

SPRING 2005 VOL. 10 NO. 4

TPIJ

Texas Paralegal Journal



Make Your Vote Count!

**District Directors and Bylaws Amendments
Online Voting—April 2005**

TECHNOLOGY

ETHICS

EVENTS

EDUCATION



REMEMBER GOOD, OLD FASHIONED SERVICE?

SO DO WE. Great service is an everyday way of life at the State Bar of Texas Insurance Trust. For more than 50 years we've offered fast, friendly service, backed by insurance products that are tailor-made for Texas attorneys. Take our long-term disability insurance plans, for example. The State Bar of Texas Insurance Trust offers dependable, economical long-term disability insurance underwritten by The Prudential Insurance Company of America and designed to give you peace of mind.

Our customer service specialists really deliver too, with more than 100 years of collective experience. They will work closely with you to understand your firm's needs, recommend the best plans and provide fast answers to your questions or issues.



Great service? It never goes out of style. For the combination of products and services that's right for your firm, contact us today to discuss your disability, health and life insurance needs.

For a descriptive brochure write P. O. Box 12487, Austin, Texas 78711.
Call 1-800-460-7248 or 512-479-0941 in Austin, 817-654-3347 in Ft. Worth,
713-224-4024 in Houston. Visit our web site at www.sbotit.com

**STATE BAR OF TEXAS
INSURANCE TRUST**

Group Term Life Insurance and Disability Insurance are issued by The Prudential Insurance Company of America, 751 Broad Street, Newark, NJ 07102, 1-800-524-0542. A Booklet-Certificate, with complete coverage information, including limitations and exclusions, can be requested.
Contract Series: 83500. Health coverages offered through other carriers.

VSAD93628 Ed 7/2004

PRESIDENT'S *Message*

Kim J. Cantu, CLA

Since taking office last June, my first TPJ article compared benefits of the Legal Assistants Division, State Bar of Texas (LAD), with Dorothy and her journey down the infamous “yellow brick road.” My second article compared the “scarecrow’s need for a brain” with the Texas paralegal and the need for CLE. This article brings us to “Courage for the Lion” . . .

In other words, the Division’s commitment to the Texas paralegal, the profession and, most important, its members, just as Dorothy was courageous and committed to help the scarecrow, the tin man and the lion, the Division, too, is *committed* to its members.

As you may recall, when HB 1769 was published in the January 2004 issue of the *Texas Bar Journal*, this Bill, surpris-

ingly, brought “uncertainty” regarding paralegals performing investigative tasks for their attorneys. Due to the questions raised by Texas paralegals in this regard, LAD leaders realized the reliance upon it by its members and sought direction, guidance, and interpretation of House Bill 1769.

On November 24, 2004, Texas Attorney General, Greg Abbott, published Opinion No. GA-0275 (<http://www.oag.state.tx.us/opinions/op5oabbott/ga-0275.htm>) in response to the request for interpretation. Abbott’s Opinion determined that HB 1769 was not intended to exclude paralegals working under the direct supervision of Texas attorney(s) in the performance of inves-



tigative tasks. Subsequent to Opinion No. GA-0275 being published, concerns were still expressed by LAD members as to HB 1769’s relation to “freelance” paralegals. Once again, LAD remained committed to the membership and sought clarification

of the Opinion. Members were referred to the AG’s Opinion referencing that the AG “did not address persons working for attorneys or law firms as independent contractors.” LAD members were further referred to the Attorney’s Rules of Professional Conduct 5.03.

Suggestion was made that *freelance* paralegals should apprise the contracting attorney of the AG’s Opinion No. GA-

(Continued on page 3)

Exceptional Pro Bono Service Award

The Legal Assistants Division (LAD) of the State Bar of Texas sponsors an annual Exceptional Pro Bono Service Award. Its purpose is to promote the awareness of pro bono activities and to encourage LAD members to volunteer their time and specialty skills to pro bono projects within their community by recognizing a LAD paralegal who demonstrates exceptional dedication to pro bono service. Paralegals are invited to foster the development of pro bono projects and to provide assistance to established pro bono programs, work closely with attorneys to provide unmet legal ser-

vices to needy persons. This annual award will go to an individual member of the Legal Assistants Division who has volunteered his or her time and special skills in providing uncompensated services in pro bono assistance to their community. The winner of the award will be announced at the 2005 Annual meeting and a profile of the individual will be published in the June 2005 issue of the Texas Paralegal Journal. Nominations can be made by completing the Pro Bono Nomination Form and forwarding to:

Kristy Ritchie
Chair, Publications Committee
Bracewell & Patterson, L.L.P.
One Alamo Center
106 S. St. Mary’s Street
San Antonio, Texas 78205
or by e-mail: kritchier@bracepatt.com

Download application at www.lad.org, click on **Membership**, then select **Pro Bono Awards**. Self nominations are encouraged.

Deadline for nomination is March 31, 2005.

TPJ

Texas Paralegal Journal



Focus on . . .

Legal Assistants Division Vote 2005

The LAD's third online election will take place April 18, 2005 through May 2, 2005.

15

Preparing a Case for Arbitration: It Doesn't Have to be a Trial by Fire

A new case comes in your door. The client has a contract dispute, and has come to your office to represent him the ensuing litigation, which he wants to start right away. But there's a catch; the contract at issue has a clause specifying that any dispute between the parties will be submitted to binding arbitration.

7

Opportunities for Paralegal as Mediators: Taking the Initial Steps
Paralegal can step into Mediation – as Mediators.

11

Hot "Cites"

Medical Records 101, Lesson 1

16

Keys to Debt Management

17

The Bell Curve Document Indexing-Imaging

18

Online CLE by LAD is Here

19

Columns

President's Message

1

Editor's Note

5

Scruples

The Code and The Rules, part 2

27

Et Al.

Annual Meeting 2005

21

Paralegals Recognized

22

Legislative Update

Technology Update

National News

Local Association News

24

(Continued from page 1)

0275 and make certain their [the paralegal's] contract scope of work or engagement letter sets forth that the *work* they [the paralegal] will be performing for him/her is *assisting him/her in his/her practice of law* and is either temporary, in lieu of, or in addition to work performed by an in-house employee. LAD members were also asked to note that the AG did not address contractors working for persons licensed as attorneys, but not practicing law.

My second reference to "courage" and "commitment" point us to the Texas paralegal, who believes it is now time to change the definition of our profession and the term with which we refer to ourselves. The Legal Assistant Committee (LAC) and the State Bar of Texas (SBOT) have demonstrated their commitment to the profession and exhibited courage through their efforts to update the definition of paralegal, which has not been updated since its adoption in 1986.

Both the Division and the SBOT adopted the definition promulgated by the American Bar Association's (ABA) definition in 1986 which reads "[a] legal assistant is a person, qualified through education, training or work experience, who is employed or retained by a lawyer, law office, governmental agency or other entity in a capacity or function which involves the performance, under the ultimate direction and supervision of an attorney, of specifically delegated substantive legal work, which for the most part requires a sufficient knowledge of legal concepts that, absent such assistant, the attorney would perform the task."

The contemplated changes would update the terminology to exclusive use of "paralegal" and request annotation of the terms within the definition: "education, training or work experience."

It takes "courage" to step up and explain to *long time* SBOT members and leaders that Texas paralegals and paralegals across the United States are consciously choosing the "paralegal" profession. Becoming a paralegal is not a job

an individual selects as a temporary fix to pay the bills. In today's society, individuals choose to become "paralegals" through formal education, years of experience and training by attorneys. In this regard, the Joint LAC/LAD Task Force is seeking to further annotate the definition of our profession for education, experience and training. *This* is indicative of LAD's commitment, courage and determination on behalf of its members.

Let this article be LAD's call to its members to log on to the "members only" section of the LAD website and show YOUR courage by casting your vote to change the name from "Legal Assistants Division" to "**Paralegal Division**," State Bar of Texas. Online voting will take place April 18 — May 2, 2005.

It will be YOUR vote that makes this proposed change possible. If this change becomes reality, this will be a giant leap for the Division down its *yellow brick road*. Just like the Lion, Division members will be on the way to finding Oz.

Labels are Only Skin Deep

Whether you call yourself a "Certified Legal Assistant" or a "Certified Paralegal," beneath the label, you are still the same consummate legal professional. When you have completed the NALA certification program, you can be assured that your credential indicates the same high achievement that has defined expertise and excellence in the paralegal profession since 1976. We'll make sure the certificate on your wall shows your preference in terms.



The National Association of Legal Assistants
1516 South Boston Avenue • Tulsa, Oklahoma 74119 • 918-587-6828
www.nala.org

Redefining Team Work.



Tammy Costello, Connie Kikoski,
Deborah Gores and Alicia Honey,
just one of the power teams
at Team Legal

Team Legal. Your one source
for litigation support. A proven
industry leader providing court
reporting, record retrieval, video
depositions, litigation copy services,
document scanning & coding, electronic
discovery, and more.

On-line order status and record archives
provide the information you need when you need it.
Updated entries posted throughout the day.
Confidential, secure access.

High volume cases handled with proven expertise
including Diet Drug, Asbestos and Breast Implant
litigation, to name a few.

**Call us today and let our people
start working for you.**

TEAM LEGAL
THE DEPOSITION SPECIALISTS®

800-882-3376

Houston • Dallas/Ft. Worth • Austin • San Antonio • Beaumont • Galveston
Corpus Christi • The Rio Grande Valley • Cypress
www.teamlegal.net

EDITOR'S *Clate*

by Rhonda J. Brashears

This edition of the *Texas Paralegal Journal* brings the announcement of a couple of exciting happenings for the Legal Assistants Division "LAD". First, is the announcement of online voting; please refer to the article by Jennifer Fielder to assist you in understanding the process of voting on line and letting your voice be heard during this year's voting process. Second, online CLE; see Pam Horn's article regarding the airing of the online CLE. Both online voting and online CLE are wonderful enhancements to your current LAD membership benefits.

Next, I would like to seek your advice or comments regarding some potential changes to the LAD website and *TPJ*. If you have ever thought that there were ways we could make our website more useful, more helpful, or things you would like to see on the website, I would like to hear from you. We are researching possible changes to the website, and a new point of view is always wonderful to have. I have also received a comment from a faithful reader asking why we do not have a letter to the editor section. I would be happy to set up such a section in the magazine if I could get readers to send in comments. Please let me know if you would be interested in a letter to the editor column in the magazine. This is your magazine and your website, so please take the time to let me hear your comments.

Finally, I try to make the magazine as diverse as possible when it comes to substantive articles, but I do not always have access to different topics. If you write articles, if you know a good writer or if you have recently seen an article that would be good for our readers, please contact me. I would love to make this magazine a good read for all types and areas of the law.

HOW TO REACH US

Rhonda Brashears, CLA, Editor
UNDERWOOD
P. O. Box 9158
Amarillo, TX 79105-9158
806/379.0325 (o)
806/349.9484 (fax)
rjb@uwlaw.com

Norma Hackler, CMP
Coordinator, Legal Assistants Division
P. O. Box 1375
Manchaca, TX 78652
512/280-1776 (o)
512/291-1170 (fax)
nhackler@austin.rr.com

Texas Paralegal Journal (ISSN# 1089-1633) is published quarterly in Winter, Spring, Summer and Fall for \$15 set aside from membership dues for a 1-year subscription by the Legal Assistants Division of the State Bar of Texas, 3505 Black Mesa Hollow, Austin, Texas 78739. Periodical Postage Paid at Austin, TX. POSTMASTER: Send address changes to the *Texas Paralegal Journal*, P.O. Box 1375, Manchaca, Texas 78652.

Circulation Winter 2004: Total Printed: 1,800; Paid or Requested: 1,651; Mail Subscriptions: 1,651; Total Paid and/or requested circulation: 1,651; Free Distribution: 0; Total Distribution: 1,651; Office Use or Leftover: 149.

PUBLICATIONS:

Rhonda Brashears, CLA, Editor
Kim J. Cantu, CLA, President
Norma Hackler, CMP, Coordinator
Page L. McCoy, PLS, CLA, Board Advisor

ART DIRECTION:

David Timmons Design. 4703 Placid Place, Austin,
Texas 78731. Phone 512-451-4845, Fax 512-451-1087.
E-mail: dtimmons@airmail.net

The *Texas Paralegal Journal* is published quarterly as a service to the legal assistant profession. A copy of each issue is furnished to the members of the Legal Assistants Division as part of their dues.

LEGAL ASSISTANTS DIVISION

| | |
|------------------|--------------------------|
| President: | Kim Cantu, CLA |
| President Elect: | Ellen Lockwood, CLAS, RP |
| Parliamentarian: | Deborah Skolaski, CP |
| Treasurer: | Cecile Wiginton, CLA |
| Secretary: | Pam Horn |

BOARD OF DIRECTORS

Kim Cantu, CLA, Dallas, Ellen Lockwood, CLAS, RP, San Antonio, Deborah Skolaski, CP, Houston, Joncilee Miller, CLA, Dallas, Debbie House, CLA, Fort Worth, Pam Horn, Austin, Patricia J. Giuliano, San Antonio, Andrea Kinzy, CLA, Lubbock, Page L. McCoy, PLS, CLA, Amarillo, Robert W. Soliz, Victoria, Ginger D. Williams, Beaumont, Cecile Wiginton, CLA, Midland, Lisa Bowles, Denton, Deborah Hathaway, Sugar Land, Mona Hart Chandler, CLA, Longview, Virginia Gil, Brownsville, Heidi Beginski, El Paso.

PUBLICATIONS COMMITTEE MEMBERS

Rhonda Brashears, CLA, Chair, Amarillo, Page McCoy, PLS, CLA, Board Advisor, Amarillo, Debra R. Bates, Dallas, Kimberly J. Moore, Fort Worth, Carolyn Goff, Galveston, Janabeth Flemington Taylor, Corpus Christi, Belinda Stephens Sheridan, Austin, Heidi A. Hopfauf, Dallas, Elizabeth M. Harsh, Austin, Krista Cover, Austin

DEADLINE FOR SUBMISSION OF ARTICLES FOR THE SUMMER ISSUE IS APRIL 15, 2005.

Texas Paralegal Journal © 2004 by the Legal Assistants Division, State Bar of Texas. Published quarterly in Texas by the Publications Committee of the Legal Assistants Division, P.O. Box 12487, Austin, Texas 78711. The *Texas Paralegal Journal* is a magazine published to provide information specifically for the members of the Legal Assistants Division of the State Bar of Texas, as well as for members of the paralegal community in general, both in Texas and nationwide. Opinions expressed herein are solely those of the writer and not the Board of Directors or of the Division. Publication of any advertisement herein does not imply endorsement in any manner. None of the information contained herein is intended nor should it be construed as legal advice. Inclusion and editing of material submitted is at the discretion of the editor and the editorial subcommittee.





Preparing a Case for Arbitration

It Doesn't Have to Be a Trial by Fire

Jose de la Fuente



A new case comes in your door. The client has a contract dispute, and has come to your office to represent him in the ensuing litigation, which he wants to start right away. But there's a catch; the contract at issue has a clause specifying that any dispute between the parties will be submitted to binding arbitration. So, come trial time, your team won't be setting up shop at the courthouse. But where *will* you be? What should you bring? Will there be coffee?

From the perspective of pre-trial litigation and preparation, arbitration *is* a trial. Only it's not. Arbitration is a method of alternative dispute resolution in which the disputing parties submit their dispute to a third party neutral, who issues a binding decision, much like a judge would in a trial to the bench. Arbitration is most often a creature of contract, specified within a contract between two parties as the sole method for resolution of a dispute arising out of the parties' relationship.¹ If you haven't been involved with an arbitration, you probably will be soon; arbitration is currently experiencing a "boom," as more people and entities are making an agreement to arbitrate disputes a standard part of their contracts. Whether you know it or not, you are probably a party to agreements with an arbitration clause; for example, many consumer contracts and brokerage account agreements (relating to stocks, mutual funds, and the like) require that any disputes related to those agreements be submitted to arbitration.

Arbitration is much like a district court trial in that there is often some pre-trial discovery (although usually not nearly as much as in traditional litigation), and at trial, the parties put on witnesses and evidence before a neutral or panel of neutrals who will act as the finder of fact and will issue a final award on the case. However, the arbitration process usually is more streamlined, proceeds to final hearing more quickly than traditional litigation, and the final hearing is typically somewhat shorter than a traditional trial.

When a contractual arbitration case comes through your door, your first step should be to examine the arbitration clause in the contract to determine the rules and forum for the arbitration. Unfortunately, you will find that there is no standard "one size fits all" arbitration template that will apply in every case, and no single article that you read (even this one) can prepare you for every possible type of arbitration. This article gives only a general overview of what you might expect and need to plan for in an arbitration matter.



The case will most likely begin with the filing of an Arbitration Demand, which in most cases will closely resemble a district court Petition or Complaint, as it will set forth the parties, the nature of the dispute, the remedy sought, and other related information.

As arbitration is most often a creature of contract, the parties can agree to whatever requirements they wish. The first challenge when handling an arbitration case is determining what rules and procedures govern. For example, many contractual arbitration clauses specify that the dispute must be submitted to a recognized private entity, such as the American Arbitration Association ("AAA"), or Judicial Arbitration and Mediation Services ("JAMS"). If that is the case, many of those entities have rules governing the process of arbitration, from submission to final award.² Additionally, arbitration entities sometimes have specialized rules for arbitration of particular subject matter, such as cases involving the construction industry, so be sure to confirm which particular set of rules applies to your dispute.

Sometimes, the clause simply says that the parties shall submit to binding arbitration, and provides no further detail. In those cases, the process of arbitration may be governed by an arbitration statute, such as the Texas Arbitration Act (Tex. Civ. Prac. & Rem. Code 66 171.001-171.098) or the Federal Arbitration Act (9 U.S.C. 66 1-307).

Additionally, the parties may agree to certain other procedures outside of the specific set of rules that govern their dispute. For example, as many arbitration rules are all but silent on the subject of discovery, parties sometimes agree to conduct discovery in the arbitration pursuant to State or Federal Rules of Civil Procedure. Additionally, the Rules of Evidence may or may not apply, depending on the applicable rules, and the parties

will sometimes address that issue in their contractual arbitration clause.

The case will most likely begin with the filing of an Arbitration Demand, which in most cases will closely resemble a district court Petition or Complaint, as it will set forth the parties, the nature of the dispute, the remedy sought, and other related information.³ The Demand is typically served on the opposing party and on any governing body, such as the AAA, and it sets the arbitration process in motion. From that point, the parties will either select or be assigned (depending on the applicable rules and/or their agreement) an arbitrator or panel of arbitrators. While there is no standard set of qualifications for an arbitrator, arbitrators are most often legal professionals, such as attorneys and retired judges, or specialists in a particular field, such as construction or healthcare. Additionally, many arbitration agreements actually specify the required qualifications of the arbitrators to be selected in the case.

Once you have determined what rules and procedures will be in place for your particular arbitration, your next step is to prepare an arbitration plan/timetable. The actual schedule may be set by the rules and procedures elected by the parties, the ruling of the arbitrator, or the subsequent agreement of the parties. Again, there is

no universal schedule, set of deadlines, or timetable. The final hearing could be scheduled to occur ninety days after the Demand is filed or a year after the Demand is filed, although in most cases, the case will be set on a significantly faster track than would apply in litigation before a court. Intervening deadlines also may vary significantly; the parties may have agreed to a full discovery schedule pursuant to State or Federal Rules of Civil Procedure, or they may simply be subject to the limited procedures in the chosen arbitration rules, such as AAA rule R-21, which allows the arbitrator to direct the production of documents and other information and to require the parties to identify the witnesses that they will call at hearing, or the arbitration may be subject to the procedures specified in the governing statute, such as Tex. Civ. Prac. & Rem. Code 66 171.050 and 171.051, which allow the arbitrator to authorize depositions and issue subpoenas. Importantly, the applicable rules and statutes are typically written so as to *allow* the arbitrator to schedule and enforce certain discovery and pre-trial procedures, but they do not require it. This is in keeping with the concept that arbitration is to be a more flexible, informal process. As a practical matter, even if the arbitrator sets a formal schedule of discovery and similar matters, he often will not be patient with an overly technical approach to the rules and schedule, reminding the parties that arbitration is an informal process. Each arbitration is different, and each arbitrator will take a different approach, so be sure to try to get an understanding of the process and the arbitrator's expectations early on in the case.

The arbitration schedule, the operative
(Continued on page 10)

Each arbitration is different, and each arbitrator will take a different approach, so be sure to try to get an understanding of the process and the arbitrator's expectations early on in the case.

SUSTAINING MEMBER PROFILE

Officially, Hollerbach & Associates, a title research and abstracting company, was founded late in 1985. As life happens, the company was really born when my dad and I first discussed the idea over beers in April that same year, at Fiesta, San Antonio's biggest annual, week-long celebration. We were partying at Night in Old San Antonio, affectionately known as NIOSA, in our historic La Villita downtown! I still mark the occasion with an annual party at NIOSA on the event's opening night.

From there, Hollerbach & Associates caught on and grew like crazy. I'm proud to say that my staff is extremely loyal. One employee has been with us since our early days. Our headquarters are still in San Antonio and our team is supported by research centers in Houston and Dallas and a large network of independent title associates throughout Texas, the Southwest and Mexico. So we have reason to be all excited about our 20th anniversary this year.

We also feel very close to our clients. I think that's why we've been able to build solid relationships with them. We serve a broad spectrum of related professions, including law firms, financial institutions, real estate companies and government agencies.

Another key element in this relationship is that we do our job. Our researchers are very meticulous in examining their data for completeness and accuracy. We blanket the state, and our turn-around time is second to none. We also have a fee structure that adapts well to our diverse clientele.

To meet some of clients' more intricate requirements, we've made a huge investment in highly sophisticated technology. It, together with our vendor management sys-



tem, allows us to connect with most loan origination systems and provide for on-line ordering, tracking and delivery of finished products. We've also integrated our own SearchLight™ program with other electronic

partner networks. This gives our clients access to any number of real estate-related services so they can save time and be more efficient.

Offering bundled services is a big thing in our industry, and we're definitely a player in this arena. We can include flood zone determinations, property tax certificates, real estate appraisal products, and document recording and retrieval services. But we don't stop there. We go further and give our clients any additional information that could help them make important decisions.

There's a lot that goes into what we do and things change constantly. We make sure we stay on top of it. Every one of us participates in on-going training and continuing

education that address relevant legal and real estate issues, as well as technological advances. We also help keep our clients current on our business as it relates to their professional interests. To achieve this, we provide specialized training.

I think I can sum up our company best when I use my favorite saying: We know Texas better. And that's the truth!

Jim Hollerbach is a San Antonio native and attended San Antonio College and Fayetteville State University. He also served in the Army as a paratrooper with the 82nd Airborne Division. Jim learned abstracting techniques before graduating from high school, working as a Landman for oil and gas exploration. Later he began a career by filling a niche and providing fast, accurate and cost effective title services to lenders and law firms. Jim is active in the community, particularly with Boysville - a Texas Children's Home, the Optimist Club and the YMCA Camp Flaming Arrow in Hunt, Texas. He's married and has a daughter who is currently in high school. Hollerbach and Associates is a Sustaining Member of the Legal Assistants Division.

We Know Texas Better™

Hollerbach & Associates, Inc.
A Title Research, Abstracting & Settlement Service Company

210-226-2556
www.hollerbach.com



Just as you might do for a courtroom trial, you should find out the location of the final hearing beforehand and, if possible, tour the room to help plan your organization of trial materials and any electronic presentation equipment that you may need.

(Continued from page 8)

rules, and the timetable may all be discussed and established at a preliminary hearing with the arbitrator, which typically occurs soon after the arbitrator has been selected/assigned to the dispute. See, e.g., AAA Rule R-20. This hearing may be conducted in person or by telephone, and if at all possible, you should sit in on the hearing in order to take part in or at least listen to any discussion of scheduling or logistical matters that may impact your involvement with the case. The preliminary hearing is the ideal opportunity to get any questions answered. The arbitrator will often listen to any concerns that the parties may have and will usually try to establish the ground rules at this time, so it is a good practice to discuss any questions (e.g., will the Rules of Evidence apply? What discovery will take place? How much time will be allotted for the final hearing?) with your trial team before the preliminary conference.

Once the arbitration schedule is set, the case should be prepared like any other litigation, subject to any limitations to the discovery process that may apply. Depositions, written discovery, and document discovery, to the extent that these mechanisms apply to your arbitration, will likely need to be handled similarly to the manner in which you would handle a court case. There may even be “pre-trial” motions, such as motions to compel or motions for summary judgment. Again, your particular arbitration may look a whole lot like traditional litigation, or it may be so informal as to not allow for any of the normal pre-trial litigation mechanisms. These potentially broad variations

make it critical that you understand and have a firm grasp on the applicable rules and procedures in place for your arbitration early in the process.

Finally, once you have negotiated the discovery, pre-trial motions, and any other procedural bumps on the way, you will have the final arbitration hearing. Yet again, the final hearing may look almost identical to a district court trial, or it may seem as informal as a mediation where the mediator actually issues a binding ruling; it all depends on the rules and procedures in place for your arbitration. However, it is common for a final arbitration hearing to include opening and closing statements, testimony and cross-examination of witnesses, and submission of exhibits. Depending on your role on the trial team, you should prepare for these elements of the final hearing as you would for trial.

The final arbitration hearing will often take place at the arbitrator’s office, the office of one of the parties, or some other neutral location, such as a hotel conference room. Just as you might do for a courtroom trial, you should find out the location of the final hearing beforehand and, if possible, tour the room to help plan your organization of trial materials and any electronic presentation equipment that you may need. The hearing may last for hours or weeks, depending on the case. The issue of the hearing’s length is often addressed in a preliminary conference with the arbitrator, so it is rarely a surprise. This is a good question to raise with your trial team before any of the preliminary conferences with the arbitrator.

So, when you’re headed to arbitration, you may need to be ready for a “trial” in

almost every sense of the word. Or, you may have to be ready for something completely different. The key to success is knowing what to expect well before you reach that point. And when you’re at the final hearing, there probably will be coffee available. Maybe even good hotel coffee. But enjoy it in moderation; mid-morning caffeine jitters aren’t very helpful at trial – or arbitration.

Jose de la Fuente is a partner in the Schaffer Law Firm, P.C., practicing in Austin, Texas. He has handled cases in a broad variety of forums on issues as diverse as commercial contract matters, personal injury, and racial discrimination. He also has significant experience with many ADR mechanisms, including arbitration. He always appreciates the assistance of every member of his trial team, and he has been known to drink the occasional cup of coffee.

1. Additionally, in a very small class of cases, such as some labor cases involving public employees, arbitration is required by some state statutes. See, e.g., Iowa Code 6 20.17 (1999).
2. Rules for the AAA can be found at its website, <http://www.adr.org/index2.1.jsp>. The most common set of applicable rules is titled “Commercial Arbitration Rules and Mediation Procedures (Including Procedures for Large, Complex Commercial Disputes).” Rules for JAMS arbitrations can be found at its website, <http://www.jams-endispute.com>. The most common set of applicable rules is titled “JAMS Comprehensive Arbitration Rules and Procedures.” Most other private entities have rules that are either available online or by mail upon request.
3. Many disputes that are subject to arbitration actually begin their life in litigation, when one party files a lawsuit. In any lawsuit in which a breach of contract is involved, your office should obtain a copy of the contract as soon as possible so that it can be reviewed to determine whether there is an arbitration clause that would apply to the dispute. If the dispute is subject to arbitration, both the Texas Arbitration Act and the Federal Arbitration Act have provisions allowing a party to ask the court to compel arbitration and stay the litigation (Tex. Civ. Prac. & Rem. Code 66 171.021, 171.024, and 171.025; 9 U.S.C. 66 3 and 4). Once the court has compelled arbitration and stayed the litigation, the arbitration generally should proceed as if it had been initiated without a lawsuit being filed.



Opportunities for Paralegals as Mediators

Taking the Initial Steps

Walter A. Wright

I. Paralegals can Step into Mediation—as Mediators.

Paralegals function well in their traditional roles as assistants to attorneys and their clients during mediations,ⁱ but paralegals can also function as mediators. Paralegals may not envision themselves as mediators because most of their contacts with mediation are through court-annexed cases, and attorneys and judges usually select attorney-mediators to mediate those cases.ⁱⁱ Paralegals may even assume that a license to practice law is a prerequisite to becoming a mediator. But mediation is used in many contexts other than litigation,ⁱⁱⁱ and attorney-mediators are not necessarily preferred in those contexts.^{iv} Although Texas does have a statute that sets out training requirements for mediators who mediate court-annexed cases,^v the statute does not require that mediators be licensed to practice law before they mediate court-annexed or any other cases. In short, the mediation profession is open to paralegals.

Whether paralegals wish to become full-time, part-time, or volunteer mediators, they all should take certain initial steps on the path toward their new profession. This article will describe four of those initial steps—training, experience, credentialing, and networking—and it will suggest ways to take those steps on solid ground.

II. First Step: Training.

The Texas Alternative Dispute Resolution Procedures Act (hereinafter “ADR Act”)^{vi} requires that court-appointed mediators complete at least forty hours of mediation training prior to receiving an appointment.^{vii} If a case involves a dispute affecting the parent-child relationship, the mediator must complete another twenty-four hours of training in the fields of family dynamics, child development, and family law before receiving an appointment.^{viii} In some instances, a court can waive these training requirements.^{ix} Although the ADR Act establishes minimum hours of mediation training for court-appointed mediators, it provides no details regarding the content of the training. Moreover, no Texas statute governs training requirements for mediators who are not court-appointed.

The Texas Mediation Trainers Roundtable (hereinafter “TMTR”), an organization comprised of some of Texas’s most prominent mediation trainers, has attempted to fill the ADR Act’s training-content gap by establishing standards for mediation courses. TMTR has adopted the ADR Act’s forty-hour requirement for basic mediation courses, and its standards govern training content, methodology, and administration.^x For courses in family mediation, TMTR has adopted a thirty-hour standard—six hours more than required by the ADR Act—to allow for training on domestic violence and provide



students with more time for role plays.^{xi} In addition, TMTR has established standards for ethics training for mediators.^{xii} Because TMTR's standards are recognized throughout Texas, paralegals should assure themselves, prior to enrolling in any type of mediation course for which TMTR has established standards, that the course meets those standards.^{xiii}

In addition to determining that a basic mediation course meets TMTR's minimum standards, paralegals should inquire about the mediation model they will learn during the course. When attorneys learn to be mediators, they often take courses that instruct them in the "caucus" or "shuttle diplomat" mediation model, which includes the caucus^{xiv} as an integral part of the model. Because many attorneys prefer to use this model when resolving cases pending in court, paralegals often are very familiar with it. But paralegals who become mediators are more likely to intervene in cases not yet pending in court, where the preservation of ongoing relationships may be a fundamental goal. The "conference" model, which stresses direct communication between parties and relies on caucus only when direct communication is not productive or appropriate, is often preferred as a model for preserving relationships. Therefore, paralegals should consider making their first basic mediation course one that teaches the conference model.

Mediation training courses are offered throughout Texas, and at least one course is designed specifically for paralegals. The Legal Studies Program at Texas State University offers a basic mediation course that trains paralegal students in the conference mediation model.^{xv} Other universities^{xvi} and private organizations^{xvii} offer excellent mediation courses, and the seventeen Dispute Resolution Centers (hereinafter "DRCs") located throughout Texas^{xviii} often offer basic mediation training at very reasonable prices. Many mediation training courses are listed on the online training calendar that the Texas

Association of Mediators maintains.^{xix}

III. Second Step: Experience.

While abundant sources of excellent mediation training exist throughout Texas, sources of initial mediation experience are not so plentiful. One of the challenges new mediators often face is finding their first cases to mediate. Paralegals who are considering becoming mediators should investigate whether they will be able to acquire mediation experience once they complete their mediation training.

Because mediation is a competitive field, many mediators conduct their first mediations as volunteers. Texas's DRCs,^{xx} which rely on volunteers to mediate the cases they receive, often welcome new mediators and provide them with excellent mediation experiences.^{xxi} Some Texas Better Business Bureaus, especially the one in Houston,^{xxii} have active mediation programs that offer volunteer mediators valuable experience mediating complaints filed against businesses.^{xxiii} Other volunteer opportunities sometimes can be found in government agencies, schools, churches, and community associations.

Online-dispute-resolution (hereinafter "ODR") companies can be additional sources of early mediation experiences. For example, SquareTrade, which has a contract to mediate eBay disputes, accepts applications from mediators who are interested in ODR.^{xxiv} When SquareTrade accepts a mediator's application, it provides the mediator with free ODR training and immediate ODR experience. SquareTrade compensates its mediators based upon the dispute arena.^{xxv} Compensation for mediating eBay disputes is relatively low, but a mediator who wants to acquire experience can generate a docket of dozens of cases within a relatively short time.

Full-time employment as mediators or mediation administrators is sometimes possible for new mediators who vigilantly search for opportunities as they arise. The National Association for Community

Mediation's Web page lists community-mediation job opportunities as they open throughout the country.^{xxvi} Fresno Pacific University's Center for Peacemaking and Conflict Studies lists mediation, peacebuilding, and restorative-justice jobs on its Web page.^{xxvii} Mediate.com, an excellent online source of information about mediation, posts employment opportunities at its Meeting Hall,^{xxviii} and the Straus Institute for Dispute Resolution at Pepperdine University posts new jobs on its Web page.^{xxix}

IV. Third Step: Credentialing.

Because the mediation profession is largely unregulated in Texas, mediators—especially new ones—may find it difficult to demonstrate to potential clients that they are qualified to mediate cases and that they will perform ethically. To address this concern, the Texas Mediator Credentialing Association (hereinafter "TMCA"), comprised of representatives from every major mediation constituency in the state, developed a set of voluntary standards through which Texas mediators can demonstrate their mediation qualifications and their commitment to ethical mediation practice.^{xxx} In addition to creating three categories of credentialed mediators—credentialed, credentialed advanced, and credentialed distinguished^{xxxi}—TMCA created a special category for trained mediators who have little or no mediation experience; the category is called candidate for credentialed mediator.^{xxxii} Moreover, TMCA established Standards of Practice and a Code of Ethics to which all members of the organization must agree to adhere and which is backed by a grievance process through which members can be disciplined.^{xxxiii} Paralegals who decide to become Texas mediators should consider joining TMCA, as candidates for credentialed mediators, as soon as they complete their initial mediation training, and they should become credentialed mediators as soon as they meet the initial training and



experience requirements of one of the credentialed-mediator categories.

V. Fourth Step: Networking.

Every new mediator needs a network of colleagues who can act as mentors, sources of business, and connections to innovations in mediation. Without such a network, mediation practice can be lonely and unprofitable. While networking may not be a favorite activity of many new mediators, it is one of the essential first steps of building a successful mediation practice.

In Texas, two organizations can assist a new mediator in establishing a network of colleagues. The Texas Association of Mediators (hereinafter "TAM"), an inclusive organization that represents mediators from all professional backgrounds and practice areas, is known for its first-rate quarterly newsletter and its outstanding conferences that feature mediation professionals of national and international renown. TAM members also have access to reasonably priced malpractice insurance.^{xxxiv} The Alternative Dispute Resolution Section of the State Bar of Texas (hereinafter "ADR Section") is perhaps the most inclusive section of the bar, and it also welcomes mediators from all professional backgrounds and practice areas.^{xxxv} The ADR Section issues an excellent quarterly newsletter and provides multiple continuing-education opportunities to its members. At \$25.00/year, the ADR Section's membership dues are a bargain.

At a national level, two organizations can be of use to networking mediators. The Association for Conflict Resolution (hereinafter "ACR"), which has chapters in Houston and Dallas/Ft. Worth, serves more than 6,000 mediators and other dispute-resolution professionals.^{xxxvi} ACR is known for its excellent national and section conferences^{xxxvii} and its academic and professional publications.^{xxxviii} The Section of Dispute Resolution of the American Bar Association (hereinafter

"DR Section"), like the ADR Section in Texas, is open to dispute-resolution professionals from all professional backgrounds and practice areas. The DR Section sponsors an outstanding continuing-education program each year in a major U. S. city, and it publishes important books, an excellent magazine, and a newsletter.^{xxxix} Unlike the ADR Section in Texas, the DR Section requires dispute-resolution professionals to join the ABA before they can join the DR Section, which makes membership in the DR Section somewhat expensive.

Two online listservs can be important sources of information about job openings and recent developments in mediation. Cornell University's Center for Information Technology and Dispute Resolution sponsors the first listserv,^{xl} and the DR Section sponsors the second. Mediators can subscribe to both listservs at no cost.^{xli}

Finally, paralegals should not forget to network with attorneys, especially the attorneys who already know and respect them. Attorneys do not always refer mediations to other attorneys, particularly

NEED MORE HOURS IN THE DAY?

We can't turn back the hands of time but we can help fit your work into the time you do have. Our experienced team can handle the bulk of the leg work so that you can focus on the important aspects of practicing law.

Records Collection & Analysis

Medical Review

Record Retrieval

Court Reporting

Legal Copying

MH
MARKER-HOFF GROUP
THE LEADER IN PROFESSIONAL LITIGATION SUPPORT

800-264-9070 **www.marker-hoff.com**



when the conference model may be appropriate for their cases. If attorneys know of paralegals who are looking for mediation work and whose professionalism they respect, the attorneys may become regular sources of business for the paralegals.

VI. Taking the Initial Steps.

The path to becoming a successful mediator can be an uncertain one, but paralegals who secure appropriate mediation training, acquire solid mediation experience, become credentialed, and establish networks of helpful colleagues are taking the appropriate initial steps on the path to their new profession. With determination, perseverance, and some luck, professional success is a logical destination.

Walter A. Wright is an associate professor in the Legal Studies Program of the Department of Political Science at Texas State University in San Marcos, Texas. He teaches courses in law and alternative dispute resolution, and his primary research interest is mediation. He is a published author in the United States, several Latin American countries, and China. An attorney, mediator, and arbitrator, he received B.A. and J.D. degrees from the University of Houston and an LL.M. in International Legal Studies from New York University.

ENDNOTES

ⁱ Paralegals' traditional roles include locating and interviewing mediators for cases pending in court, preparing notebooks for attorneys to use during mediations, and explaining mediation logistics to clients. SUSAN PATTERSON & GRANT SEABOLT, *ESSENTIALS OF ALTERNATIVE DISPUTE RESOLUTION* 70-73, 198-200, 214 (2001) [hereinafter PATTERSON & SEABOLT].

ⁱⁱ See, e.g., Cris M. Currie, *Should a Mediator also be an Attorney?*, at <http://www.mediate.com/articles/currie.cfm> (August 2000); *Alternative Dispute Resolution (ADR)*, at <http://www.rnoon.com/lawlaymen/adminlaw/anatomy/lawsuit5.html> (last visited Jan. 7, 2005).

ⁱⁱⁱ The contexts include large corporations, government agencies, schools, hospitals, and community-based organizations. PATTERSON & SEABOLT, *supra* note 1, at 201-02.

^{iv} See, e.g., Rachel Campbell *et al.*, *Collaborative Law: How paralegals help put the pieces together in a new family law model*, LEGAL ASSISTANT TODAY, Nov./Dec. 2004, at 72-75, available at http://www.legalassistanttoday.com/issue_archive/feature2_nd04.htm.

^v TEX. CIV. PRAC. & REM. CODE ANN. § 6154.052 (Vernon 1997). See the discussion of training in Section II of this article, *infra*.

^{vi} *Id.* §§ 6154.001-6154.073 (Vernon 1997 & Supp. 2004-05).

^{vii} *Id.* § 6154.052(a) (Vernon 1997).

^{viii} *Id.* § 6154.052(b).

^{ix} In "appropriate circumstances," a court may waive the forty-hour and twenty-four-hour training requirements if the court "bases its appointment on legal or other professional training or experience in particular dispute resolution processes." *Id.* § 6154.052(c).

^x Texas Mediation Trainers Roundtable, *Standards for 40 Hour Basic Mediation Training*, at <http://www.tmtr.org/StandardsFolder/40hr-training-outline.htm> (November 3, 2003).

^{xi} Texas Mediation Trainers Roundtable, *Standards for 30 Hour Family Mediation Training*, at <http://www.tmtr.org/StandardsFolder/30hrDivorceTrng-NEW.htm> (September 11, 2000).

^{xii} Texas Mediation Trainers Roundtable, *Standards for Continuing Education Ethics Training for Mediators*, at <http://www.tmtr.org/StandardsFolder/EthicsStandards-1.htm> (August 25, 2003).

^{xiii} The standards for basic mediation courses provide that "[t]rainers will indicate in training materials and certificate of completion that their program satisfies the Texas Mediation Trainers Roundtable's standards for the 40-hour Basic Mediation course." Texas Mediation Trainers Roundtable, *Standards for 40 Hour Basic Mediation Training*, at <http://www.tmtr.org/StandardsFolder/40hr-training-outline.htm> (November 3, 2003).

^{xiv} A caucus is a private meeting between the mediator and one party and/or the party's representatives.

^{xv} Texas State University-San Marcos, *Legal Studies Program*, at http://www.polisci.txstate.edu/legal_studies/legal_studies.html (last visited Jan. 7, 2005). The author of this article is an Associate Professor in the Legal Studies Program at Texas State University.

^{xvi} E.g., St. Edward's University, *Conflict Resolution Concentration*, at <http://www.stedwards.edu/gsm/mahs/conflictresolution.htm> (last visited Jan. 7, 2005); Texas Woman's University, *Mediation Training: Certificate in Conflict Resolution*, at <http://www.twu.edu/o-ll/mediation.htm> (last visited Jan. 7, 2005); University of

Houston Law Center, A. A. White Dispute Resolution Center: *Fostering Public Awareness & Understanding of Conflict Resolution*, at <http://www.law.uh.edu/blakely/aawwhite> (last visited Jan. 7, 2005); University of Texas, Center for Public Policy Dispute Resolution, *Training*, at <http://www.utexas.edu/law/academics/centers/cppdr/training> (last visited Jan. 7, 2005).

^{xvii} E.g., Corder/Thompson & Associates, *Training*, at http://www.corderthompson.com/index_files/Page735.htm (last visited Jan. 7, 2005); Worklife Institute, *Continuing Education Seminars*, at <http://www.worklifeinstitute.com/seminar.html> (last visited Jan. 7, 2005).

^{xviii} Center for Public Policy Dispute Resolution, *Texas Dispute Resolution Centers*, at http://www.utexas.edu/law/academics/centers/cppdr/resources/adr_drcs.php (last visited Jan. 7, 2005).

^{xix} Texas Association of Mediators, *The Complete ADR Calendar*, at <http://www.txmediator.org/calendar/calendar.htm> (last visited Jan. 7, 2005). For further discussion of the Texas Association of Mediators, see Section V of this article.

^{xx} See Center for Public Policy Dispute Resolution, *supra* note 18.

^{xxi} For a listing of Texas DRCs, see Center for Public Policy Dispute Resolution, *supra* note 18. Some DRCs, before accepting new volunteers, require or strongly recommend that volunteers take the training offered or sponsored by those DRCs; other DRCs accept any mediation training that meets TMTR's minimum requirements. Mediators who volunteer their time at Texas DRCs are entitled to qualified immunity under the ADR Act. TEX. CIV. PRAC. & REM. CODE ANN. § 6154.055 (Vernon 1997).

^{xxii} The Houston Better Business Bureau administers approximately 500 mediations each year, all mediated by volunteers. Telephone interview with Kim Lawrence, Alternative Dispute Resolution Coordinator, The Better Business Bureau of Metropolitan Houston, Inc. (Jan. 6, 2005) [hereinafter "Lawrence Interview"]. For further information about the Houston mediation program, visit <http://www.bbbhou.org> and click on the "Mediation and Arbitration" link.

^{xxiii} All Better Business Bureaus in Texas have Alternative Dispute Resolution programs. Some programs offer arbitration and mediation; others offer arbitration exclusively. Lawrence Interview, *supra* note 22. For assistance in locating the Alternative Dispute Resolution coordinators of their local Better Business Bureaus, readers may contact Kim Lawrence at klawrence@bbbhou.org.

^{xxiv} Square Trade, *Becoming a Square Trade Mediator or Arbitrator*, at <http://www.square-trade.com/cnt/jsp/med/more.jsp#Contracting> (last visited Jan. 7, 2005).



^{xxv} *Id.*

^{xxvi} National Association for Community Mediation, *Jobs in Community Mediation*, at <http://www.nafcm.org/pg29.cfm> (last visited Jan. 7, 2005).

^{xxvii} Fresno Pacific University Center for Peacemaking and Conflict Studies, *Mediation, Peacebuilding, Restorative Justice, Related Job Openings*, at <http://www.fresno.edu/pacs/rjjobs.php> (last visited Jan. 7, 2005).

^{xxviii} Mediate.com, *Meeting Hall: Employment Opportunities*, at <http://www.mediate.com/meetinghall/pg5.cfm> (last visited Jan. 7, 2005).

^{xxix} Straus Institute for Dispute Resolution, *Dispute Resolution Jobs*, at <https://lawmail.pepperdine.edu/asp/adrrjobs/disputejoblist.asp> (last visited Jan. 7, 2005).

^{xxx} Texas Mediator Credentialing Association, *Brief History of the TMCA*, at <http://www.txmca.org/history.htm> (last visited Jan. 7, 2005).

^{xxxi} Mediators in each credentialed-mediator category must meet initial training and experience requirements, which vary by category, pay initial

application fees, which also vary by category, and agree to adhere to TMCA's Standards of Practice and Code of Ethics. After meeting the initial requirements, mediators in each credentialed-mediator category must comply with annual experience and continuing-education requirements, which vary by category, and pay annual application fees, which also vary by category. Texas Mediator Credentialing Association, *Criteria for Credentials*, at <http://www.txmca.org/criteria.htm> (last visited Jan. 7, 2005).

^{xxxii} Candidates for credentialed mediator must complete a forty-hour basic mediation course, pay an initial application fee of \$50.00, and agree to adhere to TMCA's Standards of Practice and Code of Ethics. After meeting the initial requirements, candidates must take ten hours of continuing education in mediation each year and pay an annual application fee of \$50.00, but they are not required to meet an annual experience requirement. *Id.*

^{xxxiii} Texas Mediator Credentialing Association, *Standards of Practice and Code of Ethics*, at <http://www.txmca.org/ethics.htm> (last visited Jan. 7, 2005).

^{xxxiv} TEXAS ASSOCIATION OF MEDIATORS, TEXAS

ASSOCIATION OF MEDIATORS INFORMATIONAL BROCHURE (2005). TAM's web page is located at <http://www.txmediator.org>.

^{xxxv} The ADR Section's membership includes other types of ADR professionals, such as arbitrators. Its Web page is located at <http://www.texasadr.org/index.cfm>.

^{xxxvi} Association for Conflict Resolution, *Frequently Asked Questions About ACR*, at <http://www.acrnet.org/about/ACR-FAQ.htm> (last visited Jan. 7, 2005).

^{xxxvii} Association for Conflict Resolution, *ACR Conference Center*, at <http://www.acrnet.org/conferences/index.htm> (last visited Jan. 7, 2005).

^{xxxviii} Association for Conflict Resolution, *ACR Publications*, at <http://www.acrnet.org/publications/index.htm> (last visited Jan. 7, 2005).

^{xxxix} American Bar Association Dispute Resolution Section, *Resources*, at <http://www.abanet.org/dispute/home.html> (last visited Jan. 7, 2005).

^{xl} To subscribe to this listserv, send a message to listserv@listserv.law.cornell.edu.

^{xli} To subscribe to this listserv, visit <http://www.abanet.org/dispute/discuss.html>.

The LAD's THIRD ONLINE ELECTION will take place April 18, 2005 through May 2, 2005. The election of district directors to the Board of Directors will be held in odd-numbered districts (Districts 1, 3, 5, 7, 9, 11, 13, and 15). All *active members* of the LAD in good standing as of February 1, 2005 will be eligible to vote. All voting must be completed on or before 11:59 p.m., May 2, 2005.

Please take a few minutes to logon to the LAD's website and cast your vote for your district's director (only odd-numbered districts vote in 2005). The process is fast, easy, anonymous, and secure.

Between April 18th and May 2nd, go to www.lad.org. In the Member-Only section, click on "Vote". Follow the instructions to login and vote (you will need your bar card number in order to vote).

If you do not have access to the Internet at home or the office, you can access the LAD website at your local library. No ballots will be mailed to members as all voting will be online. A postcard will be mailed to each Active voting member in April giving notification of the voting period. If you need any further information, contact the Elections Chair, Jennifer Fielder at jfielder@riewelaw.com.

TAKE THE TIME, MAKE YOUR VOICE HEARD!

LEGAL
ASSISTANTS
DIVISION—
VOTE 2005



Medical Records 101, Lesson 1

Tips for Requesting and Reviewing Medical Records

Whether your practice involves medical malpractice, personal injury, toxic tort or even family law you will at some point in time have the need to request medical records.

Most states have a section in the Rules of Civil Procedure covering specifics of request format, time to respond and charges for medical billing. Be sure to check your state code prior to preparing a request for medical records.

Below are some tips for paralegals and attorneys who will need medical records in order to substantiate a claim and answer discovery through production of medical records.

- Interview the client to obtain as complete a medical history as possible. If they have billing records copy and retain those, as they will contain important contact information for health care providers.
- Remember billing and medical records may not be maintained at the same facility and a separate request for each is needed.
- Obtain the pharmacy billing records prior to and subsequent to the incident in question. Have the potential client bring these for the initial interview. They will contain a thumbnail sketch of the patient's medical care prior to the incident in question, identify prescribing/healthcare providers as well as document medication taken (such as pain medication) to aid in supporting damages.
- Many medical records, especially nursing documents are multiple pages with

dates, signatures only on one page. It is suggested you request multiple pages be stapled in order, this is crucial for establishing dates/times and providers in a chronological order.

- Often treatment and medications records are double-sided with initials/signatures and comments on the opposite side. Be sure to request double sided copies, or if single sided copies, request they be stapled together. These records may contain crucial information in a case.
- As in any case of medical negligence or malpractice, the medical records are extremely important in proving the facts showing negligence, causation, and damages.
- Obtain ALL of the nursing home, clinic, urgent care, emergency room, ambulance, visiting nurse, occupational therapy, speech therapy, physical therapy and respiratory therapy records and ALL doctor and hospital records.
- Sometimes urgent care, ambulatory

care clinics, emergency rooms, ambulances, nursing and various therapy services, etc., are independent contractors. Establish with the hospital or institution what care is provided by independent contractors and where to address medical records requests to

ensure you are ordering ALL of the available medical records.

- Even if all of the available medical records are not part of the alleged incident and hence are not subject to the medical review, they should still be obtained as reference material.

- The records just prior to and after an alleged incident are especially important in providing documentation as to the person's medical condition, the extent of the alleged injuries as well as an indication of any prob-

able long-lasting complications that may now exist.

- **Key Point: Information is often obtained from seemingly obscure records, hence the need for ALL of the medical records.**

Janabeth F. Taylor, R.N., R.N.C. has a degree in Nursing from Oklahoma State University and Litigation Paralegal Certificate from the University of Oklahoma Law Center. She was a nursing instructor for ten years and has been a medical legal consultant since 1990. Ms. Taylor is currently President/Owner of Attorney's Medical Services, Inc. in Corpus Christi, TX.

In 2002 she was named the Association of Trial Lawyers of America's Paralegal of the Year. She provides litigation support for attorneys across the United States and specializes in case reviews and Internet information resources. Her website is <http://www.attorneymedicalservices.com> and her e-mail address is jana@attorneymedicalservices.com



Keys To Debt Management

Craig Hackler, Financial Advisor, Raymond James Financial Services

Debt can be a valuable and useful component of an individual's finances, if used efficiently and in moderation. For many individuals debt is a necessity in their every day lives and, unfortunately, often inappropriately handled. But there are certain "keys" an individual should consider that might open the door to proper and efficient use of debt within their financial lives.

- **Liquidity Is Key.** Keeping the proper amount of liquid assets is vital to managing the current level of your debt. Debt has traditionally hurt very few individuals; it is the lack of liquidity and cash flow to manage the debt that has hurt individuals financially.
- **Keep Debt Service Predictable.** Try to

avoid repayment schedules that require the debt to be repaid all at once at a future point in time, such as balloons. If adjustable-rate financing is used try to negotiate interest-rate caps on your debt balance.

- **Do Not Accelerate Debt Payments.** Not until you have sufficient liquid savings and pay off non-deductible interest debts first. And then only pay down your debt if you are fully funding your retirement plans, such as 401(k) and IRAs.
- **Try To Have Interest Deductible.** Slash those non-deductible credit card balances as much as possible. While you hear this often, it can't be emphasized enough. Consider using second mortgages, business loans, etc., to keep

interest on debt deductible.

- **Hold Debt Service Payments At Less Than 25% to 33% of Gross Income.** As a general guideline, if you are exceeding this range your progressing outside the safe limits of debt management. Try to renegotiate terms of your debt to get fixed payments to the 25% to 33% level and do not acquire additional debt.
- **Use Credit Cards Only As A Convenience.** Do not use credit cards to finance long-term purchases or items you cannot currently afford. Save for those items or use alternative forms of debt that are more efficient, such as deductible debt.
- **Protect Your Credit.** Personal credit is extremely important – don't abuse it. Get into the habit of making payments on time. Establish a good credit history early, as soon as you start your career or right out of school. Use credit cards in moderation to establish a good track record of prudent debt management. If you are, or going to be, in trouble, be proactive and talk to your bank or

WORK SMART

No other process server in Texas can instantly:

- Show the status of all your papers on-line
- Issue subpoenas on-line
- Schedule pickups on-line

Take our 5 Minute Tour.

See why legal assistants are raving about our website.

Tell a friend about us and receive a \$25 Best Buy gift certificate!

www.pcpusa.net



**PROFESSIONAL
CIVIL
PROCESS**

Ph. 512-477-3500 • Fax 512-477-8700

Tollfree 800-950-7493

Amarillo, Austin, Beaumont, Brownsville, Corpus Christi, Dallas, Denton,
Eagle Pass, El Paso, Fort Worth, Galveston, Houston, Livingston, McAllen,
McKinney, Richmond, San Antonio, Tyler, Wichita Falls





- credit card company as soon as possible to work out a repayment schedule.
- **Pay Cash For Purchases.** Don't finance or use credit cards unless it is absolutely necessary. Set a goal of paying cash for purchases and do not acquire them until you have saved enough, assuming no emergencies pop up. This is commonly referred to as "delayed gratification" and it is a financially sound concept to follow.
- **Review Debts Annually.** Make sure your debts are as efficient as possible, this means making sure the interest rates you are paying are low and competitive given changing market conditions. Also, check out the option of refinancing if it will save you money.

Craig Hackler holds the Series 7 and Series 63 Securities licenses, as well as the Group I Insurance license (life, health, annuities). Through Raymond James Financial Services, he offers complete financial planning and investment products tailored to the individual needs of his clients. He will gladly answer your questions. Call him at 512.894.3473 or 800.650.9517

The Bell Curve Document Indexing-Imaging

Greg Krehel

Introduction

Remember the "bell curve" from statistics class? The bell curve, so named because of its shape, illustrates the frequency distribution of many phenomena, for example, height. Measure a thousand people. For every person over 7', you'll have a mob between 5'6" and 5'10".

Let's apply the bell curve to the document collections produced during discovery. Out of every thousand cases, how many involve 1,000,000+ documents? 100,000+? 10,000? What does this distribution suggest regarding strategies for imaging

and searching documents?

Giant Cases – Special Tools Required

We're all familiar with cases in which millions of documents are produced during discovery. But we've also seen individuals over 7' tall. Both instances are outliers occurring infrequently. Out of every thousand cases, only a handful has 1,000,000 or more documents.

Cases with document collections of over 100,000 are also relatively rare. Do even a hundred cases out of every thousand involve this many documents? Widespread use of email has dramatically

increased the volume of documents present in many cases, but it hasn't turned every case into a document monster.

Dealing with 1,000,000+ documents or even 100,000+ justifies a substantial investment in scanning and coding. This type of case also demands sophisticated software tools such as Concordance, iCONNECT, IPRO, Litigator's Notebook, or Summation to assist with document indexing, image handling, and more.

So that's the story for the giant cases lurking out in one tail of the bell curve. But what about the cases that populate the rest of the curve? How many documents do these cases involve? What's an appropriate image handling and text searching solution for them?

Normal Cases — Perfect For Adobe Acrobat

Cases with very small document collections fall at the other end of the curve. For every 1,000,000 document case, there's a case that involves a single red weld of documents. These cases with only a single folder or box of documents are probably as rare as the ones with massive quantities of documents.

Which brings us to the approximately 70% of all cases that fall into the center area of the bell curve. My experience suggests these cases have between 1,000 and 50,000 documents. A small number relative to a gargantuan million document case, but still a heap of paper. More documents than any trial team can memorize the details about. Certainly a document collection that should be imaged and available in a searchable form.

If your firm has one of the excellent products mentioned above, it can definitely be put to work on smaller matters as well. However, another wonderful option to consider on cases with small or mid-sized document collections is having documents scanned as PDF and using Adobe Acrobat.

There are numerous reasons Acrobat makes a great choice for a case with a normal size document population. The fact that the PDF format has become ubiquitous is a benefit in and of itself. You may already own and be comfortable with Acrobat, perhaps in connection with court-filing requirements. It's very likely expert witnesses, other law firms, and even your clients are familiar with PDF files and have either a full Acrobat license or the free Adobe Reader, making it easy to share case documents.

Why has the PDF format become the de facto standard for electronic versions of paper documents? The primary reason is that a single PDF file can contain the images of all pages of the paper

document as well as the associated document text, typically captured by optical character recognition (OCR) software.

If you're new to document imaging, you may be surprised to learn that, prior to the introduction of the PDF format; the standard way to create electronic versions of paper documents was to generate a series of single-page TIFF images and a separate OCR text file. Thus, scanning a 15-page document would yield a total of 16 separate electronic files — 15 Tiffs and a text file.

When scanning first became available, the Many Electronic Files = 1 Paper Document approach was as good as it got and certainly beat nothing at all. However, with the advent of PDF, which meant that 1 Electronic File = 1 Paper Document, it wasn't long before PDF ruled the roost.

The argument for PDF has become even stronger following Adobe's release of Acrobat 6. This important new version of Acrobat offers numerous enhancements, including cross-PDF text searching and improved document mark-up functionality. For example, you can search a folder containing any number of PDF files and instantly locate those containing any term or phrase.

Here's a final tip for any reader who's yet to experiment with document imaging: Using Acrobat is a great way to get comfortable using electronic documents without jumping into the deep end of the pool.

Don't scan every case document until you're sure it's worth the effort. Instead, identify the 100 or so most critical documents and have them scanned as PDFs and put in a folder on your network from which they can be searched. You'll be able to evaluate the benefits of using electronic versions of case documents with a minimal investment of time and expense.

When you have documents produced during discovery imaged, be sure to let the scanning vendor or your in-house support staff who does the scanning know you want the resulting PDFs to contain both images and text. If you're not clear about this requirement, you may get back PDFs that contain only images and not the associated text of the documents. PDFs that contain only images cannot be searched.

Conclusion

If you only handle cases with a gazillion documents, Adobe Acrobat isn't the right answer for image-handling and text searching. However, for the vast majority of us, Acrobat is a fantastic solution for some or all cases. If you haven't put Acrobat to the test, you owe it to yourself to try it on an upcoming matter. Copyright 2004 Greg Krehel. All rights reserved.

Greg Krehel is CEO of Bowne-DecisionQuest's CaseSoft division. CaseSoft is the developer of the popular software tools

CaseMap, TimeMap, DepPrep, and NoteMap. CaseMap makes it easy to organize and explore the facts, the cast of characters, and the issues in any case. TimeMap makes it a cinch to create chronology visuals for use during hearings and trials, client meetings and brainstorming sessions. DepPrep helps prepare clients for depositions. NoteMap makes it easy to create, edit, and use outlines. In addition to his background in software development, Mr. Krehel has over 15 years of trial consulting experience. You can reach him via e-mail (gkrehel@casesoft.com) or telephone (904-273-5000).



Online CLE by LAD is Here!

Pamela R. Horn, Board Certified Legal Assistant

The Legal Assistants Division is pleased to announce that paralegals will now be able to take continuing legal education courses online through the LAD website, www.lad.org. LAD offers several dozen courses in many areas of the law, including corporate, civil litigation, intellectual property, family law, estate planning & probate, and real estate law. Some of the new courses include:

- Intellectual Property for Non-IP Practitioners
- Creditor's Issues in Probate—Insolvency and the Estate
- Discovery Techniques to Make Your Lives Easier
- The Legal Assistant's Role in Preventing and Litigating Legal Malpractice Cases
- Evolution of Technology in Federal Courts
- Cost Shifting of Electronic Discovery
- Guardianship Matters for the Advanced Paralegal
- Electronic Evidence & Discovery

Other courses will be added in the future. If you know of an upcoming CLE seminar that you think would lend itself to presentation in the online program, please contact Pam Horn, Continuing Education Committee co-chair, at cle@lad.org or Karen Briere, Continuing Education Committee co-chair, at kbriere@cox-smith.com.

In order to renew your LAD membership in May 2005, you must accumulate six hours of CLE between June 1, 2004 and May 31, 2005. Keep track of your CLE now! It's best to establish a folder with a copy of the brochure and the certificate of attendance from each event you attend. Many people have asked which courses will qualify toward the LAD mandatory CLE requirement. Although LAD does not accredit or qualify CLE seminars, the board has adopted a standing rule outlining the criteria for acceptance of CLE.

This rule states:

a. The Division will accept substantive law CLE presented or approved by the Division, the State Bar of Texas, the Texas Board of Legal Specialization, the

National Association of Legal Assistants, the National Federation of Paralegal Associations, and local bar or paralegal associations for credit towards the Division mandatory CLE requirement.

b. If the CLE course is not accredited by any of the above-referenced groups, the Division will accept a seminar, if it is a substantive law course offered by a qualified presenter, that would qualify for approval if submitted to one of the above organizations. "Substantive Law Course" means an organized program of legal education dealing with:

substantive or procedural subjects of law;
legal skills and techniques;
legal ethics and/or legal professional responsibility; or alternative dispute resolution.

Additionally, law office management programs accredited by the State Bar of Texas will be accepted.

A "Qualified Presenter" means an attorney, judge, or legal assistant/paralegal who is familiar with the topic presented, or an expert in the particular subject matter comprising the course.

c. Speaking and writing credit will be considered for approval under the same criteria as (a) and (b) above.

Generally speaking, if a course qualifies for credit by one of the organizations above (or would qualify if submitted), it meets the criteria for the LAD mandatory CLE requirement. The heart of the rule deals with its substantive law requirement. As long as the seminar deals with a sub-

stantive law topic, and it is presented by a qualified presenter, it should qualify under the rule toward the LAD requirement.

In addition, the LAD board of directors imposed upon itself a requirement that each district director provide at least three hours of LAD-sponsored CLE in each district per year. Have you heard from your district director? Have there been quality continuing legal education programs sponsored in your area of the state? If not, please contact your district director (go to LAD.org for a complete listing of district directors) and ask about CLE in your district.

As part of the board's continuing emphasis on CLE, we have also implemented a comprehensive online CLE calendar. Go to www.lad.org, and click on the "CLE/Events" tab at top, or click on a date on the calendar at the right sidebar. At any given time, there are over 50 CLE seminars posted. You can also search for seminars in your geographic area or your specialty area of the law. For example, to search for CLE in Dallas, after clicking on "CLE/Events", in the search field on the left sidebar, input "Dallas" where it says "enter your search" and click on "events" on the "query/search engine" pulldown menu. All the events posted for Dallas are then listed. Click on "more info" for more details. If you use Microsoft Outlook, you can even add an event to your calendar—just click on "Add to my calendar" and the event will be added.

The Legal Assistants Division Board of Directors and Continuing Education Committee have worked tirelessly to provide meaningful continuing legal educational options to members and non-members alike. We welcome your feedback—send an e-mail to cle@lad.org or contact any director.

Pamela R. Horn serves as LAD District 4 Director, LAD Secretary, and Co-Chair of the Continuing Education Committee, and is a former President of Capital Area Paralegal Association. She is Board Certified in Civil Trial Law by the Texas Board of Legal Specialization. Pam specializes in utility law at the firm Lloyd Gosselink Blevins Rochelle & Townsend, PC in Austin. You may contact her at (512) 322-5893 or phorn@lglawfirm.com.



**Meet Friends and Have Fun in Dallas at
The 2005 Annual Meeting of the
Legal Assistants Division . . .**

**Where There's No Place Like LAD!!
JUNE 23 – 24, 2005
Wyndham Anatole Hotel, Dallas, Texas**

**ADMISSION TO THE
STATE BAR ANNUAL
MEETING AND A FULL
DAY OF CLE ONLY
\$25.00!!***

Thursday, June 23, 2005

5:30 pm to 7:30 pm

The LAD Social - Join your Dallas Friends for a
Relaxing Fun Time Full of Trivia!
Location to be announced.

Friday, June 24, 2005

The LAD Annual Meeting Luncheon
Follow the Yellow Brick Road Down LAD's History and into LAD's
Future

Friday, June 24, 2005, All Day Continuing Legal Education!

LAD is Offering a Wide Range of Topics Including:

"Class Action Litigation"

"Outsourcing and Offshoring"

"Acquisitions and the Role of the Corporation and Outside Counsel"

"Ethics – Should Paralegals be Concerned When Attorneys are Disciplined?"

Watch and Register at www.texasbarcle.com

Don't forget to stop by the LAD Booth in the Exhibit Hall.
To find us just click your heels and repeat "There's No Place Like LAD!"



***Note: Early Bird Registration will be at a cost of \$25.00**

After May 10, 2005, the cost will be \$55.00

**Registration fee covers State Bar of Texas Annual Meeting Registration AND
Legal Assistants Division CLE Courses
(LAD luncheon at additional cost of \$35.00)**

Paralegals Recognized

DAPA Paralegal of the Year – 2004

The recipient of the 2004 “DAPA Paralegal of the Year” award was announced at the DAPA Holiday luncheon meeting on Friday, December 10, 2004 as Lou Bugarin.

Lou Bugarin has been a paralegal for 24 years and received her paralegal certificate in family law and litigation from Southern Methodist University’s ABA program. She is a Texas Board of Legal Specialization Board Certified Legal Assistant in Civil Trial (1997) and intends to sit for the Paralegal Advanced Competency Exam “Registered Paralegal” this year. As a DAPA member since 1982, Lou has been active in the association and on the DAPA Board of Directors. During 2005, Lou will serve as the Primary Representative to the National Federation of Paralegal Associations. In 2003, Lou became a Charter Associate Member of the College of the State Bar of Texas.

In addition to her many paralegal activities, Lou gives of her time to Dallas Court Appointed Special Advocates (CASA).

First DAPA Pro Bono Award

The first DAPA “Pro Bono Service Award” recipient was Ro Buchanan, a paralegal with Greyhound Lines, Inc. This award was sponsored by DSI.

Ro Buchanan has been an active member of DAPA’s Pro Bono Section, and contributed over 40 pro bono hours in 2004 including volunteering at the Wills clinic for the elderly with the Dallas Volunteer

Attorney Program and the Dallas Association of Young Lawyers, and as a money manager volunteer for Senior Source of Dallas. Ro continues to recruit DAPA volunteers for pro bono programs. She received an award of distinction from the National Federation of Paralegals Associations for meeting and exceeding the goal of 24 hours of pro bono service annually.

This award recognizes Ro Buchanan’s dedication and outstanding contributions in the Dallas volunteer community, and as a pro bono representative of DAPA.

FWPA Paralegal of the Year and Volunteer of the Year



Brenda Shirley, 2004 FWPA President and Christine Reid, CLAS

On December 9, 2004, the Fort Worth Paralegal Association held its annual Holiday Luncheon. The Paralegal of the Year Award was presented to Christine M. Reid, CLAS. Christine’s legal experience includes employment with the federal government, in-house corporate counsel, and private law firm, as well as various speaking engagements, including the portion of CLA review semi-

nars related to bankruptcy. She is currently the Senior Paralegal at Warner Stevens, L.L.P., in beautiful downtown Fort Worth, and has been with the firm for 6 ? years.

Christine was born and raised in Michigan, where the majority of her family still resides, and moved to Texas in 1993 (as fast as she could get here!). She attained her certified legal assistant designation in 2001, and her bankruptcy specialty designation in 2002. She is a member of NALA and has been a member of the Fort Worth Paralegal Association since 1998. In 2003 and 2004, she served as Treasurer of FWPA, and is currently serving on its board as Secretary.

She enjoys spending time with family, traveling, reading, hanging out by the backyard pool with friends, and cheering on her son’s ice hockey team.

At the same Holiday Luncheon, the Volunteer of the Year Award was presented to Debbie House, CLAS. Debbie is a real estate paralegal and has worked for Larry Wood for almost 30 years! She joined FWPA in 1999 and received her certification from NALA in 2000. She has served on FWPA’s board since 2001 as Publications Chair for four years and Elections Chair for two years. She is also on the board of the Legal Assistants Division serving as District 3 Director.

Debbie enjoys travel, camping, fishing, hunting, reading, watching football, and spending time with her husband and two Labradors.

El Paso Achievement

LISA SPRINKLE, CLAS RECEIVES ACHIEVEMENT AWARD FROM EL PASO PARALEGAL ASSOCIATION

El Paso Paralegal Association Past President Lisa Sprinkle, CLAS, was honored by the El Paso Paralegal Association on December 15, 2004, at the Annual Attorney/Paralegal luncheon, for

her long-time dedication and commitment to the paralegal profession, not only in El Paso, but throughout the State of Texas.

The Annual Attorney Paralegal luncheon is the El Paso Paralegal Association's annual luncheon to honor the attorneys in El Paso and is its highest attended meeting each year. This year's theme was "Homeland Security on the Border." The Association chose this meeting to honor Lisa, in order to best recognize her many contributions to paralegalism, and she was awarded a certificate and a nambè bowl.

She received her bachelor's degree in psychology in 1977. Lisa has been a legal assistant since 1982, when she moved to El Paso. She attended El Paso Community College and received her certificate of completion in paralegal studies in 1983.

She received her CLA designation in 1985 and the National Association of Legal Assistants ("NALA") Litigation Specialty certification in 1987.

From 1985 until May 2004, Lisa taught part-time at El Paso Community College in the paralegal program. She taught various courses including Civil Litigation, Introduction to Paralegalism and Torts. For several years Lisa also supervised and placed students for the paralegal internship program at El Paso Community College. She is presently the Chair of the Advisory Board for the Paralegal Program at El Paso Community Program. After having worked for several attorneys, she began freelancing as a contract paralegal in 1990. Her firm, Legal Works, specializes in civil trial work.

She successfully completed the Texas Board of Legal Specialization examination in Civil Trial Law in 1994, the first year it was offered. She has maintained her TBLS certification for 10 years.

She was a member of the NALA Board of Directors from 1989 to 1993. From 1989 to 1991, she served as NALA Region 4 Director, serving members in the states of Arkansas, Louisiana, Oklahoma and Texas. In addition to her service as a member of the board of directors, Lisa was also chairman of the 1990 NALA Annual Convention. From 1992-1993, Lisa served as the NALA affiliated association director, also an elected position on the board of

directors of NALA. Lisa dedicated a lot of time and energy to the goals of NALA and paralegal certification.

Lisa also served as District 16 Director for the Legal Assistants Division of the State Bar of Texas ("LAD") from 1994 to 1998, and was Parliamentarian in 1995-1996 and 1996-1997, President Elect in 1998 and 1999 and served as President in 1999-2000. As President, Lisa's goals for the Division included increasing visibility of the Division in Texas communities and focusing members' attention on the benefits of membership. Also in 1999-2000, Lisa was Chair of the 2000 Legal Assistant University continuing legal education seminar held in Austin.

In 1996 Lisa was instrumental in developing and taping the LAD Community Service videotapes entitled "Legally Speaking." This program aired in El Paso to educate the public on legal issues. It also aired in Longview and will be airing in Amarillo. Many paralegal programs, local associations and law firms purchased these tapes.

In June 1997, Lisa was awarded the LAD Award of Excellence for her service to LAD in regard to her efforts in starting and continuing the "Legally Speaking" series. A videotape was produced entitled "Profiling the Paralegal Profession" and was distributed to Texas law schools to educate new lawyers about the utilization of paralegals; Lisa worked with Ray Thomas, President of the Texas Young Lawyers Association to accomplish this task. She reported that Mr. Thomas had reviewed the "Profiling the Paralegal Profession" video, and TYLA endorsed the video. Mr. Thomas prepared an endorsement letter for the Division's use in sending copies of the video to law schools in Texas. Mr. Thomas also traveled to El Paso to shoot two "Legally Speaking" videos.

Lisa is currently a LAD Ambassador, available to travel throughout the State promoting LAD.

Lisa is a person who knows how to lead. She sets goals and sets timelines to accomplish those goals. She is a very determined person and perseveres until she obtains what she is reaching for. She makes working with or for her easier by

maintaining a schedule to accomplish tasks and deadlines. These traits embody the definition of a true "paralegal."

She has been described by Norma Hackler, Executive Director of LAD, as intelligent, loyal, trustworthy, ethical, witty, opinionated, a good mother, a great wife and most of all, a great friend.

She has been a mentor to many persons throughout her career as well as to her students at El Paso Community College.

When you ask people about their experiences with Lisa, most people reply that they cannot say enough good things about her.

Lisa has been married to her high school sweetheart for 30 years and has one daughter.

Legislative Update

The Final Word on HB 1769

The Attorney General's opinion issued last fall was a bit unclear with regard to how freelance paralegals were to be treated under HB 1769 therefore clarification was sought by LAD. President Kim Cantu summed up the response from the Attorney General's office and circulated it on the LAD list serve. Ms. Cantu's response is as follows:

LAD has been directed to take note in the AG's Opinion where it states that the AG is not "addressing persons working for attorneys or law firms as independent contractors." LAD members have been directed to refer to the Attorney's Rules of Professional Conduct (5.03) in this regard. Further suggestion has been made that "freelance" paralegals should apprise the contracting attorney of the AG Opinion at hand and make certain that their contract scope of work or engagement letter sets forth that the "work" they will be performing for him/her is "assisting him/her in his/her practice of law" and is either temporary, or in lieu, or in addition to work per-

formed by an in-house employee. Further, it should be noted that the AG did not address contractors working for persons licensed as attorneys but not practicing law.

Technology Update

News from State Law Library

The State Law Library has completed the project on digitization of Texas statutes dated 1879 to 1925. This will be beneficial to those tracing the history of current statutes. All Texas statutes can be accessed at www.sll.state.tx.us

Federal Court Electronic Filing

The following web site provides a list of Federal Courts which use Case Management/Electronic Case Filing (CM/ECF), with court links provided. Registration information can also be found on this site as it required before use of services. <http://pacer.psc.uscourts.gov/cgi-bin/cmecf/ecf-links.pl>

National Organization News

The Legal Assistant Management Association (LAMA) announces a name change effective January 1, 2005 to International Paralegal Management Association (IPMA). The change follows findings of a special task force created by LAMA's Board of Directors to analyze the title "legal assistant manager" as it is used and understood in the industry. The results of the study discovered that 75% of the organizations members preferred the term paralegal and that the majority of educational programs used the same term. It is felt by IPMA leaders that the name change describes the association, its membership and enhances its positioning for the future. The term "paralegal" reinforces a more universal recognition of the

job title and brings it in line with other organizations representing the interest of paralegals.

NALA News

The Certified Legal Assistant Exam (CLA) is offered three times a year: March or April (depending on holiday schedules), July and December. The next test date for 2005 Calendar Year will be July 22-23 with an application deadline of May 15. Visit the NALA website at www.nala.org for the more information and to download the required forms.

Need information from an out of state paralegal? NALA has a substantial listing of paralegal associations from around the United States and several international listings. Visit www.legalassistanttoday.com/assoc_links to view this list.

Local Associations

CLE in El Paso – by Clara Buckland, LAD District 16, Professional Development Committee

Two of the El Paso Paralegal Association's (EPPA) major goals have been to motivate its members to become certified, and to offer as much CLE as possible in light of LAD's yearly CLE requirement. In January of 2004, the Director of District 16 offered a half day seminar entitled "Record Retrieval: The Basics and Beyond." The topics covered included Open Records Act, Obtaining Discovery and Service in a Foreign Jurisdiction, Record Retrieval: Subpoena vs. Authorization, Admissible vs. Inadmissible. The seminar was TBLS approved for 3.75 hours of CLE in civil trial, criminal, personal injury. NALA approved 4.4 hours of CLE.

Throughout the year, EPPA offered CLE at its monthly luncheons and was host to two half-day seminars in April and October. The one-half day seminars were

offered for the 5th year and approved for 3.3 hours of CLE. The spring seminar entitled "Updates" covered Technology/Communication, Litigation and Family Law and the fall seminar entitled "Critical Skills" covered Judgment, Ethics and Communication/Legal Writing. All of the seminars were well attended.

In December, EPPA held its annual Attorney/Paralegal luncheon to end the year with fun motivation speakers and a CLE opportunity. This past year Bob Humphries, an attorney with the Border Patrol Department of Homeland Security spoke on the legal aspects of Homeland Security.

To further serve its members and attain its goals, EPPA offered a members only CLA study group. The study group helped increase membership. LAD's local Professional Development Committee plans to form a TBLS study group in civil trial for its members with hopes of encouraging non-members to join and sit for the exam in October.

First Annual Joint Paralegal Celebration

San Antonio, Texas

By Charlene B. Carroll, CLA, and Lisa A. Santos

In 2003 LAD members Charlene B. Carroll, CLA, and Lisa A. Santos were approached by Linda Studer (President of Alamo Area Professional Legal Assistants, Inc. AAAPLA@), Milton Grimm (President of South Texas Organization of Paralegals, Inc. ASTOP@), Ellen Lockwood (now President-Elect of the Division), and Patti Giuliano (now District 5 Director) to coordinate a Joint Paralegal Celebration with volunteers equally from the three organizations. Volunteers came and went, but it ended up being a small group of paralegals dedicated to planning a successful first time event.

The volunteer group had worked on

(Continued on page 26)



TAPS

Texas Advanced Paralegal Seminar— Formerly Legal Assistant University— A Three Day Multi-Track CLE Seminar sponsored by the Legal Assistants Division

TAPS COMES ALIVE IN 2005

**Join us for three days of CLE,
networking, fun, food and live music!**

- Network with paralegals from all over the State of Texas
- Earn up to 14 CLE Hours
- Career Advancement through education
- Professional Development opportunities
- Visit the Exhibits that provide a diverse assortment of products and services for the legal professional

PRICING OPTIONS

Full registration price includes three days of CLE, speaker materials and the Friday attendees' luncheon. As an attendee you can attend any session during the three days of the seminar. Pick and choose the classes you want to attend.

One-day registration price includes one day of CLE and seminar materials (social and luncheon at additional price). As a one-day attendee, you can attend any session during the day you register to attend LAU. Pick and choose the classes you want to attend.

**SEPTEMBER 21-23
Omni SouthPark Hotel
Austin, TX**

HOTEL RESERVATIONS

A block of rooms has been reserved at the Austin Omni SouthPark Hotel. Hotel reservation deadline is **September 6, 2005**. To reserve a guest room call 512-448-2222 or 1/800-THE OMNI. All guest rooms at a rate of \$85 single/double are under **State Bar of TX - Legal Assistants Division**. *Room rate is approved for three days before and after event.*

REGISTER EARLY AND SAVE!

Earn a discount by getting your Registration Form to the Legal Assistants Division early by mail or online registration. Deadline for early registration is **September 6, 2005**. Register via web site online or use the LAU brochure in the June 2005 TPJ.

FULL REGISTRATION INCLUDES

- Admission to all CLE
- Seminar materials notebook
- Admission to the Exhibit Hall
- Complimentary Continental Breakfast each day
- Complimentary ticket to Friday luncheon/CLE Event
- Option to purchase social tickets
- Tote Bag



For additional information, please go to the website of the Legal Assistants Division at

www.lad.org
(seminar details online May 2005)



Justice Phylis J. Speedlin, Justice of the Fourth Court of Appeals, Charlene Carrol, CLA, LAD Membership Committee Chair, Justice Craig T. Enoch, former Texas Supreme Court Justice



Charlene Carroll, LAD Membership Committee Chair Lisa Santos, LAD District 5 Membership Sub-Chair Milton Grimm, President, South Texas Organization of Paralegals

Both speakers were fabulous and well received by the audience.

Wanted: Speakers

Do you like to speak to groups or have a topic of expertise you'd be willing to share with your fellow members? The Professional Development Committee is updating and hopefully expanding the LAD Speaker Database. Many of the listings in our database are quite old and in need of updated information. If you have submitted your name as a speaker, please provide updated information as requested on the Speaker Request Form found on the LAD website. If you know of paralegals and/or attorneys that would like to be added to the list, please encourage them to fill out a request form. Due to the CLE requirements and seminars to provide continuing education – we need speakers. Please give this some thought and help LAD help its members.

(Continued from page 24)

numerous events in San Antonio over the years, but had never been totally in charge of planning such a celebration. It was a new experience and one in which the group definitely learned a lot.

Hopes were for attendance of at least 100 and dreams for as many as 200. The committee was thrilled to receive a record setting reservation list of 186! The final count that attended the luncheon was 169

representing the largest gathering of paralegals for a Legal Assistants Day celebration in the history of San Antonio.

The keynote speakers were Justices Phylis J. Speedlin, Justice of the Fourth Court of Appeals, and Craig T. Enoch, former Texas Supreme Court Justice. Justice Speedlin's speech was titled "We Couldn't Possibly Do It Without You!" and Justice Enoch's speech titled "Yes, Virginia, There Is Life After the Court!"

United States Postal Service

Statement of Ownership, Management, and Circulation

| | | |
|--|--|--|
| 1. Publication Title Texas Paralegal Journal | 2. Publication Number 1089-1633 | 3. Filing Date 9/30/04 |
| 4. Issue Frequency Quarterly | 5. Number of Issues Published Annually 4 | 6. Annual Subscription Price \$15.00 |
| 7. Complete Mailing Address of Known Office of Publication (Not printer) (Street, city, county, state, and ZIP+4) 3605 Black Mesa Hollow Austin, TX 78739 | | |
| 8. Complete Mailing Address of Headquarters or General Business Office of Publisher (Not printer) P.O. Box 1375 Manhacha, TX 78652 | | |
| 9. Full Names and Complete Mailing Addresses of Publisher, Editor, and Managing Editor (Do not leave blank; publisher (name and complete mailing address), Editor (name and complete mailing address), Managing Editor (name and complete mailing address)) Publications Committee, Legal Assistants Division P.O. Box 12487, Austin, TX 78711 Editor: (Name and complete mailing address) Rhonda Brashears, The Underwood Law Firm P.O. Box 9158, Amarillo, TX 79105-9158 Managing Editor (Name and complete mailing address) N/A | | |

10. Owner (Do not leave blank; if the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of all individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as those of each individual owner. If the publication is published by a proprietor, give the name and address only.)

| | |
|---------------------------|--------------------------|
| Full Name | Complete Mailing Address |
| Legal Assistants Division | 3605 Black Mesa Hollow |
| State Bar of Texas | Austin, TX 78739 |

11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box.

| | |
|-----------|--------------------------|
| Full Name | Complete Mailing Address |
| | |

12. Tax Status (For completion by nonprofit organizations authorized to mail at nonprofit rates) (Check one)
The purpose, function, and nonprofit status of this organization and the exempt status for federal income tax purposes:
☒ Has Not Changed During Preceding 12 Months
☐ Has Changed During Preceding 12 Months (Publisher must submit explanation of change with this statement)

*51 Form 3526, October 1999

(Also Distribution in Review)

| | |
|---|---|
| 13. Publication Title Texas Paralegal Journal | 14. Issue Date for Circulation Data Below 9/30/04 |
| 15. Extent and Nature of Circulation | |
| a. Total Number of Copies (Net press run) | 2038 |
| b. Paid and/or Requested Circulation | 1627 |
| (1) Paid (Include outside country mail subscriptions stated on Form 3541, postage advertiser's proof and exchange copies) | 1311 |
| (2) Paid in Country Subscriptions Stated on Form 3541 (Include advertiser's proof and exchange copies) | 196 |
| (3) Sales Through Dealers and Carriers, Street Vendors, Counter Sales, and Other Non-USPS Paid Distribution | |
| (4) Other Classes Mailed Through the USPS | |
| c. Total Paid and/or Requested Circulation (Sum of 15b(1), (2), (3), and (4)) | 1823 |
| d. Free Distribution Outside the Mail (Carriers or other means) | |
| (1) Outside-Country Free Mailed on Form 3541 | |
| (2) In-Country Free Mailed on Form 3541 | |
| (3) Other Classes Mailed Through the USPS | |
| e. Free Distribution Outside the Mail (Carriers or other means) | |
| f. Total Free Distribution (Sum of 15d and 15e) | |
| g. Total Distribution (Sum of 15c and 15f) | 1823 |
| h. Copies not Distributed | 215 |
| i. Total (Sum of 15g and 15h) | 2038 |
| j. Percent Paid and/or Requested Circulation (15c divided by 15g, times 100) | 100% |
| 16. Publication of Statement of Ownership | Spring 2005 |
| 17. Signature and Title of Editor, Publisher, Business Manager, or Owner | Issue of this publication |
| <i>Norma Hackler</i> Coordinator, LAD | 9/30/04 |

Instructions to Publishers

- Complete and file one copy of this form with your postmaster annually on or before October 1. Keep a copy of the completed form for your records.
- In cases where the stockholder or security holder is a trustee, include in items 10 and 11 the name of the person or corporation for whom the trustee is acting. Also include the names and addresses of individuals who are stockholders who own or hold 1 percent or more of the total amount of bonds, mortgages, or other securities of the publishing corporation. In item 11, if none, check the box. Use blank sheets if more space is required.
- Be sure to furnish all circulation information called for in item 15. If free circulation must be shown in items 15d, e, and f.
- Item 15b. Copies not distributed must include (1) newsstand copies originally stated on Form 3541, and returned to the publisher, (2) estimated returns from news agents, and (3) copies for office use, interviews, spoiled, and/or other copies not distributed.
- If the publication had Periodicals authorization as a general or requester publication, this Statement of Ownership, Management, and Circulation must be published. It must be printed in any issue in October or, if the publication is not published during October, the first issue printed after October.
- In item 16, indicate the date of the issue in which this Statement of Ownership will be published.
- Item 17 must be signed.

Failure to file or publish a statement of ownership may lead to suspension of Periodicals authorization.

*51 Form 3526, October 1999 (Revised)

Scruples

The Code and The Rules

Paralegal Standards of Conduct and Integrity, Part 2

Laurie Borski, Ethics Chair

The Code of Ethics and Professional Responsibility of the Legal Assistants Division of the State Bar of Texas (the "Code") was adopted on March 27, 1982.¹ The Code serves as a general guide to the high standard of conduct and integrity by paralegals that is fundamental to the profession.

Canon 6. *A legal assistant shall not engage in performing paralegal functions other than under the direct supervision of an attorney, and shall not advertise or contract with members of the general public for the performance of paralegal functions.*

The Rules address the part played by non-attorney staff in assisting the lawyer in the rendition of legal services. However, the Rules also make it incumbent upon the lawyer to provide the proper supervision. A lawyer must make reasonable efforts to

ensure that non-lawyer employee conduct is compatible with the professional obligations of the lawyer. *Tex. Disciplinary R. Prof. Conduct*, 5.03 (a). The lawyer is also under a duty to provide appropriate ethical instruction and supervision to non-lawyer staff and is responsible for their work prod-

uct. Measures taken by the lawyer in this regard should take into account that such employees do not have legal training and generally are not subject to professional discipline. *Id.* at comment 1.

With respect to a paralegal providing direct legal services to the public, this canon should be read to specifically exclude those situations authorized by statute, court or agency rules. For those paralegals employed in law firms, corporations or governmental entities, each lawyer in a position of authority should make reasonable efforts to ensure the organization has measures giving reasonable assurance that the conduct of nonlawyers is compatible with the professional obligation of the lawyer. *Id.* at comment 2.

Canon 7. *A legal assistant shall avoid, if at all possible, any interest or association which constitutes a conflict of interest pertaining to a client matter and shall inform the supervising attorney of the existence of any possible conflict.*

The Rules devote the majority of space under "Client-Lawyer Relationship" to defining potential conflicts of interest situations. The sanctions for violating this basic tenet of the client-lawyer relationship has been the subject of case law and the penalties levied against lawyers have ranged from private reprimand to loss of their license to practice law.

Loyalty is an essential element in the lawyer's relationship to a client. *Tex. Disciplinary R. Prof. Conduct*, 1.06 at com-



There is no question that the second half of the canon asks paralegals to contribute to the integrity of the profession by performing pro bono and public service work, under the proper supervision of attorneys as necessary.

ment 1. A fundamental principle is that a lawyer may not represent opposing parties in litigation. Moreover, as a general proposition, loyalty to a client prohibits undertaking representation directly adverse to the representation of that client in a substantially related matter unless the client's fully informed consent is obtained and unless the lawyer reasonably believes that the lawyer's representation will be reasonably protective of that client's best interests. *Id* at comment 2.

Paralegals recognize that a change in employer may result in conflict of interest situations. Your employer may represent a certain client, and your change of employment could literally bring you to the opposing side. Not all situations are as clear as moving from advocate to opposing counsel however. The question is often one of proximity and degree. *Id* at comment 13. As soon as you have reason to believe a conflict *may* exist, you must immediately report that conflict to your supervising attorney or manager. It is up to the supervising attorney to determine if an impermissible conflict exists and, if so, to determine the best course of action. The Rules are very clear as to conflicts of interest and the actions to be taken in the client's best interest. If such a conflict arises after representation has been undertaken, the lawyer must take effective action to eliminate the conflict, including withdrawal. *Id* at comment 1. In the case of non-lawyer staff, a frequent approach is to erect a "Chinese Wall" that prohibits any contact between the staff member and the client or matter for which the conflict is believed to exist.

Canon 8. *A legal assistant shall maintain a high standard of ethical conduct and shall contribute to the integrity of the paralegal profession.*

Lawyers are obligated to maintain the highest standards of ethical conduct. *Tex. Disciplinary R. Prof. Conduct*, preamble. This includes being competent, prompt and diligent in pursuing a client's interests. A lawyer's conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business and personal affairs. A lawyer should demonstrate respect for the legal system and for those who serve it. A lawyer has a moral obligation to participate in or otherwise support the provision of free or substantially reduced legal services to the disadvantaged who cannot afford legal assistance. Above all, each lawyer's own conscience is the touchstone against which to test the extent to which his actions may rise above the disciplinary standards prescribed by the Rules. *Id*. The practice of law is a noble profession. It is incumbent upon paralegals to maintain the same high standards of ethical conduct required of the lawyers with whom we work.

Canon 9. *A legal assistant shall maintain a high degree of competency to better assist the legal profession in fulfilling its duty to provide quality legal services to the public.*

The Rules define lawyer competence as possessing the legal knowledge, skill and training reasonably necessary for the representation of the client. *Tex. Disciplinary R. Prof. Conduct*, 1.01 and comment. Competent representation contemplates appropriate application by the lawyer of that legal knowledge, skill and training, reasonable thoroughness in the study and analysis of the law and facts, and reasonable attentiveness to the responsibilities owed to the client. *Id* at comment 1. Paralegal competence includes the knowl-

edge, skill and training necessary for you to render the best possible service to the client. Participate not only in formal continuing legal education programs but also in training that enhances the skills with which you perform. Stay informed on changes in the law that affects your area of practice through review of legal publications and seminar attendance.

Canon 10. *A legal assistant shall do all other things incidental, necessary or expedient to enhance professional responsibility and the participation of legal assistants in the administration of justice and public service in cooperation with the legal profession.*

This canon might be a "catch all" canon, requiring that paralegals do what is necessary to enhance professional responsibility. Lawyers as public citizens are called upon to seek improvement of the law, the administration of justice and the quality of service rendered by the legal profession. *Tex. Disciplinary R. Prof. Conduct* 1.01, comment 4.

There is no question that the second half of the canon asks paralegals to contribute to the integrity of the profession by performing pro bono and public service work, under the proper supervision of attorneys as necessary. Personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in life.

¹ The Code of Ethics and Professional Responsibility of the Legal Assistants Division of the State Bar of Texas is available at lad.org

² The Texas Disciplinary Rules of Professional Conduct is available at *Tex. Govt. Code Ann* and at <http://www.texasbar.com>.

³ Southern Methodist University Underwood Law Library, Guide 306, Ethics Opinions of the State Bar of Texas, available at <http://library.law.smu.edu/resguide/txethics>

Laurie Borski is Chair of the Professional Ethics Committee of the Legal Assistants Division. She has served on the LAD Annual Meeting and Election Committees and is a past president of the Alamo Area Professional Legal Assistants in San Antonio. You can reach her at 210.250.6041 or laurie.borski@strasburger.com.

IMPORTANT NEWS

UPCOMING SPRING ELECTIONS

Director Elections will be held in the Spring 2005 for odd numbered Districts (1,3, 5, 7, 9, 11, 13, 15). These elections will be **HELD AND VOTED ONLINE** via the LAD website under the Members Only area. Active members will be able to vote online beginning in April 2005. We encourage each Active member to cast your vote for the leaders of this organization.

Interested in running for a Director Position? Contact LAD's Election Chairperson, Jennifer Fielder at jfielder@riewelaw.com and request a Petition (rules and procedures included in this issue of TPJ). Interested candidates must obtain signatures of LAD members prior to election. Notice of elections will be posted in the Winter 2004 issue of the Texas Paralegal Journal. Only Active members registered as of February 1 of each year are eligible to **run** for a director position or **vote** in the election. Contact Jennifer for details.

Look for notice of BYLAWS AMENDMENT to change the name of the Division to The Paralegal Division of the State Bar of Texas to be voted on in Spring 2005. The ballots will appear on the LAD website. All voting will take place online. Notice will be forwarded to Active members during month of April 2005 notifying of how and when to vote.

UPDATE MEMBER INFORMATION

Legal Assistants Division members can now change their credentials, addresses, email addresses, preferred mailing address and/or phone numbers via the State Bar of Texas website. Go to www.texasbar.com; click on MyBarPage (top of home page). If you have never visited this page, you will need to set up a pin/password. Your password to set up your NEW Pin/password is the last four digits of your social security number (if the State Bar does NOT have your social security number on file, you will not be able to use this area nor will you have access to MyBarPage); once you set up the new pin/password, you will be able to enter this section of the website to update your member records.

MEMBERSHIP CARD

Need to replace your membership card? Please send \$5.00 made payable to the Legal Assistants Division along with a letter requesting a new membership card to the Membership Department, State Bar of Texas, P. O. Box 12487, Austin, TX 78711.

Did not receive a membership card when you renewed in 2003/2004 or became a new member in 2004/2005? Please contact the Membership Department of the State Bar of Texas at 1/800/204.2222 or email at jmartinez@texasbar.com

DELL COMPUTER DISCOUNT

The number assigned to the Legal Assistants Division by Dell Computer Corp is: SS2453215. This is the number you should use to receive the 10% discount for purchase of computers. However, they do not have the 10% discount special continuously. Dell sends a notice when the discount is offered to our members at which time it is forwarded to the LAD members via the LAD E-group. You may try to use this number anytime, but there are no guarantees that you may receive the discount at the time of access. Notices will continue to be forwarded to the LAD E-Group when the discount is offered by Dell Computer Corporation.

NEWSLETTER ON LAD.ORG

During the current LAD membership year (2004-2005), the Division will be posting a newsletter in the "Members Only" Section of the LAD website – www.lad.org. This statewide newsletter will ensure continuity of information being provided to our members after each Board of Directors Meeting. This newsletter posting will be on a "trial" basis for the specified year and will occur three times during the year: August 2004; October 2004; and March 2005. The newsletter posting replaces the mailing of a hard copy newsletter in each district or your receipt of an electronically transmitted newsletter by your District Director. To view the newsletter, a member must log into the "Members Only" area of the website.

EVENTS IN EACH DISTRICT

District events and occurrences will be posted by Directors on www.lad.org under each specific District.

MEMBER DIRECTORY ONLINE

A membership directory is set up on the LAD website under the Members Only area. This membership directory is self contained and self edited. If you want your information listed on the membership directory, please follow the directions provided on the website. If you need changes made to the membership directory, you need to make

these changes using your password to access this site. This is **NOT** the same membership roster maintained by the Membership Department of the State Bar of Texas. This is a voluntary membership directory for use by the Members of the Legal Assistants Division and is a member benefit.

MEMBERS ONLY AREA

The Members Only area of the LAD website is for members only. If you are a member of the Legal Assistants Division and cannot access this area, please send an email to lad@lad.org requesting access and sending your name, email address and membership number. Once you are confirmed as a current paid member of the Legal Assistants Division, an access User ID and password will be forwarded to you via email.

LAD E-GROUP

How do I sign up for the LAD E-Group?

Going to trial in a "foreign" jurisdiction and want some tips from those who have gone before? Need a form but do not know where to turn? Then you need to sign up for the LAD E-group! This is a members-only group and a benefit of being a member of the Legal Assistants Division (LAD). To sign up, go to www.lad.org, click on Members Only and choose LAD E-Group. There will be directions on how to sign up. Once you have signed up, you will begin receiving emails from the members of LAD. For those who prefer not to be interrupted with email notifications, select "digest" for the LAD email exchange. Emails are collected and distributed one time a day in one email.

How Do I change my LAD E-group email address?

Instructions:

The LAD E-Group created by the member is Password protected, only the member has access to change your LAD E-Group email. Go to www.lad.org, click on Members-Only, click on LAD E-Group, enter your password, unsubscribe the current email address, and create a new email address where you want to receive your LAD E-Group messages.

LAD ONLINE JOB BANK

Have a job posting? Need a new job? Please post any job vacancies you have knowledge of on the Job Bank under the Members Only area of the LAD website.

www.lad.org



In a world of e-mail and e-business, we're e-service.



Our on-line accessibility gives us yet another way to deliver that same professional and personal service that Capitol Services is known for. Our new technology has made us bigger, better and now, faster. But not at the expense of our remarkable service.

Log on www.capitol-services.com. Or call.

- ★ Corporate Document Filing and Retrieval
- ★ UCC Searches and Filings
- ★ County Records Searches
- ★ Registered Agent Services



800 Brazos, Suite 1100, Austin, TX 78701

800-345-4647

www.capitol-services.com