

HISTORY OF THE PARALEGAL DIVISION OF THE STATE BAR OF TEXAS

2003 - 2004

The Incoming Board met at the Hyatt Regency, Houston, on June 13, 2003.

Committee Chairs appointed were:

Annual Meeting: Patti Giuliano and Linda Studer, Co-Chairs
Ellen Lockwood, CLAS, RP, Board Advisor

Elections: Jennifer Fielder, Chair
Karla Schwemmer, PLS, RP, Board Advisor

Long Range Planning Debra Crosby, Chair
Task Force: Melissa Sherman, CLA, TBLS, Board Advisor

Membership: Charlene B. Carroll, CLA, Chair
Joncilee Miller, CLA, Board Advisor

Professional Development: Kristy Ritchie, Chair
Lynda Barron, CLA, Board Advisor

Professional Ethics: Ellen Lockwood, CLAS, RP, Chair
Tamara Null, CLA, Board Advisor

Public Relations: Javan Johnson, CLAS, TBLS, Chair
Sandy Eaves, CLAS, TBLS, Board Advisor

Publications: Rhonda J. Brashears, CP, TBLS, Chair *
Ellen Lockwood, CLA, RP, Board Advisor

* Debra Crosby resigned as Chair of the Publications Committee in January 2004 and Rhonda J. Brashears was appointed to chair the committee for the remainder of the fiscal year.

Liaison appointments were as follows:

NALA: Evyonne Palmer, CLAS

NFPA: Joncilee Miller, CLA

AAP (Conclave): Sandy Eaves, CLAS, TBLS

LAMA: Kim Cantu, CLA,

TALS/NALS: Karla Schwemmer, PLS, RP

TYLA: Kim Cantu, CLA

TAPA : Melissa Sherman, CLA, TBLS

LAC : Melissa Sherman, CLA, TBLS

ABA : Kathryn Moore, CLA

The Board discussed goals for the 2003-2004 fiscal year, including follow up on mandatory CLE through implementation and drafting of procedures; online CLE contract finalization and implementation; District CLE; changes in membership categories and issues; Long Range Planning Task Force.

The Board began preparation for a Continuing Education Committee. This committee was approved through a bylaw revision by Division members. Director Horn was appointed to chair a temporary ad hoc Continuing Education Committee, until such time as the Bar Board approves the Division bylaw changes.

Additional ad hoc committees were discussed to accomplish these goals, including the following:

LAU 2003. Rhonda J. Brashears, CP, TBLS, Chair, and Melissa Sherman, CLA, TBLS, served as Board Advisor

Public Service Ad Hoc Committee. This ad hoc committee would continue with Lisa Sprinkle, CLAS as Chair and Mariann Porter, CLA would serve as Board Advisor.

State Bar College Applications. Rhonda Brashears, CP, TBLS would serve as Chair and Melissa Sherman, CLA, TBLS as

Board Advisor.

Imaging of LAD Minutes. Rhonda Brashears, CP, TBLS, Chair.

Ad Hoc Committee on the Term Paralegal, Chaired Debbie Skolaski, CP and Kim Cantu, CLA served as Board Advisor.

Debra Crosby, Chair of the Long Range Planning Task Force, reported to the Directors the results of the online survey regarding the overwhelming preference for the use of the title "paralegal" as opposed to "legal assistant." Based on this survey, the Long Range Planning Task Force will amend their recommendations to use the term "paralegal." It was the intention of this Committee for the recommendations to be presented to the Bar Board by January 2004. These recommendations are for a definition which would be placed in the Code of Professional Responsibility. Debra Crosby also reported that the Task Force is working toward a Supreme Court rule regarding the award of paralegal fees.

President Sherman appointed an Ad Hoc Committee on the Term Paralegal to determine what items that will eventually require a name change, for example the Legal Assistants Division.

The Board charged the Elections Committee with compiling for review the recommended changes to the Procedures Manual to accommodate online voting for bylaws and elections.

Texas Forum XXII was held on September 5, 2003 at the Texas Law Center. The topic was "Legal Assistant v. Paralegal - By Which Will We be Known?" It was reported that on August 11, 2003, the ABA's Standing Committee on Legal Assistants ("SCOLA") changed its name to the Standing Committee on Paralegals. Further indicators of the move toward the term "paralegal" was NALA's application for a federal trademark registration of the term "Certified Paralegal." It was also announced that NALS would begin offering the Certified Paralegal Professional "CPP" in March 2004.

California has legislation pending to define the occupational title "paralegal." North Carolina and Wisconsin have formed groups to discuss appropriate term for the profession. North Carolina Alliance for Paralegal Professional Standards filed a "Paralegal Profession Act" with the North Carolina state legislature. Wisconsin Paralegal Task Force was formed to determine whether regulation of paralegals is necessary.

Debra Crosby, Chair of the Long Range Planning Task Force also provided an update at Texas Forum on the Task Force's work.

David Ellis of Hughes and Luce presented information on exempt v. non-exempt status of paralegals under the Fair Labor Standard Act.

The Fall Board Meeting was held in New Braunfels on September 6, 2003.

President Sherman appointed an ad hoc committee on Director Vacancy and Director Palmer was appointed to chair this committee.

A job bank section was added to the Division's website. A Directors page with various items such as the Procedures Manual, sales tax form, and alias e-mail addresses for the Board were also added.

LAD Coordinator Norma Hackler and Public Relations Chair Javan Johnson attended the NALA Convention ("NALAMO") in San Antonio on July 7-9, 2004. The Division was well received and many organizations inquired how to become a division of a state bar.

The Board approved the Joint Task Force draft of proposed new definition of the term "Paralegal" in Texas. It is anticipated that this proposal will be presented to the Bar Board in January 2004. A Resolution of the LAD Board supporting the term "paralegal" was also passed.

President Sherman appointed an ad hoc committee on membership to establish procedures, standing rules, and applications consistent with the proposed bylaws change on new categories of membership. This committee was chaired by Joncilee Miller.

Changes to the Standing Rules were passed to allow for online voting.

The Spring Board Meeting was held on February 27-28, 2004 in Fort Worth.

Proposed bylaws were approved by the Board to deal with a director vacancy following election of a director as President-Elect. The bylaw changes call for a special election for a successor to that district to fill the unexpired term.

The definition of the Term "paralegal" was not on the January Bar Board agenda. President Sherman attended the Bar Board meeting and the Bar requested that the Joint Task Force coordinate with the Texas Board of Legal Specialization regarding the change in nomenclature. The Bar Board indicated that it would like to place the issue on the consent agenda when a consensus is reached.

President Sherman appointed an ad hoc committee to provide a recommendation on the issue of an 18-month directory vacancy for District 9.

The Standing Rules were amended to add an Emeritus Membership for current or active members who retire, move out of state, take a leave of absence, or changes careers. A Subscribing category was also added for individuals who have completed a paralegal program but are not currently employed as a paralegal, TBLS, CLA, or RP certified paralegals who are not currently employed, out of state paralegals, previously employed as a paralegal but not currently employed as a paralegal, and instructors of paralegal programs. The Associate Membership category was expanded to include a coordinator or supervisor of a paralegal program within a firm, corporation, or agency.

HB 1769 passed and by some interpretation is said to require a paralegal who conducts investigation to obtain a private investigator's license. The Board agreed that it would keep Division members apprised of any new developments on this issue.

The Outgoing Board Meeting was held on Thursday, June 24, 2004, at the Emily Morgan Hotel, San Antonio.

President Sherman reported on the first membership renewal process since the implementation of mandatory CLE. Several members expressed concern about the forms and notarization, and these issues will be addressed by Membership and CLE Committees.

The Bar sent a letter to the Department of Public Safety requesting interpretation of the law for HB 1769. DPS contacted Representative Joe Driver, the author of the bill and he responded that paralegals are not covered by the law and should not be included in the scope of the law. DPS orally informed the Bar and requested that the Attorney General issue an AG opinion. A response from the AG is due in November and briefs by interested parties are due by July 17. President Sherman will draft a response for Incoming President Kim Cantu's signature and submission to the Bar.

The District 9 Ad Hoc Committee reviewed the vacancy in the directorship for two years and surveyed members in the district. The membership was unanimous in wanting someone else to take over directorship of the district. The committee therefore recommended disbanding the district and reallocating the membership as geographically appropriate.

The Annual Meeting was held at the Marriott Riverwalk Hotel in San Antonio on June 25, 2004. Gary McNeil of the Texas Board of Legal Specialization presented certificates to the first class of board certified paralegals in honor of the 10th anniversary of the Legal Assistant Certification Program. Judge Lora Livingston gave an inspirational speech on the 50th anniversary of the *Brown v. Board of Education* opinion.

Lisa Ivey of Austin received the Division's Exceptional Pro Bono Award. An Award of Excellence was given to Javan Johnson, CLAS, TBLS. Charlene Carroll, Membership Chair, received the Chair of the Year Award for her work in restructuring the Division's membership categories. Patti Giuliano and Linda Studer received Special Awards in recognition of their work on the Annual Meeting.

Legal Assistants Division Board of Directors 2003 - 2004

Officers:

President:	Melissa Sherman, CLA, TBLS
President-Elect:	Kim Cantu, CLA
Treasurer:	Pam Horn
Secretary:	Ellen Lockwood, CLAS, RP
Parliamentarian:	Mariann Porter, CLA

Directors:

District 1	Debbie Skolaski, CP
District 2	Joncilee, Miller, CLA
District 3	Debbie House, CLA****
District 4	Pam Horn, TBLS
District 5	Ellen Lockwood, CLAS, RP
District 6	Evyonne Palmer, CLAS
District 7	Page L. McCoy, PLS, CLA*
District 8	Karla Schwemmer, PLS, RP
District 9	Vacant
District 10	Sandy Eaves, CLAS, TBLS
District 11	Cecile Wiginton, CLA
District 12	Vacant**
District 13	Ann Bruso-Webb, CLA
District 14	Lynda M. Barron, CLAS***
District 15	Virginia Gill, TBLS
District 16	Mariann Porter, CLA

*Page L. McCoy was appointed by the Board

** Tamara Null, CLA resigned in February 2004

***Lynda M. Barron resigned from Board May 2004

****Kathryn Moore, CLA resigned from Board May 2004; Debbie House was appointed by the Board