from violations of notary obligations. You may want to ask your supervisor at your firm, if you are covered by the firm’s malpractice coverage, and receive the results in writing. You may also want confirmation that your job description includes notarizing documents related to your employer’s business at the request of your supervisors. The best evidence of your being covered for notary malpractice would be a statement from the firm’s malpractice carrier (not the agent, but the underwriter), that notary acts by staff are covered.

If you rely on this coverage or the representation that you are covered for notarizing firm documents since you are an employee under the direction of your supervisors, then you need to consider whether you should notarize documents outside of your firm’s practice. You would have to realize that your firm’s coverage does not apply to your notarizing your next door neighbor’s car title transfer, since it has nothing to do with your firm.

The firm may not have malpractice coverage. Without malpractice coverage, you need to determine if your continued employment (including your acting as a notary) is justified including the costs of an individual notary malpractice policy. You may also want to make sure your policy will cover you as an employee at your law firm in addition to your actions as a notary as in that business entity.

Cyber Insurance Fits into These Discussions
If you do act as an online notary, and you have to keep video and audio recordings of each transaction for 4 years, then what happens if there is a breach? Who is in control of the recordings? If you left the recordings for the law firm to store, does the law firm’s coverage extend to you? If you have to store the recordings on your own, does your cyber insurance coverage include this coverage? How will your $10,000 bond work with claims made against you if someone cannot obtain a copy of his or her video and audio recording of a notarization of his or her agreement? Does your cyber insurance provide for your malpractice insurance carrier to reimburse the bond company so you will not be liable for the plaintiff’s damages?

The questions are numerous, and the options specific to your individual circumstances.

But the questions should be asked, and you should have answers so you can make appropriate economic decisions.

Being a Notary is More Complicated Than It May Seem
You have to consider the likelihood that you and your law firm will be sued based upon some action you took as a notary. The law firm’s malpractice insurance and cyber insurance may or may not cover your actions with the firm. The cyber insurance coverage may not extend to documents you leave stored on your firm’s computers. You just don’t know until someone reads the fine print and answers all your questions.

There are no limits to the damages that someone may claim under notary malpractice. The $10,000 bond which you post is not insurance and just provides an easily accessible amount of money that can be used to settle claims by the public. Even if paid by the bonding company, you will be liable for the amount paid.

My advice to you is ask questions and get answers to best protect yourself and your firm.

3. Texas Secretary of State, Frequently Asked Questions for Notaries Public, “Does the employer or the notary determine the fee charged for notary services performed during the employer’s office hours?” https://www.sos.state.tx.us/statdoc/faqq3j00.shtm#np20

Notary Public Complaints Relating to Unauthorized Practice of Law
Secretary of State’s Office. A notary public who is not an attorney and who advertises the services of a notary public in a language other than English, whether by signs, pamphlets, stationery, or other written communications or by radio or television, shall post or otherwise include with the advertisement a notice that the notary public is not an attorney.

The notice must be in English and in the language of the advertisement and in letters of a conspicuous size. If the advertisement is by radio or television, the statement may be modified, but must include substantially the same message. The notice must include the fees that a notary public may charge and the following statement:

“I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN TEXAS AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE.”

*Joseph Jacobson has a transaction law practice in the areas of technology, contracts, and commercial real estate. A former board member of the Japan American Society of Dallas, he’s served as Chair of the Computer & Technology Section of the State Bar of Texas, and is Vice Chair of the Privacy, Data Breach, and Ecommerce Committee, and the Blockchain Committee, as well as a member of the Texas Business Organizations Code Committee. Mr. Jacobson was an adjunct professor at Southern Methodist University Dedman Law School. He has analyzed, drafted, and supported legislation in every Texas legislative session for over 20 years. He may be reached at joseph@jacobsonlawyer.com, O: 214-361-1700; Google Voice: 214-659-1357.

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The Ethics of Working with an Attorney with Health Challenges Affecting the Job

Ellen Lockwood, ACP, RP

Each of us wants to believe we always do a good job. Certainly, everyone has bad days, but we tend to chalk those up to not getting enough sleep, being too busy, being distracted by something else in our lives, stress, or similar reasons. We view the occasional bad day as something everyone has now and then, and assume we will soon be back to our usual level of performance.

But what if the person affected is an attorney? And what is a paralegal’s responsibility if an attorney is not doing her job at the usual level because of a health issue?

Health issues which may affect job performance include undiagnosed or improperly managed conditions such as diabetes and high blood pressure, medications for various illnesses that may have side effects such as dizziness, nausea, and sleepiness, and uncontrolled pain. Attorneys are as likely as anyone to put off going to the doctor for a diagnosis, or an adjustment to medication.

Other health issues that may affect job performance may be related to mental health such as ongoing high levels of stress, depression, and bipolar disorder. Most people do not want to admit to themselves, much less others, that their mental health is an issue. Unfortunately, our society still stigmatizes mental health making it difficult to broach the subject with someone, and to seek the help that is needed. Our society tends to view mental health issues as either a character flaw, something that an individual just needs to “get over,” or that the person should just decide to be happy instead of sad.

Substance abuse and addiction are now understood as an illness, not a lack of willpower or a personality deficiency. Whether the substance is abused is alcohol, prescription medications, or illicit drugs, job performance will be affected. The vast majority of people will need professional assistance to work to overcome substance abuse and addiction.

As we age, another condition that can affect job performance is cognitive decline. While the affected person, and those closest to them, may try to justify or explain away evidence of mental deterioration, it is a common problem, and will definitely affect job performance.

Although it may be difficult, and it may not be clear exactly what health issue is causing the problem, it is imperative the paralegal act. If the paralegal thinks the attorney would be receptive, it may be appropriate to discuss the issue with the attorney directly. Another option is to have another attorney, either within the office or a close friend of the attorney, discuss the matter with the affected attorney.

In many situations, the best course of action may be to contact the Texas Lawyers’ Assistance Program (tlaphelps.org). TLAP is completely confidential and is staffed with Texas attorneys, most of whom have been helped by the program. These attorneys will approach the attorney directly and work with the attorney to hopefully get the necessary help and treatment. The attorneys who work with TLAP will also be able to determine if an attorney needs to step away from the practice of law in order to focus on themselves and to protect the attorney’s clients.

People often do not want to get involved in a coworker’s personal life, especially something as personal as whatever is affecting an attorney’s job performance. However, Canon 10 of the Paralegal Division Code of Ethics and Professional Responsibility states as follows:

A paralegal shall do all other things incidental, necessary, or expedient to enhance professional responsibility and the participation of paralegals in the administration of justice and public service in cooperation with the legal profession.

The administration of justice and public service cannot be accomplished by an attorney whose performance is compromised. Therefore, paralegals who are aware of an issue have an ethical requirement and responsibility to do what they can to help address the issue.

Ellen Lockwood, ACP, RP, is the Chair of the Professional Ethics Committee of the Paralegal Division and a past president of the Division. She is a frequent speaker on paralegal ethics and intellectual property and the lead author of the Division’s Paralegal Ethics Handbook published by Thomson Reuters. You may follow her at www.twitter.com/paralegalethics and she may be contacted at ethics@txpd.org.

By Ellen Lockwood, Laurie L. Borski, Rhonda J. Brashears, Debra Crosby, Javan Johnson, Lisa Sprinkle

This handbook is an essential resource for experienced paralegals, those new to the profession, and the attorneys working with them.

*The Paralegal Ethics Handbook is a resource for all paralegals that addresses ethical considerations for 17 practice areas, as well as considerations for in-house, corporate, freelance, administrative, governmental, and regulatory law paralegals. This title:

- Examines topics such as defining ethics, ethical obligations, and remaining ethical
- Addresses ethical considerations for e-filing, e-discovery, and technology
- Provides resources for state information and paralegal association ethics cannons, plus related information
- Contains rules and regulations for all 50 states and Washington, D.C
- Explains how to determine whether an action may be an ethical violation

Features & Benefits:

Format: Book - softbound
Components: Print1
Pages: 332
Print Product Number: 40638127
Print Price: $114.00

Price subject to change without notice.
9/26/2018

To order, or for more information, visit legalsolutions.thomsonreuters.com.
The incoming Board of Directors met on June 23, 2018 in Austin, Texas. Here are some items of interest:

**District Facebook Pages**

The Paralegal Division Districts now have their own Facebook page to share local events! Your district is determined by the county in which you work. Be sure to visit your individual district’s page:

**District 1**
- Austin, Brazoria, Colorado, Fayette, Fort Bend, Galveston, Harris, Jackson, Lavaca, Matagorda, Waller, Washington, and Wharton.

**District 2**
- Dallas and Ellis.

**District 3**
- Callahan, Comanche, Eastland, Erath, Hood, Johnson, Jones, Palo Pinto, Parker, Shackelford, Somerville, Stephens, and Tarrant.

**District 4**
- Bastrop, Bell, Blanco, Bosque, Brazos, Brown, Burnet, Burleson, Caldwell, Colemen, Coryell, Falls, Gillespie, Hamilton, Hays, Hill, Kimble, Lampasas, Lee, Llano, Mason, McLennan, Menard, Milam, Mills, Robertson, San Saba, Travis, and Williamson.

**District 5**

**District 7**

**District 10**
- Chambers, Grimes, Hardin, Jasper, Jefferson, Liberty, Montgomery, Newton, Orange, Polk, San Jacinto, Tyler, and Walker.

**District 11**

**District 12**

**District 14**

**District 15**

**District 16**
- Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, and Presidio.

The districts in red: The recent Bylaws Amendment has designated those counties from former Districts 6 and 8 (in red) to be reassigned as indicated.

If you live in a different county than where you work, resulting in a different district, visit that Facebook page and contact and let that director know you are interested in being on that district’s newsletter e-mail list for events closer to you!

**Online Membership Renewals and Ethics CLE Requirement**

Membership renewals became exclusively online effective beginning this May, 2017. The 1 hour of Ethics CLE (of the required 6 CLE hours) requirement became effect this past renewal. The Board of Directors would like to remind all active and associate members to be sure to keep their CLE updated on their membership profile on the PD website under “Members Only.”

**Membership Renewal Spot Audit**

It is going to be that time again soon—PD membership renewal spot audit. Here are a couple of helpful articles to help you have a routine and always be prepared:

“Congratulations, You Have Been Audited!”
"Pointers" from Member Renewal Spot Audit Committee Chair

**New Membership Bar Cards**

A one-time Membership Bar cards will be issued to renewing members this year instead of receiving a new card every year. Members are encouraged to hold on to this card, however replacement cards will be available for a nominal fee should you happen to misplace or lose your card received this year.

**Board of Directors and Committees**

We are hard at work for you—Get to know your Board of Directors and Committee Chairs. Please reach out to them if you are interested in learning more about how to serve on a committee or volunteer!

The vision ahead of President Stephanie Sterling is “Growth, Foster, and Represent!” We always appreciate hearing from you about comments, suggestions, and recommendations to bring to the Board.
The 2018 Annual Meeting of the Paralegal Division, State Bar of Texas, was held on June 22, 2018, at the Austin Marriott South. The theme of the Annual Meeting was Operation: Military Legal Support. The keynote speaker was Thomas Palladino, the Executive Director of the Texas Veterans Commission. Mr. Palladino gave a great presentation about Veteran Services in Texas and provided the attendees with ways in which to help our veterans. Three hours of CLE was provided to attendees on the following topics: “Estate Planning—Protecting Your Family and Yourself,” presented by Susan Haney, “The New Texas Online Notary Law Plus Ten Things to Keep you Out of Trouble as a Notary,” presented by Robert Sumners and Sara Wagner, and “Military Family Law” presented by SGM Stephen A. Pickerin, II and Christina Gindratt.

A raffle was held and donations collected with the proceeds going to the Texas Veterans Commission. A $100 gift card was donated as the raffle prize by Lexitas. All money collected was presented to Mr. Palladino during the luncheon.

Many generous vendors came forward to help sponsor the event, including Gold Sponsors Book Mediation, Capitol Services, Inc., Casepoint, LLC, Fullenweider Wilhite, Kim Tindall & Associates, LLC, and Registered Agent Solutions, Inc. Silver sponsors included Austin Process, LLC, File & ServeXpress LLC, Lexitas, Special Delivery, Inc., TexasFile, and U.S. Legal Support, Inc. Bronze sponsors included Compass Process Servers—Central Texas LLC, CyraCom, DWQ Solutions, LawPay, and Veritext Legal Solutions. Tote bags were provided by Express Records, and printing was provided by Inservio3. The event could not have been held without the generous support of our many vendors.
Before the keynote address, the Division’s Code of Ethics and Professional Responsibility was given by incoming President, Stephanie Sterling, TBLS-BCP. After the keynote address, the business portion of Annual Meeting was conducted and the Division recognized the outstanding work of various members throughout the preceding term.

The Reading of the Rules of Order was given by Director Susi Boss (District 5). Treasurer, Javan Johnson, ACP, TBLS-BCP, presented the Treasurer’s Report. The State of the Division was given by outgoing President, Mona Tucker, ACP.

Shanna Mello, Pro Bono Committee Chair, presented the Exceptional Pro Bono Award to Toya J. Walker, CCEP (District 2) for her beyond exceptional work in the legal community and serving as an advocate for those with limited means or who are unable to speak for themselves. An Outstanding Chair Award was given to Deb Pointer (District 3) who serves in many capacities for District 3 (Membership sub-chair, Mentor Program Coordinator, and Member Renewal Spot Audit Chair). ***INSERT “AWARD-POINTER” PHOTO** A second Outstanding Chair Award was given to Francesca Romans, ACP (District 4), Membership Committee Chair. ***INSERT “AWARD-ROMANS” PHOTO** The prestigious Award of Excellence was given to President-Elect, Megan Goor-Peters, TBLS-BCP, (District 3) for her outstanding achievement as Chair of the Publications Committee.

Outgoing President Mona Hart Tucker, ACP passed the gavel to Incoming President Stephanie Sterling, TBLS-BCP. The installation of the Board of Directors and Executive Committee for the 2018–19 term was conducted. The Board of Directors include Megan Goor, TBLS-BCP, President-Elect, Sherylyne Hollinger, District 1 Director, Secretary; Eugene Alcala, District 2 Director; Mary Winternote, District 3 Director; Francesca Romans, ACP, District 4 Director; Susi Boss, District 5 Director; Sharla Fowler, CP, District 7 Director; Jennafer Persinger, ACP, District 10 Director; Sandra Seutter, District 11 Director; Lisa Pittman, District 12 Director; Javan Johnson, ACP, TBLS-BCP, District 14 Director, Treasurer; Edna Garza, TBLS-BCP, District 15 Director, Parliamentarian; and Rebecca Lopez, District 16 Director. Outgoing Directors, Jennifer Barnes, CP, District 10, and Pam Etie, ACP, District 4, were recognized as well. ***INSERT “Outgoing-Barnes-Etie” PHOTO** A special note to PD membership: The Paralegal Division Annual Meeting will be conducted in conjunction with the keynote luncheon at TAPS beginning at TAPS 2019 in Austin next year.
Thank You to Our 2018 Annual Meeting Sponsors

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Exceptional Pro Bono Award

Toya J. Walker, CCEP, Recipient of the 2017–2018 State Bar of Texas Paralegal Division

The concerns of less fortunate people whose voices often go unheard and victims who hurt in silence are just as important, or perhaps more than those who can afford legal services. Such a statement embodies the heart of humble person who gives her time and resources for pro bono work. And more importantly, the heart of former PD District 2 Director, Toya J. Walker, CCEP, winner of State Bar of Texas, 2018 Exceptional Pro Bono Service Award.

Toya has dedicated her paralegal career to community service and pro bono work. Currently, Toya is employed as an Appellate Paralegal at Waters, Kraus, & Paul, LLP and an Adjunct Instructor at Southern Methodist University (SMU). With such a busy paralegal life, one has to wonder, how does she still have time to give for those who need it.

“I am Blessed and honored to recognize a great opportunity and seize the opportunities to serve in my personal and professional life. I truly believe that greatness is achieved through service. If you ever thought about how you can achieve greatness in your career as well as in life consider volunteering or pro bono service,” Toya Walker, CCEP.

Recently, Toya was instrumental in obtaining a victory, which obtained national recognition, by assisting her attorneys and the Texas Civil Rights Project (“TRCP”) on the firm’s pro bono case involving representation of the Plaintiffs in a civil voting rights lawsuit in Texas where the firm and TRCP are seeking to protect and expand voting rights in Texas. The case Stringer v. Pablos, received a ruling on April 3, 2018, when Judge Orlando Garcia, Chief Judge of the U.S. District Court for the Western District of Texas, granted Plaintiffs’ Motion for Summary Judgment.
“Toya’s infectious enthusiasm and dedication to ensuring equal access to legal representation for everyone are just some of the qualities that make her such a valuable member of our team,” explained Charles Siegel, a partner at Waters & Kraus. “Toya is an exceptional paralegal and I’m fortunate to have her as my assistant.”

Anyone who knows Toya, has encountered that infectious enthusiasm, her smile, and eagerness to volunteer to lead projects that will make a difference in the community. Some of the volunteer projects that Toya has served on are the US Global Leadership Coalition Texas Advisory Committee, National Center for Missing and Exploited Children (NCMEC), National Association of Legal Assistants and Paralegals (NALA) Continuing Education Council, Director for the State Bar of Texas Paralegal Division, North Dallas Bar Association Pro Bono Legal Clinic volunteer, Ambassador of the J.L. Turner Legal Association-Paralegal Section, Pro Bono Legal Clinic Chair, Southlake Chamber of Commerce Leadership Southlake Alumni and Advocacy Project Leader, Past Recording Secretary/Student Relations Committee Member of the Southern University Alumni Federation-Dallas Chapter, 2017 College Megafest Legal Panel Member, Chair of the Pro Bono Legal Advisory Clinic (from 2014–2017) where she assisted with the planning, coordination, and implementation of a Pro Bono Legal Clinic with an in-house legal team along with charity partners, Mosaic Family Services and GRACE (Grapevine Relief and Community Exchange) and is a member of Delta Sigma Theta Sorority, Inc.

During the collegiate years, Toya served as a volunteer at the Law Office of James «Jim» C. Ferguson, her late godfather’s legal practice in Baton Rouge, Louisiana. She also volunteered at the Louisiana Lupus Foundation where they would assist with intake as well as coordinate and attend group meetings involving Lupus victims throughout the State of Louisiana.

However, since 2005, Toya has been instrumental in pro bono legal efforts in Texas. One of her first projects was assisting Hurricane Katrina and Hurricane Rita victims as a volunteer with The North Dallas Bar Association, that hosted a pro bono legal clinic during that time where she assisted victims with their FEMA Appeals.

Toya, not only volunteers extensively in the community through pro bono clinics, but she also dedicates her time to the paralegal field, as a mentor, adjunct instructor, writer and paralegal influencer. Toya was a volunteer member on the Southern Methodist University Breast Cancer Awareness Committee, volunteers to write articles regarding pro bono service that have been published in the NALA Facts and Findings magazine, was an Advisor on the Kaplan College and Everest College Advisory Board and volunteers with the J.L. Turner Legal Association Election Protection Initiative and Voter Registration drives.

Toya has also been featured in the online publication Lawcrossing.com, NALA’s Fact and Findings publication, the Texas Paralegal Journal, The Paralegal Press, The Dallas Weekly magazine, the Dallas Morning News, and SMU Magazine.

“I met Toya when she was the President of the J.L. Turner Legal Association- Paralegal Section and have become friends over those years. I am in awe of her dedication to the paralegal field. She is that super star paralegal who encourages excellence to the paralegals she mentors and knowledgeable in all areas of the law,” Andrea Clark, paralegal with Kilgore & Kilgore.

Another notable example of the Toya’s humble servant leadership is her involvement in anti-human trafficking. Toya led a team of legal volunteers who were able to assist victims of human trafficking with domestic violence and immigration legal issues. She participated in a CLE panel discussion involving International Human Rights, Law, and Business and was instrumental in the company’s success of obtaining a Certificate of Recognition from the Texas Secretary of State Human Trafficking Prevention Business Partnership Program where they recognize corporations and private entities that have implemented zero tolerance policies toward human trafficking and have taken voluntary steps to promote public awareness of human trafficking. The joy and dedication to the pro bono efforts to this cause are best described through her own words.

“A pro bono case which was a very touching experience that confirmed this is why I do what I do involved a client named Jane Doe. I must admit that this was a case where I initially had mixed feelings about working on since it involves a highly sensitive subject (abortion rights) but as I read through the facts of the case, I felt more compelled to do the right thing as to assist my attorney and co-counsel in seeking justice for the client, Jane Doe. When the case was presented to my attorney, it was at the Texas 5th Court of Appeals level and required a brief on behalf of Jane Doe. My attorney and I discussed the case and the matters therein along with the law and legal rights of Jane Doe and it became more apparent that we were supposed to help Jane Doe expeditiously. In the end, the Texas 5th Court of Appeals ruled in Jane Doe’s favor and this was a victory that became near and dear to my heart for many reasons. This particular pro bono case allowed me to seek justice in a way and on a level that I would have never thought my career would take me. I’m thankful to my attorney and our co-counsel who allowed me the opportunity to work with them on this case that ultimately gave Jane Doe a fair chance at obtaining justice.”

Shanna Mello, chair of the Paralegal Division said of Ms. Walker, that “[t]he extensive work and the dedication you have shown to pro bono work is an inspiration to other paralegals.”

Congratulations are in order to Toya Walker, CCEP, 2017-2018 Paralegal Division of the State Bar of Texas Exceptional Pro Bono Service Award Recipient.
Megan Goor, TBLS-BCP, the current President-Elect of the Paralegal Division, was awarded the PD’s award of highest honor, the Award of Excellence, at the 2018 Annual Meeting held in June in Austin.

The Award of Excellence is the most prestigious award conferred by the Board of Directors of the Paralegal Division to recognize an individual who has made a substantial contribution to the paralegal profession and the Paralegal Division. The award is given for outstanding merit and is not required to be awarded annually.

Megan received this award as Committee Chair of the Publications Committee. Under her reign, she has been implemental in transitioning the Texas Paralegal Journal (TPJ) into an online digital format, and serves as the TPJ Editor. This was a huge undertaking, requiring learning new technology that would make a smooth transition of the TPJ from paper to online, including working with the TPJ graphic artist/designer David Timmons to create all of the details that are necessary for each publication and RRD Digital Solutions for final editing and digital formatting. The most significant change for the TPJ becoming completely digital is that the magazine has been able to be expanded to an average of 40–50 pages of quality content for our members, rather than the 20–30 pages in printed format. Also, our advertising/vendor involvement in the magazine has been increased substantially. The very first edition of the TPJ (Vol. 1 No. 1) was published in print in August 1995. Four issues are published each year.

The 2016 Summer edition was the commencement of the first digital publication of the TPJ, but was also offered in print. The 2016 Fall edition was the last printed edition of the TPJ, and now the TPJ is only available online. You may find prior printed editions, as well as all of the new digital editions of the TPJ online at www.txpd.org.

Megan served on the PD Board of Directors for District 3 (Fort Worth area)—2012–2015, President-Elect 2015-2016, and served as President in 2016-2017. As the current President-Elect she will serve as President for a second term in 2019–2020.

Megan is the Senior Paralegal and Office Manager of The Brender Law Firm in Fort Worth, having worked for that firm since 1983. She obtained her B.A. from the University of Texas at Arlington. Megan is a Board Certified Paralegal in Personal Injury Trial Law by the Texas Board of Legal Specialization since 2008. She received the Fort Worth Paralegal Association’s Paralegal of the Year Award in 2014, and has served that association as Professional Development Chair and Liaison to the Paralegal Division. Megan also currently serves on the Texas Legal Services to the Poor in Civil Matters Committee of the State Bar of Texas.
The 2018–2019 Paralegal Board of Directors was installed at the Annual Meeting in Austin on Friday, June 22, 2018.

This year’s board members are:

Stephanie Sterling, TBLS-BCP, President
Megan Goor, TBLS-BCP, President-Elect
Sherylyne Hollinger, District 1 Director, Secretary
Eugene Alcala, District 2 Director
Mary Wintermote, District 3 Director
Francesca Romans, ACP, District 4 Director
Susi Boss, District 5 Director
Sharla Fowler, CP, District 7 Director
Jennafer Persinger, ACP, District 10 Director
Sandra Seutter, District 11 Director
Lisa Pittman, District 12 Director
Javan Johnson, ACP, TBLS-BCP, District 14 Director, Treasurer
Edna Garza, TBLS-BCP, District 15 Director, Parliamentarian
Rebecca Lopez, District 16 Director

Rhonda Brashears, TBLS-BCP, PD Coordinator

A special “Thank You” to Immediate Past President Mona Hart Tucker, TBLS-BCP and the Outgoing Directors for their tireless work in representing the Paralegal Division:
District 4—Pamela Etie, ACP, Austin
District 10—Jennifer Barnes, CP, Conroe
2018-2019 Paralegal Division Committees and Liaisons Roster

### STANDING COMMITTEES

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### AD HOC COMMITTEES

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<td>Megan Goor, TBLS-BCP, President-Elect</td>
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<td>Texas Bar College Membership Application Review</td>
<td>Jena Parker, CP</td>
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<td>Sustaining Member / Vendor Liaison</td>
<td>Susan Davis, TBLS-BCP</td>
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<td>TBLS Helpful Hints Guide</td>
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<td>Javan Johnson, ACP, TBLS-BCP, D-14</td>
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<td>Website Development</td>
<td>Pam Etie, ACP</td>
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**LIAISONS**

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<td>American Alliance of Paralegals (AAPI)</td>
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**PARALEGAL DIVISION ONLINE STORE**

**Excited about TAPS 2018?**

**TAPS 2018 Merchandise Available!**

**Visit the PD online store today!**

**Excited about TAPS 2018?**

**TAPS 2018 Merchandise Available!**

**Visit the PD online store today!**

TAPS 2018—September 26–28, 2018
The Crowne Plaza Dallas Near The Galleria Addison, TX
Click here for more information. To register click here.

The State Bar of Texas was the first bar association in the United States to create a separate division for paralegals. The Division was created on October 23, 1981, and charged with “enhancing legal assistants’ participation in the administration of justice, professional responsibility, and public service in cooperation with the State Bar.” The term “legal assistants” later was changed to “paralegals.” The Division looks forward to fulfilling its mandate enthusiastically, energetically and professionally.

The Paralegal Division of the State Bar of Texas offers members merchandise to promote the paralegal profession and their membership of the Paralegal Division.

http://www.cafepress.com/paralegaldivision
2018-2019 Executive Committee

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<td>Parliamentarian</td>
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<td>Secretary</td>
<td>Sherylyne Hollinger, RP, PHP</td>
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<td>Treasurer</td>
<td>Javan Johnson, ACP, TBLS-BCP</td>
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Stephanie R. Sterling, TBLS-BCP—President

“I am honored to be serving as your next President for 2018–2019 and proud to a part of this excellent association which educates and empowers paralegals. Texas has always been at the forefront of the paralegal profession due to the hard work of the Paralegal Division and its volunteers, so it’s a privilege to carry on with that tradition by motivating and equipping our members with the necessary tools to continue advancing our profession.”

Stephanie is a TBLS Board Certified Paralegal in Civil Trial Law working with the law firm of DuBois, Bryant & Campbell, LLP in Austin as a litigation and intellectual property paralegal. She is passionate about the paralegal profession and has served in many board and chair positions with the Paralegal Division as well as her local association, CAPA, including CAPA President in 2013–2014.

Stephanie earned her Associates of Applied Science degree in Paralegal Studies with honors from Lamar University, an ABA accredited program, and her Bachelors of Science degree in History with honors from West Texas A&M University.

President-Elect—Megan Goor, TBLS-BCP

“I am very grateful to have been elected as President-Elect and to be a part of the Division’s leadership. There is so much rich history that the Division has been a part and has so much potential ahead for its members. No matter our backgrounds or different areas of practice, our members take pride in being a Paralegal Division member and what it represents.”

Megan is the Senior Paralegal and Office and Property Manager of The Brender Law Firm, located in the medical district of Fort Worth, and has worked for Art Brender since 1983. Megan is a board-certified paralegal in Personal Injury Trial Law by the Texas Board of Legal Specialization (2008) and has previously served as President (2016–2017), Director of District 3 (2012–2015), Parliamentarian (2014–2015). As Editor of the Texas Paralegal Journal, Megan concurrently serves as the Paralegal Division’s Publications Chair. Megan also served as the Fort Worth Paralegal Association’s Professional Development Chair and as the SBOT Liaison to the Paralegal Division. Megan was awarded the Fort Worth Paralegal Association’s Paralegal of the Year 2014 Award. Megan has been appointed by the State Bar of Texas to the Texas Legal Services to the Poor in Civil Matters Committee (2017–2020).

Parliamentarian—Edna Garza, TBLS-BCP

“So thankful for the legal career that makes me think and keeps me on my toes as I continue learning and growing. As Paralegals, we must never stop learning and growing....”

Edna W. Garza is a Litigation Paralegal at Walsh McGurk Cordova Nixon, PLLC, a law firm in McAllen, Texas. She’s a former Paralegal Affiliate of the American Association for Justice (formerly the Association of Trial Lawyers of America (ATLA)). Edna has been a been a Paralegal for almost 27 years and a Member of the Paralegal Division—State Bar of Texas since 2011. She is serving her second term as Director for District 15 and also serves in the Executive Committee as Parliamentarian. She was recently re-elected to another term as Parliamentarian. Edna is also a Board Certified Paralegal—Civil Trial Law since 2015 and currently serves in the Civil Trial Law Paralegal Commission for the Texas Board of Legal Specialization Board.
Secretary—Sherylyne Hollinger, RP, PHP

“I am honored and privileged to serve on the State Bar of Texas Paralegal Division Board of Directors in order to further the promotion and development of the paralegal profession.”

Sherylyne (“Sherie”) Hollinger, RP, PHP is a Paralegal with the law firm of Porter Hedges LLP in the practice area of corporate law. Sherie has over 30 years of experience in the legal profession in multiple areas of law, including corporate governance, mergers, acquisitions, divestitures and dissolutions, SEC, real estate, bankruptcy, toxic tort/asbestos, personal injury and commercial litigation. In 2013, Sherie became a PACE Registered Paralegal through the National Federation of Paralegal Associations, Inc. and received her Paralegal Certificate from the University of North Texas, Professional Development Institute.

Sherie has been a member of the Paralegal Division of the State Bar of Texas since 2013 and has served as Elections Sub-Chair and Professional Development Sub-Chair for District 1. Sherie joined the Board of Directors of Houston Metropolitan Paralegal Association in 2015. Sherie is currently serving HMPA as President (2017–2018) and has served as President-Elect (2016–2017), Second Vice-President, CLE Luncheons (2015–2016), HMPA 2016 Texas Alliance of Paralegal Associations Committee, Programs Committee Chair, Continuing Legal Education Committee Chair, Education Liaison Committee Chair and CP Review Course Committee Chair.

Sherie has served on the Lone Star College North Harris (ABA Accredited) Paralegal Program Advisory Board since 2016. Sherie is also a member of the American Bar Association.

Treasurer—Javan Johnson, CP, TBLS-BCP

“It has been an overwhelming experience as a charter member of this great organization to see the unfolding of a profession from ground zero to the professionals I walk arm-in-arm with daily—who have served with tenacity and perseverance. Bravo to all and thank you!”

Javan Johnson, ACP, owns Professional Paralegal Services, a freelance paralegal service which opened in February 1999. She specializes in civil trial litigation, and has more than 30 years paralegal experience. She received a bachelor’s degree in Business Administration and Education from Baylor University. Javan obtained her CP in 1990, earned the NALA advanced civil litigation specialty designation in 1993, and became certified in Civil Trial Law by the Texas Board of Legal Specialization in 1996. Javan is a charter member of the Paralegal Division and has served in various capacities for many years on various committees, the Board of Directors, and two terms as President. She currently serves as an Ambassador for the Division, as well as District 14 Director for the Northeast Texas area. She has been married over 30 years to her husband Brett, and has one son, Cameron.

PD Coordinator—Rhonda J. Brashears, CP, TBLS-BCP

“I have always loved the law. At the point in time I was able to start college law school was not an option for me, but a counselor recommended I investigate a paralegal program at a local university. It was perfect, I have never regretted the decision. Being a member of the Paralegal Division was a goal I strived for from the day started my first paralegal job. The application literally laid on my desk waiting for that day that I qualified for membership. Becoming involved with the Paralegal Division completely changed my career. I have encountered some of the so many influential and professional paralegals in my journey with the Paralegal Division.”

Rhonda Brashears is a paralegal with the firm of Underwood Law Firm, P.C., Amarillo, Texas, and has been in the legal profession for over 30 years. She specializes in personal injury and civil trial defense law. She received her B.G.S. from West Texas A&M University in 1998, her Certified Paralegal designation from the National Association of Legal Assistants in 1996, and was board certified by the Texas Board of Legal Specialization in Personal Injury Trial Law in 1998. Rhonda has been a member of the Paralegal Division since 1990. In addition, she served as Director of District 7, 1996 until 2001, Secretary, 1999 to 2001, President Elect in 2001 and 2007, and President of the Division in 2002 and 2008. She has also previously served as Chair of the On-Line CLE Committee, the TAPS Planning Committee, the Publications Committee and as Editor of the Texas Paralegal Journal. Rhonda is a member of the Texas Panhandle Paralegal Association, where she has served as President, President-Elect, Treasurer and NALA Liaison.
PARALEGALS
Texas Bar College
Associate Membership

PRIDE & PROFESSIONALISM

REQUIREMENTS
A paralegal may become, or may maintain his or her status as an associate member of the College by:

(1) completing twelve hours of approved CLE in the current or preceding calendar year, including 2 hours ethics
(2) paying the required fee,
(3) submitting an application form on which a licensed Texas attorney verifies the applicant’s good character and qualifications as a paralegal, and
(4) submitting a report identifying the sponsor of the CLE programs attended, the specific topics included, the names and firms of speakers on the programs.

Two of the twelve hours, including one hour ethics, may be earned through non-accredited CLE and submitting the necessary information for each.

PURPOSE
In delivering the highest quality legal services to clients, the lawyer-paralegal team is an essential element. As the law develops, continuing legal education for paralegals is as important as it is for lawyers. Through associate member status, the College honors paralegals that make a commitment to maintain and enhance their professional skills through attending an extraordinary amount of continuing legal education hours.

BENEFITS
- A certificate of membership and a leather portfolio with the Texas Bar College logo
- Newsletter sent three times a year
- Distinction of attaining a higher level of professional membership
- Unlimited free access to the Online Library of TexasBarCLE.com that includes thousands of CLE articles from TexasBarCLE courses
- A twenty-five dollar discount to all TexasBarCLE.com live or video replay seminars

JOIN TODAY!

Please contact Merianne.Gaston@texasbar.com for an application.

Professionalism Through Education.
The Senate of The State of Texas

SENATE PROCLAMATION NO. 1144

WHEREAS, The Senate of the State of Texas is pleased to honor paralegals in Austin and across the state and recognize October 23 as Texas Paralegal Day; and

WHEREAS, Paralegals are vital resources in law firms, governmental entities, and private corporations and businesses; they perform valuable services for and under the direction of an attorney, and their work requires a thorough knowledge of legal concepts and facts; and

WHEREAS, October 23 marks the anniversary of the founding of the Paralegal Division of the State Bar of Texas; the division was established to promote high standards of conduct, professional ethics, and responsibility through continuing legal education and cooperation with the State Bar of Texas; and

WHEREAS, The goals of the Paralegal Division are to achieve more economical and improved legal services throughout the state, to focus on benefits for its members and the paralegal profession, and to develop opportunities, incentives, and recognition for legal education; and

WHEREAS, Through their exceptional talents and expertise, paralegals provide valuable services that contribute significantly to the efficient functioning of the judicial system in the Lone Star State, and they are indeed worthy of special recognition; now, therefore, be it

PROCLAIMED, That the Senate of the State of Texas hereby commend the paralegals of this state for their important services and recognize October 23 as Texas Paralegal Day; and, be it further

PROCLAIMED, That a copy of this Proclamation be prepared as an expression of high regard from the Texas Senate.

Watson

[Signature]
Member, Texas Senate

I hereby certify that the above Proclamation was adopted.

[Signature]
Secretary of the Senate
PARALEGALS RETURN TO London
April 12 – April 20, 2019
(Eight Days and Seven Nights)

FRI, April 12, 2019 -- Depart from the USA to Europe.

SAT, April 13, 2019 (London) – Morning arrival. Enjoy this day to get familiar with your surroundings. This evening enjoy a special welcome dinner to kick off your trip. (D)

SUN, April 14, 2019 (London) – This morning you will enjoy a guided sightseeing tour with blue badge guide which highlights the best of London. (B, D)

MON, April 15, 2019 (London) – Today enjoy a full-day excursion to York by train, with a visit to York Minster. Return to London this evening. (B, L)

TUE, April 16, 2019 (London) – This morning we will tour the infamous Tower of London. In the afternoon, you will visit Parliament. This will be an evening to remember with dinner followed by a West End Show. (B, D)

WED, April 17, 2019 (London) – Early morning departure for a full day excursion to Stonehenge and Salisbury. Late evening return to London. (B)

THU, April 18, 2019 (London) – Enjoy a free day in London with a farewell dinner this evening. (B, D)

FRI, April 19, 2018 (London) – Today we will enjoy a visit to the London Eye in the morning and an afternoon visit to Kensington Palace with High Tea at St. Martin in the Fields. (B, L)

SAT, April 20, 2019 - Depart for the USA. (B)

FEE WITH AIR INCLUDED: Fee is based on registration by December 1, 2018.

Fees: Departing DFW/Houston– $4,526; Austin/San Antonio-$4,786 Amarillo/Midland - $4,826 (includes program fee). Note: Registrations after August 1 may include additional fuel surcharges that are finalized 45 days prior to departure; an invoice will be sent at that time if there are any increases. Other departure cities available upon request. Fees based on 20 persons and includes airfare, hotel, transportation, tours, and meals as indicated above.

Additional/Optional fees: Single room supplement: $859; Ultimate Protection Plan: $270; Comprehensive Protection Plan: $225; If the Ultimate or Comprehensive Plan is purchased there is a surcharge for guests ages 66+: $100

LAND ONLY FEE: (if you wish to make your own air travel arrangements): $3,479

PAYMENT SCHEDULE: Deadline for registration is November 1, 2018; Initial non-refundable deposit is $200; another $295 payment will be due 30 days after registration, third payment of $500 is due November 15, 2018; fourth payment of $500 is due on December 15, 2018, with balance due on January 15, 2019. Non-payment of required on-time monthly payments will result in trip cancellation.

MAKE IT EASY ON YOURSELF! SIGN UP FOR AUTO PAYMENTS: Automatic Payments plan available. Automatic Payments makes planning your trip budget easy because your payments are spread out evenly, giving you more time to pay. You choose a payment frequency (every 2 weeks, every 4 weeks, monthly, or quarterly) and your payments are automatically deducted from your checking or savings account. Travelers who use autopay will be given a $50 discount. Automatic Payments are available for all registered participants in "My Account:" at www.acis.com/accounts.

EXTENSION: To extend stay at the end of the trip, an Alternate Request Form must be completed (found at https://www.pdfiller.com/217790774-2016-Alt-Return-Formpdf-2016-Alternate-Return-Request-Form---