

HISTORY OF THE PARALEGAL DIVISION OF THE STATE BAR OF TEXAS

1991 - 1992

The Board, the Legal Assistants Committee of the Bar, and paralegal educators met for Texas Forum X in Dallas. The topic of the meeting was "The Status of Paralegal Regulation" which included a panel discussion among representatives from NALA, NFPA, Litigation Resources and Counseling of Van Nuys, California, LAMA, and a legal assistant administrator with the Dallas law firm of Carrington, Coleman, Sloman & Blumenthal. An overview of paralegal regulation was also given by Susan Hock, Secretary of AAFPE.

The Bar Board approved a Resolution authorizing the Division to subscribe to its Directors' and Officers' Errors and Omissions insurance policy at its own expense and also approved the amendment of the Division bylaws to permit bylaw amendments twice a year.

A non-voting student membership category was approved by the Division Board as a means of providing professional information to students enrolled in paralegal education programs. Annual dues for active, associate, and freelance membership status were set at \$50.00 per year. The Membership Committee, in conjunction with local paralegal associations, sponsored a membership drive.

Attorney/legal assistant dinners continued to be sponsored throughout the state by the Public Relations Committee in conjunction with local paralegal and bar associations.

Governor Richards proclaimed October 23, 1992, as Texas Legal Assistants Day.

The highlight of the January board meeting was a tour and reception at the Governor's Mansion. Secretary of State John Hannah presented a proclamation signed by Governor Ann Richards declaring October 23, 1992, Legal Assistants Day in the State of Texas.

The Task Force for Long-Range Planning and Reorganization presented its preliminary report at the January Board Meeting. At that time, the Board approved the goals and objectives suggested by the committee for 1992-1994 as follows:

- 1992 - Share the Vision
- 1993 - Prepare With Knowledge
- 1994 - Stand Up With Confidence

At the April board meeting, the committee's basic proposal was presented. The recommendations of the committee were approved on June 26, 1992, at the Board Meeting of the outgoing Board, with such recommendations to be submitted to the membership for approval. At an open forum during the Annual Meeting, members were invited to share their views and ask questions regarding the proposal. After hearing concerns of the members at the open forum, the 1992-1993 Board decided that more information was needed and the proposal should be submitted to the membership for approval at a later date. In the interim, the directors obtained further input from their members and a cost analysis of the proposed plan was prepared. A survey was sent to members via the *Texas Paralegal Journal* to determine if members want to leave the Division structure as it stands, adopt the Task Force proposal, or prefer a compromise of certain parts of both plans. Pros and cons and a cost analysis of the plans were also presented.

The bylaw amendments passed by the membership were approved by the Bar Board during its Annual Meeting. One of the bylaw amendments changed the referendum procedure to set out requirements for the contents of the notice, publication of the notice, and specific timeliness. The purpose of this change was to allow members sufficient time to consider a matter and cast their vote intelligently.

The application for student membership was approved by the Board.

An accounting firm was retained by the Division to audit its books as the Division is no longer contracting for these services through the Bar.

The Joint Task Force on Specialty Certification made significant advances in its work toward establishing a plan for voluntary, specialty certification for legal assistants. At this time, the following tasks have been completed:

1. Obtained a formal opinion on the antitrust questions and determined as a result that any voluntary, specialty certification should be open to both members and nonmembers of the Division.
2. Determined the eligibility requirements for taking any specialty certification examination to be offered.

3. Approved the following purpose clause:

The purpose and objective of the following voluntary specialization program are to the services of legal assistants who, working under the supervision of duly licensed attorneys, have achieved a level of special knowledge in particular fields of law, and further, to assist attorneys in their dedication to serving the public interest and advancing the standards of the legal profession.

4. Obtained approval of the concept of the Texas Board of Legal Specialization administering specialty certification examinations for legal assistants from the Texas Board of Legal Specialization (TBLS), the Bar Board, and Division members.

A proposal in the form of a referendum ballot to approve the TBLS concept and authorize the release of funds set aside in trust for a certification examination was approved by Division members in April. The referendum also determined the number of members intending to take the specialty examination and the areas of specialty in which members were most interested.

On June 28, 1992, the Board adopted a resolution which deemed it to be in the best interest of the Division to reiterate the Division's continuing commitment to represent those legal assistant members who (i) meet the definition of a legal assistant as set forth in Article I, Section 3 of the Bylaws of the Division and (ii) "do not engage in performing paralegal functions other than under the direct supervision of an attorney," pursuant to Canon 6 of the Code of Ethics and Professional Responsibility of the Division and Article I.B.1 of the Standing Rules of the Division. This resolution was passed in order for the Division to emphasize its purpose and to make a distinction between its members and those individuals whose purpose is to foster the professional development of unlicensed individuals who seek to deliver legal services directly to the public without the supervision or direction of attorneys.

The Board adopted a record retention policy that Division records will be retained for a period of two years, with the exception of a few categories of permanent Division records.

The Professional Development Committee sponsored a "Procedural Skills Seminar" in Amarillo, El Paso, and Tyler. Topics covered included Ethics, Federal Procedures, State Procedures, and an Attorney/Legal Assistant Team on Trial Preparation. The committee's mentor program for students was piloted in District 4 and sample packets for developing such a program were made available to any interested district.

Elizabeth Horn of Fort Worth won the Publications Committee contest to name the Division's newsletter. The *Texas Paralegal Journal* will be the name of future publications of the Division newsletter. Additionally, future publications of the newsletter will be theme oriented (e.g., Reorganization, Pro Bono, Career Opportunities).

The Annual Meeting was held in Corpus Christi. Seminars were presented on the following subjects: Discovery Budgets, Pro Bono, Medical Malpractice, Federal Procedures, Docket Control Management, Ethics, and Litigation Procedures. A panel discussion was presented by the Public Affairs Committee regarding Sunset Review of the Bar; Legal Licensure and Regulation; Independent and Freelance Paralegals; and the Unauthorized Practice of Law. An award for Outstanding Committee Chair was presented to Joanna Rondeau as Chair of the Task Force on Long-Range Planning and Reorganization. Awards of Excellence were presented to Judge Linda Thomas and Spencer Relyea for their outstanding commitment to the Division.

Legal Assistants Division Board of Directors 1991 - 1992

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