

SUMMER 2017 VOL. 23 NO.1

TPIJ

Texas Paralegal Journal



Professionalism



Star Light, Star Bright.

You guys make me look like a miracle worker!!!!

- Judy B, Seattle

You are my first choice and my last choice; there are no others.

- Susanne S, El Paso

Thank you very much to you and your team...this was one bright star in my day!

- Jeanette H, St. Louis

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PRESIDENT'S *Message*

Megan Goor, TBLS-BCP

Back when I was a director and I was handed my name badge at the fall board meeting, I remember the excitement that came over me. I was eager to represent the Paralegal Division by meeting members in my district, going to the board meetings, and being a part of the interactions between District 3 and the *Paralegal Division of the State Bar of Texas*! Later, when I was fortunate enough to be elected as President-Elect, my excitement grew even more so. Now, here it is, my final President's Message!

This year has been quite a memorable one. We celebrated the Paralegal Division's 35th Anniversary with a special logo, customized appreciation items, and recognition at TAPS in San Antonio, which included a spectacular ice sculpture! This year, through the hard work and innovative efforts of the Board of Directors, our volunteer-based Paralegal Division has made some remarkable improvements to membership benefits, as well as creating new ones, all the while being conscientious about maintaining continuity of the strong foundation that has carried the PD through the years. The *Texas Paralegal Journal* transitioned from print/digital into a digital-only format, offering 24/7 access, cover-to-cover color presentations, and hyperlinks to different sponsors and resources. A new benefit that was launched was the PD Online Store, allowing members to order from a wide-variety of mer-

chandise bearing either the PD logo or the 35th Anniversary PD logo. In addition, new opportunities were created for sustaining members to network through the "Paralegal Pulse." In the *Texas Paralegal Journal*, firms that had 100% PD membership enrollment could be listed in a new section and a special "Memorials" section was added to the summer

edition to honor those PD members who are no longer with us. To help streamline procedures, beginning the 2017-2018 term, membership renewals will be exclusively online to eliminate the need of bulky and costly membership packets being printed and mailed (along with the blue envelopes) to membership. Also, membership cards will be issued for a final time in the traditional PD burgundy/maroon color and will no longer be re-issued on an annual basis.

This year marked the first full year for our new PD Coordinator! Long-time PD member and two-time past PD President, Rhonda Brashears, CP, TBLS-BCP, has been instrumental in the management and abidance by the PD and I am glad to announce that she will also be our meeting planner at TAPS this year in Addison. Rhonda's institutional knowledge and passion for the Paralegal Division have provided a significant advantage to the operations of the PD as a whole.

One goal this year was to increase the awareness of the role and utilization of the paralegal. During this past year, the PD received an appointment to the State Bar's Computer and Technology Sections Committee. The PD gave a presentation at the American Board of Trial Advocates'



legendary "Masters in Trial" seminar, as well as a presentation at the State Bar to the Council of Chairs. Directors visited paralegal programs and job fairs throughout the state and even created a Student Ambassador Liaison position to be a part of their district leadership team. The PD has also been

contacted by other

Sections of the State Bar, the Texas Young Lawyers Association, and even the U.S. Fifth Circuit Court of Appeals to assist with projects. Recently, the PD received an appointment to the Texas Legal Services to the Poor in Civil Matters to begin in June 2017.

I hope our Board has made an impression this year. They certainly have on me. In addition to the Board's accomplishments outlined above, I have been fortunate enough to meet, listen to, give presentations to, and especially learn from many dedicated members and leaders from many different organizations in the legal community across the state. Honestly, it will be difficult for me to step away. The Board of Directors will have to shoo me away as I will probably wait outside the board meetings not knowing what else to do.

The badge that was handed to me, my PD name badge, that weighs only 0.6 oz., has had such a powerful impact. The badge symbolizes the success of the PD and that success is a direct reflection of our involved and active members and I have personally seen it in action. It represents the responsibilities, duties and commitment to our Mission: *The purpose*

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EDITOR'S *Note*

This will be the first edition of the Paralegal Division's first full year of digital-only format of the *Texas Paralegal Journal*. I hope you have adapted to the new format. There are so many features that it provides and so many more we hope to incorporate in future editions. Did you know you can access the article you want to read simply by going to the Table of Contents and clicking on that title? You can also click in the icon in the top-right hand corner and get a text-only version.

This edition includes the introduction of the 2017–2018 Board of Directors. There is also information about e-filing tips from clerks around the state! If you do not see your county listed, please ask your clerk to submit their tips to us!

This edition will have our first "100 PD Club" section to thank firms for their 100% PD membership enrollment. This edition will also be the first to have a "Memorials" section dedicated to the remembrance of those members who are no longer with us.

You do not want to miss the 2017 TAPS brochure, located at pages 23–27. Registration is now open and hope to see you there!

Thank you for being a PD member!

By Megan Goor, TBLS-BCP, Editor, *Texas Paralegal Journal*
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of the Division shall be to enhance paralegals' participation in the administration of justice, professional responsibility and public service in cooperation with the State Bar of Texas.

It has been such a tremendous honor to serve as your President this year and I could not thank the Board of Directors, PD Coordinator, Chairs, sub-chairs, and volunteers enough for their feedback, ideas, and support this past year. My thanks go to my family, work family, and paralegal family for their encouragement and support as well.

President-Elect Mona Hart Tucker, ACP, has a great vision for the Division and I am very excited for her and the Board for this upcoming term!

The two following quotes have had special meaning to me this year:

"If I have seen further than others, it is by standing on the shoulders of giants."—

Isaac Newton

"Someone is sitting in the shade today because someone planted a tree a long time ago."—*Warren Buffet*

My thought to you: Indeed, we have stood on the shoulders of many outstanding, hard-working, and enthusiastic paralegals who have shared the same passion that we still carry today. Do not wait to get involved, help us plant trees so that those who come after us can enjoy the shade tomorrow from these trees we are planting today.

Finally, thank you for your support and being a PD member. I hope this year has been a reflection of that gratitude and that you have been enriched in some way by your membership.

Megan Goor, TBLS-BCP, President, is the Senior Paralegal at The Brender Law Firm, Fort Worth, TX.



Texas Paralegal Journal (ISSN# 1 089-1633) is published four times a year in Summer, Fall, Winter, and Spring for \$15 set aside from membership dues for a 1-year subscription by the Paralegal Division of the State Bar of Texas, P.O. Box 19163, Amarillo, TX 79114.

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The *Texas Paralegal Journal* is published four times a year as a service to the paralegal profession. A copy of each issue is furnished to the members of the Paralegal Division as part of their dues.

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DEADLINE FOR SPRING ISSUE IS AUGUST 5,
2017.

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Professionalism in Family Law

By Tomas L. Ausley

I. INTRODUCTION

The legal profession has been one of our society's most honored vocations for generations. The other two are theology and medicine.

The theologian pursues and teaches others about a deeper understanding and clearer vision of life, as well as serving the community. The doctor is dedicated to healing and saving the lives of others, as well as preventing disease and sickness.

However, unlike an attorney, neither of these professions, a theologian or a doctor, is required to "choose" or be involved in an adversarial proceeding. The trial attorney, on the other hand, dedicates his or her life to zealous representation of every man - your tired, your poor, your huddled masses, but also the criminal, the adulterer, the wrongdoer. Thus the attorney, especially the family law attorney, is tasked with a frequently misunderstood role and is always someone's opponent, often characterized as engaging in deceitful and disparaging practice.

Because of these misunderstandings, it is incumbent on us as family lawyers to adhere to impeccable principles and ethical practices. Attorneys who are unprofessional, ill-prepared, discourteous, and downright dishonest tarnish the reputation of our honored profession.

I hope this paper will help us examine our own practices and primary relationships when engaging with our staff and clients, other attorneys, and the judiciary to ensure a reputation of trust and respect.

II. PROFESSIONALISM AND OUR CLIENTS

The "Texas Lawyers' Creed" states that a lawyer shall employ all appropriate means to protect and advance the client's legitimate rights, claims and objectives. These goals appear simple; however, there is much more required of a family law lawyer in the representation of a client in order to provide a professional, as well as an open and honest, attorney-client relationship. The following guidelines can be helpful in achieving these goals and promoting confidence and trust of your family law client.

A. Screening Clients and Setting Appointments

A client's perception of your professionalism begins with the first phone call. Whether a client has been referred by a colleague or former client, has seen your website or professional advertisement, or simply has pulled your name out of the Yellow Pages, how that client is treated in the initial call reflects on your or your firm's professionalism. No matter how small your firm, having a competent per-



son assigned to handle new client intake calls is critical to efficiency and professionalism. I personally do not believe that attorneys should handle their own intake calls, as this creates a greater potential for conflicts of interest and is not a good use of attorney time. In our firm, the legal assistants handle all calls from potential new clients and we have a specific procedure to follow. The legal assistant should ask for the opposing party's name (to check for conflicts of interest), inform the potential clients of the consultation fee policy (discussed in more detail below), get basic information about the client's case, attempt to determine any immediate deadlines (an upcoming answer date or temporary orders hearing, for example), and give the potential client general information about the firm.

Our firm has a list of colleagues to whom we refer potential clients in the event the legal assistants determine that one of our attorneys should not meet with a potential client. There are a number of reasons why we might refuse an appointment to a potential client:

- Conflict of interest. (Someone in our firm has consulted with or represented the opposing party.)
- The potential client cannot afford our fees. (The legal assistants are authorized to quote each attorney's consultation fee and hourly rate, to describe very generally that a retainer fee would be expected before the attorney begins work on a new case, and to state the minimum range of retainer fees customarily requested in similar matters.)
- The client's legal matter is not one that falls within our area of practice or expertise.
- The client's case should be filed in a jurisdiction that falls outside

the boundaries of our customary area of practice or the jurisdiction is in another state altogether. (For example, someone whose divorce case is on file in California should seek advice from a California attorney.)

- Gut instinct.

After determining that there is no known conflict of interest, when our legal assistant makes a new client appointment, she also completes an intake form that our firm has created. The intake sheet then is given to the attorney who can review it and have a capsule description of the client and the type of legal matter anticipated. An experienced legal assistant can "red flag" particular issues or problems that the attorney may want to inquire about in the initial interview with the client.

1. Conflicts of Interest

In the event you have represented a party in a legal matter, you cannot represent the opposing party. It is as simple as that. There are circumstances in which the prior representation related to an entirely different matter (perhaps you drew up a simple will for the person or assisted him with a contract). In such event, the opposing party may be willing to waive the conflict of interest. If so, you should be cautious about proceeding and make certain your client and opposing counsel understand the nature of the conflict. The waiver by the former client must be in writing. However, I rarely have accepted a new client in such a situation, and I believe it is better to refer the new client to another competent

attorney.

Sometimes, the conflict may occur when one party to a family law matter consults with you, but then hires another attorney. Even if the party has visited with you in your office only for an initial consultation and then retained another attorney, I believe this establishes an attorney-client relationship which cannot be violated. Again, I have encountered situations in which that party later waives the conflict of interest so that the other party could retain me, but that has been rare and occurs only in special circumstances. While this does allow potential clients to engage in the practice of "poisoning the well," nonetheless, if someone has seen you and will not waive the conflict of interest, you cannot represent the opposing party.

Our firm maintains two separate lists: a "consults" list and an "intake" list. These are updated daily as one of the initial duties of opening the office each day. Anyone who has visited our offices to consult with an attorney is added to the conflicts list. Anyone who has an appointment scheduled is added to the intake list. The lists include names, opposing party's names, the date of the appointment, and the identity of the attorney the person consulted or is scheduled to consult. Our list goes back as far in time as we have maintained records. When one of our legal assistants handles an intake call and makes an appointment, she immediately



searches the conflicts list and the intake list. If a conflict is noted, the legal assistant pulls any previous records and, if necessary, alerts the attorney and discusses how to handle canceling the person's appointment. If a phone message, email, or voice mail has been left for the legal assistant, she can run the conflicts check even before returning the person's call, thus enabling her to head off potentially awkward situations.

2. Inability To Pay Fees

I believe it is a waste of a potential client's time and money to schedule an appointment if the person clearly cannot afford our fees. Our legal assistants are very firm with the callers in the initial intake calls that a consultation fee is expected to be paid at the time of the consultation, and what each attorney's consultation fee is. Our legal assistants also are authorized to give general information to potential clients that a retainer fee will be required and what a range of minimum retainer fees might be. We maintain a list of competent attorneys whom we know to charge lower consultation fees or who may have different retainer fee policies, and our legal assistants try to direct people to competent attorneys who may be more affordable.

I also encourage all of you to charge a consultation fee. Different attorneys have different policies, but I believe setting a reasonable consultation fee and retainer

fee policy is crucial to professionalism and a successful practice. The result will be that you can screen clients to determine those who are not suited to your practice, or those who may not be serious about pursuing a legal matter. Of course, by this recommendation, I do not mean that you should ignore your moral obligation to perform *pro bono* legal services for those who are truly deserving. There are many opportunities to donate your legal services. Organizations such as Volunteer Legal Services, *pro bono* family law clinics, and mentor programs for new family law attorneys are deserving of your time and expertise. But, giving free consultations to every potential client who calls is not a good use of your time and resources.

3. Cases Outside Your Area of Expertise

Occasionally, potential clients will contact your firm due to the recommendation of a friend or family member, simply because you are the only lawyer the person knows. Those calls are simple enough for the legal assistants to handle, and I encourage you to maintain a resource list of attorneys in other specialty fields to whom your legal assistants can refer clients. Making a good referral may be one of the greatest professional services you can provide.

If you specialize in one or two particular areas of the law, you should stick to your specialty and not attempt to

advise your clients in other areas. Even within a divorce case, other issues such as bankruptcy, federal income tax problems, and trust/probate problems may arise. In those events, use your network of other board certified attorneys to seek out assistance for your client from an expert in those fields. Few of us these days are sufficiently trained in a broad spectrum of legal fields such that we can advise our clients on these related matters.

Problems arise when a current or former client who is pleased with your representation and/or respects your opinion in general calls and wants you to represent him in another matter not related to family law. It is tempting to accept the case because of the relationship with the client, but avoid that temptation, as it is not in the client's best interest.

4. Cases Outside Your Geographic Area of Practice

One of the first things our intake people try to determine is where the person lives, or if suit already has been filed, where jurisdiction is set. There is no point in having a potential client waste her time to come in to your office if her case is on file in California.

Although there are a number of experienced family law specialists who practice in a number of counties all over the state of Texas, you should determine whether or not you are willing to travel outside your usual geographic area,



and whether or not the travel expense involved is affordable to your client.

It also is helpful to maintain a list of acceptable referral names in other major Texas cities in the event clients find themselves involved in a lawsuit in one of those areas. For parts of the country in which you do not know anyone, you can rely on lists such as the membership lists of the American Academy of Matrimonial Lawyers. Providing this kind of information is valuable to lay persons who have no idea of how to begin to locate competent representation.

5. Gut Instinct

There is no substitute for experience. Most of the legal assistants in our firm who screen calls and schedule new appointments have been doing this job for many years and can recognize callers who, for whatever reason, just would not be acceptable as clients. It is difficult to describe the characteristics that set off warning bells. Sometimes callers may seem to have unrealistic expectations regarding the outcome of their divorce case. In addition, sometimes the legal assistant believes the personality of the caller is not compatible with the firm's philosophy or the person is not telling the truth. On these occasions, the legal assistant will not set up the caller for an appointment; or, if in doubt, the legal assistant may go ahead and schedule the appointment, but will "red flag" the intake sheet with her

particular concerns so that the attorney can address those potential problems in the initial consultation.

Remember, it is not imperative to accept every case that comes your way. You will be more successful in representing your clients if you share common values and philosophies during the handling of the case.

B. First Impressions Count

The first time a potential client visits your office is likely to establish the tone of the relationship. The client forms an immediate impression of you, your staff, and your offices on that first visit.

1. You

As many of you know, I am old-fashioned. I believe an attorney should dress in a professional manner when meeting with clients, when meeting with opposing counsel and/or witnesses, and, particularly, when in court. Of course, what defines professional dress to one person will be different to another. For me, professional dress is a jacket and tie when meeting with a new client for the first time, and I always wear a jacket and tie at the courthouse. After you and a client have established a comfortable relationship, you may be able to meet under more casual circumstances, but I do not believe that you can err by dressing more formally. Even though there is not a particular dress code of "coat and tie" for female attorneys, I think they should also adhere to a professional dress code that is appropriate for the circumstances.

2. Your Staff

Clients will form an opinion of your firm the moment they walk through the door. Therefore, your front desk staff should be helpful, professional, and welcoming. You should have a well-established system for recognizing and welcoming new clients, making sure they are announced promptly. Your staff members should take their cues from the attorneys and dress accordingly because this creates a more professional atmosphere.

3. Your Office Space

Not everyone can afford expensive offices or elaborate office furnishings. However, all offices should be neat and comfortable. The reception area and conference rooms should be clean and free of clutter, such as file boxes, messy stacks of publications, and dirty glasses or coffee cups. A comfortable place to sit, a quiet area where private conversations cannot be heard, as well as relaxing reading material to enjoy while waiting, should be available for clients, opposing counsel, and other guests. If you have adequate kitchen or storage facilities, your receptionist or other staff members should be able to offer them something to drink. Our staff members add nice touches, such as a dish of candy and seasonal decorations or flowers somewhere in the reception area.

Whether the client visits in your office or in a conference room, any paperwork, files, or boxes which identify



other clients should be stowed out of sight. Your own desk and work area should be free of unnecessary clutter (especially the remains of a meal or snack). This level of organization helps keep everyone from being distracted during their meeting.

C. Beginning the Attorney-Client Relationship on a Professional Basis

When you have met with and agreed to represent a new client, you should have formal policies and procedures to open the file and begin the work that will be required.

1. Insist Upon a Fee Contract and Send Regular Bills

Fee disputes probably are among the most common reasons clients file grievances against attorneys. If the fee policy is clear at the outset and you send your clients regular, itemized statements, you will minimize the number of fee disputes. And in those instances when a fee dispute is inevitable, the problem will surface more quickly and can be dealt with earlier and more effectively.

You should insist upon a reasonable retainer fee and not begin providing any significant legal services until the retainer fee is paid. For example, you should not file any notices or pleadings in the Court's record on behalf of the client until your retainer fee is paid. Once you are the attorney of record, it may be difficult to withdraw from the client's representation if you have been served with notice of a hearing, depositions, or

discovery requests. Consider what policy you will implement in the event the retainer fee is depleted months before the conclusion of the case.

Your fee letter should:

(1) inform each client of the hourly rate charged by each staff person who may work on the client's file; (2) explain in detailed terms the retainer fee policy and how the retainer fee will be applied to each bill; (3) explain any provisions for replenishment of the retainer; (4) notify the client that monthly, itemized statements will be sent; (5) require the client to sign and return a copy of it within a specified period of time. In addition, assign someone on your staff (such as your billing manager or office manager) to follow up and make certain a signed fee letter has been returned. Failure to sign and return the fee letter in addition to significant arguments or revisions to the fee contract should be a "red flag" with implications that future payment disputes may occur.

As the case progresses, you must make a habit of sending regular, itemized bills to each client. It is not fair to the client to go along for several months, reach a conclusion of the case, and then surprise the client with his/her first bill. Again, regular monthly billing procedures will highlight billing errors on your part and non-payment problems on the part of the client. This can be an early warning and way to discover if clients are going to refuse to pay for legitimate work done on their behalf. Additionally, if you

hope to pursue the recovery of attorneys' fees on behalf of your client, you must be able to present credible evidence of the fees and expenses the client has incurred with your firm.

2. Open a File Promptly and Assign Initial Duties

Once a client pays a retainer fee, you should open a file immediately. Opening a file includes (1) getting a file folder, (2) putting a label on it, (3) placing all materials related to that client in the file, and (4) assigning someone the responsibility for whatever initial steps should be taken. Do not put your notes aside, thinking that you will remember what to do or that you will look at it later in the week. You should have procedures established with your support staff that are followed in every case, without exception. And on the rare occasions when a client requests that no immediate work be done, calendar that file for some date in the not-too-distant future so that you can review it and touch base with the client to make certain those instructions still stand.

In our firm, each file is assigned a legal assistant who will be the primary contact person on that file. The attorney is required to note in the initial file paperwork the immediate work to be done on the file; and, if the legal assistant notices that there is no such notation, she reminds the attorney to issue instructions for the file.

Additionally, each of our new family law clients



is given a “Family Law Handbook” developed and prepared by our firm. The Handbook includes (1) a glossary of terms the client is likely to encounter during the litigation; (2) a listing of the firm’s staff members and their respective job titles and descriptions; (3) helpful articles pertaining to his or her type of case; (4) a description of typical legal procedures followed in a family law case; and (5) any financial questionnaires that we want the client to complete. I have found that these Handbooks are very helpful to the clients, as no one can remember everything the attorney tells him in an initial interview. The Handbooks can be reviewed later by the client at her or his leisure and referred to often during the course of the case.

D. Follow the Creed in All Dealings with Clients

The “Texas Lawyers’ Creed” sets out 11 points related to the protection and representation of clients:

1. Advise the Client of the Creed

Talk to your clients generally about the Lawyer’s Creed and your intention to follow its principles. Include a recitation of your principles in your fee letter.

2. Move the Case Along as Quickly and Economically as Possible

Be mindful of the client’s timetable, your own workload, and how timing will affect your client’s result. “Neglect” is the reason stated

by most dissatisfied clients in applications presented to the grievance committee. When you open a new file, you should determine at least a general plan for the case and whether or not you believe specific deadlines should be put in place. Recognize the opposing attorney’s particular work habits, and if you know you are up against someone who has the reputation for being dilatory or non-responsive, make plans to deal with those characteristics so that your client is not adversely affected.

3. Be Objective

Of course, your loyalty to your clients and commitment to their cases are top priority. However, it serves no purpose to the client if you allow emotion to cloud your objectivity. It is not in the client’s best interest for you to become emotionally involved in a case to the extent that you cannot make hard decisions or cannot advise the clients of potentially negative outcomes.

4. Be Courteous

Be courteous and professional in all dealings with your clients, and model that behavior as your clients watch you interact with opposing counsel, your staff members, and court personnel. As the Creed states, civility is not a sign of weakness.

5. Advise Your Client of Expected Behavior

This principle is similar to number four above, in that you should advise your clients that courteous behav-

ior is expected of them.

Additionally, remember that most people never have been previously involved in the legal system or any type of litigation. What is a part of your daily routine may be mysterious and frightening to your clients, and they may feel that they “don’t speak the language” and do not understand the process. You or your staff members can reduce anxiety levels by explaining in advance what clients can expect to see and hear in any formal proceeding, and by instructing them as to proper behavior, dress, and decorum.

6. Treat the Other Party with Courtesy

No matter how difficult the circumstances, it is not in your client’s best interest to be rude or offensive to the opposing party or adverse witnesses. You should not engage directly with the opposing party except in the most limited circumstances, such as when in Court, when taking the opposing party’s deposition or, possibly, in the course of a mediation session or four-way settlement conference.

Dealing with *pro se* opposing parties presents its own difficult circumstances with lawyers needing to maintain courtesy and fairness while avoiding the appearance of giving legal advice to that party. In our firm, we have established a policy that only the attorney speaks directly with an unrepresented opposing party, and then only in limited circumstances. We notify the unrepresented



party early on that communications should be in writing, and then we copy the client on all written communications exchanged with the unrepresented party.

7. Do Not Harass the Opposing Party

Unreasonable parties and their lawyers do not fare well in the courtroom. Even though it may be difficult to explain to your client, they should be reminded that harassing behavior toward the other party often times leads to no positive conclusion. Also your client should be reminded that in a Texas divorce, this kind of behavior can result in spending the client's own money and therefore being awarded less.

8. Do Not Delay

Advise your clients that unnecessary delaying of the case will not occur.

9. Do Not Pursue Meritless Claims

Clients sometimes have unrealistic expectations. If those unrealistic expectations surface, it is your duty to explain the realities to your client and not spend the client's money pursuing something you know is impossible to achieve. Under the "Texas Disciplinary Rules of Professional Conduct," Rule 3.01 states: "A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless the lawyer reasonably believes that there is a basis for doing so that it not frivolous."

10. Do Not Allow the Client To Dictate Your Interactions with Opposing Counsel

Make it clear to your clients that you adhere to certain standards in your dealings with opposing counsel, and do not allow a client to dictate a fundamental change in your principles. For example, if opposing counsel requests an extension of a deadline or other reasonable requests that do not affect your client's position adversely, you should make that decision. Such courtesies do not indicate weakness, and who knows when you will need such a courtesy extended to you by that same opposing attorney?

11. Explain Alternative Dispute Resolution and Other Alternatives to Your Clients

In most jurisdictions, the use of mediation is mandated before cases are allowed to proceed to trial. Regardless of whether or not you must attempt mediation, you are obligated to explain these methods to your client and to encourage the use of these solutions.

III. PROFESSIONALISM AND OTHER ATTORNEYS

The Creed requires us to treat other attorneys with courtesy, candor, cooperation, and "scrupulous observance" of all agreements and mutual understandings. If you can earn the reputation that your word is your bond, you will be rewarded throughout your legal career in numerous ways.

The "Texas Lawyers' Creed" sets out these 19 principles for dealing honestly and effectively with other lawyers.

1. Be Courteous, Civil and Prompt

Show opposing counsel the courtesies of promptly returning phone calls and responding to letters or emails. You should instruct your receptionist or assistant not to put callers through to your voice mail in the event you are out of the office and are not expected to return within 24 hours. Offer the caller the alternative of speaking with a legal assistant or associate, and make sure the caller knows that you are out of the office. However, avoiding a call rarely improves a situation. Your responses, whether verbal or written, should be courteous and civil. We customarily tell our staff members and clients that every letter and every email should be drafted as if it will be read out loud to a judge at some later date.

2. Do Not Quarrel Over Style Issues

If opposing counsel drafts a document that does not look as professional as the work your office produces, or if the document contains spelling or grammar errors that do not affect the substance or enforcement of the order, consider ignoring those flaws in the interest of economy and courtesy. Focus your attention on errors or omissions that must be corrected to protect your client or to carry out the purposes for which the document is intended.

3. Identify Revisions

Few things are more irritating



than when an opposing attorney sends a revised document without indicating where revisions were made. Most offices now use word processing programs which enable the user to easily identify revisions, deletions, or additions. By using red-lining or comparison features in the revised document, the process can be streamlined for your opposing counsel to review. In addition, by transmitting the document electronically, the receiver has the ability to use comparison features to highlight their revisions.

4. Make Sure Your Drafting Reflects the Agreement

Just as in the revision process, do not be devious in drafting documents. Whenever possible, use the actual language recited in a mediated settlement agreement or Rule 11 agreement. Varying from the agreement should be done only to correct grammatical or spelling errors, to turn it into “ordering” language, or to make the provisions clearer and/or enforceable. It is best to use standard drafting provisions from sources such as the *Texas Family Law Practice Manual*, do so. If you have previous experience with opposing counsel and know of any particular provisions or boilerplate that he or she insists upon, then shorten the drafting process by using those provisions in your initial draft as long as those provisions do not change the substance of the agreement or affect your client’s ability to enforce the orders. All of us know of other attorneys

whose work must be checked with a fine-toothed comb because of hidden “surprises” tucked away in “warnings” paragraphs or other boilerplate that we usually take for granted as standard. This behavior reflects poorly on the legal profession and creates distrust and unnecessary fees for both clients.

5. Be Prompt with Cancellation Notices

Have the courtesy to notify court reporters, Court Coordinators and Administrators, opposing attorneys, and your clients promptly if depositions, hearings, conferences, and other scheduled events must be canceled. The Court Administrators will appreciate the courtesy, as will all of the attorneys behind you on the docket, because it will enable them to assign judges and assess the caseloads more accurately. Professionals such as mediators and court reporters will appreciate this courtesy because lost time means no income. Adequate advance notice allows them to fill the slot with another paying client.

6. Agree To Reasonable Requests

As stated in the previous paragraphs related to the attorney-client relationship, there is no reason not to agree to reasonable requests asserted by opposing counsel for deadline extensions or waivers of certain procedures. The test should be whether or not it adversely affects your client’s position and, if such a

courtesy does not, you should agree. As in casting your bread upon the waters, such courtesies extended to an opposing attorney may serve you and your client well if the tables are turned at some time in the future (as they inevitably will be).

7. Be Reasonable in Your Methods of Serving Notice

The Creed states that attorneys should “not serve motions or pleadings in any manner that unfairly limits another party’s opportunity to respond.” Following this principle can be difficult and presents certain dilemmas to the lawyer. There are circumstances in which an attorney needs to see an opposing party’s responses to discovery requests before being able to respond to discovery requests served on their own client. An ethical line is crossed if you serve a hearing notice or deposition notice on the opposing side for a time when you know the opposing party is to be on vacation.

8. Try to Resolve Disputes by Agreement

There is not much that needs to be said regarding this provision of The Creed. Try first to work things out by agreement with your opposing counsel before firing a salvo of pleadings and running to the Courthouse.

9. Disagree Without Being Disagreeable

A lawyer does not have to be antagonistic to advocate a client’s position. You can be firm without being obsti-



nate, assertive without being obnoxious. In addition, do not encourage or allow your client to do anything that you, as their lawyer, would be prohibited from doing. James E. Monnig, a family lawyer who has given this talk at previous Advanced Family Law Courses, quotes the old adage “You should never get down in the mud and wrestle with a hog. You’ll only get dirty and the hog will enjoy it.”

10. Do Not Bad-Mouth Opposing Counsel

Do not demonize the opposing attorney, and do not encourage your client to engage with opposing counsel during any situations in which both parties and their attorneys are present.

11. Do Not Take a Default if You Know the Opposing Party is Represented

If you are aware that the opposing party is represented by counsel, you should notify the other attorney if you intend to take a default or allow a dismissal to occur. Honest mistakes can be made and opposing counsel should be given the benefit of the doubt.

12. Be Prompt and Accurate in Submitting Orders to the Court

If a matter is tried before a court, and you are charged with drafting the resulting orders, be accurate and prompt in drafting the paperwork. I recommend that you request a copy of the transcript before you even leave the courthouse. The court

reporter’s fee for preparing the transcript often represents an economical use of your client’s fees, especially if the transcript can head off disputes over what the court said in its ruling. Once your draft is ready, submit it to opposing counsel first if time permits and the court did not make orders to the contrary. If the documents are to be submitted directly to the court, submit a copy simultaneously to opposing counsel.

13. Do Not Editorialize to the Judge or the Judge’s Staff

A lawyer appears unprofessional if he or she attempts to lobby the judge directly in correspondence, or indirectly by “copying” the judge or the judge’s staff members with correspondence in which opposing counsel’s or the opposing client’s alleged faults and transgressions are detailed. However, you should go through the procedural steps necessary to set a hearing if you have a legitimate dispute that (1) cannot be resolved, or (2) you believe that the opposing lawyer or client is violating orders, or (3) the opposing lawyer or client is engaging in acts detrimental to your client, the parties’ community estate, or the parties’ children.

14. Please Schedule by Agreement

There are few things that waste more attorneys’ time and clients’ money than disputes regarding scheduling. If one side sends deposition notices without considering the other sides’ schedules, the

result is a flurry of Motions for Protective Orders, hearing notices, and other procedures which are not productive, but instead run up the fees. Pick up the phone and call your opposing counsel and determine what is possible by comparing the opposing attorney’s calendar, your calendar, and both clients’ work and family obligations.

15. Stipulate!

If any matters can be resolved prior to trial, then resolve them and stipulate to those agreements so that trial preparation can focus on disputed issues. Furthermore, if clients can stipulate to certain legal issues, such as the value of an asset or its characterization as separate or community property, then submit those stipulations to the Court and streamline your trial.

16. Do Not Abuse the Discovery Process

There is not much that needs to be said about this provision of The Creed. If you are representing a client who has been married two years, has no children, is a graduate student, and the opposing party is a waiter at Chili’s, you probably do not need to send an 82-item Request for Production of Documents. Furthermore, if the parents are in substantial agreement on most of the child-related issues, why is it necessary to ask for mental health records, the children’s educational records, and other categories of documents traditionally requested in a contested child custody case?



17. On the Other Hand, Do Not Resist Discovery

In short, turn it over, if the other party is entitled to it. Unless a request truly is objectionable, you should encourage your client to make every reasonable effort to comply. Try to resolve disputes regarding what you believe to be overly-burdensome discovery requests, and seek relief from the Court only if you cannot reach a reasonable agreement with opposing counsel. Do not argue about what the meaning of the word “is” is.

18. Do Not Ask the Court To Help You Abuse Discovery

Do not waste the client's money by filing discovery motions you know to be frivolous or improper.

19. Do Not Seek Sanctions or Disqualifications if Not Warranted

Sometimes the conduct on the other side reaches a level of egregiousness that makes it difficult to proceed to any reasonable conclusion. Make sure your actions are justified before asking the Court for sanctions or disqualifications.

IV. PROFESSIONALISM AND THE COURTS

The Texas Lawyers' Creed demands the following with regard to the relationship between lawyers and judges:

Lawyers and judges owe each other respect, diligence, candor, punctuality, and protection against unjust and improper criticism and attack. Lawyers and judges are equally responsible to protect the dignity

and independence of the court and the profession.

The Creed sets out four basic points for judges' and attorneys' interactions with each other:

1. The Judiciary Should Encourage and Practice Professionalism

Judges should hold the attorneys appearing before them to the highest standards of professionalism by (1) discouraging ex parte communications, (2) requiring the opposing attorneys to demonstrate that they have made a good faith effort to resolve discovery disputes by agreement, (3) actually reading and then refusing to grant restraining orders that clearly go beyond the boundaries of the relief allowed under the Family Code, and (4) insisting upon high standards of courtesy and decorum in their courtrooms.

Default judgments often are a source of conflict and result in unnecessary attorneys' fees when the defaulted party is successful in overturning the default judgment. Judges should make a reasonable effort to review a file and question the efforts an attorney has made to notify opposing counsel. Judges should pay particular attention to the notice requirements applicable to the matter at hand and make certain the attorney has furnished satisfactory evidence that adequate notice was given. And, if any doubt exists, the judge should have the attorney or a court staff person make a courtesy call to the opposing attorney.

Honest mistakes are made and emergencies do occur which could prevent an attorney or party from appearing on time.

2. Judges Should Treat Lawyers and Litigants with Respect and Courtesy

Judges should conduct their proceedings with the dignity and formality befitting the authority of their position. Almost all of us have seen the results of various judicial polls conducted in the districts in which we practice. Rudeness to lawyers and clients is one of the major complaints voiced against judges in these opinion polls. With dockets and schedules as full as they are these days, a judge's tardiness can mean the difference in whether or not a case is resolved and the ones following it on the docket are reached at all. We all have cooled our heels in a packed courtroom, waiting for a judge to come in to call the uncontested docket.

Judges need to remember that the litigants, particularly in family law, usually are inexperienced and fearful of the process. A judge who is prompt, courteous, respectful of the lawyers and clients, and in control of the courtroom can set the tone for the entire proceeding.

3. Judges Should Treat Colleagues and Their Staffs with Respect and Courtesy

This provision seems almost unnecessary. Regardless of what one thinks of another judge, respect for the law and the position require that



a judge be treated with the dignity the position deserves. This holds true for interactions between the judges themselves. This is especially true in the large counties in which a number of judges may share the caseload. Cooperation among judges and their staffs can streamline the litigation process and move cases along in an orderly and efficient manner.

4. Lawyers and Clients Should Treat Judges and Their Staffs with Respect and Courtesy

An attorney should take care in establishing his or her reputation for honesty, courtesy, and professionalism with each judge before whom he or she appears. You should not misrepresent your efforts at notice or resolution of disputed issues, nor should you mis-cite cases or misrepresent facts to the Court. Stress to your clients that they must be honest and straightforward before the judge. “Bad facts” are seldom as damaging to a client’s case as the client fears, but lying or misrepresenting the facts to the judge can derail the best argument. Building a reputation for truth-telling will reap the rewards of that reputation in situations in which you need the benefit of the doubt.

We, as attorneys, should extend the same courtesies to the judges that we expect to be extended to us. Show up for Court on time, dress appropriately, prepare for the matter at hand, and respect that particular judge’s courtroom rules. Demand that your clients follow these

same principles.

These standards of courtesy also should extend to all court personnel - the clerks, briefing attorneys, court administrators, and secretaries. All of these staff members represent the judicial process and are an integral part of it. If you consistently treat the court personnel with respect and have consideration for the difficulties and stresses of their jobs, you are likely to find allies who can help you navigate successfully the intricacies of getting things done at the courthouse.

VI. PROFESSIONALISM AND YOU—SELF-CARE

You may be the best attorney, paralegal, or support staff member; have the most training; bill the greatest number of hours; and get the rave reviews from your clients, but if you do not take the time to care for yourself, your significant other, and your friends and family, you may not last long in this profession or be able to turn out your best work over the course of your career. The law, particularly family law, litigation, and criminal law, can be a very stressful profession, as your clients’ lives literally be on the line.

If you do not pay attention to the line between your work and your personal life, your work will suffer, your relationships most certainly will, and you even can put your very health at risk.

I enjoy the practice of law, but I am able to do so because I also enjoy being away from the practice of law. Following are some important means of providing yourself the time for self-care and rejuvenation, which ultimately make you a better legal professional.

A. Leave on Time

This seems like a simple thing, but in practice, it is often difficult to do. You have a big hearing coming up; that brief is due in two days; a client cannot meet until after hours. There are myriad demands that keep you

at your desk until all hours. Learn to anticipate those days and deadlines. Work hard while you are at work, and then honor a “stopping point,” push away from your desk, and leave. After so many hours, you are not doing your best work anyway.

B. Set Realistic Expectations for Yourself

List making, keeping an up-to-date calendar, and carving out time to think about your goals and your to-do list are crucial steps that will allow you to feel more in control and ahead of the game, instead of always scrambling to keep up. Be realistic about how much work you can handle at any one time, and prioritize the tasks that have hard and fast deadlines (such as discovery, preparing exhibits for an upcoming hearing, and other matters that must be done by a certain time).

Also, do not forget to delegate. If you have support staff available, chances are they are looking for ways to become more involved in the cases and want to be of assistance. Meet with your co-workers with reasonable frequency to determine if the workload seems evenly distributed and, if not, and you are overwhelmed with deadlines, perhaps a co-worker can take on one of your tasks temporarily.

Do not bite off more than you can chew and ‘fess up to your supervisor or partners well in advance if you find that you cannot meet a deadline or will be unable to handle a matter without help or extra time.

C. Establish Personal and Occupational Boundaries

This may be one of the most important habits to learn in professional life. Your job is not your family. Your job is not your entire life. Try to be fully at work when you are

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at work, and fully present to your friends and family (or even to yourself in your own solitude) during off hours.

Every parent has felt the guilt of allowing work obligations, real or perceived, to interfere with time spent with their children. We have missed soccer games or cheerleader try-outs because we had deadlines at work. We have left our dates or spouses sitting alone in restaurants because we got “stuck at the office.” Of course, those things are impossible to avoid all of the time, but don’t make a habit of being perpetually tied to your office. Do not be afraid to tell your boss or your co-workers that you cannot stay late or you cannot work on a holiday or weekend because you already have family commitments. You have a right to a personal life, and in the long run, you will be a more effective professional if you tend to your personal life with the same care you devote to your profession.

Make sure you have friends outside your profession, and don’t bore your friends and family by only talking about your workload and your cases!

D. Develop Hobbies

Artistic outlets, physical pursuits, and outside hobbies and interests add depth and richness to your life, your physical health, and your mental and spiritual well-being. Hobbies are an excellent way to take a mental break from the daily grind of work, and can stimulate your creativity, powers of concentration, and overall sense of well-being and competence when you are at work. Just as you would rest and care for an injured part of your body, you need to rest and care for your mind and soul. Whether its disc golf or learning to speak Russian, lose yourself from

time-to-time in a pursuit that brings you pleasure.

E. Maintain a Healthy Sense of Humor

Coming from a family law perspective, I believe this habit can help you make it through those very difficult cases without losing your perspective. Family law clients do crazy, irrational things. You simply must laugh about it (or often you would cry). Laughter (sustained, out-loud, belly laughs) has been proven time and again to have a positive physical effect on the human body. You cannot take on your clients’ problems as if they are your own, and laughing at yourself, your clients’ mistakes and foibles, and the situations as a whole can help you remember that you are not personally responsible for saving the entire world.

F. Take Vacations!

There are very few people who would want it said at their memorial services, “Old All wishes he had worked longer hours.” When people compose their bucket lists, “work more hours” rarely makes it as a line item. Taking time off and away from the daily routine and problems of work is crucial to maintaining one’s perspective and effectiveness at work. A burned out, exhausted lawyer or staff person not only cannot provide his or her best efforts, that person can be a detriment to the firm - missing deadlines, turning out poor and inaccurate work, and alienating clients through rudeness or inattention.

This issue is particularly important to support staff, such as paralegals, litigation assistants, and receptionists. Take the time you are given! Unless your firm has specific carry-over policies that allow you to carry over unused vacation time into

the next year, you are giving away your efforts for no remuneration. Why are you doing that? You earned it, and you deserve the time off. A refreshed and rejuvenated professional is highly likely to contribute more to the firm.

In summary, professionals who believe we deserve to laugh, to relax, to pursue creative outlets, and to enjoy close and loving relationships will be more humane and happy bosses, co-workers, and staff members in our working lives.

VII. CONCLUSION

I want to share with you part of the Preamble to the Texas Disciplinary Rules of Professional Conduct of the Texas Lawyer’s Creed. This year marks the 25th anniversary of the Creed, and the Council of Chief Justices noted that it “promotes respect and confidence in the legal profession.” These words are:

A lawyer is (1) a representative of clients, (2) an officer of the legal system, and (3) a public citizen having special responsibility for the quality of justice.

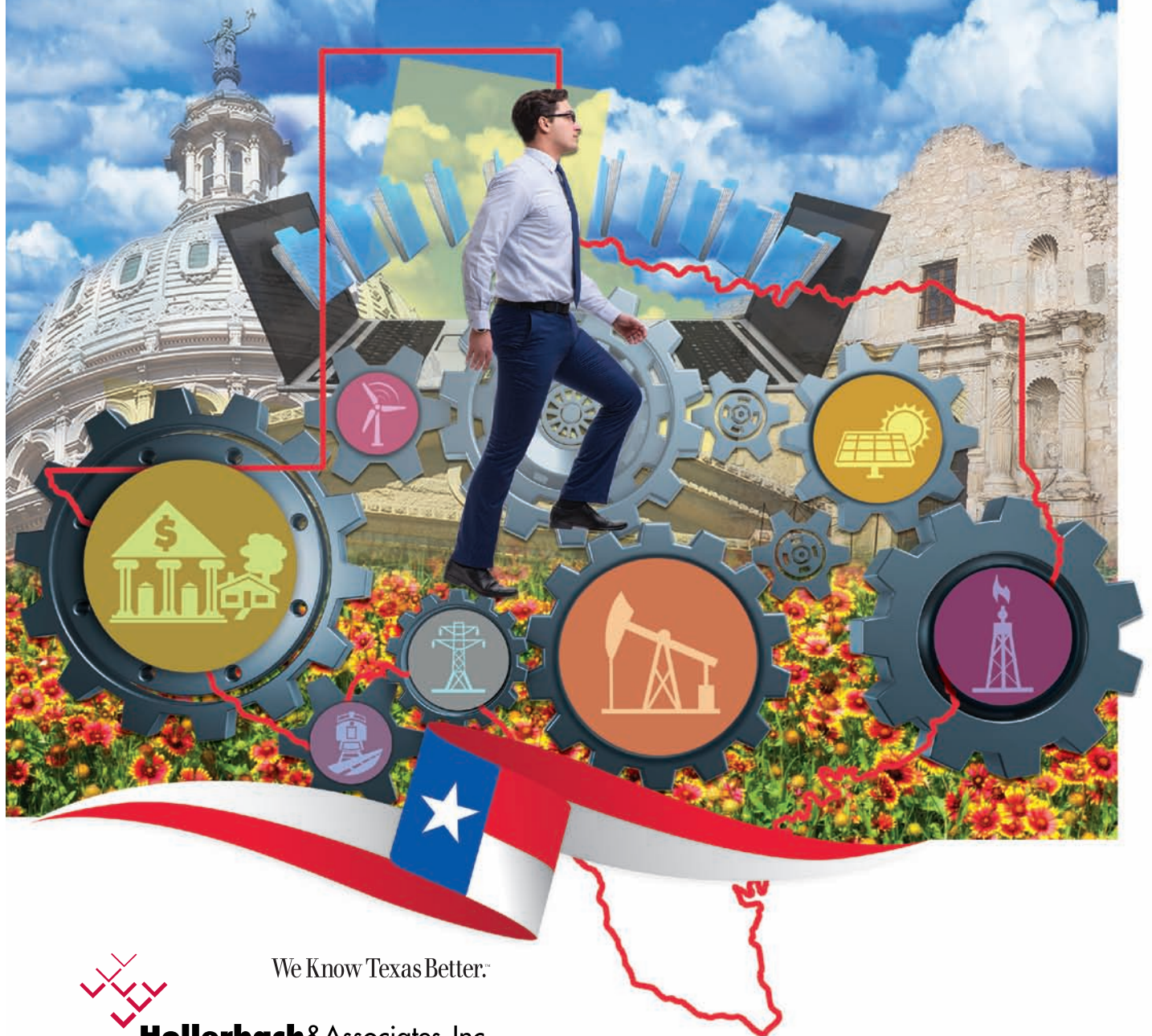
Each lawyer’s own conscience is the touchstone against which to test the extent to which his/her actions may rise above the disciplinary standards prescribed by these rules. If we as legal practitioners are guided by these principles, the law will continue to be a noble profession.



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Advice for a New Paralegal—and a Reminder to Others!

By: Marcus W. Norris*

This article aims to provide tips and cautions applicable to paralegals working in a variety of law office settings—in-house corporate counsel, government legal department, nonprofit organizations, and a solo practitioner. Of course, the reader should always comply with your office procedures and practices manual or superior's orders, if different from these reflections.

1. **Situational Awareness.** In our mobile society it is not uncommon for an attorney or paralegal to move between public and private sector employment. A sector change can introduce substantive differences in the law, for example employment law. Does an employer desire to discipline an employee for embarrassing social media material or to delete unflattering Facebook comments from the employer's site? In the private sector those actions may be fairly swift and with little consequence for the company, but for a government employer these actions have significant constitutional implications that require careful analysis of precedents in the applicable federal circuit. A paralegal working with an attorney making a sector change (or the paralegal herself) needs to be alert to legal distinctions during a period of transition.
2. **Communication & Information is Key.** People will sometimes contact

the corporate or government law department (or even the outside counsel) with a complaint or inquiry that bears a hidden agenda. The paralegal may be more readily available than the attorney and gets the first earful about an injustice or the burning need for guidance from the legal department on a matter. You must listen, withhold judgment, and ask questions. Do not commit to or validate their assertion. Don't become the inadvertent advocate for the first "side" that gets to your office. (A) It is a good practice to ask the complainant if he has voiced his complaint or concern with higher ranked leaders in the organization or on the opposing side. It is surprising how often such communication does not occur. When you refer the complaining vendor, citizen, customer, or internal employee to a higher authority over the area of dispute, misunderstandings are often clarified or a compromise emerges. (B) When a *non-managerial* employee asks about the meaning of a policy or law, you must ask, "what did your supervisor say about this?" Knowing whether the employee has spoken to a supervisor about the matter will aid your supervising attorney in knowing how to respond and avoid becoming an unwitting pawn in an internal argument or power play within a department. (C) When a client executive or other supervisor contacts the legal office about a personnel-related issue,

make sure the client's HR department is included in the discussion, lest contradictory positions or advice emerge between legal and HR. The point to each of these three scenarios is that in each one the paralegal has facilitated positive communication that tends to resolve issues with little or no formal involvement of attorneys.

3. **Know Your Client.** When an attorney's practice involves representing persons, then the paralegal can be certain of who is the client. But when the law office serves an organizational client and you have daily interaction with managers, directors, or employees of the organization, then it can be a challenge to remember "who" is the client. The Texas Disciplinary Rules of Professional Conduct clearly state that when the attorney is retained by an organization as client, then the client is the entity, not its individual officials. The entity will express itself through the *collective* voice of the duly appointed or elected governing body, the executives, and in some instances department heads, but *none* of those *individuals* (or other entity employees) are your client. Thus, the loyalty of attorney and paralegal is to the good of the organization, even if that is adverse to certain individuals in the organization. Thus, you cannot blindly make an open-ended promise of confidentiality when an official of a client entity opens a conversation

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asking for such. She may be about to share information that impacts the organization, and you or your attorney will have a duty to disclose it to others, inside or outside the organization. Consult your superiors. Study the [Disciplinary Rules of Professional Conduct](#), especially the rules regarding confidentiality, organization-as-client, and where appropriate, the section on governmental attorneys.

4. **Follow the No Secrets/No Surprises Rule.** This tip applies especially in the corporate and governmental context, where you frequently encounter key leaders of the entity in the office. Promptly (meaning the same business day) tell your superiors when: (A) a council member, director, manager, or news media contact you about some matter. It may seem routine to you, but your superior may need to know that person is interested in that particular matter; (B) you have heard of a potentially serious or sensational matter that may be coming to the client, so your attorney is not blindsided but can be prepared; or, (C) you have made a mistake. Your superiors have the better position and broader experience to: do damage control to protect the client; figure out the root cause of the mistake — it may not be all your fault; and, perhaps protect you from fall-out by early intervention.
5. **Keep the Roles Straight.** You will have less stress if you remember this point. The client (see No. 3) is the principal and makes the decisions in the lawyer-client relationship. When an organization is the client, then the governing board and executives determine policy. The attorney and paralegal are there to implement the board's lawful decisions and when asked, to provide information and advice. When asked for information, always describe alternatives in a fair, evenhanded,

dispassionate manner. Be prepared for the possibility that the client may weigh the issues differently than your attorney or even make a poor choice from among alternatives. Clients have the freedom to be wrong, so long as you have fairly informed them.

6. **Go.** When feasible, try to get your attorney to let you go see the broken equipment, controversial zoning site, disputed boundary, etc. Alternatives and solutions will more easily come to mind after you have seen, touched, or heard the problem, instead of imagining it as described in an email or phone call. Of course, safety first, so get a hard hat, reflective vest, and other protective gear as appropriate. Coordinate a field visit with the client, don't show up unannounced.
7. **Run the Bases in Correct Order.** When asked to solve a client problem, many lawyers and paralegals get into the sad habit of always starting with law books. (That is the right approach *only* when construing the meaning of a law or regulation is called for.) When there is no readily discernible answer in the law book, that lawyer is left with the lame answer of, "it can't be done" or "I don't know." One antidote that can help to avoid that dead-end outcome is to run the bases in correct order, just as in baseball. First Base: do #2 (Communicate) and #6 (Go), above. Second Base: try to determine where the legal, equitable, just, or moral values are in the situation and urge the client to seek a solution in that direction. Third Base: now dig into the law books to find a legal doctrine, rule, definition, or exception that provides the means to achieve that legal, equitable, or just solution. Home: You will become known as a practical paralegal who "really knows the law" because you find a legal basis for good outcomes.

8. **Strength in Numbers.** A unique problem is actually a rarity. It may be new to you, but someone somewhere has likely encountered the problem confronting you. Private law firms in the same legal market tend to be highly competitive and are unlikely to share experience. But your paralegal peers in other markets, attorneys in a specialty bar association who are not nearby competitors, or a trade association counsel may be willing to confer with you. Always be mindful of client confidentiality (even names) and possible conflicts of interest, when communicating with one of these resources. If these resources are out-of-state, then be alert to differences in state law that may affect the precise shape of a remedy as applied in your state, but you can nonetheless gain ideas from others. You and/or your attorney should strive to be as active as possible in such organizations and attend conferences to stay aware of trends and solutions from across the state and nation. (The fact that you are reading this paralegal journal is an example of this healthy involvement!)
9. **Professional Contribution.** The attorneys directly involved in negotiations or litigation can become quite focused in their zeal to get the best outcome for their client. Their focus may cause them to overlook certain external or internal dynamics that could impact the matter. As a paralegal, you are in the unique position of being allowed to work on a matter—sometimes quite heavily—but that does not necessarily mean you must be as emotionally invested as the attorney. This can be the basis for a unique contribution to the matter. For example, if your attorney is open to your input, you may be able to offer her an external objective view that balances her zeal, even while you give full support to her efforts. Internally, you may be



able to offer suggestions for improvements to law office procedures or client management that makes those more efficient or secure, thereby benefiting everyone.

10. *Perspective.* Everyone knows what it is like to have the case or transaction that seems as if it will never end or the difficult client who seems to reside in your office. Burnout is as real for you as it is for your attorney. It is important for your long term health and happiness to find an outlet for that stress. Keeping a healthy perspective is one coping tool. Recognize that your professional skills and experience provide you the opportunity to be

entrusted with the welfare of attorney and client interests. When was the last time you thought about that? Relish your honorable responsibility and privilege. Know that the currently aggravating case or transaction will end. There *will* be new clients or leadership for your organizational client. Try to maintain a sense of expectancy and adventure as you approach the office. Taking time to smell the roses is not a mere cliché; it is a survival tool you need. *Enjoy the adventure!*

**Marcus W. Norris has practiced law since 1985, with the last 23 years focused on Texas local government law. He is the former city attorney of Amarillo and Killeen, and a past*



president of the Texas City Attorney's Association. In 2015, he was named Government Lawyer of the Year by the State Bar of Texas. He now works with the Municipal Law and Employment

Law sections of the Underwood Law Firm, providing legal services to approximately 30 cities, hospital districts, economic development corporations, and select private employers. <http://www.uwlaw.com/attorneys/marcus-norris/>

Ascending the Ladder of Professionalism

Submitted by Mary Wintermote, of Cotten Schmidt, Fort Worth and District 3 Director/Secretary.

The maroon banner at the top of the Paralegal Division website and on many of the Division's printed materials indicates "We provide leadership, professionalism, public service." Sometimes it's difficult to understand exactly what that means and it's easier to recognize the Division's tenets through example. For many in District 3, that example can be found in Michele Rayburn, CP, TBLS-BCP.

Michele began her legal career with the Fort Worth firm of Wynn, Brown, Mack, Renfro & Thompson in 1974, the same year she received her Associates of Applied Science, *summa cum laude*, in the Legal Studies program. There was

no paralegal program at the time. In 1979 she moved to Shannon, Gracey, Ratliff & Miller, where she worked under the tutelage of David Keltner until he was appointed to the Court of Appeals. At that point, Michele began her long career with Michael Wallach and left with him to open his own firm of Wallach, Jones & Moore in 1991, where they worked together through 2016. She continues to work with the same attorney, although her job description recently changed when Mr. Wallach was elected District Judge for the 348th Judicial Court of Tarrant County, Texas. Michele



Rayburn, Paralegal is now Michele Rayburn, Court Coordinator to Judge Wallach.

PROFESSIONALISM

Although working full time is enough for many of us, Michele has continued on a path of professional development throughout her career. She earned the certification

of Certified Professional Legal Secretary from the National Association of Legal Secretaries. In May 1991, Michele became a Certified Paralegal offered by the National Association of Legal Assistants (NALA),

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and was one of the first paralegals in Texas to attain certification in Personal Injury Trial Law through the Texas Board of Legal Specialization in 1995.

LEADERSHIP

Michele continues to provide an example of leadership within the legal community. Beginning with the Fort Worth Legal Secretaries Association, she taught various courses at the Association's local, state, and national levels. Michele served as President of that group, was named Legal Secretary of the Year of Fort Worth (1994), and was one of three finalists for the Legal Secretary of the Year for the State of Texas that same year. The Paralegal Division has had the benefit of Michele's leadership over the years in the capacities of Director of District 3, Executive Committee Parliamentarian and Secretary, and Chair and sub-chair of various PD committees. Michele was also appointed to the Paralegal Committee of the State Bar of Texas where she served two terms. Within the Fort Worth Paralegal Association, Michele completed her term as President in December 2016. She also served as First Vice-President of Programs, Legal Education Chair, and Paralegal Division Liaison. Michele was chosen Paralegal of the Year for the Fort Worth Paralegal Association in 2011. Finally, Michele is an associate member of the Tarrant County Bar Association where has served on several of the Bar's committees.



PUBLIC SERVICE

In 2011, Michele became certified as a Court Appointed Special Advocate for Abused Children through CASA of Tarrant County where she deals with abused children to assist in their transition from family to foster care and back to family or adoption. In addition, she frequently dedicates her time as a pro bono volunteer through the Tarrant Volunteer Attorney Services clinics. Michele serves as a mentor to new paralegals joining the Paralegal Division and is heavily involved with the students of various local paralegal programs. She has authored and presented CLE in litigation-related areas and provides frequent answers to nebulous questions from across the Paralegal Division

e-Group.

FAMILY

Michele is extremely family oriented. She has two beautiful daughters, Danielle and Stephanie, and three grandchildren: Liliana, 15, Rick 7, and Sergio 2. They keep her quite busy with their activities. They all love their Nana.

WHAT THE FUTURE HOLDS

It would go without saying that Michele Rayburn knew her way around a courtroom, but on January 1, 2017, she was given access through a mysterious courthouse door few of us ever enter. Having the unique insight of years of theoretical knowledge, extensive practical experience, and a history of professional growth, Michele now sits on the side of the desk that drives

the train leading the inner workings of the courtroom and continues her 38-year work relationship of serving as the right-hand for Attorney, now Judge, Mike Wallach.

Mary R. Wintermote is Secretary and District 3 Director of the Paralegal Division and has worked as a paralegal for 25 years. Mary is a senior litigation paralegal in the Fort Worth office of Cotten Schmidt & Abbott, LLP. She also works collaboratively on complex litigation matters with the firm's New Orleans, Houston and Corpus Christi offices, assists with technology training and serves as liaison to several of the firm's major clients. <http://www.csa-lawfirm.com/>



Q&A with Norma Bazan Board Certification: From Paralegal to Attorney

By TBLS Staff. Reprinted with permission

We recently sat down with Norma Bazan, who was sworn in at this year's Induction Ceremony for her Board Certification in Family Law. She has a unique story as she not only made the transition from paralegal to attorney, but she attained Board Certification in Family Law in both areas of her career. The following is her story and how Board Certification played a significant role.

Why were you interested in getting into law?

My career started in the 1980's when I was offered a job with the Tarrant County Family Court Services as a temporary receptionist. Fortunately, after the temporary position ended, I was offered a full time job as a typist. That was my first experience in the legal field and I truly enjoyed my time with Family Court Services. The agency dealt with child support and possession enforcements cases and it was so interesting that I decided to go to college at night to obtain my paralegal degree. I worked for Randy Catterton at Loe, Warren, et al for ten years during which time I continued to go to college at night to obtain my bachelor's degree in applied science, with a paralegal certificate. I became very passionate about law and I enjoyed assisting clients with their cases in my capacity as a paralegal; how-

ever, I wanted to represent them in the courtroom as well. While I could assist the attorney in the courtroom, I found myself wanting to jump up and make objections! That was not possible without going to law school. At first I was not convinced that I could actually get into law school and succeed, but with the support of my family and friends, I took the plunge.

As a paralegal, why did you choose to become Board Certified?

I chose to become board certified because it shows that I have the expertise in a specific area of law which will assist them

in their case. I believe it is important for clients to know that the person they have hired has in depth knowledge of the subject matter of their case. It is the difference between alleviating a client's concern rather than adding to the client's concern whether they have hired the right attorney!

Why did you then decide to become Board Certified an attorney?

As an attorney, you are assisting clients with legal matters that have an everlasting effect on their lives and just knowing a little does a disservice to the client. An attorney must be knowledgeable, competent, and passionate about each and every case they accept and becoming Board Certified in the specific area in which an attorney primarily practices is vital to providing competent representation. It also demonstrates that I have taken the time to educate myself in a specific area of law in order to be prepared in court.

Who were your mentors throughout the process?

I have had several mentors and each have provided great insight into the legal field. Randy Catterton was a mentor and always encouraged me to continue my education. Mark Rosenfield was a mentor and taught me that there is nothing wrong in zealously fighting for a client's rights and that you can fight with your opposing counsel in court and still





Norma Bazan, Gary L Nickelson, Chris Nickelson

be friendly outside the courtroom. Jeff Kaitcer was a mentor and taught me to think outside the box and to use my brain when it came to drafting pleadings rather than using the form book. Gary Nickelson was a mentor and taught me that patience is a virtue and that I should always take the high road when responding to combative or argumentative attorneys. He continues to mentor me and believes in my abilities by allowing me to make decisions on his cases when he is absent.

What advice would you give paralegals considering Board Certification?
It does not matter if you have been work-

ing in the legal field for a year or 10 years or if you are young or older—everyone needs to continue to educate themselves on a regular basis to keep up with the laws and find better ways to assist his or her attorney. A great paralegal is priceless to an attorney. Attaining Board Certification will only enhance a paralegal's skills and will give the

Do you have a favorite inspirational quote?

A quote from Joseph Addison: Justice Discards Party Kindred and is therefore always represented

as Blind! Justice should always be blind because it does not matter what status, race, or gender a party is, when it comes to justice all are equal in the eyes of the court.

What are some hobbies you like to do with your own family?

I have a wonderful relationship with my husband, children, grandchildren, siblings, in-laws, and friends. There is not a weekend that goes by that we are not having dinner, attending parties, or planning vacations. It is important for an attorney to get away from the practice of law and spend time with family or friends and by doing so, can better serve and represent their clients.



Rachel Cagle, Luis Angel Bazan, Norma Bazan, Jorge Luis Bazan Sr., Jorge Luis Bazan Jr.



Texas Board of Legal Specialization
BOARD CERTIFIED PARALEGAL

TBLS Applications are Due June 30th! It's time!

Texas Board of Legal Specialization

GET CERTIFIED

Board Certified Paralegals earn their specialization credentials through a combination of experience, advanced continuing legal education, professional references and examination.

The Board Certification process is purposefully rigorous and specific to meet the objectives set forth by the Supreme Court of Texas and the State Bar of Texas to "...serve the public interest and to advance the standards of the legal profession."

We invite you to step up to the challenge.

www.tbls-bcp.org



**The Paralegal Division
of the State Bar of Texas
Presents:**

TAPS
UnMasqued
KNOWLEDGE AWAITS 2017

**Texas Advanced Paralegal Seminar
A Three Day Multi-Track CLE**

**October 4, 2017— October 6, 2017
The Crowne Plaza Dallas Near Galleria
Addison, TX**

REGISTRATION

(Registration is **ONLY** available online [HERE](#))

Three-Day Registration

- Admission to all CLE programs, socials and attendee luncheon
- Seminar materials downloaded prior to event and available on TAPS App
- Admission to the Thursday Exhibit Hall featuring legal products and services
- Complimentary Continental Breakfast on Thursday and Friday
- Complimentary ticket to the Friday Attendee Luncheon
- Complimentary ticket to the Wednesday Welcome Social and Thursday Networking Social

One-Day Registration

- Admission to one day of CLE (Wednesday/Thursday socials and Friday Luncheon are an additional fee)
- Seminar materials downloaded prior to event and available on TAPS App

HOTEL ACCOMMODATIONS

The Crowne Plaza Dallas Near Galleria—Addison is located at 14315 Midway Road, Addison, Texas 75001. The reservation deadline is September 12, 2017. Hotel reservations must be booked and cancelled through The Crowne Plaza. Guest Room Rate is \$139.00 for single/double. To reserve a hotel guest room, call 972-980-8877, push 1 for reservations and request the group rate for TAPS 2017 Paralegal Division of the State Bar OR book online [here](#). The Crowne Plaza Dallas Near Galleria is located approximately 20 minutes from both DFW and Dallas Love Field airports.

www.txpd.org/taps

SOCIALS

The mystery of TAPS UNMASQUED begins with our **KILLER NETWORKING SOCIAL** on Wednesday night at the Crowne Plaza. There will be networking with old and new friends and our phenomenal vendors. Enjoy the cocktail hour (cash bar) with drinks and light hors d'oeuvres while you visit. But wait — the mystery of the TAPS week is just beginning. Watch for those clues!



On Thursday evening you will travel to the stunning Nuvo Room for **MURDER AT THE MASQUERADE**. It is a mysterious evening of murder and mayhem with **YOU** in the middle of figuring out the clues. Enjoy a three-course meal while the mystery is evolving. And do not forget to dress in your finest mystery masquerade wear. It's going to be a **KILLER** evening.

You will not want to miss this glamorous evening of intrigue!

REGISTER EARLY AND SAVE!

Deadline for early registration is August 15, 2017. All online registrations received beginning August 16, 2017 will be subject to a \$35 fee. Registration is available **ONLINE ONLY** at www.txpd.org/taps. Credit card, check or money order is accepted as payment for TAPS registration fee. There is a \$5.00 handling fee for payment by check or money order. On-site registration is by check or money order only.

Keynote Speaker



KEYNOTE SPEAKER

Michael A. Ware

Mike Ware graduated with honors from the University of Texas with a degree in philosophy. He graduated from the University of Houston Law School in 1983, where he was research editor for the Houston Law Review and the Houston Law Review's Texas Rules of Evidence Handbook. In addition, he was a law clerk for the Honorable David O. Belew, Jr., United States District Judge for the Northern District of Texas in Fort Worth from 1983 to 1984. He then began his private practice, specializing in criminal defense. Mr. Ware has been Board Certified in Criminal Law by the Texas Board of Legal Specialization since 1990. From July 2007 until July 2011, he was the Special Fields Bureau Chief for the Dallas County District Attorney's office, and was head of Dallas County's Conviction Integrity Unit. In July 2011, he resumed private practice in Fort Worth. Mr. Ware was a faculty member at the Criminal Trial Advocacy Institute in Huntsville, Texas from 1993 to 1996, has an AV rating from Martindale-Hubbell, and has been voted a "Texas Super Lawyer" by his peers. In 2014, Mr. Ware was named the Texas Criminal Defense Lawyer of the Year by the Texas Criminal Defense Lawyers' Association.

KEYNOTE ADDRESS

In the late 1990s, Elizabeth Ramirez, Cassandra Rivera, Kristie Mayhugh, and Anna Vasquez were tried and convicted of performing "satanic ritual abuse" on two young girls. They were given lengthy prison sentences. "Southwest of Salem: The Story of the San Antonio Four" is a documentary on their accusation, their trials and their struggle for justice and exoneration. The trailer for the movie can be found at <http://www.southwestofsalem.com>. This movie recently won a Peabody Award and the GLADD Media Award for Best Documentary, where Hollywood Stars such as Whoopi Goldberg, Rosie O'Donnell, Christian Slater and Debra Messing watched as the 4 women, now free, accepted the award. Mike Ware began his fight for the San Antonio Four's freedom in 2011 and he will take you through the fight to win justice for the San Antonio 4. He will also talk about the making of the documentary and about his work on other wrongful conviction cases.



Register Online Now! - - www.txpd.org/taps

Highlighted Speakers



Cameron Vann, JD, MEd, Mediator

Cameron Vann has been licensed as an attorney since 1982. After graduating from the University of Texas with a Bachelor of Science and from the University of Houston with a Master of Education, Cameron pursued a teaching and administrative career in Spring Branch Independent School District.

She then earned her Doctor of Jurisprudence from the University of Houston and joined a mid-size civil litigation firm. In 1985 she opened her private practice in Houston, focusing on probate and elder law. In 2006 she moved to Austin to work at Advocacy, Inc. representing clients with mental health disabilities until she joined the TLAP staff in July 2008.

While practicing in Houston, Cameron served on several boards and received awards for her work from Baylor College of Medicine, Alzheimer Association, Mental Health Association, Association of Women Attorneys, and Rotary. While at Advocacy she served on the Mental Health Community Committee and the Jail Diversion Committee. She is a past board member of the Travis County Women Lawyers Association.

Ms. Vann's topic "This is All About You—Maintaining Wellness in the Legal Community" is not to be missed.

www.txpd.org/taps



**Eduardo S. Espinosa and
Michael D. Napoli,
of Dykema Cox Smith**

Espinosa and Napoli are 2 of a very small group of attorneys practicing in Texas in the area of receiverships. Their discussion will cover

all aspects of court appointed receivers and receiverships, focusing on enforcement actions by the SEC and state court fraud cases.

Eduardo Espinosa advises clients regarding the legal and regulatory aspects of their commercial and transactional opportunities. His practice covers an enterprise's entire lifecycle including: formation; capitalization; governance; domestic and international transactions; mergers and acquisitions; securities offerings; reporting requirements; enforcement. In addition to private practice, Eddy has served as enforcement attorney for the U.S. Securi-

ties and Exchange Commission (SEC) and in-house counsel, including the general counsel's role. He complements his legal skills with a Master in Business Administration and a prior career in managerial accounting. Eddy's ability to analyze situations from multiple legal and business perspectives enables him to craft pragmatic, often novel, solutions that are designed to maximize value and promote dispute avoidance/resolution. Eddy concentrates his transactional practice in M&A, securities regulation, and corporate governance. He has advised issuers, underwriters, broker dealers, investment advisers and investment companies regarding securities offerings and regulatory compliance matters; and has represented market participants before the SEC, the Texas State Securities Board and the Financial Industry Regulatory Authority (FINRA). On multiple occasions, state and federal courts have appointed Eddy as a receiver. Courts typically appoint Eddy at the request of a regulatory agency that has commenced enforcement proceedings and is concerned that the alleged fraudsters will dissipate the remaining assets. He has also been appointed as an ancillary receiver to conduct the orderly liquidation of in-state assets.



As a court-appointed receiver and counsel to receivers and trustees, Michael Napoli works to maximize the value of insolvent entities in order to make a fair and equitable distribution to creditors. His experience covers a variety of industries with an emphasis on life settlements.

Outside of the insolvency arena, Michael protects individuals and companies facing lawsuits. He works closely with his clients to create practical, business solutions to litigation problems. Representing both plaintiffs and defendants, Michael works on a wide variety of cases including securities, commercial and products liability matters. Michael acts as a receiver and represents court-appointed fiduciaries in receiverships and in bankruptcies and also represents parties to private securities cases as well as defendants in enforcement actions by the SEC and State Securities Board. He also has a broad commercial practice representing individuals and companies in contract, corporate governance, insurance and intellectual property disputes in a wide variety of industries.



TAPS PRICES

Three-Day Registration

PD Member Registration Fee \$325*

Non-PD Member Registration Fee \$425*

One-Day Registration

PD Member Registration Fee \$180**

Non-PD Member Registration Fee \$280**

Additional Fees/Information

Box Lunch on Thursday \$10

* Registration Fee includes ticket to Wednesday, Thursday socials and Friday luncheon

** Social and luncheon tickets can be purchased at an additional fee

TAPS T-Shirt - Complimentary with registration

Social Tickets (prices per person)

WEDNESDAY: "Killer Networking Social"

One-Day Attendee \$15

Wednesday Social added Guest \$25

THURSDAY: "Murder at the Masquerade"

One-Day Attendee \$45

Thursday Social added Guest \$60

FRIDAY LUNCHEON: "Unmasqueing The Final Clue—Wrong or Right?"

One-Day Attendee/Guest \$30

www.txpd.org/taps

SCHEDULE

SPONSORS

Wednesday, October 4

Registration 8:00 AM—2:00 PM

Presentations 9:00 AM—5:00 PM

Social 5:15 PM—6:45 PM

Thursday, October 5

Registration 7:00 AM—4:00 PM

Exhibit Hall 7:00 AM—3:30 PM

Presentations 8:00 AM—4:15 PM

Social 6:00 PM—9:30 PM

Friday, October 6

Registration 8:00 AM—10:00 AM

Presentations 8:30 AM—12:00 PM

Luncheon 12:00 PM—1:30 PM

TITLE SPONSOR

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Hollerbach Title Group

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Kim Tindall & Associates, Court Reporting & Litigation Support

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Hanna & Hanna Reporting & Video Services

Thomson Reuters Westlaw

See Complete List of Sponsors and Exhibitors: www.txpd.org/TAPS/Sponsors.asp



PARALEGAL DIVISION ANNOUNCES TAPS 2017 SCHOLARSHIP



For the upcoming 2017 Texas Advanced Paralegal Seminar (TAPS), a three-day CLE seminar, the PARALEGAL DIVISION of the State Bar of Texas will award up to two (2) educational scholarships for the three-day registration to attend the TAPS 2017 seminar, "TAPS Unmasked: The Mystery Awaits." Below are the guidelines and application for applying for this scholarship.

1. The Recipient must be a member (or apply for membership) of the Paralegal Division of the State Bar of Texas.
2. To apply for a TAPS scholarship, the applicant is required to submit a written essay on the following:
Why is CLE important to paralegals, even when certification or membership doesn't depend on it?
Things may come to those who wait, but only the things left by those who hustle. ~Abraham Lincoln
Even if you're on the right track, you'll get run over if you just sit there. ~Will Rogers
The essay must be two (2) pages in length and double-spaced.
3. To apply for a TAPS scholarship, the applicant is **required to provide two (2) letters of personal reference**, which describe the applicant's involvement in the paralegal profession.
4. Financial need shall be a contributing factor, but not a requirement. However, if two or more applicants are tied in meeting the criteria for the scholarship, financial need shall be the determining factor.
5. Recipients are required to volunteer a minimum of three hours on-site during the event.

Other

1. No money will be sent directly to the recipient.
2. The scholarship for TAPS shall cover the cost of the three-day registration, but does not include the socials, travel, or hotel expenses.
3. The scholarship selection committee for reviewing scholarship applications for TAPS shall be composed of the Chair of the TAPS Planning Committee, one Planning Committee Sub-Committee Chair, and the Board Advisor to the TAPS Planning Committee.

The Paralegal Division of the State Bar of Texas will award scholarships for TAPS 2017 which will cover the cost of registration in accordance with the TAPS scholarship guidelines.

TAPS 2017 SCHOLARSHIP APPLICATION

IMPORTANT: ALL APPLICATIONS FOR A SCHOLARSHIP FOR TAPS 2017 MUST BE RECEIVED BY THURSDAY, JULY 20, 2017. DATE OF TAPS 2017: October 4-6, 2017, Addison, Texas.

Name _____	PD Membership No. _____
Home Address _____	
Home Telephone _____	Email Address _____
Work Address _____	
Work Telephone _____	Fax Number _____
Employer _____	
Are you a member of a local paralegal organization that offers a scholarship award? _____	
Give a detailed description of your reason for seeking a scholarship to TAPS 2017: _____	

Attach two (2) letters of personal reference and your written essay to this application. Applications should be mailed to: Mona Tucker, Scholarship Chair of the TAPS Planning Committee, 2434 US Hwy 59 N, Carthage, TX 75633, or email to taps@txpd.org. Scholarship recipients will be notified by letter or email by August 9, 2017.

Attach any additional explanations

Applicant's Signature

2017–2018 Paralegal Division Board of Directors

2017–2018 Executive Committee & Officers	
President	
<i>Mona Hart-Tucker, ACP (District 14)</i>	
President-Elect	
<i>Stephanie Sterling, TBLS-BCP (District 4)</i>	
Treasurer	
<i>Javan Johnson, ACP, TBLS-BCP (District 14)</i>	
Secretary	
<i>Mary Wintermote (District 3)</i>	
Parliamentarian	
<i>Edna Garza, TBLS-BCP (District 15)</i>	
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Sharla Fowler, CP District 7 Director	Rebecca Lopez District 16 Director
Paralegal Division Coordinator/TAPS Meeting Planner	
Rhonda J. Brashears, CP, TBLS-BCP	

E-Filing Tips and Court Procedures from Around the State

Here are some helpful tips from some of the counties across Texas regarding e-filing and court procedures. If your county/district court clerk would like to submit their tips, please have them e-mail tpj@txpd.org.

Dallas Courts

Navigating with Ease Through the Dallas County Civil Courts System

By Joncilee M. Davis, ACP

The information below deals with the civil division of both the Dallas County Clerk and the Dallas County District Clerk. Due to the size of Dallas County, there are separate divisions for criminal, family, juvenile, and probate courts. You may consult this website for more information on those specific divisions: <http://www.dallascounty.org/>. On a historical note, Dallas County has had mandatory e-filing

since January 1, 2014.

There are two main differences to remember when dealing with Dallas County:

- Dallas County is a little different in that there is a court clerk and a court coordinator for each civil court. To obtain hearing dates, the status of orders being signed, service information, etc. you will call the clerk. To obtain trial dates and make your announcement for trial, you will call the court coordinator.
- Trial announcements are made at 10:30

a.m. on the Friday preceding the week in which the case is set for trial. The Plaintiff side has to make an announcement or the case may be dismissed for want of prosecution. If the Defense side fails to make an announcement, the court deems they are ready to proceed with trial. As mentioned above, the announcement **MUST** be made to the Court Coordinator aka Court Administrator.

How to find out information about a pending case?

Case information is available online at <http://www.dallascounty.org/services/record-search/>

To search, you will need either a case number, or the name of one of the parties to the lawsuit.

If searching by name use: last name, first name. This service is free for civil matters.

DALLAS COUNTY, TEXAS COURTS PORTAL

Dallas County Clerk

The Dallas County Clerk is located at the following address:

Renaissance Tower
1201 Elm Street, 21st and 22nd Floor
Dallas, TX 75270
Phone: (214) 653-7099
Hours: 8:00 a.m.–4:30 p.m., Monday–Friday (except for Court Approved Holidays)

The Clerk serves five County Courts at Law.

Here is an example of the information you will find online at https://www.dallascounty.org/government/courts/county_court_at_law/

Hon. D'Metria Benson, Presiding

George L. Allen, Sr. Courts Building – 600 Commerce Street, 5th Floor West Tower
Court Clerks: (214) 653-7556
www.judgedmetriabenson.com



Court Staff:

Court Coordinator: Seth Little - (214) 653-6581
Court Reporter: Cathye Moreno - (214) 653-7496
Chief Clerk: Tasha Hicks-Young - (214) 653-7556

Mailing Address:

County Court at Law No. 1
George L. Allen, Sr. Courts Building
600 Commerce Street
Dallas, TX 75202

Court Location:

George L. Allen, Sr. Courts Building
600 Commerce Street
5th Floor New Tower
Dallas, TX 75202

Note that the mailing address and actual court location may differ, so always check online. As discussed above, you will note phone numbers for the Court Coordinator and the Chief Clerk of that particular Court.

Here is the important information regarding e-filing with the Dallas County Clerk—Civil Division:

1. Proposed orders and requests for issuance of citations, writs, or notices must be a single filing with the cover letter as the lead document.
2. All documents must have social security numbers, tax payer-identification number, bank account information and other financial accounts, credit cards, driver's licenses, passports or medical information especially per-

- taining to a minor must be redacted by the filer.
3. All documents must be properly electronically signed and must include (1) A "/s/" and name typed in space where signature would otherwise appear or (2) an electronic image or scanned image of signature or a handwritten signature.
 4. Documents must be in text-searchable PDF format (OCR) on 8.5 x 11 page with content appropriately rotated.
 5. Scanned documents must be text searchable and text resolution of 300 dots per inch for black and white documents. Documents with color images must have a minimum resolution of 600 dots per inch.
 6. Documents with multiple attach-

- ments for a single filing must be combined into a single PDF with bookmarks separating content. This includes exhibits and appendices.
7. Documents must include the filer's contact information including an email address in signature block.
8. Documents may not contain any security or feature restrictions.
9. All information must be in all capital letters.
10. All parties to the case should be added with complete address information.
11. Documents may not contain multiple pleadings in the same document.

Here are the common reasons for having a filing rejected:

1. No fee included.

2. Not Legible.
3. Not for Dallas County Civil Division (meaning it should be filed with the Family/Probate Division)

Local Rules:

Local Rules may be found at this website: https://www.dallascounty.org/Assets/uploads/docs/districtclerk/New_LocalRules_for_CivilCourt.pdf

Many Judges have their own courtroom policies, so you will want to remember to check each individual Judge's website. One example is Judge King Fifer – County Court at Law Number Two. He has his trial docket online as well as his own court policies. Here is his website: <http://www.judgekingfifer.com/policies.html> His policies are very detailed and will provide you will much needed information.

Dallas County District Clerk

The Dallas County District Clerk is located at the following address:

George L. Allen Courts Building
600 Commerce Street, Suite 103
Dallas, TX 75202
(214) 653-7149

Hours: 8:00 a.m.–4:30 p.m., Monday–Friday (except for Court Approved Holidays)

The District Clerk serves 13 different courts: 14th, 44th, 68th, 95th, 101st, 116th, 134th, 160th, 162nd, 191st, 192nd, 193rd, and 298th.

Here is an example of the information you will find online at https://www.dallascounty.org/government/courts/civil_district/

Hon. Martin Hoffman, Presiding

[George L. Allen, Sr. Courts Building](#) – 600 Commerce Street, 5th Floor New Tower, Dallas
Court Phone: (214) 653-6510
E-mail: rhonda.pinson@dallascounty.org



Court Staff:
Court Coordinator: Rhonda Pinson - (214) 653-6510
Court Reporter: Antonette Regor - (214) 653-7158
Chief Clerk: Veronica Vaughn - (214) 653-7536
Bailiff: Nancy Beggs - (214) 653-7536

Mailing Address:
68th District Court
George L. Allen, Sr. Courts Building
600 Commerce Street
Box 540

When an attorney changes firms and/or has updated information, that information will need to be updated with the District Clerk's office. It is called "Attorney Register Update Form" and may be found here: <http://www.dallascounty.org/department/districtclerk/attorneyaddress.php>

The form looks like this and allows the attorney to change all of his/her information in one place:

Attorney Register Update Form
600 Commerce Street, Suite 103 Dallas, Texas 75202 • Telephone 214.653.7307

Attorneys may register a change of address electronically by filling in the form below. Please refresh your browser prior to submitting the form. Once completed click on the SEND FORM button and the form will be automatically emailed to us. If you have any problems with this form, please contact Nikya Hanna at Nikya.Hanna@dallascounty.org.

Texas Bar Number	
Last Name	
First Name	
Middle Initial	
Street Address Line 1	
Street Address Line 2	
City	
State	Texas
Zip Code	
Home Number	
Work Number	
Cell Number	
Fax Number	
e-Mail Address	

MANDATORY - Items will not be accepted without information

Please Check the Appropriate Option

* INITIAL REGISTRATION
☐ ADDRESS CHANGE
☐ NAME CHANGE
☐ OTHER (PLEASE SPECIFY IN COMMENTS SECTION)

Comments
 Enter any comments below:

☐ I'm not a robot

SEND FORM CLEAR FORM

Here is the important information regarding e-filing with the Dallas County District Clerk—Civil Division:

1. All documents must be submitted in text-searchable PDF.
2. Use the filing code PROPOSED ORDER for all unsigned orders. The proposed order will be a lead document.
3. For Notices of Hearing, use a non-fee filing code. The notice of hearing will be a lead document.
4. When requesting service, you will need to pay for service copies of pleadings. Copy fees are listed as an optional service and you will also need to indicate in the comments whether the issuance will be picked up by the attorney's office, a private process server or will need to be mailed back by the clerk's office. If the item is to be mailed to the attorney, you will now have the option to pay for postage fees via the e-filing portal. If an instrument is to be returned to the attorney for private process, the attorney/filer may request that the instrument be returned via e-service.
5. For signatures use: "/s/" - for example: "/s/" John Smith.
6. Documents with multiple attachments for a single filing must be combined into a single PDF with bookmarks separating content. This includes exhibits and appendices.
7. Documents may not contain any security or feature restrictions.

Local Rules:

Local Rules may be found at this website:

<http://www.dallascounty.org/departments/districtclerk/guidelines.html>

This link also contains some helpful forms for you.

Additional Rules of Decorum

Dallas County District Courts have their own rules of decorum, so you will want to make sure your attorney has read those prior to attending any hearing. Also, if a client is attending a hearing, there is a list of clothing that is not appropriate for them to wear, which you will want to be familiar with as well. These are found by using the above referenced link and the pulling up the "Local Rules of Decorum

e. Do not sit on tables, railings, desks or arms of chairs;

f. No person shall walk through, sleep or loiter in the courtroom while any proceedings are being held (or court in session);

g. No making noises or talking by persons unless during the proper participation in the matter then before the Court;

h. No gum chewing in the courtroom;

i. Before entering a courtroom all persons shall first remove overcoat, hats, etc;

(Appendix 2).

Above are a few examples: Hopefully this will get you started on your way when you find yourself in the jurisdiction of Dallas County, Texas. The clerks and coordinators are always available to assist you with your questions. Just a reminder to be respectful and pleasant to the court staff. Address them as Sir or



Ma'am and not by their first name.

Submitted by Joncilee M. Davis, ACP, of Polsinelli, of Dallas. (www.polsinelli.com)

Denton County District Clerk E-Filing Tips

Reprinted with Permission of the Denton County District Clerk

These TIPS are being provided to assist you with the filing and acceptance of efiled documents by the Denton County District Clerk's office. Some are suggestions but most are required based on our business practices within the office and with the district courts. Following these TIPS will ensure your document moves electronically through the district court system as quickly as possible.

CONTACT INFORMATION: When filing a new suit or an appearance in a current suit, please be sure and add your information in the "contacts" section. If you are already listed in a current suit, please do not add yourself again as it will cause a duplication of information on the case.

PARTY INFORMATION: When entering a party for a new suit, please enter their name and information in sentence case and complete address when possible. Having complete information assists us with identifying the party should they already be listed in our case management system. (Party identifiers are not shared with the public on our courts record search.)

DOCUMENT: Original Petition (Civil)

When filing a Petition, we suggest filing it without any additional fees/services. Should the submission need to be returned for correction, your credit card will only be held for the minimum amount. Any additional services (citation, jury fee, etc) would then need to be submitted in a subsequent envelope once a cause number and court have been assigned.

DOCUMENT: e-filed Attachments
Attachments are exhibits. If you would not staple the document to the petition/motion/application if it were paper, then please do not add it as an attachment in the e-filing program. Only true exhibits to a document should be added as an attachment. Case information sheets, cover letters, notices of hearings and proposed orders for possible signature should not be added as attachments when e-filing.

DOCUMENT: Original Petition for Divorce

- When filing a Petition, please file it without any additional fees/services. Should it need to be returned for correction, your credit card will only be held for the minimum amount.
- Please make sure that a current copy of the Denton County Standing Orders are attached. For the most current orders please go to the Forms &

Additional Information link above.

- If the Standing Orders are not attached, we will accept the petition but will be unable to issue any service until it is amended to include the current Standing Orders.

DOCUMENT: Motion to Modify and Motion to Enforce, (including Modifying/Enforcing Temporary Orders)

- Please make sure you select the proper event code to include the \$20 fee.
- Please make sure that a copy of the current Denton County Standing Orders are attached. If the Standing Orders are not attached, we will accept the petition/motion but will be unable to issue any service until it is amended to include the Standing Orders.

DOCUMENT: Standing Orders

- Applies in every divorce suit and every suit affecting the parent-child relationship, including a suit for modification or enforcement of a prior order.
- Citation will not issue until a petition is submitted with a copy of the Standing Orders attached.
- Only one copy of the Standing Orders is required in a pending action therefore they do not need to be included with a counter-petition or intervention.

DOCUMENT: Issuance Requests
Having the necessary information for

issuance of anything requires we have particular information. It is preferred our Issuance Request forms be used but a letter requesting issuance will suffice if the relevant information is included. A link to the Issuance Request forms may be found on the District Clerk's webpage.

DOCUMENT: Notice of Hearing:

- File as a separate stand-alone lead document. If included within a pleading or as an attachment to another document, the hearing information will not be completed.
- Do not include with a new suit. The suit needs to be filed (accepted) in order for a court to be assigned. Once assigned, contact the court for a setting date and then submit a Notice of Hearing for completion.
- Issuance requests (as a separate lead document) and fees may be included in the same envelope submission.

The District Judges are signing orders within the e-filing program. If the Notice is filed with a pleading that has a filing fee, it will need to be printed and placed in the Coordinator's inbox for pick up. Once signed, it will be faxed to the e-filer who submitted it. We suggest:

For a faster return: Do not submit a notice of hearing with any type of filing or additional services fee. If it is the only document in the envelope, it will be forwarded to the Coordinator's e-filing queue. Upon review and completion by the court administrator or judge, the envelope will be accepted and a signed copy will be sent to you and the service contacts listed in the envelope.

DOCUMENT: Proposed Orders

- Should be filed as a lead document
- Do not file as an attachment to a Cover Letter
- Do not e-file with a pleading with filing fees
- Do not file with original petitions, file as a subsequent filing
- Do not file the order if you are expecting to present it in person

The District Judges are signing orders within e-filing program. If a Proposed Order is filed with a pleading that has a filing fee, it has to be printed and placed in the Coordinator's inbox for pick up. Once signed, it will be faxed to the e-filer who submitted it. We suggest:

For a faster return: Do not submit a proposed order with a fee of any kind. If it is the only document in the envelope, it will be forwarded to the Coordinator's e-filing queue. If signed by a judge, the envelope will be accepted and a signed copy will be sent to you and the service contacts listed in the envelope.

DOCUMENT: Attachments

When possible please file the pleading and attachments as one document and bookmarked. When exhibits to a pleading are submitted separate attachments, they come into to the case management system (CMS) as separate documents. Our CMS does not combine them therefore if the Judge needs to look at an exhibit/attachment he/she must open the documents separately to determine the exact document needed.

E-SERVICE: When initiating a new case, under "Add/Select a Party" add your attorney and email. Also add your assistant/

paralegal email information under "other service contacts". Checking the attorney and assistant/paralegal's email will ensure you both receive file-marked/signed pleadings and orders.

E-SERVICE: The person submitting a proposed order must check all parties and specific other contacts in order for a signed order be e-served to them. Any party or other contacts not checked will not receive the signed order by eservice and will be charged \$1.00 per page if/when requesting a copy from the clerk's office.

IMPORTANT NOTICE:

ONLY SELECT "CONTAINS SENSITIVE DATA" IF THE DOCUMENT ACTUALLY CONTAINS SENSITIVE DATA

When filing a document through efile, selecting sensitive data will place a lock on this document. Only the Judge/Court Administrator will be able to view the document. **No copies of locked documents may be provided by the court clerk.** All copies or requests for information from these document must be provided by the court in which the document was filed. eFiling documents containing sensitive data can be located in Part 4. Privacy Protection for Filed Documents Rules 4.1 thru 4.6 in the link below: <http://www.txcourts.gov/media/1437215/misc-docket-17-002-and-misc-docket-17-9017-order-adopting-mandatory-e.pdf>

Submitted by District 12 Director, Michelle Beecher.

Navigating the Harris County Civil District Court System

By Jennifer Evans, CP, TBLS-BCP

The year 2017 marks my 20th anniversary working in the legal field. In 1997, I embarked on my career in the legal field armed with a working knowledge of the court system and little else. This knowledge, a bit of professionalism, and a dose of humility, has aided me in communications with court staff throughout

the years. What are some important tips for navigating the court system in Harris County? What does court staff have to say about how we interact with them? After interviewing and surveying court staff, some of them were willing to provide valuable feedback.

There are twenty-four (24) Harris County District Courts ("HCDC") in the civil court system, as well as an MDL and Tax Masters court, for a total of twenty-seven (27) judges. The personnel that support these judges have some recommenda-

tions to help lawyers and their support staff who practice in the HCDC. Some of the information provided in interviews with clerks, court coordinators, and court reporters, has been informative and helpful.

Not that many years ago, a paralegal who was preparing for trial might have needed to make phone calls and in person visits to the courthouse to discover vital information prior to counsel heading to court. Because our court system across the great state of Texas is progressively coming

online, a paralegal will find it to his/her advantage to research a court's available information on their website. You may still need to call or visit the court, but now a paralegal has the opportunity to be armed with important details at a click of the mouse.

Many of the judges of HCDC provide law firms with procedural and preferential details listed on their website: www.justex.net. Choosing a judge's name from the site and clicking through, one discovers a wealth of information. From these pages, one can access the Case Information Inquiry link, as well as court address, phone numbers, and emails for the court and its staff. However, no longer is it a paralegal's first task to call or write the court. HCDC's personnel want you to know they have taken the time to place vital information online, at your fingertips. Navigating to the bottom of a Judge's web page, you will find a section labeled "Court Information." In some instances a court has provided much of the information to answer frequently asked questions. For example, Judge Randy Wilson's court provides access to web pages and/or documents titled Court and Trial Procedures, Judge's Biography, Publications by Judge Wilson, Default Judgments, MDL-Vioxx, Orders and Opinions, Voir Dire Seating Chart, as well as other information.

Clicking through once more to Judge Wilson's Court Procedures, we find that e-filing is not mandatory in his court, but encouraged. We also read that if a case is older than three years, the court desires a telephone conference to discuss any trial continuance. In the best case scenario, a clerk or court coordinator may recognize the age of the case at the time of filing, and call the firm who filed the continuance. In the worst case scenario, a motion for continuance would be filed and then languish on the docket without communication until a firm contacts the court to determine the necessary steps to move the motion forward. Imagine the time and grief a paralegal could save their attorney just by reading through a court's posted procedures! It behooves a firm to have staff that is proactive.

Trial Court Coordinator and Certified Paralegal Tricia Ellis-Griggs has been working with paralegals and legal secretaries for years now. Ms. Griggs has also

been a professor, and is intimately familiar with helping paralegals become working professionals. Ms. Griggs wants paralegals to know that she is there for them. Paralegals can make the most of their time by perusing the HCDC's website, and signing up through HCDistrictclerk.com. If your attorney has not previously registered, she encourages you to sign them up so that the attorneys will receive notices from the court in the timeliest of manners. Judges such as Honorable Palmer in the 215th HCDC do their best to move cases along and keep online information as fresh and up to date as possible. Ms. Griggs is integral to Judge Palmer's courtroom, and often takes the time to carefully word notices issued to counsel in cases. As a paralegal, the expectation is that you are also reading these notices and taking note of the important details the court is communicating to your attorney. Ms. Griggs says if the courts do what is expected of them, and counsel does what is expected of them, there is less for everyone to spend time worrying about. Ms. Griggs discussed the role of trial coordinators and their relationship with the judges in HCDC. When she speaks, usually her communication has been approved by the judge. Attorneys and law firm staff who have a tendency to argue or overly complicate things really are disagreeing with the judge. Try to be kind and respectful, and a little nicety goes a long way. Happy Judges make happy courts! Step up to the plate, and help your attorney be prepared.

Each of the 27 HCDC courts is unique, with a different set of preferences and individual rules for practicing. The courts dislike comparisons to other courts, and prefer that law firms take the time to read and learn their practices and procedures on an individual basis. Most of the judges post their procedures on the www.justex.net website for your convenience.

When a paralegal accompanies his/her attorney to court, there are some etiquette rules for a paralegal's presence in the courtroom. Paralegals are not allowed to stand at the bench, and the court prefers that paralegals use the space behind counsel table as opposed to walking between the Judge and counsel when the Judge is at the bench. This avoids unnecessary distraction and maintains your professionalism when accompanying counsel in court.

Judges like for counsel to be on time and paralegals can play an important role in urging counsel to present timely for their appearances before the court.

One of the soundest points Ms. Griggs made in our interview was to encourage paralegals to dress professionally. Flip flops and sleeveless tops are not appropriate in most office environments, and this especially rings true for the courts. If you enter the courtroom in less than professional attire, the Judge and court staff take notice. As the legal profession is a mobile one, you may well make the wrong impression on fellow attorneys as well. Paralegals are professionals, and it is important to take pride in your appearance.

According to Trial Coordinator Jackie Struss, getting to know the court staff helps to build a working relationship, which makes it easier to understand each other. A difficult part of her job is knowing that courts post notices of deadlines or special procedures, but firms still call and ask for those same details. Take note of deadlines provided by the court. If a court's website is available, Ms. Struss encourages you to check it and read the valuable information and procedures. The court system wants to communicate with the legal community, and they are working to save time for all involved by providing detailed information to the public.

HCDC court clerks handle hearing dates for motions, and are generally the file keepers. Trial Coordinators handle the trial dockets and associated questions. Most of the courts like to have jury charges submitted to the trial coordinators in Microsoft Word format at the appropriately requested time.

No matter the court, staff consistently wanted paralegals to know that they are there to answer questions and help them with their practice before the court. Take note of valuable information, and email or call them if necessary. Read the local rules of practicing in Harris County, and then work your way to www.justex.net to

learn about the Judge and their staff in a particular case. That valuable information will save you time and headache later.

One of my personal favorite quotes



is "you catch more flies with honey than you do with vinegar." No matter the origin, this is especially true when communicating with the courts. Remember,

the HCDC courts have fairly heavy dockets, and receive calls from counsel and their staff daily in volume. Your kind words and soft tone may make their day!

Submitted by Jennifer Evans, paralegal, at Hartline Dacus Barger Dreyer LLP (<https://www.hdbdlaw.com/>).

Tarrant County Filing Tips

By Michele E. Rayburn, PLS, CP, TBLS-BCP

As most of you know, I began my new job as Court Coordinator of the 348th Court on January 3. After three months on the job, while I am still learning, I definitely have a better insight into Tarrant County. Below are some items that you can do to make the Court's job easier:

- The clerks do NOT want "enclosed please find" letters; it is more to print, it uses more paper, and it takes up more space. They ONLY want the document, except when asking for something specific, such as an Order. The clerks have to print the letter, paper clip the "enclosed please find" letter to the document, and hope it doesn't get lost when coming down to me, going to the Judge to review, and then going back. It simply is NOT necessary or wanted!
- A Certificate of Written Discovery TAKES THE PLACE OF the discovery; you do NOT file both a Certificate of Written Discovery and the discovery itself!
- Notice of filing affidavits--they would appreciate one document with all the affidavits attached instead of 10 individual ones!
- The clerks do NOT print anything after 300 pages and do not have to even print that many pages. They also prefer exhibits to be attached to the document (maybe separated in half if too big) but do NOT want separate Exhibit A, B, C, through AA, etc. It takes more time to open and is so much easier to attach to the documents.

General Tips I've seen since becoming coordinator:

Please check and re-check your documents. I have no idea how unsigned documents get accepted, but they do. I have found several where they sign the certificate of service, but not the actual

document. I have also found where no email has been added to the signature of the attorney.

If your case settled or is in the process of settling or is more than likely going to be moved from a specific trial setting, please call the Court at the time you know the information and let the Court know. We all have dockets to maintain, and when we have ten cases set and five are settled months ago, our dockets fall apart. Had we had the information earlier, we could have put other cases on that trial date.

Enunciate name, cause number, and telephone number and REPEAT telephone number and name at the end SLOWLY. Understanding names is more of a problem than you may realize.

Please do not call the coordinators for copies, but the clerks who handle all the copy requests. Also do not call the coordinators to check on citations—again that is handled by the clerks.

Do not use 30 days, 45 days, and 90 days out from trial setting in a scheduling order. I have never liked doing that because I always wanted to know the exact date. But now on this side, I have to calculate these dates before I can ever set the pre-trial conference because I do not know what the dates are and I do not want the hearing coming before the deadline. Does this make sense—do you understand what I'm saying? So always check the Court's pre-trial scheduling order requirements. Some have specific forms.

Each attorney vacation schedule is entered into the database so we do NOT need a letter for every case. However, I realize attorneys are going to want to still do that, but I go in to enter the ones that come to me and they have already been entered. In other words, they are NOT court specific. Whenever I try to set a trial or hearing, an "error" message pops up with an attorney vacation conflict if there is one. Pretty neat actually!

You can go to any of the Courts on the Tarrant County website and most will have some type of specific procedure and

what type of equipment each Court has. My Court, the 348th, is in the process of adding policies and procedures. The most important for my Court now is that Judge Wallach REQUIRES a Certificate of Conference on a motion for summary judgment.

There may be several "procedures" or "policies" that you do not like. Please just accept it as a Judge's requirement and please do not berate the coordinators when you call. We are only doing as we are advised.

I am actually extremely happy to be a Court Coordinator. All of the court staff and Judges are nice and ALWAYS willing to help. It is a great crew, and I could not have wished for anything better after over 40 years of private practice. The days go by fast because we are always busy drafting orders or letters or emails and answering the phones and setting hearings and trials. Since a lot of you know me, you can imagine what the most difficult thing for me to remember is: I CANNOT GIVE ADVICE. It is so difficult for me to not tell an attorney, a pro se, or paralegal/secretary how to do something. That to me is the biggest challenge.

So first go to the Court's individual website for your answers and then if you are not satisfied, call the Coordinator.

Tarrant County Courts System link: <http://www.tarrantcounty.com/en/courts.html?linklocation=supermenu&linkname=Courts>

__ Civil District Courts Tarrant County link: <http://www.tarrant-county.com/en/civil-courts/district-courts.html?linklocation=Civil Courts&linkname=Civil District Courts>

I hope the above is helpful.



Michelle E. Rayburn is the Court Coordinator for the 348th Judicial District Court, Tarrant County, Texas

Before You Make that Call

Travis County Courts at Law No. 1 and 2

As you sit with a warm cup of coffee in your hand and begin to tackle your daily tasks with confidence, you realize you may need to contact a court that your attorney rarely appears in front of. The questions start popping in your head: What are the procedures required for settings? Does this require a hearing? Do they have a submission docket? You peruse the local rules but still don't find all the answers you need. We wrote this article in hopes that we could help you find the answers you seek. Listed below are the answers to the most common questions asked.

- Local Rule 2.3 requires you to confer with opposing counsel or pro-se party before setting any case with the County Courts at Law. If the opposing party does not respond to your attempt to confer, please contact our office to set your hearing. Confer means talking to the other side whether by email, phone or fax. **Confer does not mean leaving a voicemail at 1:00 p.m. then calling the court at 1:15 p.m. and stating you**

have attempted to call but no one has returned your call.

- County Courts at Law do not send out notice of hearings nor sign fiats or orders setting hearings. Also, court staff will not set a matter on the docket upon receipt of a notice of hearing and/or letter requesting such. **Courts 1 and 2 maintain a central docket so you can contact either one of our offices by phone or email to set your case.**
- Motions that require a hearing included but not limited to are: summary judgment, application for turnover, new trial, compel, writ of possession, etc. If you are unsure if a motion requires a hearing, please contact our office to confirm. Unopposed motions still require a hearing unless opposing counsel provides signature. **Example at end of article.**
- Motions that typically do not require a hearing, included but not limited to are: dismissals, nonsuits, substitute service, default judgments and any agreed orders. We do not have a submission docket. These motions can be presented during uncontested docket

or if your attorney prefers, the Travis County Clerk's Office will forward your motion and order to the court for signature. Please include signatures of all parties and/or counsel on any agreed orders.

- Announce ready for your hearing by the Wednesday of the preceding week of the docket. All unannounced hearings will be placed at the bottom of the docket, and will be heard only after all announced cases have been reached. (Example: A jury trial setting for October 23rd, 2017, and a pretrial setting for October 18th, 2017. The announcing period for the pre-trial is from October 9th-11th and for the trial the announcement time is October 16th-18th, 2017).
- Provide courtesy copies of motions and proposed orders during your hearing. This is especially important for late filings since the documents may not be available in our case management system for the judges to review. Although we have entered into the digital age, some judges still prefer paper copies of motions and orders. Please prepare

ACCEPTABLE

CAUSE No. _____

IN THE COUNTY COURT AT LAW No. 2
TRAVIS COUNTY, TEXAS

Plaintiff _____
v.
Defendant _____

AGREED ORDER OF DISMISSAL WITH PREJUDICE

On this date came on to be considered the parties' Agreed Motion to Dismiss with Prejudice, which being in order is hereby granted.

IT IS, THEREFORE, ORDERED that all claims that were or could have been asserted herein by or against any party, are dismissed with prejudice, with each party to bear its own costs.

IT IS SO ORDERED this ____ day of _____, 2017.

JUDGE PRESIDING

Agreed:

Troy Harber
Troy Harber
Attorney for Plaintiff

David R. Gibson
David R. Gibson
Attorney for Defendants

AGREED ORDER OF DISMISSAL WITH PREJUDICE

SOLO PAGE

**PROBABLY WILL NOT
OBTAIN SIGNATURE**

CAUSE No. _____

IN THE COUNTY COURT AT LAW No. 2
TRAVIS COUNTY, TEXAS

Plaintiff _____
v.
Defendant _____

AGREED ORDER OF DISMISSAL WITH PREJUDICE

On this date came on to be considered the parties' Agreed Motion to Dismiss with Prejudice, which being in order is hereby granted.

IT IS, THEREFORE, ORDERED that all claims that were or could have been asserted herein by or against any party, are dismissed with prejudice, with each party to bear its own costs.

IT IS SO ORDERED this ____ day of _____, 2017.

JUDGE PRESIDING

Agreed:

Troy Harber
Troy Harber
Attorney for Plaintiff

AGREED ORDER OF DISMISSAL WITH PREJUDICE

SOLO PAGE

notebooks, these are essential. Also, do not let your attorney appear in court without a proposed order. **Again, DO NOT LET YOUR ATTORNEY APPEAR IN COURT WITHOUT A PROPOSED ORDER.**

- Settings and announcements can be done by phone and email, although, email is preferred. The docket call announcement form can be faxed in.
- It is important to update attorney contact information with the clerk's office to ensure you receive all notices from the court as well.
- Pursuant to Tex. R. Civ. P. 21 (f)(2), attorney contact information must include an email address on all e-filed pleadings. **Please ensure an email address is included on all pleadings.**
- Help our docket run efficiently and smoothly by setting and announcing cases for the actual time needed for the hearing.
- Notify court staff by phone if counsel is running late for docket call. If your attorney is double booked, i.e. in district court, explain to the court your situation. This way the court will be more willing to wait. **Failure to do so may result in an order being signed**

against your client.

- Inform our office when a matter settles and/or needs to be removed from the docket. This enables us to better manage our docket.
- **Court Reporters—Your attorney must provide our court reporters with business cards.** If an attorney has a difficult name or different spelling, please have your attorney spell the name out for the record. For example: Judge Eric Shepperd, there are different spellings for Shepperd; Shephard, Sheppard and so on. This information helps in providing an accurate and timely transcript. All transcript requests go through the court reporter and must be requested in writing.
- Telephone Conferences—if you are an out of town attorney the court expects you to appear for your hearing and only under certain circumstances will the court allow attorneys to appear by telephone. **However, this option is not recommended and should be rarely used. Please attempt to find local counsel for appearance, if possible.**

Contact information and forms for Travis County Courts at Law No. 1 and 2 are

available online at <https://www.travis-countytx.gov/courts/files/civil-county>. Forms included are the 2017 Docket Schedule, Docket Call Form, Local Rules, Quick Reference Guide and E-Courtroom Training Guide. If you still have questions, please don't hesitate to contact our offices although we can both agree that fewer phone calls are a good thing. ☺

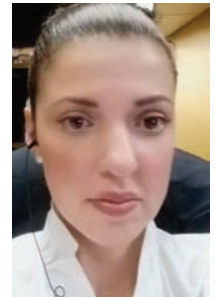
By:

Catherine Jones

Court Operations Officer, Travis County Court at Law No. 1

Priscela Valladares

Court Operations Officer, Travis County Court at Law No. 2



THE NATIONAL ACADEMY OF DISTINGUISHED NEUTRALS

ATTENTION LITIGATION STAFF



OVER 60 OF TEXAS' PREMIER CIVIL-TRIAL MEDIATORS & ARBITRATORS NOW PUBLISH THEIR AVAILABLE DATES ONLINE

Save HOURS of scheduling time directly at

www.TexasNeutrals.org

This online calendaring service is entirely free, funded by the members of our Texas Chapter of the Academy. To view the National Academy's free database of over 1000 top-rated mediators & arbitrators, simply visit www.NADN.org/directory



Texas Notary Laws—Updates and Best Practices

Ellen Lockwood, ACP, RP

Verifying Signer's Identity

Notaries may only accept valid, non-expired, government-issued (state or federal) identifications, which includes the signer's photo and signature, to verify a signer's identity. Notaries who have personal knowledge of the signer through an interaction and association with the signer may use that knowledge to verify the signer's identity.

Alternatively, the signer's identity may be verified by the oath of a credible witness. The witness must:

- be believable
- personally know the signer
- notary must personally know the witness
- notary must place witness under oath to swear or affirm identity of signer

Notarial Certificates

It is considered the unauthorized practice of law (UPL) for anyone other than a licensed attorney to choose the correct notarial certificate. If a document does not have a notarial certificate and no attorney is available, the notary should suggest the signer return the document to source to request a notarial certificate be added.

Signers with Disabilities and Other Issues

Visual Impairment

The notary may ask the signer if she would like the notary to read the document aloud before signing. Notaries are prohibited from explaining anything about the document or its contents.

Hearing or Speech Impairment

If the signer can lip read, the notary may

proceed with notarization. If not, the notary should refer signer to a notary who can communicate directly with the signer. The user of an interpreter is not appropriate, as the notary cannot verify the translation.

Illiterate or Physically Unable to Sign

If the signer is illiterate, the notary may ask if the signer would like to notary to read the document aloud before signing.

If a "mark" is the signer's legal signature, the signer may sign with his mark in the presence of at least one, and preferably two, witnesses. One of the witnesses should print the signer's name under the signer's mark and also write "his/her mark."

The notary may sign for a signer who is physically unable to sign or make his or her mark if the notary is directed to do so by the signer, and in the presence of at least one, and preferably two, witnesses. The notary should include the following beneath the signature for the signer:

Signature affixed by notary in the presence of (name of witness(es)), (a) disinterested witness(es), under Section 406.0165 of the Government Code.

The witnesses should not have any legal or equitable interest, and preferably no personal or beneficial interest, in the transaction. The notary should record the name and address of any witnesses involved in the signing, as well as the identification used to verify their identities, in the notarial certificate and in the notary's record book. There are specific forms available

for these situations.

Spoken or Written Language Barrier

Although Texas law does not prohibit notarizing a document that is in a language the notary does not understand, it is not advisable as the notary will not be able to understand the purpose of the document, whether the notarial certificate is appropriate, or whether the document is complete.

If there is a spoken language barrier the notary and the signer, the notary should refuse the notarization as the notary is required to communicate directly with the signer to confirm the signer understands the document and is willing to sign it.

If the signer and notary share a common language but the document is in a language neither understands, a certified translation may be utilized, with the translator signing the specific affidavit form for the translators. The translator should not be a party to the transaction or have a beneficial interest in it, should be fluent in the language of the document, as well as the common language of the notary and signer. The translator's translation and affidavit should be attached in front of the document. The notarial certificate must be on the original document and in English. The identity of the translator should also be verified, and all information included in the notary's record book.

Situations Requiring Refusal of a Notarization

Signer Disqualifications

- Signer not present
- Signer's identity cannot be properly verified
- Signer and notary do not speak the same language
- Signer unwilling to swear or affirm the contents of a document that requires an oath or affirmation
- Signer appears confused, disoriented, or lacks the mental capacity to sign
- Notary believes signer is being coerced to sign

Document Disqualifications

- Document contains blank spaces or missing pages
- No notarial certificate

Notary Disqualifications

- Notary is a party to or has financial or

beneficial interest in transaction

- Notary is signer of the document
- Signer is the spouse or other relative of the notary; notaries are strongly advised to avoid notarizing a document for any relative

Other Situations

- Notary knows or suspects transaction is false, illegal, or deceptive
- Not an authorized notarial act
- Request violates notary's workplace guidelines

Notaries may also refuse notarizations in the following situations:

- If signer is unwilling or unable to pay fee
- If request is made outside of office hours

Notaries **may not** refuse to perform a notarization because of a bias against the signer, or because the documents may be considered controversial.

UPL

In Mexico, as well as several other countries, a Notary Public is an attorney or trained legal professional. In order to avoid deception and invalid assumptions, it is illegal in Texas for a notary to do any of the following:

- State or imply that he is a licensed Texas attorney
- Solicit or accept compensation for preparing legal documents or represent someone in a judicial or administrative proceeding
- Use NOTARIO or NOTARIO PUBLICO to advertise notary services
- Advertise in a language other than English unless certain additional language requirements are met

To protect themselves as well as signers, notaries should be sure to correct any use of the terms *Notario* or *Notario Publico*. If the notary believes the signer does not understand she is not a *Notario* or *Notario Publico*, she should decline the notarization and refer the signer to a notary who can explain the difference in the language in which the notary is most comfortable.

New Texas Notary Stamp Law

On January 1, 2016, Texas began requir-

ing notary stamps to include the notary's identification number. This law was not intended to effect current notaries, only notaries obtaining or renewing their commissions after January 1, 2016. However, the State Bar of Texas, specifically the Real Estate Section, has opined that the wording of the law is a bit unclear and they recommend current notaries order new stamps with their identification numbers to avoid potential issues. This is especially important for notaries who work in real estate and estate planning and probate.

Webcam eNotarizations

Webcam eNotarizations are currently only permitted in Montana and Virginia. During webcam eNotarizations, the documents, whether in PDF or Word, are signed using e-signing software and the documents are then rendered "tamper-evident." Notaries are required to keep an electronic register of the notarization, as well a video recording of the notarization.

In Virginia, notaries may use personal knowledge and credible identifying witnesses, as well as "knowledge-based authentication" (KBA). With KBA, the signer provides his social security number

to an identity services provider. The provider compiles challenge-response questions from credit bureau databases and provides those questions to the notary. If the signer cannot correctly answer a specific number of questions within a short period of time, the notary will refuse to perform the notarization.



Ellen Lockwood, ACP, RP, is the Chair of the Professional Ethics Committee of the Paralegal Division and a past president of the Division.

She is a frequent speaker on paralegal ethics and intellectual property and the lead author of the Division's Paralegal Ethics Handbook published by Thomson Reuters. You may follow her at www.twitter.com/paralegalethics and she may be contacted at ethics@txpd.org.

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The PD Travels to Lucerne, Switzerland!

By Megan Goor, TBLS-BCP, President



On April 21st, a group of 21 departed from different parts of Texas to join together at Dulles International Airport to embark upon their exciting journey to Lucerne, Switzerland. The group arrived in Zurich early Saturday morning and enjoyed a beautiful country-side drive from Zurich to Lucerne. The group stayed at the Wilden Mann Hotel which was celebrating its 500th year!

There was a welcome dinner that night at the hotel and the group enjoyed some phenomenal food and learned about the plans for the week to come. Day 2—The tour manager, Chris Relton, took the group on a walking tour around Lucerne to admire the different



town squares, architecture, and medieval bridges with the Swiss Alps as a backdrop! This was followed by a tour of the art museum with Picasso, local artist, Paul Klee, and others. Afterwards, some travelers went to Mt. Pilatus and some to the

Nine Towers to walk the fortress wall that once protected this town throughout the centuries. Day 3—The group took a water-front cruise by boat touring the 44 sq. miles of Lake Lucerne. The group stopped for a walk up to Rutli meadow where the Oath of the Confederation was signed in 1291. Mr. Relton, as he did for every stop, educated the group with its history and significant meaning. The group even heard beautiful yodeling from the mountains above! Then, the group enjoyed a fantastic outdoor lunch at a mountainside café with an EPIC view of the Swiss Alps.

They also visited Altdorf, where the famous tale of Wilhelm Tell originated, and Tellskapelle, the chapel on Lake



Lucerne depicting the Tell story in beautiful murals! Day 4—Some of the group took the opportunity to take a train and have a bite to eat in Como, Italy, while some went to Zurich and some used this “free day” to souvenir shop and eat incredibly oversized portions of chicken pot pie!!

Day 5—The group had a full day excursion to a living museum in Ballenberg to experience the different geographical areas of the Swiss heritage, including wood-working, cheese-making and farming. (Just a fun fact: Cows adorn cow bells in various sizes in correlation to the seniority and for the farmer to help locate them. You will see small to grand bells. Here is a photo of some of the larger senior bells. There is a melodic sound that is created from this hierarchy. Also see <https://www.facebook.com/ParalegalsTravelOverseas/videos/1861913787416159/> for the video of this

melodic experience.)

The group enjoyed lunch with a lake-side view in Brienz and to observe master woodcarvers. This is a trade so highly skilled and prized that students have to take an entrance exam and train for four years. On the way back to Lucerne, the group had a reverent moment when they visited the Lion of Lucerne monument.

Day 6—This was another exciting day as the group spent visiting not 1, not 2, not 3, but 4 countries! Bregenz, Austria; Lindau, Germany; Vaduz, Liechtenstein; and back to Lucerne. Chris Relton was

not only the tour manager, but he is also a Solicitor, and gave a 2 hour CLE on the “Historical, Constitutional and Canon Law of Switzerland.” The beautiful weather enjoyed all week changed to rain and then snow, but that did not slow the group down! Day 7—Today was the last day in Lucerne. It was a “free” day, which was far from being free for some! Great finds, great sites, great company, and great food. The group had its farewell dinner at Hotel des Balances. They enjoyed exquisite French cuisine with magnificent ambiance and view. President Goor gave a “PD State of the Union”

to the group with many thanks to the group for their wonderful support travelling with the PD every year. Also present were Directors Jay Williams (District 2) and Jan McDaniel (District 11), and PD Coordinator, Rhonda Brashears, who were also thanked for their hard work, as well as to the Board, Chairs,



and volunteers. Also, special thanks were given to our incredibly knowledgeable tour manager, Chris Relton. Cheers to all! Day 8—All-day travelling back to the states. Some were subjected to the “black

curtain” security, but all-in-all, smooth sailing. Farewell Switzerland!! Please also visit the PD’s Face book page (<https://www.facebook.com/ParalegalsTravelOverseas/?fref=nf>) for more photos!

*Join us in 2018 when the PD Europe Trip travels to Bruges, Belgium!
(registration dates and details will be announced at www.txpd.org)*



Left to Right: Paralegal Division Members- Megan Goor, Linda Wyman, Theresa Lee, Jay Williams, Jan McDaniel, Lesley Chasteen, Cecil Wiginton, Mary McDowell, Jennifer Marek, Brenda Denny, and Rhonda Brashears



COURTEX:

News from the Office of Court Administration

Reprinted with permission from the Office of Administration CourTex

On May 27, Governor Greg Abbott signed Senate Bill 42, which increases security for judges by expanding security reporting requirements and creating a judicial security division, among other measures. The bill is named in honor of state District Judge Julie Kocurek, who survived an attempted assassination outside her home in 2015. Judge Kocurek and her family attended today's signing by the Governor.

Senate Bill 42 provides the following changes to judicial security:

- Expands security incident reporting requirements for court buildings.
- Requires the Office of Court Administration to create a judicial security division to serve as a central resource for security best practices.
- Requires presiding municipal and administrative judges to create a court security committee for all courts served by that judge.
- Requires court security officers to receive specialized court security training in their first year.
- Allows law enforcement, at their discretion, to provide personal security to a state judge who has been threatened or attacked.
- Further restricts release of personal information of current and former judges, and tasks the Office of Court Administration with ensuring compliance

This law will go into effect September 1, 2017.

Governor Signs Law Providing Confidentiality of Property Records for Judicial Employees

On May 27, Gov. Abbott signed into law SB 510, which adds current and former employees of a state or federal judge to the list of people who can have their home address information removed from the appraisal records of the tax appraisal district. State judge is broadly defined in the

section to include all judges in the state. SB 510 is effective immediately.

The State Comptroller of Public Accounts (SPCA) prescribes the form on which these confidentiality requests may be made (Property Tax Forms > Other Forms). Copies of the form 50-284 are available on the Comptroller's website or from your local appraisal district's website.

Legislative Update

140 days went by fast as the 85th Legislative Session concluded on May 29th. Hundreds of bills were passed that will have an impact on the Judicial Branch. Look for the Judicial Council/Office of Court Administration Legislative Update to be released at the end of June. Below is a short list of legislation that was passed, signed by the Governor and is effective immediately that impact the courts:

- HB 431—authorizing the appointment of temporary justices of the peace—eff. 5/29
- HB 1103—requiring exclusion of names on the suspense list in a jury wheel—eff. 5/29
- HB 2927—authorizing associate judges appointed under Chapter 201, Family Code, to render and sign final order without a signature of the referring court if the parties sign a written waiver prior to the beginning of the hearing before the AJ; authorizing AJ signature to be final if a party does not request a de novo review; ensuring that orders signed prior to May 1, 2017, with a waiver of de novo hearing are deemed final orders—eff. 5/29
- HB 3237—providing that search warrant affidavits become public when the search warrant is executed; requiring officers to return the search warrant within 3 days after executing the search warrant—eff. 5/26
- SB 44—reinstating the requirement for petition signatures for judicial candidates to get on the ballot in certain populous counties—eff. 5/23

New Forms for Petitions and Orders of Nondisclosure Are Available Online

In 2015, the Texas Legislature significantly changed the nondisclosure statute. The new statute applies to offenses occurring on or after September 1, 2015. For offenses occurring before September 2015, regardless of when the petition is filed, the old law still applies.

Before the changes in the nondisclosure law, there was one petition form, one order form, and one set of instructions used in all nondisclosure cases. Now, there are multiple petitions, orders, and sets of instructions, and a petitioner must decide which petition, order, and set of instructions, if any, apply to him or her. The Office of Court Administration has published a nondisclosure overview to help petitioners navigate the various types of nondisclosure and forms. The overview takes the petitioner through a step-by-step process to determine if he or she is eligible for an order of nondisclosure, and if so, to identify which forms and set of instructions to use. You may access the nondisclosure overview and other forms available on the website for the Texas Judicial Branch under Rules & Forms. These forms are required to be posted on district and county clerk websites.

Supreme Court creates Landlord-Tenant Forms Task Force

Earlier this month, the Supreme Court of Texas created the Landlord-Tenant Forms Task Force pursuant to Senate Bill 478, passed in the 2015 legislative session, which required the Supreme Court to make certain forms for use in landlord-tenant matters available. The order creating the task force names the members of the committee and names Judge Carlos Villa (County Court at Law No. 5, El Paso County) as the chair of the task force. Justice Jeffrey Brown is named the Supreme Court's liaison to the task force, and the order requires a status report to the Court by December 1, 2018.

Upcoming Judicial Committee on Information Technology Meeting

The next meeting of the Judicial Committee on Information Technology has been moved to August 11th, 2017. The committee is expected to decide on the next version of the technology standards that governs the eFiling system.

Update on Criminal eFiling

More than 88 counties are configured and ready for criminal eFiling production. Those 88 counties range in size and level of integration with the eFiling system. Tyler Technologies is working with several counties to host educational events for the local defense bar to allow lawyers who may not have eFiled to learn how to eFile. The first criminal mandate for the ten most populous counties goes into place on July 1st.

Update on Re:SearchTX

OCA continues to work with Tyler Technologies and a group of clerks that have volunteered to be pilot clerks. These clerks will be beta testing functions to allow attorneys of record to view documents that have been eFiled in their cases. Tyler is working with counties of varying size and case management implementations. Depending on those tests and how counties integrate with re:SearchTX, functionality for clerks and attorneys of record could be available as early as fall 2017.

Research & Court Services

Spotlight: Juvenile Justice

The following resources may help you address juvenile justice issues.

2016 Juvenile Justice Handbook

The Juvenile Justice Handbook provides an overview of the modern juvenile justice system in Texas. Part I introduces the juvenile system, starting with the state and local agencies and officials who implement the law. Parts II and III describe the system from the point when a child is first reported to law enforcement authorities, through intake, adjudication, disposition and imposition of the court's order. Part IV describes a chapter in the Family Code titled Rights and Responsibilities of Parents and Other Eligible Persons, and Part V reviews the types of cases involving

children that are handled by justice and municipal courts.

Source: Office of the Attorney General

Why Early Matters for Healthy Brain and Child Development

Advances in medical technology and the social sciences have given us a better understanding of adolescent brain development. During adolescence areas of the brain associated with decision-making develop at different rates. This impacts a youth's ability to process information and the behavioral choices they make. Environmental influences from parents, peers and social systems also contribute to a youth's current and future functioning. These aspects of brain development highlight the need for juvenile justice professionals to consider the impact of interventions and programs that are used with youth in the justice setting. This lecture by Dr. Pat Levitt from the Keck School of Medicine of University of Southern California, explores these issues.

Source: The Urban Child Institute

Raising the Age: 17-Year-Olds in the Criminal Justice System

This report provides a look at arrests, jail bookings, and case outcomes among 17-year-olds in Texas from 2012 to 2015. The data show that 17-year-olds are much like their 16-year-old peers when it comes to offense patterns. Most of the crimes for which they are arrested for are low-level misdemeanors, dispelling concerns that raising the age would pose a significant threat to public safety. In fact, the higher decrease in arrest rates for 16-year-olds suggests that their 17-year-old peers will benefit from the more rehabilitative focus of the juvenile system, enhancing the odds that raising the age will lead to a greater reduction in crime.

Source: Texas Appleseed

Racial and Ethnic Disparities Reduction Practice Manual

The Racial and Ethnic Disparities Reduction Practice Manual (RED Practice Manual) is a tool for public officials, agency administrators, community leaders, parents, and other advocates for children who are working to create more equitable and effective juvenile justice systems. The

RED Practice Manual provides practitioners with concrete guidance and strategies, downloadable tools and resources, and examples of successful reform work in jurisdictions throughout the country.

Source: Center for Children's Law and Policy

Essential Elements of a Trauma-Informed Juvenile Justice System

This resource was created by mental health clinicians, juvenile justice professionals, researchers, and family members, to help programs who work with justice-involved youth better understand the steps they can take to recognize and respond to the trauma-related needs of youth, family members, and staff.

Source: The National Child Traumatic Stress Network

Screening and Assessment in Juvenile Justice Systems: Identifying Mental Health Needs and Risk of Reoffending

Each year, more than 2 million children, youth, and young adults formally come into contact with the juvenile justice system, while millions more are at risk of involvement with the system. Of those children, youth, and young adults, a large number (65–70 percent) have at least one diagnosable mental health need, and 20–25 percent have serious emotional issues. This brief highlights the benefits of adopting screening and assessment tools for both mental health problems and risk of reoffending among many youth populations.

Source: John D. and Catherine T. MacArthur Foundation: Models for Change—Systems Reform in Juvenile Justice

For additional information on this topic or to discuss how OCA can help you with issues related to juvenile justice, please contact OCA's Scott Griffith, Director of Research and Court Services, or Amanda Stites, Court Services Manager at (512) 463-1625.

Attorney General Opinion on Authority over Specialty Court Staff

Government Code Chapter 124 authorizes a county commissioners court to establish a veterans treatment court program. On November 13, 2016, Bexar County

Attorney, Honorable Nicholas “Nico” LaHood, requested an opinion from the Office of Attorney General (OAG) [RQ-0139-KP] to determine whether a county commissioners court’s authority to establish a veterans treatment court program also authorizes a county commissioners court to direct and control the administrative details of the program, including the hiring and supervision of grant-funded personnel.

The OAG opinion [KP-0146] noted not only is Chapter 124 silent to employment of veterans treatment court program staff, neither does it specify the authority or duties of a county commissioners court beyond its authority to establish a veterans treatment court program. Upon review of existing statutes and case law, the OAG concluded that Chapter 124 authorizes a veterans treatment court judge, through the court’s general and inherent authority, to select staff to assist the veterans treatment court not the county commissioners court.

Judicial Appointments

Supreme Court of Texas Chief Justice Nathan L. Hecht has reappointed Justice William Boyce, Presiding Judge Kelly

Moore, and Justice of the Peace Valencia Nash to the Texas Judicial Council. Justice Hecht also appointed Judge Vivian Torres and Presiding Judge Edward Spillane, III as new members to the Council. All are appointed for terms set to expire February 1, 2021.

Misc. Docket No. 17-9038

Resources

Personal Security for Judges Webcast
The National Judicial College will be putting on a free webcast August 16. For Information and to Register

Managing High Profile Cases

The Conference of Court Public Information Officers (CCPIO) in conjunction with the National Judicial College, National Center for State Courts and the State Justice Institute have developed a new website to assist trial judges and court staff in planning for and managing high-profile cases. Despite the variety of circumstances that have pushed cases into the national spotlight, some techniques have proven useful and have become routine practice in high-profile cases. This resource provides valuable tools for managing high-profile cases.

National Group Releases “Courts Disrupted” Resource Bulletin

This month, the national Joint Technology Committee released “Courts Disrupted,” which focuses on how technology and innovation have the potential to disrupt the business of the court community. The paper provides several specific examples of disruption likely to occur and suggests how courts should prepare and respond to the potential disruption.

JTC Resource Bulletin: Courts Disrupted

Judicial Training Resource Links

- <http://www.yourhonor.com/web/Online/Education/Conferences>
- <http://www.tjctc.org/>
- <http://www.tmcce.com/programs/judges>

About the OCA

OCA is a state agency in the judicial branch that operates under the direction and supervision of the Supreme Court of Texas and the chief justice and is governed primarily by Chapter 72 of the Texas Government Code. www.txcourts.gov

100 PD Club

(PD Members for 2016–2017)

Adams and Graham, L.L.P. (Harlingen)
DeShazo & Nesbitt, LLP (Austin)
Homeowners of America Insurance Company (Irving)
Justin Brands, Inc. (Fort Worth)
Law Office of Anne Ashby, PLLC (Dallas)
Law Offices of Hilda Sibrian (Houston)
Law Offices of Jason Smith (Fort Worth)
Law Office of Robert E. Raesz, Jr. (Austin)
NGP Energy Capital Management, LLC (Irving)

Noelke Maples St. Leger Bryant, LLP (Austin)
Price & Price (Conroe)
The Brender Law Firm (Fort Worth)
The Porter Law Firm, P.C. (Tyler)
The Seiler Law Firm, PLLC (The Woodlands)
The Woodmont Company (Fort Worth)
Hon. D. Michael Wallach (f/k/a Wallach & Andrews) (Fort Worth)
Williamson-Dickie Mfg. Co. (Fort Worth)

Law firms and legal departments with 100% of their paralegals enrolled as PD members for 2016-2017 qualify for the “100 PD Club” to be featured in this edition. For a “100 PD Club” form for 2017–2018, please e-mail Megan Goor, at tpj@txpd.org, and type “100 PD Club” in the subject line after October 1st.

M E M O R I A L S

Holly Huckabee, TBLS-BCP



Holly Huckabee, of Katy, TX, died on July 30, 2016. She worked for John K. Grubb & Associates, in Houston, as a paralegal

from 2008 to 2016. She was the District 1 Director for the Paralegal Division and Board Certified in Family Law by the Texas Board of Legal Specialization. She was family-oriented and involved with pro bono and community activities. She is survived by Robert S. Smith (father); Leslie J. Smith (daughter); Bradley T. Huckabee (son); and Tammy S. Modgling (sister).

In honor of Holly Huckabee, the Houston Metropolitan Paralegal Association (HMPA) will be giving the 2017 HMPA Scholarship to TAPS in Holly's name. As a member of HMPA and the Paralegal Division, State Bar of Texas, Holly was the very definition of a committed, unifying leader. She was a passionate advocate for pro bono and community service initiatives and always, always stood for the professional advancement of the paralegal profession. As District 1 Director of the Paralegal Division, she gave tirelessly of herself to ensure that all paralegals received the educational, networking and professional resources they needed.

Martha Maze, CLA



Martha Maze, of Atascosita/Humble, TX, died on April 26, 2016. Martha was a long-time legal secretary working in Orange and Beaumont.

She worked for Orgain Bell & Tucker, LLP Beaumont from August 1980 until her retirement. Martha was a legal secretary to David J. Kreager and D. Allan Jones, and then became one of the first legal assistants utilized by the firm in the mid-1980s. Martha was president of Southeast Texas Association of Legal Assistants twice, 1986–1987 and 1992–1993. She was Legal Assistant of the Year for 1989–1991, and served as District 10 Director for the Legal Assistants Division of the State Bar of Texas from 1998–2000. Martha had a marvelous sense of humor with very little filter; as someone said at her memorial service, you never knew what would come out of her mouth. Her main loves were her children, grandchildren and great-grandchildren, and her many friends and colleagues. She is survived by her sons, Gary and Greg Maze; brother, Michael Abbott (attorney in Orange, Texas); and sister-in-law, Kay.

Wendi Rogers, CLA, TBLS-BCP



Wendi Rogers, of Tom Bean, TX, died on December 31, 2016. She worked for Martin & Martin Law as a Senior Paralegal

from 2007 to 2016. She was a CLA and Board Certified Paralegal in Personal Injury Trial Law by TBLS since 1994, won DAPA Paralegal of the Year, and NFPA's William R. Robie Award in 2004. Wendi was a past Paralegal Division District 2 Director and President (1996–1998). Wendi was a mentor and friend to so many. She was positive, encouraging, patient, intuitive, a talented paralegal, and coached children's athletics. She had a wonderful attitude and loved her career and helping others. Wendi is survived by her husband, Steven; daughter, Emily; son, Bobby;

parents; and sister.

A charitable fund has been created in Wendi's name and honor to carry on her mission in life, to mentor and help others. The Fund will be supporting non-profit Mentor, Community and Pro Bono programs. The first Mentor/Protégé Experience in Wendi's name is July 29, 2017 in Dallas, Texas. Donations to the Wendi Atwood Rogers Memorial Fund are established through Fidelity Charitable, a 501(c)(3). Checks should be made payable to Fidelity Charitable and sent to P.O. Box 770001, Cincinnati, OH 45277-0053, with a memo directing it to the Fund.

Janabeth Taylor, R.N., R.N.C.



Janabeth Fleming Taylor, of Corpus Christi, TX, died on May 31, 2016. She was the owner of Attorney's Medical Services, Inc. Janabeth

received 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 10 years and had been a medical legal consultant since 1990. She was awarded the ATLA Paralegal of the Year Award in 2002. She served as Paralegal Division Professional Development Chair in 2005–2006 and has made countless contributions to the *Texas Paralegal Journal* and others. Janabeth was a truly bright light in the world of paralegals in the State Bar of Texas. She was always a wealth of information and more than happy to help her colleagues. Many of us knew her only through the State Bar Paralegal Division email group. We are all better paralegals because of the hard work and vast research Janabeth did on numerous legal topics and so selflessly shared with the rest of us. We

will never forget her valuable contribution to our profession. She is survived by her husband, Herb Taylor; Melissa Gaudet and James Evans, children; and grandchildren.

Sharon Vettters

Sharon Vettters, of Helotes, TX, died on September 26, 2016. She worked for West & West, in San Antonio, as a paralegal, from 1967 to 2016. She was named 2014 Paralegal of the Year, member of the



South Texas Organization of Paralegals, Alamo Area Paralegals (now San Antonio Paralegal Association). She was a founding

member of the Helotes PRCA Rodeo and Director Emeritus of the San Antonio Livestock Exposition, Inc. Sharon is survived by: husband, Dick Vettters; sons, Darrin Gannaway and Jeb Vettters; sister, Dorothy Leinweber; and grandchildren.

To submit a memorial for a PD member, e-mail Megan Goor, at tpj@txpd.org, and indicate "Memorials Form" in the subject line.

PARALEGAL DIVISION ONLINE STORE

A Division With Vision . . . Empowering Paralegals!

About us. . .

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

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

www.txpd.org

PD and 35th Anniversary Products

The Paralegal Division was created in 1981. This year, we are celebrating our 35th Anniversary and offering the all products with our 35th Anniversary seal! These products will be available for a limited time.

The PD is offering PD products with its traditional logo, as well as 35th Anniversary logo products (in Black and White or Bronze).

Go to the PD online store today!

<http://www.cafepress.com/paralegaldivision>



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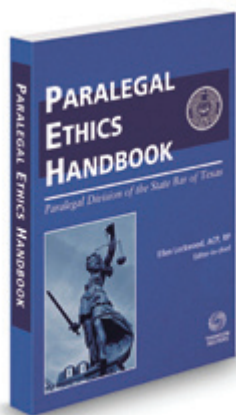
Join PD and reap the benefits!

Below is a highlight of a few of the benefits that can make your membership invaluable.

- » **E-Group Forum:** Join the members-only forum with hot topics, forms, ethics, and general questions posted and answered by paralegals. The eGroup is a way for members to share information and to obtain input to help address questions. Say you have a question and think the group would be a good resource; you could send your question to the eGroup. In a matter of minutes, you can have an answer to your question, a fresh idea about the matter, or a lead in the right direction. The amount of time that you can save with the eGroup is worth the cost of membership alone.
- » **CLE:** The Paralegal Division provides many opportunities to obtain CLE. Every year the Paralegal Division sponsors the Texas Advanced Paralegal Seminar (TAPS), a 3-day CLE seminar where you can obtain up to 14 hours of CLE for one low great price. A majority of the topics are TBLS approved for those board certified paralegals. If you are not able to attend TAPS, the Paralegal Division provides other opportunities by providing at least 3 hours of CLE in your district and online CLE. The Paralegal Division has over 60 different CLE topics available online for those paralegals that are not able to attend CLE outside of the office. You can obtain your CLE hours while at your computer.
- » **Mentor Program:** The mentor program is available to all members of the Paralegal Division. The purpose of this program is to provide support on topics such as ethics, career advancement, professionalism, and the Division. Mentors will provide support, guidance, and direction to new paralegals that will strengthen their links to the paralegal community, and contribute to their success as a paralegal. Protégés also have access to valuable networking opportunities with other paralegals and the legal community through their mentor, as well as at state-wide and district Paralegal Division events.

Membership criteria and additional member benefits can be found at www.txpd.org under "Membership" tab. All applications are accepted and processed online at www.txpd.org/apply. Dues payment accepted by check, money order or credit card. Questions regarding membership in the Paralegal Division can be forwarded to pd@txpd.org or memberchair@txpd.org.

A Division with Vision... Empowering Paralegals!



The Paralegal Ethics Handbook, 2016 ed.

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

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

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

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

Features & Benefits:

Format:Book - softbound

Components:Print1

Pages:310

Print Product Number:40638127

Print Price: \$110.00

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PARALEGALS

Texas Bar College

Associate Membership

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REQUIREMENTS

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

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

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

PURPOSE

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

BENEFITS

- A certificate of membership and a leather portfolio with the Texas Bar College logo
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