

FALL 2017 VOL. 23 NO.2

TPJ

*Texas Paralegal Journal*



TAPS

*UnMasqued*

KNOWLEDGE AWAITS

2017





# Trailblazing Personal Service.

*They care about each and every client.* - Jodi G, New York

*Thank your team for making my job so much easier.* - Kathryn D, Atlanta

*Thank you for the continued, invaluable, dependable service!* - Renee L, Dallas

- ★ **Registered Agent**  
Annual Representation  
Annual Report Management  
Specialty Agreement &  
Agency Representation
- ★ **Corporate**  
Filing Services  
Document Retrieval
- ★ **UCC (State & Local)**  
Filing Services  
Search Services  
Document Retrieval  
Real Estate Filings
- ★ **Client Access Portal**

Here at Capitol Services, the level of personal service that we provide is so important to us that we've identified it as one of our company values. We know that you have options. We want you to know that among those options is a nationwide service provider that is client-focused, values integrity and accountability, and offers experienced industry guidance in locations that span each North American time zone so as to best serve you.

When it comes to your business and your desk, you come first. After all, we've been forging the best path to personal service since 1978.



**8 0 0 . 3 4 5 . 4 6 4 7**  
**CAPITOLSERVICES.COM**

**Headquarters:**  
206 East 9th Street  
Suite 1300  
Austin, Texas 78701

# PRESIDENT'S *Message*

Mona H. Tucker, ACP

## Be Grateful

I am humbled and grateful for this opportunity to lead the Paralegal Division this year. What an awesome opportunity to reach people! I am grateful for the nine Presidents who led the charge during my years on the Board. I am also grateful for all the friends I've made along the way in this journey with the Division.

Do you keep a journal? Or are you a list-maker? I would encourage you to make two lists—one where you write down things you are grateful for, and the other where you list your ideas about opportunities to invest yourself in the community. Think “pay it forward”. Opportunities are all around us. Sometimes, the best antidote for feeling down in the dumps is to help someone else.

In May, we observed Memorial Day.

This is a day set aside to remember those who gave their lives for this country. In November, we will observe Veterans Day. That is the day to honor and give thanks to present and former members of the military.

Those of you who know me very well know I have a passion for our veterans. Men in my family have been involved in every war this country has fought, from the Revolutionary War right down to the present. Because of their service, I owe a debt I can never repay. I can't give them back what they lost. I can't take away the nightmares. But, I can do this: I can organize and put on free legal clinics for veterans. I can energize paralegals and attorneys to give back to those



who have given us so much.

What can you do in your own community, in your own District, to show how grateful you are? It doesn't have to be something for veterans. Maybe there's a homeless shelter where you can volunteer, just to acknowledge how thankful you are to have your own place, your own bed,

your own kitchen. Volunteer to tutor a struggling student. Maybe you can be a part of the Blanket Brigade in San Antonio, a Wills for Heroes event in East Texas, or the *Amarillo Snack Pack*. Perhaps you could volunteer at the local women's shelter or food pantry. There are so many ways we can give back.

If you need ideas on how to volunteer, contact your *District Director* <https://txpd.org/contacts.asp#contact260>. My challenge to every member is to get involved in some way to give someone a hand.

Mona H. Tucker, ACP  
2017 President, Paralegal Division, State Bar of Texas



State Bar of Texas  
**Paralegal Division**



## NEW ETHICS CLE REQUIREMENT

The Paralegal Division's vision is empowering paralegals; as such the board feels that ethics education is important. At the June 22nd meeting, the Board of Directors voted to approve that for all renewing active and associate members one (1) hour of the current six (6) CLE hours will need to be in Ethics. This new CLE requirement is effective for the 2017–2018 membership renewal period. Upon renewal, all active and associate members should remember when obtaining your six (6) CLE hours that one (1) of those hours will need to be an Ethics CLE obtained by May 31, 2018.

# TPJ

## Texas Paralegal Journal

### Focus on...

**Ten Tips for Paralegals to Recognize Lawyers Dealing with Stress, Mental Health, and Substance Use Issues**

4

**Paralegal Use of Technology in the Office and on the Run!**

9

**Brief Writing: Make Yourself Useful as Well as Ornamental**

19

**The Impact of Child Support on Adult Children with Special Needs**

22



### Hot Cites

**Recapping the Sunset Commission's Impact on the 85th Legislative Session**

26

### Columns

**President's Message**

1

**Editor's Note**

3

**Scruples: Ethical Considerations Regarding Paralegals and Privileged Communications-Client Privilege**

28

**Board of Directors Quarterly Board Meeting Summary**

30

### Et Al.

**2017 Annual Meeting** 31

**Exceptional Pro Bono Award** 33

**Award of Excellence** 34

**2017 Annual Meeting Sponsors** 36

**PD Executive Committee Officers (2017-2018)** 37

**Paralegal Division Board of Directors (2017-2018)** 39

**Paralegal Division Committee Chairs and Liaisons (2017-2018)** 40

**Paralegal Day Events** 42



# EDITOR'S *Note*

**T**he Paralegal Division has exciting events coming up this fall! "TAPS Unmasked—Knowledge Awaits 2017" is the theme for this year's upcoming Texas Advanced Paralegal Seminar ("TAPS"). This is the Paralegal Division's annual CLE event that offers up to 14 hours of CLE. It will be held on October 4–6 in Addison. Interesting and informative CLE presentations are scheduled and I would encourage you, if you get the chance, to attend a presentation you may not normally attend. Take advantage of the opportunity to learn about another topic and you might find that it will apply to you in your work or even personal life in some way! There are also several networking opportunities, including a murder mystery dinner. Please join us in the murder mystery masquerade spirit and wear your masquerade costume.

In this edition, one of the TAPS Friday's speakers, Cameron Vann, of Texas Lawyers' Assistance Program (TLAPP), touches on how paralegals and other non-attorneys should look out for signs of stress "displayed by an attorney, as well as themselves.

Mona Hart Tucker gives her first President's Message in this edition and there is an introduction of the Board of Directors and Committee Chairs. President-Elect, Stephanie Sterling, TBLS-BCP, gives a board meeting update, including an important new ethics membership requirement. Of course, Ellen Lockwood, Ethics Chair, advises about tough ethical issues in her quarterly column. You can find more ethics guidelines in the PD's Paralegal Ethics Handbook available at <https://txpd.org/page.asp?p=Ethics%20Handbook%20Flyer>.

Every 12 years, the Texas Legislature has a "Sunset" process and reviews its state agencies' success and effectiveness in carrying out the responsibilities of state government. Professional Development Chair, Donna Lynn Waldon, and District 3 Director, Mary Wintermote, provide a summary of this year's Sunset legislative session. Of course, do not miss the recap of the 2017 Annual Meeting and this year's award recipients!

The Publications Committee is always looking for articles and submissions. Please contact us at [tpj@txpd.org](mailto:tpj@txpd.org) with your ideas, suggestions, or submissions!

*Megan Goor, TBLS-BCP, Immediate Past President and TPJ Editor, is the Senior Paralegal at The Brender Law Firm, Fort Worth, TX.*



## Publications

Megan Goor, TBLS-BCP, Editor  
Rhonda J. Brashears, CP, TBLS-BCP, Coordinator  
Edna Garza, TBLS-BCP, Board Advisor

## Art Direction

David Timmons Design.  
4703 Placid Place, Austin,  
Texas 78731. Phone 512-451-4845.  
E-mail: [dtimmonso@gmail.com](mailto:dtimmonso@gmail.com)  
The Texas Paralegal Journal is electronically published four times a year as a service to the paralegal profession. An electronic copy of each issue is furnished to the members of the Paralegal Division as part of their dues.

## Paralegal Division

President—Mona Hart-Tucker, ACP  
President-Elect—Stephanie Sterling, TBLS-BCP  
Treasurer—Javan Johnson, ACP, TBLS-BCP  
Secretary—Mary R. Wintermote  
Parliamentarian—Edna Garza, TBLS-BCP  
Coordinator—Rhonda Brashears, CP, TBLS-BCP

## BOARD OF DIRECTORS

President, Mona Hart-Tucker, ACP, Daingerfield;  
President-Elect, Stephanie Sterling, TBLS-BCP, Austin; District 1 Director, Sherylyne Hollinger, RP, PHP, Houston; District 2 Director, Jay M. Williams, TBLS-BCP, Dallas; District 3 Director and Secretary, Mary R. Wintermote, Fort Worth; District 4 Director, Pam Etie, ACP, Austin; District 5 Director, Susi Boss, San Antonio; District 6 Director, Michael Akins, Lubbock; District 7 Director, Sharla Fowler, CP, Amarillo; District 10 Director, Jennifer Barnes, CP, Conroe; District 11 Director, Sandra Seutter, Midland; District 12 Director, Michelle Beecher, Denton; District 14 Director and Treasurer, Javan Johnson, ACP, TBLS-BCP, Longview; District 15 Director and Parliamentarian, Edna W. Garza, TBLS-BCP; and District 16 Director, Rebecca Lopez, El Paso.

## PUBLICATIONS COMMITTEE MEMBERS

Publications Chair: Megan Goor, TBLS-BCP  
Board Advisor: Edna Garza, TBLS-BCP (District 15)  
Sub-Chairs: Fairlee Carrier (District 1), Jeannie Shipley (District 2), Brenda Colvin, TBLS-BCP (District 4), Sharla Fowler, CP (District 7), Carmen Antol (District 15), Louise Elorreago (District 16)

DEADLINE FOR SPRING ISSUE IS DECEMBER 4, 2017. E-mail [tpj@txpd.org](mailto:tpj@txpd.org).

Texas Paralegal Journal © 2006 by the Paralegal Division, State Bar of Texas. Published quarterly in Texas by the Publications Committee of the Paralegal Division, P.O. Box 19163, Amarillo, Texas 79114. The Texas Paralegal Journal is a magazine published to provide information specifically for the members of the Paralegal Division of the State Bar of Texas, as well as for members of the paralegal community in general, both in Texas and nationwide. Opinions expressed herein are solely those of the writer and not the Board of Directors or of the Division. Publication of any advertisement herein does not imply endorsement in any manner. None of the information contained herein is intended nor should it be construed as legal advice. Inclusion and editing of material submitted is at the discretion of the editor and the editorial subcommittee.



*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.



# Ten Tips for Paralegals to Recognize Lawyers Dealing with Stress, Mental Health, and Substance Use Issues

*Cameron Vann, JD, MEd, Mediator*



Cameron Vann is one of the featured Friday morning speakers at TAPS this year.

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 one not to be missed. Here is an excerpt of some of the signs for paralegals to look for in recognizing lawyers dealing with stress and other issues:

Being in the legal profession, you realize that being a lawyer in Texas is not easy. Here is some basic information and tools to help paralegals understand and address the serious stress, mental health and substance use issues which so many attorneys face.

In Texas, it may be no surprise that lawyers suffer very high rates of mental health and substance use disorders. Lawyers are handed their clients' worst problems and are expected to solve them. They are supposed to be perfect or their reputations dwindle. If they make a mistake, it can be career changing or devastating to a client's life. There is little time to smell the roses, and when that opportunity comes, it is hard if not impossible to stop thinking about the fires which need putting out at the office. It is a tremendous understatement to say that the life of a lawyer can be very stressful and difficult.

Obviously, these are major problems. No one wants to be troubled by thinking about these issues, but they demand real attention. This article is an effort to provide some basic information and tools to help paralegals and others in contact the legal community understand and address the unique and substantial stress, mental health and substance use issues from which so many attorneys suffer.

When dealing with the spectrum of problems faced by Texas attorneys, there is no single solution which will take care of everything, but many tools are useful for both mental health and substance abuse issues. The following are ten practical tools which paralegals should consider using for prevention or to help solve a problem:

# Focus on...

## 1. Take Action!

Whether a lawyer is living in the darkness of depression or lost in a routine of substance abuse, there is a solution but it depends on *action*. Taking action requires courage. By expressing the need for help to someone, the process to peace begins. TLAP is available for any lawyer to confidentially share a desire to change the way he or she is living and to assist the person in getting the help needed. Once an attorney is able to take even the smallest action toward solving their problem, life gets better quickly.



### a. Get Professional Help.

Lawyers are slow to utilize professional assistance, perhaps due to fear of what people might think, how it might affect their practice, or being ashamed of not being able to figure it out alone. It has been said that people cannot think their way out of bad thinking. Of all people, lawyers know that using a professional who specializes in solving a particular problem is wise.

If what you are doing is not working and you would like to confidentially get professional help but do not already know a suited professional, TLAP can help guide you to licensed professionals who are a good fit for you and who are experienced in working with lawyers.

### b. Take The Steps Which Are Suggested.

Having discovered and accepted

the fact that a problem exists, it is important to accept help from people who have experience in solving that problem. Once a plan is made, it is important to accept and follow the steps suggested for getting better. Professionals and doctors may prescribe certain actions to address your problem and which may bring about major changes in the way you function and feel. Likewise, there are many 12 Step programs which provide guidance for recovery from a variety of problems and which suggest specific actions which bring about change in the way a person thinks and lives so as to overcome the "problem."

c. Get proactive. Know that this profession can wear you out. So, get an annual physical. Take a vacation (or "stay-cation"). Develop a team of experts for yourself: peer support, primary care physician, therapist and psychiatrist. Act now, do not wait to address your burnout, sense

of dread, lingering grief, daily fear, or excessive substance use intended to numb all of the above.

### d. Call TLAP.

The only way to ensure that the situation changes for you is to take action. It may be hard to figure out what action to take. If you are wondering what to do, TLAP's experienced and professional staff is available by phone 24/7 to answer your questions about substance abuse, mental health

and wellness issues. Your calls will be to attorneys with resources and helpful ideas to better your life. You can call TLAP at any time at 1-800-343-TLAP(8527). By statute, all communications are confidential pursuant to the Texas Health and Safety Code Chapter 467. TLAP services include confidential support, referrals, peer assistance, customized CLE and education, mandated monitoring, and volunteer opportunities. Without proper intervention and treatment, substance abuse and mental illness are both chronic health conditions that worsen over time. Please call and find out how TLAP can help.

## 2. Set Boundaries.

Boundaries are important for a person practicing self-care. Personal or professional boundaries are the physical, emotional and mental limits, guidelines or rules that you create to help identify your responsi-



bilities and actions in a given situation and allow you take care of yourself. They also help identify actions and behaviors that you find unacceptable. They are essential ingredients for a healthy self and a healthy law practice. In essence, they help define relationships between you and everyone else.

How does one establish healthy boundaries? Know that you have a right to personal and professional boundaries. Set clear and decisive limits and let people know what you expect and when they have crossed the line, acted inappropriately or disrespected you. Likewise, do not be afraid to ask for what you want, what you need and what actions to take if your wishes are not respected. Recognize that other's needs and feelings and demands are not more important than your own. Putting yourself last is not always the best—if you are worn out physically and mentally from putting everyone else first, you destroy your health and deprive others of your active engagement in their lives. Practice saying no and yes when appropriate and remain true to your personal and professional limits. Do not let others make the decisions for you. Healthy boundaries allow you to respect your strengths, your abilities and your individuality as well as those of others.

### 3. Connect with Others.

Connecting with others who know firsthand what you are going through can help reduce the fear and hopelessness that is often connected to mental health and substance use disorders. A growing body of research shows that the need to connect socially with others is as basic as our need for food, water and shelter. Fortunately, there are support groups available for lawyers. TLAP and the Texas Lawyers Concerned for Lawyers programs have joined together to offer and support lawyer self-help and support groups around the state. Groups are active around the state in major cities and other areas (Austin, Beaumont, Corpus Christi, Dallas,

El Paso, Ft. Worth, Houston, Lubbock, Rio Grande Valley, and San Antonio). These groups operate to support lawyers dealing with a variety of concerns, primarily stress, anxiety, substance use, addictions, and depression. A list of active groups and local contacts is available at [www.texasbar.com/TLAP](http://www.texasbar.com/TLAP).

Additionally, TLAP's resources include a dedicated and passionate group of hundreds of volunteers who can connect with a lawyer suffering from a mental health or substance use issue. These volunteers are lawyers, judges and law students who are committed to providing peer assistance to their colleagues and who have experienced their own challenges, demonstrated recovery, and are interested in helping others in the same way they were helped. TLAP volunteers uniquely know how important confidentiality is to the lawyer in crisis and are trained to help in a variety of ways: providing one-on-one peer support and assistance, sharing resources for professional help, introducing others to the local support groups and other lawyers in recovery, speaking and making presentations and a host of other activities.

### 4. Practice Acceptance.

Acceptance is a big, meaningful word which encompasses a variety of important tools for a person seeking a positive life change. First, being able to honestly accept the place where you are at present is an important step in making a change. Until a person is able to accept that the future is not here yet and that the past is gone, he or she cannot be present to focus on what is within grasp that day.

Furthermore, accepting that something is wrong is a step many lawyers resist. Perfectionism and pride play a role in learning to be a good lawyer, but the effects of those can be limiting on a person who needs to get honest about a difficulty. Acceptance of the fact that you have an issue for which help is needed is a major part of solving the problem.

### 5. Learn to Relax.

For attorneys, relaxing can seem almost impossible. The mind is an instrument, but sometimes it seems that the instrument has become the master. Breathing exercises, meditation, and mindfulness practices have been very effective for attorneys who need to relax, or “quiet the mind.” Much has been written to express how impactful these tools can be to bring about peace in the life of an attorney. There are countless variations of breathing exercises and resources to learn how to build control of your thoughts and worries. TLAP's website includes links to several of these wellness resources at [www.texasbar.com/TLAP](http://www.texasbar.com/TLAP).

*Suggestion: Calendar what you want to do.* Wishing and wanting to change are important ingredients for change but action is important. If there is something that you want to do, what would be the first thing to accomplish to move toward that goal? Calendar it. First things really do come first. Try it!

Finally, in order to relax, cultivate interests unrelated to the practice of law. This will provide you with opportunities to take a well-deserved break from your work, and, quite frankly, helps to make you a far more emotionally well-developed and interesting person. You will also meet a host of new friends and contacts who will help give some additional perspective about your life and your choices.

### 6. Practice Positive Thinking.

There is a growing body of research showing the powerful positive effects of positive thinking and positive psychology. The goal of this movement is to help people change negative styles of thinking as a way to change how they feel.

*Suggestion: Make a Gratitude List.* One way to practice positive thinking is to focus your attention on what is right in your life. This is a proven and effective way to escape the sometimes overwhelming thoughts of all of the things that may seem to be wrong. Become conscious of your





gratitude. Studies have shown that taking the time to make a list of things for which you are grateful can result in significant improvement in the way you feel and the amount of happiness you experience. Try making a list of three to five things for which you are grateful each morning for a week and see what happens.

#### **7. Help Others.**

Service work sounds like just one more thing to add to the list of things you do not have time for, but this is something helpful for you, so consider really making time to do. Obviously, until you secure your oxygen mask, you should not attempt to rescue others, but lawyers have been found to gain “intense satisfaction” from doing service work, and studies show it helps improve mental health and happiness.

For example, a researcher named Dr. Martin Seligman highlighted this theory in an experiment called “Philanthropy versus Fun,” Seligman divided up his psychology students into two groups. The first partook in pleasurable past times such as eating delicious food and going to the movies. The second group participated in philanthropic activities, volunteering in feeding the homeless or assisting the physically handicapped. What Seligman found was that the satisfaction and happiness that resulted from volunteering was far more lasting than the fleeting reward of food or entertainment. Even if you feel that it is being done for your own selfish gain, try it anyway and before long you will experience a heightened sense of peace, joy and satisfaction in life.

*Service Work Suggestions:* Try to do something kind for someone at least once a week. Try something small. If you have the time, volunteer your time to help another. Do not make the activity about you—it should be about giving to others. Whatever measure you take, large or small, remember that it will not only help others, but it will also serve to build your self-esteem, help put your life in perspective, and help

to develop and maintain a vital connection with the community in which you live.

#### **8. Live in the Present.**

This cliché phrase may be one of the most under-appreciated tools for the legal profession of any listed here. As lawyers, this sounds like a joke. Deadlines loom. Trials approach. How can this work?

Try it. Consider during your day the things which you are able to do that day. Live it “only for today.” If nothing can be done about something on your mind in the day you are in, return your focus to the things you can do that day. If you are not happy with your circumstance, what incremental thing can you do today about it? Nothing? Then move on and enjoy your today. As one attorney put it, “Be where your feet are.” The Serenity Prayer is something which can serve as a means to practice this “one day at a time” method: “God, grant me the serenity to accept the things I cannot change, The courage to change the things I can, And the wisdom to know the difference.”

#### **9. Expand your Spirituality or Consciousness.**

Whatever the variety, research has shown that expanding this area of life makes a major impact of the wellbeing of people, and particularly lawyers. Spirituality has many definitions, but at its core spirituality brings context to our lives and the struggles within them. For many lawyers dealing with the legal world and its many issues, expanding the spiritual life is invaluable. Other lawyers who do not prefer religion or traditional spiritual practices often find great benefit to expanding their consciousness by means of an expansion of an involvement in natural, philosophical, or other pursuits which bring about the contemplation of the reality of existence.

#### **10. Keep it Real.**

Recovering from a mental health or substance abuse problem requires honesty. If

you begin to feel like you should be better than you are, but you are embarrassed to let others down by admitting your true condition, you are doing yourself a major disservice. Commit to “keeping it real.” Be honest with someone about how you are doing so that you do not lose touch with those who can help.

One way to develop or ensure honesty with ourselves is to do an inventory. We all know that any business that fails to take inventory is bound to fail. People are no different. Assessing your life by taking an inventory or snapshot of your daily life can give you an idea of where you are and—of equal importance—where you want to go. Small corrections in allocation of time today will help prevent an out-of-balance life tomorrow.

Here is an exercise to help with this type of inventory: Draw a circle and divide the circle into wedges representing the time spent on your daily activities. Are you happy with the allocation of time and energy? Are there areas where you spend the majority of your time and you wish you’d spend less? Are there areas where you devote minimal or no time but wish you did? There is no right or wrong allocation. After all, it is your life and your responsibility. If your inventory highlights areas of concern, what can you do to change them? Or, better said, what would your perfect day’s circle look like? Would there be enough time for all-important life activities: work, family, self, exercise, friends, hobbies, spiritual practices, meditation, fun, sex and sleep? What’s really important to you?



*Cameron Vann, Senior Staff Attorney, Texas Lawyers’ Assistance Program. [www.tlaphelps.org](http://www.tlaphelps.org)*

# Searching Texas And Beyond

Real Property information.  
Comprehensive. Accurate. On-Time. Secure.



We Know Texas Better.™

**Hollerbach & Associates, Inc.**  
Title Research, Abstracting & Settlement Services



**210-226-2556**  
[www.hollerbach.com](http://www.hollerbach.com)



# Paralegal Use of Technology in the Office and on the Run!

By Michelle Spencer, Ernesto Gonzalez, and Brandon Turnage

## I. Introduction



Paralegals need many technology tools to keep up with the busy attorneys they support and provide exemplary customer service to their clients. In family law, this can include pulling together financial documents, assisting with items to be produced in discovery, and preparing evidence for trial. The documents paralegals work with can be anything from text messages to photos to complex financial spreadsheets or even discovery logs in Excel. Given the mobile nature of client data, there are more places and types of information to be handled. Our goal is to acquaint you with some tools and techniques that will aid in making your job as a paralegal easier.

## II. PDF Acrobatics

### A. Adobe Acrobat vs. Other Products

In addition, Acrobat offers tools for capturing websites and creating PDF portfolios from Outlook PST files, which are great tools to have when you need them. With the proliferation of electronic data being handled in most family law cases, you do not have to break the bank, but you do need a fully capable tool for working with PDF files.

All of the PDF file manipulation platforms described below have been used by numerous law firms for years and would suit the basic needs of any law office. For specific features, like redaction and Bates numbering, be sure to confirm that the level of software you are purchasing has those features you need in your practice. Another key differentiator is whether the platform will integrate with your document management system. If that is something you will need, be sure to confirm exactly how it works prior to purchasing a solution. Most will allow you to do a free trial, so try out a couple and decide which works best for you.

#### 1. Adobe Acrobat

Coming from the company that created the PDF file format, Adobe Acrobat is the gold standard for PDF file manipulation. Therefore, it has traditionally been priced as such. However, the latest version offers a monthly subscription model, so you will receive any new updates to the application, and it is a lower initial outlay of cash. In the current DC version, several new features have been added. One handy new feature is the ability to sign documents electronically with any touch-screen computer. This has really saved me when I've been mobile and without access to a scanner. Several specific features in Adobe Acrobat that are useful for legal consumers are detailed in the sections below.

#### Licensing

- Adobe Acrobat Pro is currently \$14.99 per month with an annual commitment.





- Adobe Acrobat Standard is currently \$12.99 per month with an annual commitment.

For legal professionals, Acrobat Pro is generally needed, because it has the tools for doing Bates numbering and redaction.

The two sites below will help you decide which version of Adobe is appropriate for you and your team.

- Acrobat Buying Programs Comparison: <http://www.adobe.com/howtobuy/buying-programs/compare.html>
- Acrobat Features: <https://acrobat.adobe.com/us/en/acrobat/capabilities.html>

#### 2. Nuance PowerPDF

<http://www.nuance.com/for-business/imaging-solutions/document-conversion/power-pdf-converter/index.htm>

#### Licensing

- PowerPDF Standard 2 - \$99 (free trial: <http://www.nuance.com/for-business/imaging-solutions/document-conversion/power-pdf-converter/standard-free-trial/index.htm>)
- PowerPDF Advanced 2 - \$149 (free trial <http://www.nuance.com/for-business/imaging-solutions/document-conversion/power-pdf-converter/free-trial/index.htm>)
- Volume discounts: 11+ users—contact sales for pricing

#### Features

- Redaction (Advanced)
- Bates stamping (Advanced)
- DMS integration (Advanced)
- Automate PDF creation using a watched folder (Advanced)
- Save a webpage with hyperlinks preserved (Advanced)
- Proofread and correct spelling errors from scanned documents (Advanced)
- Office integration
- Compare PDFs

#### 3. pdfDocs ([www.docscorp.com/trial](http://www.docscorp.com/trial))

#### Licensing

- Annual subscription; but will sell a perpetual license; up to 20 licenses
- Standard \$69
- Pro \$107 (DMS integration)
- Enterprise (Binder features)

#### Features

- Create, edit, and convert image-based PDFs
- Create and very PDF/A documents (for e-filing)
- Integration with MS Office and DMS (iManage, OpenText, NetDocs, Worldox, ProLaw)
- Interface similar to Microsoft Office
- Organizer workspace for assembling files
- (Only available in Enterprise version) Binder to convert documents into a single or multiple PDF documents and automatically generate a TOC, hyperlinks and bookmarks. Easily insert cover pages, headers and footers.

#### 4. Nitro Pro 10 (<https://www.gonitro.com/pro>)

#### Licensing

- 1–10 Users \$159.99 each
- 11+ licenses \$1583.89

#### Features

- Convert and combine files into PDF files
- Convert PDF files to Word, Excel and PowerPoint
- Transform a scanned document or image into an editable PDF
- Markup PDF files
- Electronic signature, collaboration tools, and encryption
- Bates numbering
- Redaction using Electronic Signature software
- Outlook plug-in—easily convert emails, attachments, and entire mail folders

#### B. PDF/A and File Size Requirements for Electronic Filing

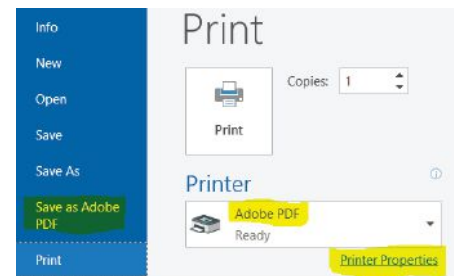
Not all PDF files are created equally and

it pays to know what you are dealing with due to court requirements for electronic filing. Many courts require that documents be in PDF/A format to be filed electronically. The reasons for this requirement are that PDF files must be (1) simple (no security, multimedia content, or encryption) and (2) text-based to be accessible for screen readers. It pays to understand what output you are generally getting from the different ways to create PDF files that we have in our law offices.

#### 1. Microsoft Office and Scanner PDF

##### Conversion Features

Several recent versions of Microsoft Office have included the option to save files in Adobe PDF format. When installing Adobe Acrobat, you have an Adobe PDF printer available as well. Some scanners are able to create PDF/A-1B files, but most will create image-based PDF files, which will not work for electronic filing. Therefore, it is best to utilize other methods to create PDF files when possible.



- **Save As**—PDF/A 1-A—no security, encryption, multimedia, attachments
- **Scanners**—PDF/A 1-B—tagging, accessibility, and searchable Unicode text are optional

#### 2. Print to PDF Features

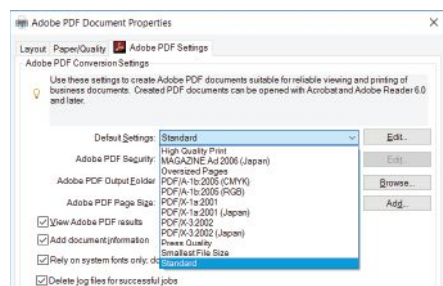
When using the print to PDF function, click the *Printer Properties* link (shown in the screenshot above) to access additional options for formatting the PDF output. Those options are shown in the screenshot below. You should be aware of the following:

- Note that one of the options is for *Smallest File Size*. This can be helpful



when filing documents with courts as they generally have file size limits. However, review your document prior to filing to ensure content fidelity as the DPI or dots per inch are reduced from 2400 to 600.

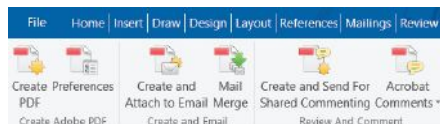
- Also, note that there is an *Adobe PDF Security* drop-down for times when you need to protect content within a PDF file. However, security means that a document will not be PDF/A compliant.
- There is also a check box regarding fonts. Embedding fonts is required for PDF/A format. If you have ever seen a document where the fonts looked strange, it was probably because the fonts were not embedded when it was created. Hover over any of the check boxes to get an explanation of their functions.



### 3. Acrobat Ribbon Options

When you install Adobe Acrobat, the Acrobat ribbon is made available within Microsoft Office and some other applications. If you want to see very granular details on what the default settings in the *Printer Properties* (shown above) are, you can use the *Preferences* button on the Acrobat ribbon. For instance, in Microsoft Word, there are Word and Bookmarks tabs to designate how footnotes, comments and bookmark linking will be handled.

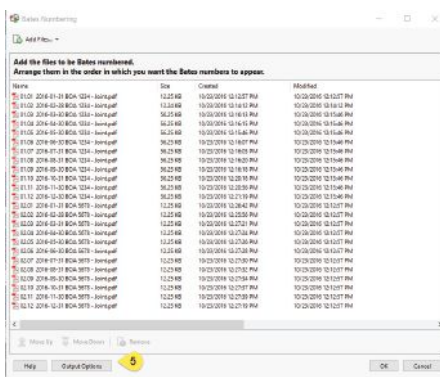
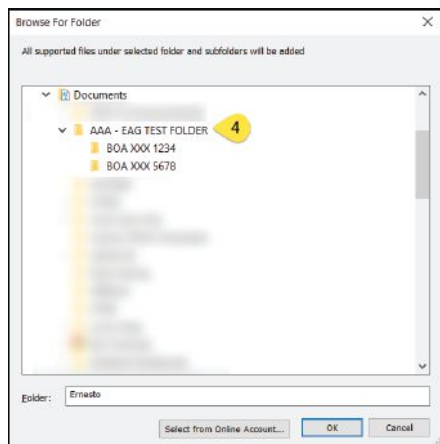
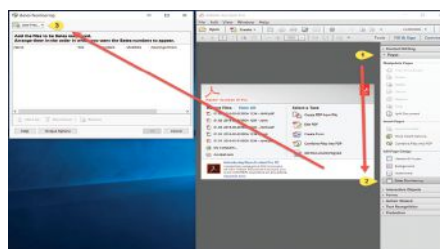
**C. Bates Numbering and Discovery Log**  
Adobe Acrobat (Pro version) can add Bates numbering and generate a discovery log for you automatically using the built-in Bates Numbering tool. The key to using this feature efficiently is to have a consis-



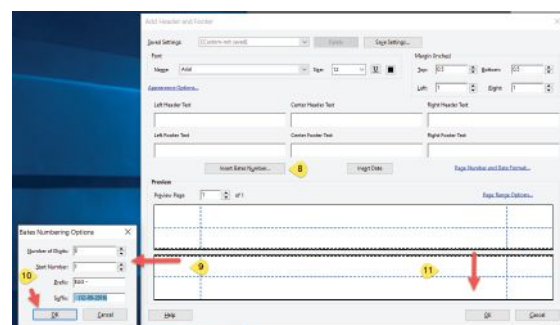
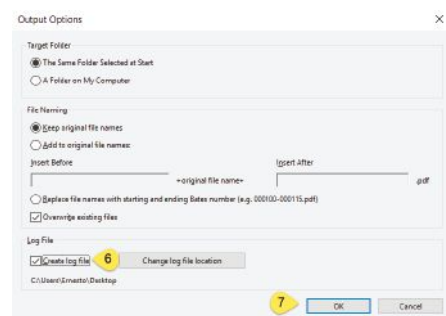
tent numbering process for naming your files. Whether you are Bates-Stamping 2,000 pages or 20,000, this feature is invaluable.

Instructions below are for a prior version. For Acrobat DC instructions, click [here](#).

1. Click **Tools > Pages**.
2. **Bate Numbering > Add Bates Numbering**.
3. Select **Add Folders** (instead of individual files).



4. Highlight the directory where the files located and then click OK.
5. Click **Output Option**.
6. Check **Create log file** and then click the **Change log file location** button and select your Desktop.
7. Click OK.
8. Click into the desired location: Left Footer Text, Center Footer Text, or Right Footer Text and then click **Insert Bates Number**.
9. Enter the Bates numbering options: Number of Digits, Start Number, Prefix, and Suffix.
10. Click OK.
11. Click OK.



Poof! Your documents have been Bates numbered and your discovery document log has been created. Go to your Desktop and look for the Notepad icon titled "Bates." This is the discovery document log you created.

In this example, I was using documents that were *only one page each*. In real life, your documents (bank statements, credit card statements, partnership agreements, etc.) will have several pages. The Bates numbering feature calculates the number



|       |            |                      |             |              |             |              |
|-------|------------|----------------------|-------------|--------------|-------------|--------------|
| 01.01 | 2016-01-31 | BOA 1234 - Joint.pdf | EAG -000001 | (12-09-2016) | EAG -000001 | (12-09-2016) |
| 01.02 | 2016-02-28 | BOA 1234 - Joint.pdf | EAG -000002 | (12-09-2016) | EAG -000002 | (12-09-2016) |
| 01.03 | 2016-03-30 | BOA 1234 - Joint.pdf | EAG -000003 | (12-09-2016) | EAG -000003 | (12-09-2016) |
| 01.04 | 2016-04-30 | BOA 1234 - Joint.pdf | EAG -000004 | (12-09-2016) | EAG -000004 | (12-09-2016) |
| 01.05 | 2016-05-30 | BOA 1234 - Joint.pdf | EAG -000005 | (12-09-2016) | EAG -000005 | (12-09-2016) |
| 01.06 | 2016-06-30 | BOA 1234 - Joint.pdf | EAG -000006 | (12-09-2016) | EAG -000006 | (12-09-2016) |
| 01.07 | 2016-07-31 | BOA 1234 - Joint.pdf | EAG -000007 | (12-09-2016) | EAG -000007 | (12-09-2016) |
| 01.08 | 2016-08-31 | BOA 1234 - Joint.pdf | EAG -000008 | (12-09-2016) | EAG -000008 | (12-09-2016) |
| 01.09 | 2016-09-30 | BOA 1234 - Joint.pdf | EAG -000009 | (12-09-2016) | EAG -000009 | (12-09-2016) |

of pages in each file and sends that data to the log file automatically. This feature alone is worth the price of the Pro version of Adobe Acrobat. See results below:

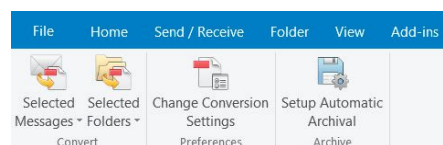
### D. Redaction

When producing documents containing sensitive data, it becomes necessary to redact such data before producing the documents to opposing counsel. The best and easiest way to do this is using Adobe Acrobat Pro's redaction feature. Redaction is a two-step process. You will mark your redactions and then apply them. First, save your documents as PDF files, and then follow the steps below:

1. Click **Tools** and expand the **Protection** group.
2. Click **Redaction Properties**.
3. Click **Redacted Area Fill Color** and set to black.
4. Click **OK**.
5. Click **Mark for Redaction** and, using your mouse, highlight the sensitive data.

- Repeat this step for each additional area of redaction.
6. When you finish marking all areas to redact, click **Apply Redaction**.

**WARNING:** After they are applied, redactions cannot be undone.



### E. Email Portfolio

Did you know that Adobe Acrobat can create a single PDF portfolio containing all of the emails and attachments in an Outlook PST file? You can also select messages or folders. This can be a handy feature for reviewing or producing emails in litigation, as well as archiving your own emails after a case has ended. It also includes filters and the ability to add a field in order to designate Key or Privileged documents. This function has been part of the PDFMaker since Acrobat

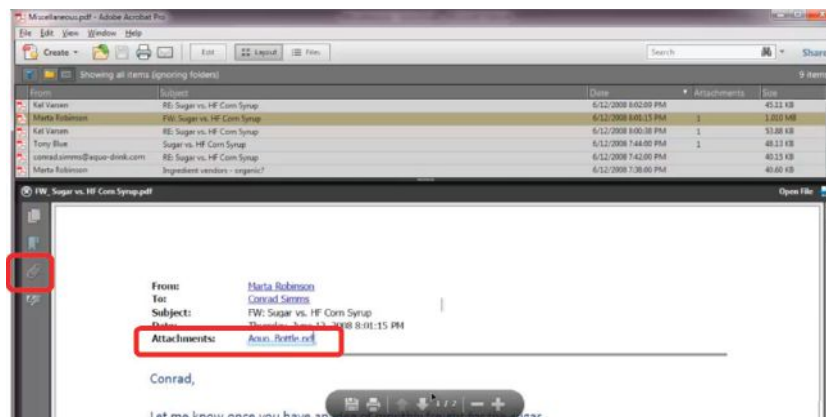
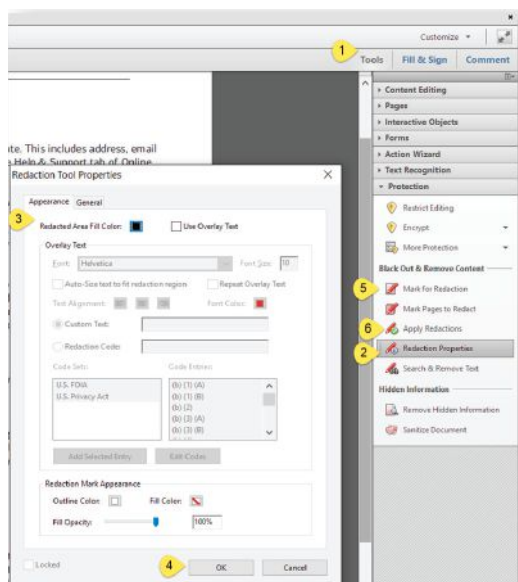
9 and is accessed via the Adobe PDF ribbon in Outlook. It also works for Lotus Notes. Detailed instructions on the various options for creating email portfolios are found in the PDF Email Portfolio Resources section below.

A sample email Portfolio is shown below. The emails are listed in the top section with the content of the selected email displayed in the bottom section. Click the attachment hyperlink in any email message or the paperclip to the left to access attachments.

Choose either the Folder view or flattened List view (default) using the two buttons at the top of the list. Use the blue filter icon in upper left to search through emails. Filter by field, e.g. To, From, CC, Subject to find what you need. The portfolio includes a full text index of the contents of the emails.

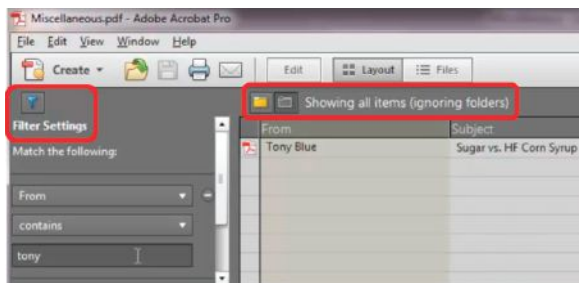
#### 1. How To: Add a field to designate Key or Privileged Documents

- **Modify > Edit Portfolio** to go into edit mode.
- Specify the **File Details** section.
- Name the column Key or Privileged and select the type, e.g. Text, Number or Date.
- Change the column order using the arrow keys, if desired.





# Focus on...



- **Modify > Edit Portfolio** to turn off edit mode.
- Switch to List View to enter text in your newly created field.
- Update the full text index after adding additional fields to avoid slowness: **Advanced > Document Processing > Manage Embedded Index.**

## 2. PDF Email Portfolio Resources

- Creating Email Portfolios for Small EDD Productions <http://blogs.adobe.com/acrolaw/2009/11/creating-email-portfolios-for-small-edd-productions/>
- How to convert Outlook email to PDF using Acrobat X (video) - <https://acrobatusers.com/tutorials/how-convert-outlook-email-pdf>
- Batch Printing an Email Portfolio <http://blogs.adobe.com/acrolaw/2011/11/batch-printing-an-email-portfolio/>
- Case Analysis using PDF Portfolios: Part I [http://blogs.adobe.com/acrolaw/2008/10/pdf\\_portfolios\\_for\\_case\\_analysis/](http://blogs.adobe.com/acrolaw/2008/10/pdf_portfolios_for_case_analysis/)
- Case Analysis using PDF Portfolios: Part II [http://blogs.adobe.com/acrolaw/2008/12/pdf\\_portfolios\\_for\\_case\\_analysis\\_1/](http://blogs.adobe.com/acrolaw/2008/12/pdf_portfolios_for_case_analysis_1/)
- Case Analysis Part III: Exporting a PDF Portfolio List to a Spreadsheet [http://blogs.adobe.com/acrolaw/2008/12/case\\_analysis\\_part\\_iii\\_exporting/](http://blogs.adobe.com/acrolaw/2008/12/case_analysis_part_iii_exporting/)

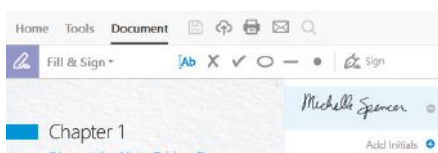
## 3. Evermap AutoPortfolio Plug-In

There are some things that Adobe's built-in function cannot do. If this is something that you will be using often, you may wish to consider the Evermap AutoPortfolio Plug-In. Details on its capabilities and pricing are below.

- Pricing: \$199 or \$799/5 users or \$1699/site license
- <http://evermap.com/auto-portfolio.asp>
- Flatten all individual messages and attachments into a single PDF document
- Extract attachments or convert attachments to PDF
- Create TIFF/TEXT combos

or load files for litigation support systems

- De-duping



## F. Signature Options in Acrobat DC

No more printing out PDF forms just so you can sign, initial or fill in a date! Within Acrobat DC, click **Tools > Fill & Sign**. As shown below, there are tools for adding text or a simple X, checkmark, or circle to a PDF file. As soon as you click an option, you may place the mark in the PDF file.

To create your signature, click **Sign > Add signature** and then draw your signature on-screen. It will be saved for future use. If you do not have a touch-enabled laptop, see links below for other options for creating your signature. Acrobat also provides a second signature that can be used for either your initials or for handwriting a date.

After saving your signature, to add it to a document, you simply click it and then position it in the PDF file. You will receive a warning that you will not be able to make changes to the file after saving it, so be sure that you complete any edits prior to signing and saving the file.

To change either your signature or initials after you set them up, simply click the minus button to delete it and then create a new one.

For more details on using the signature

feature in Adobe Acrobat, see:

- <https://helpx.adobe.com/acrobat/using/capture-and-sync-your-signature.html>
- <https://helpx.adobe.com/acrobat/11/using/signing-pdfs.html>
- Adobe has a signature service called Adobe Sign: <https://acrobat.adobe.com/us/en/sign.html>

## G. Acrobat Resources for Lawyers

- Acrobat for Legal Professionals Blog—<http://blogs.adobe.com/acrolaw>
- Litigation Support Guru Fast Tips - <http://litigationsupportguru.com/>
- Bates Numbering How-to in Acrobat: <https://helpx.adobe.com/acrobat/using/add-headers-footers-pdfs.html>
- Redaction How-To in Acrobat: <https://helpx.adobe.com/acrobat/using/removing-sensitive-content-pdfs.html>

## III. Excelling with Microsoft Excel

### A. Discovery Log

Some attorneys require that Discovery Logs be prepared in Excel. There are many benefits to using Excel for that purpose. One of the benefits is that you can filter your data to extract relevant data quickly. The Filter function in Excel is highlighted below.



### 1. Filtering an Excel Discovery Log

Below is a sample discovery log in Excel format ("OR" = Original Response, "1st" = 1st Supplemental, etc.).

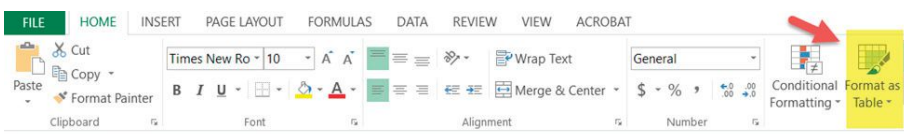
Suppose you want to see all credit card statements and bank statements produced for 2013. You can quickly filter to see just that data as follows:

1. On the **Data** tab, click **Filter**.  
(note that as soon as you click Filter, drop-down menus appear on the bottom right of all cells in the first row.)
2. Click the drop-down menu for the Date Range Start column.

| 1  | SET NO | DESCRIPTION                              | IDENTIFIER      | ACCOUNT NO  | DATE RANGE START (YR) | DATE RANGE END (YR) | RFP # | Start  | End    |
|----|--------|--|-----------------|-------------|-----------------------|---------------------|-------|--------|--------|
| 2  | OR     | John Smith & Jill Smith JTN BOA Checking | Bank of America | 1046192314  | 2012                  | 2012                | 2     | 000001 | 000064 |
| 3  | OR     | John Smith & Jill Smith JTN BOA Checking | Bank of America | 1046192314  | 2013                  | 2013                | 2     | 000065 | 000085 |
| 4  | OR     | John Smith & Jill Smith JTN BOA Checking | Bank of America | 1046192314  | 2014                  | 2014                | 2     | 000086 | 000101 |
| 5  | OR     | John Smith & Jill Smith JTN BOA Checking | Bank of America | 1046192314  | 2015                  | 2015                | 2     | 000102 | 000127 |
| 6  | OR     | John Smith - Personal Account            | Chase           | 9164973152  | 2012                  | 2012                | 2     | 000328 | 000399 |
| 7  | OR     | John Smith - Personal Account            | Chase           | 9164973152  | 2013                  | 2013                | 2     | 000400 | 000478 |
| 8  | OR     | John Smith - Personal Account            | Chase           | 9164973152  | 2014                  | 2014                | 2     | 000479 | 000525 |
| 9  | OR     | John Smith - Personal Account            | Chase           | 9164973152  | 2015                  | 2015                | 2     | 000526 | 000597 |
| 10 | 1st    | 2012 Joint Federal Income Tax Return     | Taxes           | 123-15-1234 | 2012                  | 2012                | 15    | 001520 | 001630 |
| 11 | 1st    | 2013 Joint Federal Income Tax Return     | Taxes           | 123-15-1234 | 2013                  | 2013                | 15    | 001631 | 001801 |
| 12 | 1st    | 2014 Joint Federal Income Tax Return     | Taxes           | 123-15-1234 | 2014                  | 2014                | 15    | 001802 | 002211 |
| 13 | 1st    | 2015 Joint Federal Income Tax Return     | Taxes           | 123-15-1234 | 2015                  | 2015                | 15    | 002212 | 003026 |
| 14 | 1st    | John Credit Card                         | CC              | 5689        | 2013                  | 2013                | 22    | 003725 | 003851 |
| 15 | 1st    | John Credit Card                         | CC              | 5689        | 2014                  | 2014                | 22    | 003852 | 003950 |
| 16 | 1st    | John Credit Card                         | CC              | 5689        | 2015                  | 2015                | 22    | 003951 | 004002 |
| 17 | 1st    | John Credit Card                         | CC              | 5689        | 2016                  | 2016                | 22    | 004002 | 004265 |
| 18 | 2nd    | Jill Smith Credit Card                   | CC              | 9876        | 2013                  | 2013                | 22    | 004852 | 004936 |
| 19 | 2nd    | Jill Smith Credit Card                   | CC              | 9876        | 2014                  | 2014                | 22    | 004937 | 005201 |
| 20 | 2nd    | Jill Smith Credit Card                   | CC              | 9876        | 2015                  | 2015                | 22    | 005202 | 005325 |
| 21 | 2nd    | Jill Smith Credit Card                   | CC              | 9876        | 2016                  | 2016                | 22    | 005326 | 005433 |

| 1 | SET NO | DESCRIPTION                              | IDENTIFIER      | ACCOUNT NO | DATE RANGE START (YR) | DATE RANGE END (YR) | RFP # | Start  | End    |
|---|--------|--|-----------------|------------|-----------------------|---------------------|-------|--------|--------|
| 2 | OR     | John Smith & Jill Smith JTN BOA Checking | Bank of America | 1046192314 | 2012                  | 2012                | 2     | 000001 | 000064 |

| 1  | SET NO | DESCRIPTION                              | IDENTIFIER      | ACCOUNT NO | DATE RANGE START (YR) | DATE RANGE END (YR) | RFP # | Start  | End    |
|----|--------|--|-----------------|------------|-----------------------|---------------------|-------|--------|--------|
| 3  | OR     | John Smith & Jill Smith JTN BOA Checking | Bank of America | 1046192314 | 2013                  | 2013                | 2     | 000065 | 000085 |
| 7  | OR     | John Smith - Personal Account            | Chase           | 9164973152 | 2013                  | 2013                | 2     | 000400 | 000478 |
| 14 | 1st    | John Credit Card                         | CC              | 5689       | 2013                  | 2013                | 22    | 003725 | 003851 |
| 18 | 2nd    | Jill Smith Credit Card                   | CC              | 9876       | 2013                  | 2013                | 22    | 004852 | 004936 |



3. Deselect all boxes except 2013.
4. Click the drop-down menu for the Identifier column and deselect Taxes.

The resulting view now shows all credit card and bank statements produced for 2013. Note that the two columns display a filter symbol next to the drop-down arrow for the two columns that are filtered.

Notice the blue numbers on the left? Those indicate the original line number where the data is saved. Before you do another search, you will want to click the **Clear** option on the Data tab.

You can use these same functions to filter text, numbers, dates and times, cell colors, etc.

## 2. Filtering a PDF Discovery Log

What if you receive a Discovery Log in PDF format and want to use Excel to filter the data? How do you do that? First, open the PDF document and use **Save As**. Select

Excel Workbook (\*.xlsx) as the **Save as Type**.

In Excel, highlight all the data and choose **Format as Table** on the Home ribbon.

You now have all the data in a fully functioning Excel workbook. Use the steps above to Filter your data.

## IV. A Picture is Worth 1,000 Words

### A. Microsoft Windows Built-In Tools

#### 1. Windows Snipping Tool

- Do you have an error message that you need to send to your IT department? Snip it!
- Do you have a photo that you need to crop? Snip it!
- Did you find an online news article about a client that you want to save? Snip it!

The Snipping Tool is one of Microsoft's best kept secrets and really easy to use. It is built into Windows 7 and 10, so no installation is needed. The Snipping Tool is the easiest way to make a copy of something on your computer screen. Simply take a screenshot using the Snipping Tool to share or save. This is what Snipping Tool was designed to do.

With the Snipping Tool, you can capture part of or your entire computer screen. When there is something on your monitor that you need to capture, open the Snipping Tool. Snipping Tool is generally already located in your Windows Start Menu. If it is not, enter "Snipping Tool" in the search box of the Windows Start Menu (or Cortana in Windows 10), and click to open. To keep the Snipping Tool easily accessible at all times, right-click and select **Pin to taskbar**.

After you open the Snipping Tool, you have four options located in the drop-down menu of the New button to capture your snip:

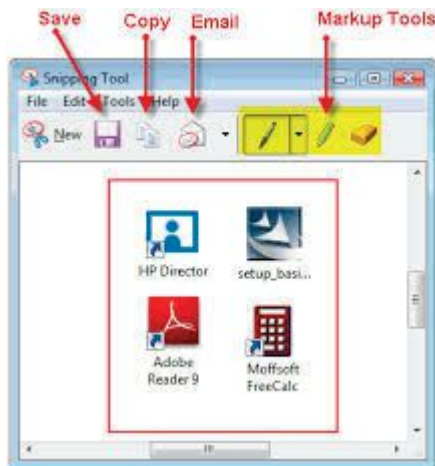


- **Free-form Snip.** This option allows you to draw a free-form shape around an object for those "not so square" shapes that you want to snip.
- **Rectangular Snip.** This option allows you to drag the cursor to crop a snip in the form of a square or a rectangle.
- **Window Snip.** This option allows you to select an open application window.
- **Full-screen Snip.** This option allows you to snip the entire contents of the computer screen.

After you snip the content that you want, you have several options for your snip, including:

- Writing, drawing, or highlighting on

# Focus on...



or around the snip using the Pen and Highlighter buttons.

- Saving the snip to a directory using the Save As box.
- Emailing the snip using the Email button.

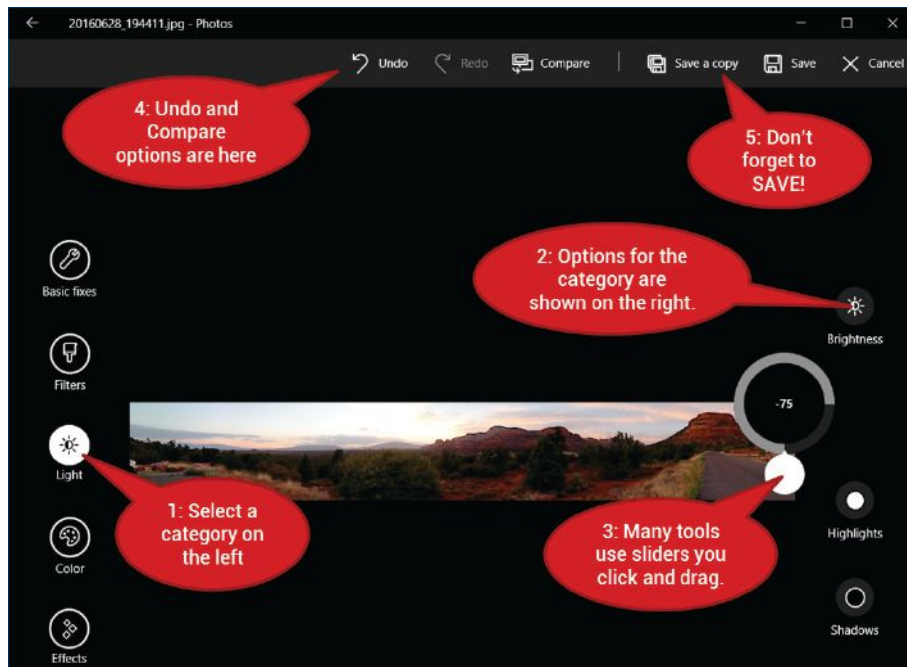
## 2. Windows 10 Photo Editor

Many have described the built-in photo editor in Windows 10 as a light version of Photoshop, which means a savings of several hundred dollars. When using photos in court, you want to ensure that they are as legible as possible, so before you spend money on a more expensive and complicated tool, give Windows Photo a spin. An added bonus is that you can easily link your photo storage to a OneDrive personal or business account, and it will even create albums for you automatically and ensure your photos are backed up to the cloud for safekeeping.

## B. Snagit (<https://www.techsmith.com/snagit.html>)

By far the best \$50.00 you will ever spend on software you will use every day. Cut and paste anything on your screen into Word, Excel, Outlook, and many other programs.

As Snagit's creators Techsmith say: "Snagit's image and video capture is powerful, but not complex. You're in control of everything you capture, right down to the pixel. All-in-One-Capture® grabs your



entire desktop, a region, a window, or a scrolling window from any webpage or application—all with a single hotkey or click."



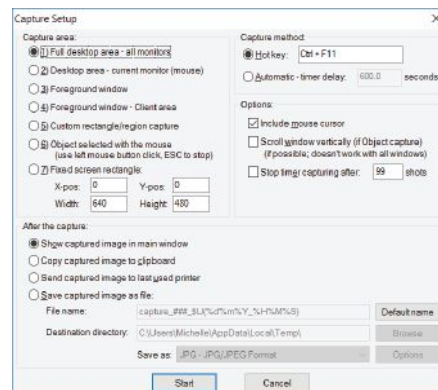
## C. Irfanview (<http://www.irfanview.com/>)

If you don't need something as robust as Snagit, but still need to grab screenshots or edit photos, a great option is Irfanview, which is a free tool created by a Bosnian guy named Irfan. The beauty of Irfanview is that it can be as simple or as complex an image editor as you need. I keep it on my taskbar for quick access. People always ask me what that red icon is.

### 1. Using Irfanview for Screen Captures

I use this technique all the time to capture charts from webinars that I'm viewing, screenshots for training, or icons that I have created using figures in PowerPoint. If you can display it on your screen, then you can capture it.

- To capture your entire screen, press the **PrtScr** key or use **ALT+PrtScr** to capture a single window. These are the built-in Windows commands, which place the screen capture in your clip-



board.

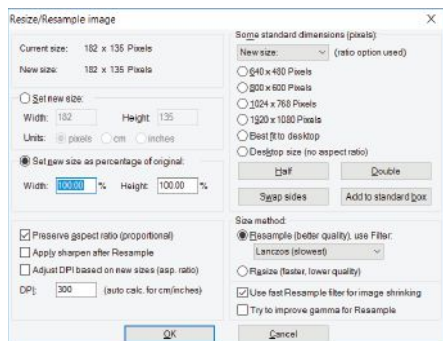
- Next, open Irfanview and paste your image there using **CTRL+V**.
- With your screen capture in Irfanview, it can be edited or saved in a variety of different image formats.
- If you only want to use part of the image that you have captured, click and drag a border around it, then cut that portion out using **CTRL+X** and either paste it into Irfanview to save as an image or paste it into another program, such as PowerPoint or Word.

If you want to get fancier, Irfanview also has a built-in capture function that even includes a delay timer. Simply select





Options > Capture/Screenshot... to see all the options available for capturing information on your screen.

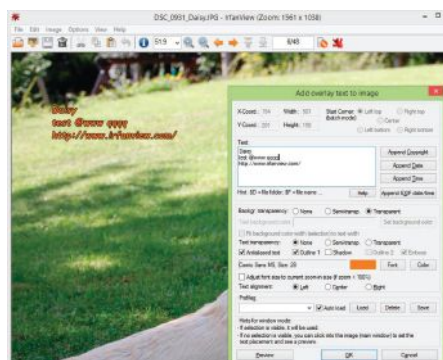


## 2. Resize/Resample an Image

Simply open an image file and select **Image > Resize/Resample** to see the plethora of options displayed below. You can easily set specific sizes or resize as a percentage of the original size. Because of the filters used, you will end up with quality images. After you've made your selections, click **OK** to save your changes.

## 3. Add Text to an Image

With Irfanview, you can easily add text to an image. Simply click **Edit > Insert Text** or **Insert Watermark/Overlay Image**. Select the font, color, size and location and then click **OK**.



## 4. Other Image Editing Functions

Under the **Image** menu in Irfanview, there are numerous options for tweaking images. There are options to flip or rotate images. There are several options for recoloring or adjusting coloration, as well

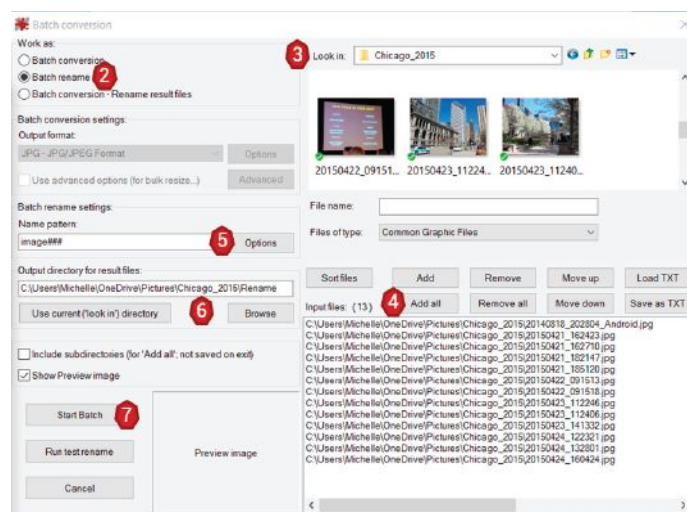
as **Sharpen** and **Red Eye Reduction** tools that work very well. Try them out. If you do not like a change you have made, you can always simply **Undo** using the button on the toolbar.

## 5. Batch Conversion or Rename

If you have ever needed to rename a batch of images, Irfanview has a solution for that too. Simply follow the steps below to rename the files. The conversion process works similarly.

Need a list of the image files? There is also a **Save as TXT** button in the area where the files are listed that can be used to output a list of the files into a text file.

1. In Irfanview, click **File > Batch Conversion/Rename**.
2. Select **Batch rename**.
3. Select the folder where the images are located
4. Click the **Add all** button load all images and adjust as needed.
5. Set the pattern for the new name.
  - If you want 3 digits in the new name, you must enter “#” three times in the pattern. For example: Pattern `image_###` with start index 1 will produce file names `image_001`, `image_002`, etc.
  - Use **Options** for additional settings for replacing specific strings of text in the file name, starting number, copy vs. move, etc.
6. Set the Output directory for the renamed files.
7. Click **Start Batch** or **Run test rename** to test first.



## V. On the Run!

### A. Ernie's Courtroom Technology Checklist

1. *Let the Judge know your game plan prior to trial*
  - Ask the Court for the dos and don'ts and preferences in his/her courtroom.
  - Ask the Judge if there is anything you can do to make the court's job less stressful when using technology in his/her courtroom.
  - If you are not comfortable with using technology in the courtroom, hire someone with experience to assist you.
2. *Batteries, Extra Cables, Toner*
  - Bring extra batteries for remote controls, mice, portable recorders, etc.
  - Take batteries out of each device when packing up to avoid draining them when transporting.
  - Bring extra HDMI, VGA, Printer, AC, Display Port to HDMI adapters and related cables.
  - Bring extra toner and paper for the printer.
3. *Text Messages and Emails*
  - Make each text message and/or email thread a separate exhibit.



- Refer to Bates stamp numbers on each page for easier identification.

#### 4. Courtroom Lighting (mainly for jury trials)

- Become familiar with the courtroom lights (gallery, jury box, screen, etc.).
- Ask permission to label the light switches for the Judge.

#### 5. Internet Access

- Bring your own mobile hotspot.
- Do not rely on Internet service provided by the county as some websites may be blocked.
- Have a backup (know how to use your cell phone as a hotspot).

#### 6. Schedule a Practice Run in the Courtroom

- Coordinate a convenient time with the Court Coordinator and other court staff.
- Practice using the court's equipment (left laptop, right laptop, and cart).
- Report courtroom equipment problems as soon as possible to avoid delay in repairs.
- Bring and test ALL your equipment in the courtroom, including your backup laptop and iPad.
- Coordinate your visit with your opposing counsel's tech person to avoid technical issues they may encounter during trial.
- See Courtroom Technology Checklist (see Appendix A hereto).

#### 7. Playing Audio/Video Files

- Timestamp all video you intend to use for faster cuing.
- Play and listen to all audio and video clips using the same equipment you intend to use at trial.
- Be aware of the different audio/video formats available and confirm compatibility with DVD play provided in the courtroom.
- Suggested video editing software: Windows Live Movie Maker or

iMovie. For more advanced features, try Adobe Premier or Apple Cut Pro.

#### 8. Have "Plan B" Ready

- HD TV (at least 50-inch with HDMI inputs)
- DVD player (not the one in your laptop)
- Portable high quality Bluetooth speakers
- 20x30 size paper and easel
- Paper copies of all exhibits

#### 9. Test Your Equipment with Courtroom Equipment

- VGA (with audio cable)
- HDMI
- Document Camera (ELMO)
- DVD player

#### 10. Test Your Equipment in Your Office.

Then, Test it again!

- Laptop (main and backup)
- iPad (main and backup)
- Printer
- Scanner
- Keyboard and Mouse (USB combo okay; backup should be hard wired)

|   | A      | B     | C                   | D          | E   | F        | G        |
|---|--------|-------|---------------------|------------|---|----------|----------|
| 1 | Number | Name  | Time                | Subject    | Content   | SmsState | SmsType  |
| 2 | +1713  | Julie | 5/24/2016 8:10:24 P | Hey Ernie! | Is this still your phone number?  | InBox    | iMessage |
| 3 | +1713  | Me    | 5/24/2016 8:25:32 P | It is...   | 21 years with the same number☺  | Sent     | iMessage |
| 4 | +1713  | Julie | 5/24/2016 8:28:16 P |            | Yea! I sure hope you are doing well! Can I email you a brief summary of a |          |          |
|   |        |       |                     |            |   | InBox    | iMessage |

#### B. Brandon's Trial Tips for Low Tech Jurisdictions

Three letters: U—S—B.

Yes, it's a paper trial, which generally means that you are lugging around 5 sets of binders full of paper copies of all your trial exhibits. Even so, it is a good idea to have an electronic copy of your client's directory which contains all the documents that you have scanned into that directory.

It is also a good idea to set up a cloud service (i.e. Dropbox, OneDrive, or Box)

and upload a duplicate of the USB drive to the cloud, so that you have online access to your file in the event that your computer and the USB drive don't get along or you lose all of the USB drives that you made. (You are encrypting your USB drives, so your client's data isn't wide open to anyone, aren't you?)

It is also a good investment to purchase a small printer that you can carry with you to print any last-minute exhibits that you were sure you would not need. Make sure the drivers for the printer are loaded on any laptops you will be using BEFORE you leave the office or that you can directly connect the USB drive to the printer. Test everything before leaving the office. Be sure to pack paper and toner or inkjet cartridges in your courthouse kit.

#### C. Text Message Download Apps

##### 1. TunesGo (Mobilego for iOS) by Wondershare (<http://tunesgo.wondershare.net/buy/buy-tunesgo-ios.html?f=pro>)

This software allows you to download all Contacts, SMS, Photos, Videos, and Music from any iOS device. There is also a version for Androids.

Often in discovery you need to produce SMS (text messages). One of the features this software has is the ability to download SMS messages and then export them to an Excel file for review. See sample snapshot below:

It is also a quick and efficient way to download photos from your client's phone, if relevant, to produce in discovery. You can even download video!

The costs in \$49.00 for lifetime license or \$39.00 for 1 year.

##### 2. iExplorer (<https://www.macroplant.com/>)

# Focus on...

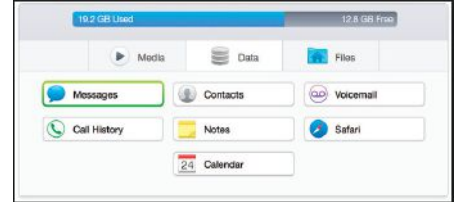
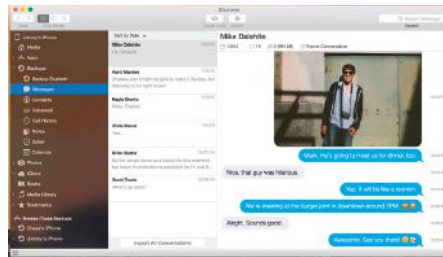


Most family law cases deal with text message correspondence between the parties. We are usually lucky to get a group of messages that our client has taken screenshots, which leave our minds reeling with the task of piecing the messages together in an order so that someone else can get the gist of the conversation. With access to the device, it's a snap to grab what you need in a manageable format.

iExplorer is software by Macroplant that allows file transfer from iPhone, iPad and iPod. The basic software package runs \$39.99 for one license and \$59.99 for five licenses.

iExplorer works in concert with iTunes, so you must also have the iTunes software installed on your PC or Mac.

Simply connect the mobile device to a computer or laptop using a USB cable. iExplorer will create a back-up file for the device's content from which you can export the SMS messages. To access the SMS messages, click on the Messages tab in iExplorer. iExplorer will take you to a window that has all SMS message conversations on the device. Pick the text message conversation that you want to export, and simply export the entire conversation. iExplorer gives you options for file types to export the conversation: CSV, TXT, or PDF. You can filter & export images, videos, vCards, and other attachments from text message conversations. iExplorer also allows you to filter text messages by date



range. Exporting to .CSV format can be helpful with large amounts of data, so you can use Excel's sorting and filtering functions.

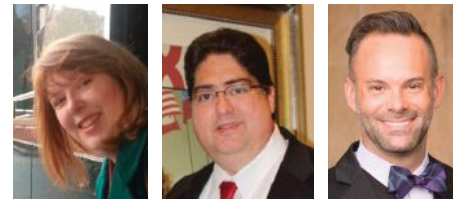
**WARNING:** This software can access the files on the mobile device without having the password for the device, so be very careful with its use in your practice.

You can also export call history, music, photos, and recordings with iExplorer.



## Appendix A Courtroom Technology Checklist

| Left Table                      |   |          |          | Right Table                     |   |          |          | Juror Monitors                  |   |   |
|---------------------------------|---|----------|----------|---------------------------------|---|----------|----------|---------------------------------|---|---|
| Table Electrical Outlets        |   | Outlet 1 | Outlet 2 | Table Electrical Outlets        |   | Outlet 1 | Outlet 2 | 1                               | Y | N |
| Tested?                         | Y | N        | Y        | N                               | Y | N        | Y        | N                               |   |   |
| Did It Work?                    | Y | N        | Y        | N                               | Y | N        | Y        | N                               |   |   |
| If not working, describe issue: |   |          |          | If not working, describe issue: |   |          |          | 2                               | Y | N |
| VGA (With Audio)                |   |          |          | VGA (With Audio)                |   |          |          | 3                               | Y | N |
| Tested?                         | Y |          | N        | Tested?                         | Y |          | N        | 4                               | Y | N |
| Did It Work?                    | Y |          | N        | Did It Work?                    | Y |          | N        | 5                               | Y | N |
| If not working, describe issue: |   |          |          | If not working, describe issue: |   |          |          | 6                               | Y | N |
| HDMI                            |   |          |          | HDMI                            |   |          |          | 7                               | Y | N |
| Tested?                         | Y |          | N        | Tested?                         | Y |          | N        | 8                               | Y | N |
| Did It Work?                    | Y |          | N        | Did It Work?                    | Y |          | N        | If not working, describe issue: |   |   |
| If not working, describe issue: |   |          |          | If not working, describe issue: |   |          |          |                                 |   |   |
| Center Console                  |   |          |          | Large Screen/Projector          |   |          |          |                                 |   |   |
| Document Camera                 |   |          |          | Tested?                         |   | Y        | N        |                                 |   |   |
| Tested?                         | Y |          | N        | Did It Work?                    | Y |          | N        |                                 |   |   |
| Did It Work?                    | Y |          | N        | If not working, describe issue: |   |          |          |                                 |   |   |
| If not working, describe issue: |   |          |          |                                 |   |          |          |                                 |   |   |
| DVD Player                      |   |          |          | Witness Monitor                 |   |          |          | Judge's Monitor                 |   |   |
| Tested?                         | Y |          | N        | Tested?                         | Y |          | N        | Tested?                         | Y | N |
| Did It Work?                    | Y |          | N        | Did It Work?                    | Y |          | N        | Did It Work?                    | Y | N |
| If not working, describe issue: |   |          |          | If not working, describe issue: |   |          |          | If not working, describe issue: |   |   |
|                                 |   |          |          |                                 |   |          |          |                                 |   |   |



repairs needed can be noted, so you can share this with courtroom staff.

*Michelle Spencer, Founder, Legal Learning Development Network, Austin, Texas. [www.LegalLearningNetwork.com](http://www.LegalLearningNetwork.com)*  
*Ernesto A. Gonzalez, Board Certified Paralegal, Family Law Mediator, E.A. Gonzalez Consulting, Katy, Texas. [www.Eagonzalez.Com](http://www.Eagonzalez.Com)*

*Brandon Turnage, Paralegal, Koons Fuller, Southlake, Texas. [www.koonsfuller.com](http://www.koonsfuller.com)*





# Brief Writing: Make Yourself Useful as Well as Ornamental<sup>1</sup>

By Steven K. Hayes and Brittani Wilmore Rollen, with suggestions from Justice Sue Walker, Dabney Bassel, and Constance K. Hall. A slightly different version of this article was previously published in the *Litigation Section's Fall 2016 issue of THE ADVOCATE* (76 THE ADVOCATE 27, Fall 2016 (State Bar of Texas Litigation Section)) and in the *Summer 2017 issue of THE COLLEGE NEWS*, published by the Texas College Bar.



Your appellate brief should argue your client's position to the court of appeals<sup>2</sup> in a way the court finds useful, as well as persuasive. Your facts should be so accurate, persuasive, and well sourced, and your legal analysis so persuasive and supported by such good authority, that the court can copy and paste entire portions of your brief into its opinion. The following suggestions will help you accomplish that.

Include all the items required by TRAP 38.

TRAP 38.1 lists the items your brief must include, and the order in which they should appear. Use them to construct the template for your brief before drafting anything substantive.

## Know your audience.

Your audience is typically a three-judge panel and their staff attorneys. These folks usually had significant experience in a law practice, and have significant experience handling an appellate docket. They face a never-ending avalanche of cases.<sup>3</sup> Time is the enemy,<sup>4</sup> with each justice's office issuing the equivalent of a term paper a week. The courts of appeals were [surveyed](#) in 2009, and half the justices felt that most briefs were too long; a [2012 Survey](#) of the justices revealed the same sentiment.<sup>5</sup> These dynamics mean that you need to shorten, clarify, and simplify your brief.





### Write in the active voice.

To make it as easy as possible for the court to follow your argument and rule for your client, write in the active voice. This shortens your brief and makes it more persuasive.

### Write for your audience, not for yourself.

Write for the court, not for yourself. You already believe your case—you need to make experienced jurists, who do not care which side wins, believe it as well. So get a second set of eyes to mercilessly critique your argument. Also have them critique your grammar, style, content *and especially the “appropriate citations to authorities and the record”* required by TRAP 38(i). The court will mercilessly examine your citations to the record and authority, and you will lose credibility if you miscite either.

Do not just tell your story in the Facts and Argument—tell it in the Issues, the Table of Contents, and the Summary of the Argument.

Your brief, working as an integrated whole, should tell your story in each of these five TRAP 38 requirements: the Table of Contents; the Issues Presented; the Statement of Facts; the Summary of the Argument; and the Argument. Here’s how.

Use headings and subheadings to divide your Statement of Facts and your Argument. Those visually divide the brief into bite-sized portions for the court, and help you ensure the logical progression of your brief. As more than half the Justices recommend, each major heading in your brief should either consist of an Issue, or expressly say which Issue(s) it deals with, so that your Issues and Argument dovetail.<sup>6</sup>

In addition to reinforcing the Issues and making the brief manageable, those headings and subheadings will populate the Table of Contents with your central facts and arguments. Seventy percent of justices find the Table of Contents helpful, and another twenty-five percent emphasize that it should repeat headings from the

Statement of Facts and Argument.<sup>7</sup> You can then draw your Summary of the Argument from the Table of Contents. No matter where the Justices go first in your brief, they see your story repeated.

You should also bookmark the headings and subheadings in the pdf of your brief, allowing the court to go straight to a particular issue or argument (a useful tool you can enhance by appropriately hyperlinking sections of your brief to each other).<sup>8</sup>

Also, don’t overlook the importance of the standard of review, on which you should build your argument. If the court can decide an issue as a matter of law—such as duty or causation—it has much more leeway than an abuse of discretion standard provides.

Make all your Issues indisputable statements—and limit their number.

**More than ninety percent of justices** expect a wise advocate to present them with five or fewer issues in an appeal of moderate complexity—and around half of those justices feel that four or fewer issues is appropriate.<sup>9</sup> Over seventy percent of justices prefer the issues be presented as positive statements—you might even consider stating them as “The trial court erred [or abused its discretion] in . . .”<sup>10</sup> To the extent possible, make your Issues indisputable, and succinct. Ideally, they should be easily embraced talking points.

### Remove yourself from the dispute.

If you tried the case, it may be difficult to write a succinct Statement of Facts. You may find it helpful to write the Argument first. You can then populate your Statement of Facts with facts important to your Argument.

### End with a Conclusion, and then a Prayer which gives the Court a roadmap.

**Nearly sixty percent of justices** preferred the brief end with a conclusion and a prayer.<sup>11</sup> One justice requested that attorneys “state in your prayer the exact judgment you seek,”<sup>12</sup> a sentiment we have heard expressed by many justices.

Even though you e-file, keep your Appendix as short as possible.

TRAP 38.1(k)(1) tells you what items *must* be in your Appendix, and 38.1(k)(2) tells you what *can* be in your Appendix. Even with e-filing, keep your Appendix as short as the rules allow. A pdf brief containing 200+ pages of Appendix unnecessarily sends the wrong message. If only a few sentences or words of the contract/document governs, put just those in your Appendix—not the whole document. Many, if not most, justices use two computer screens, one open to the brief, the other open to the record and Westlaw/Lexis. It is less distracting for the Justices to use your brief citations to search the record or Westlaw/Lexis on another screen than to jump down and up from brief to Appendix. Furthermore, automatic hyperlinking to Texas and Fifth Circuit authority created by the e-filing portal means you do not need to attach copies of Texas or Fifth Circuit cases or Texas or federal statutes. You can, and should, highlight the important words in cases and statutes by quoting them in your brief, which has the happy coincidence of underscoring your argument.

Having said that, a succinctly done Appendix can really help the Court. You cannot use it “to attempt to avoid the page [now word] limits of the brief” (TRAP 38.1(k)(2)) nor to sneak in facts not in the record, but you can use it for timelines which track your story, or diagrams which guide the court through the issues (i.e., if you rule against Appellant on X, you do not need to deal with Y and Z, etc.), or to highlight specific pertinent language from a document. For appropriate materials from the internet your brief cites, remember—some internet links expire. If you have the pdf in your Appendix, it is always available.

### A few other tips.

A picture is worth a thousand words, and does not count against your word limit.

**Over two thirds of justices** find “graphs,



charts, and pictures in the body of the brief” helpful.<sup>13</sup> The late Bob Burleson, a really great trial lawyer for whom Steve clerked, used to tell him to have fun with a brief—and in the pre-computer days of Liquid Paper® and Xerox® machines, would interlace his briefs with appropriate Peanuts® cartoons. Robert DuBose recent paper has many excellent examples of this tool.<sup>14</sup>

Quote authority from the Texas Supreme Court and the Court in which you file your brief.

Eighty-five percent of justices prefer you cite authority from the Texas Supreme Court and authority from their court.<sup>15</sup> If you show them they have followed controlling Supreme Court precedent, they will do so, again, for you.

Don’t personally attack the trial court or opposing counsel—ever.

Judicial panels perennially give this advice. One justice even said such personal attacks are so distracting that, when she encounters one, she puts the brief down, clears her mind, and restarts the brief at the next issue. So not only do you not make your point, you have shut down your input on the issue.

#### After the Ball Is Over.<sup>16</sup>

With appropriate leave of court, a *short* one paragraph or one-page post argument letter can be very useful—to respond to a question that stumped you at oral argument, or to inform the court of new authority. Do not use these letters to just rehash old stuff, or, like the aging uncle in the song, you will rue the day you misused this opportunity. When facing another party’s mandamus, you might consider sending the court a one-page letter which expressly reserves your right to fully respond, should the court desire—while pointing to the particularly glaring reason the mandamus should fail.

#### Other Resources

Lengthier papers abound concerning brief writing—the SBOT Appellate Section

makes literally dozens of such papers available to its members.<sup>17</sup> New papers surface regularly at CLE Courses run by the State Bar of Texas (e.g., Advanced Civil Appellate Seminar, Appellate Law 101 Seminar, Handling Your First (or Next) Appeal) and the University of Texas (e.g., Conference on State and Federal Appeals). You should also review the Surveys of the courts of appeals which this paper has referenced.

Hopefully, the foregoing will get you going on your brief in a way that makes you useful—to the courts and your clients—as well as ornamental.

Steven K. Hayes is a solo appellate practitioner in Fort Worth, Texas, Chair-Elect of the SBOT Appellate Section, and Council Member of the SBOT Litigation Section.

*Brittani Wilmore Rollen practices at McDonald Sanders in Fort Worth, Texas, where she focuses on commercial litigation and appeals.*

Justice Sue Walker is a Justice on the Second Court of Appeals in Fort Worth, Texas, and is Board Certified in Civil Appellate Law.

Dabney Bassel is a solo appellate practitioner in Fort Worth, Texas, and is Board Certified in Civil Appellate Law.

Constance K. Hall is an Arlington, Texas, attorney handling Business, Estate Planning & Probate, and Appeals, and is a former Briefing Clerk to the Second Court of Appeals in Fort Worth, Texas.

1 Jane Hayes, the Mother of one of the authors, was fond of this general admonition, which applies to brief writing.

2 We focus here on writing briefs in Texas courts of appeals. If writing for a different court, then adjust the advice given here to accommodate for different pertinent rules, and your audience.

3 Comments of Scott Brister, former Justice of the Supreme Court of Texas, at State Bar of Texas CLE PRACTICE BEFORE THE SUPREME COURT 2009, *Suggestions About Oral Argument*.

4 Stacey Stanley, Staff Attorney, Sixth Court of Appeals, Texarkana; p. 24, *Rehearing Practice in the Courts of Appeals*, SBOT 24<sup>th</sup> Annual Advanced Civil Appellate Seminar (2010).

5 P. 1, *Results of the 2009 Judicial Survey*, SBOT Appellate Section; A subsequent Judicial Survey

was performed in 2012; as of the writing of this paper, that Survey was only available through UT Law CLE, and we do not link to it here. See P. 2, Rothenberg, Scott, Rutter, Kent, and Storey, JoAnn, *Results of the 2015 Judicial Survey*, 25<sup>th</sup> Annual Conference on State and Federal Appeals (2015).

6 P. 3, 2009 Survey.

7 P. 2, 2009 Survey.

8 Bookmarking is surprisingly easy. See pp. 20-25, *Guide to Creating Electronic Briefs*, by Blake A. Hawthorne, Clerk of the Supreme Court of Texas, found on the Supreme Court’s website.

9 P. 2, 2009 Survey; P. 2, 2015 Survey.

10 Pp. 2-3, 2009 Survey; P. 2, 2015 Survey.

11 *Id.*; in 2015, nearly 70% felt this way. P. 4, 2015 Survey.

12 *Id.*

13 *Id.*; in 2015, nearly 83% felt this way. P. 4, 2015 Survey.

14 Dubose, Robert, *Briefing Visually*, 26<sup>th</sup> Annual UT Conference on State and Federal Appeals (2016).

15 P. 2, 2009 Survey.

16 Jane Hayes would sometimes sing the refrain to this song to her children when they were young, and not so young.

17 For some recent papers, see: Baruch, Chad, *Legal Writing: Lessons from the Bestseller List*, and Dubose, Robert B., *Brief Structure, Format, and Design*, SBOT Handling Your First (or Next) Civil Appeal (2016); Dove, Christopher, *Selecting and Framing Issues on Appeals*, SBOT Civil Appellate Practice 101 (2015); Brister, Scott, and Gray, Kendall, *Extreme Brief Makeover*, UT Conference on State and Federal Appeals (2014); Hawthorne, Blake, and Cruse, Don, *Electronic Briefs Nuts and Bolts*, UT Conference on State and Federal Appeals (2011).



Steve Hayes is a solo appellate practitioner in Fort Worth, handling civil appeals and post trial matters. He graduated Austin College and

Harvard Law School, Chaired the State Bar Appellate Section this last year, and has presided over the Eldon Mahon Inn of Court, the Tarrant County Bar Association Appellate Section, and the Bell-Lampasas-Mills Counties Young Lawyers Association. The Tarrant County Young Lawyers’ Association selected him as Mentor of the Year in 2010.





# The Impact of Child Support on Adult Children with Special Needs

By Jonathan Glusband

Monday morning, 10 A.M.



An attorney in your office brings in a new case. You soon learn that the new client has three children, one of which is a 19 year old with special needs. One of your client's biggest concerns is managing the needs of the 19 year old with special needs. Your client is worried about pre-existing expenses for the child, potential modifications to her residence, as well as all of the costs of paying professionals to assist the child. Before the attorney, the client or you even start thinking about potential child support for the child, you must determine if the child has qualified for any government benefits and then evaluate how child support payments would affect those benefits.

The most common benefits to be aware of are Medicaid and Supplemental Security Income (SSI). In a nutshell, Medicaid is the government health care program for low-income individuals, while the Supplemental Security Income Program (SSI) is a monthly income assistance program which helps qualified individuals pay for food, clothing, and shelter.

While SSI benefits are not that substantial in Texas, SSI recipients automatically become eligible for Medicaid, which in turn can lead to greater benefits such as paid hospital stays, doctor bills, prescription drugs and even nursing home care.

After speaking to your new client, you find out that the 19 year old child with special needs meets the initial requirements for SSI. What now? Your next step is to understand what the income limits, potential "in-kind support", and resource limits are for a person eligible for SSI.

In Texas, the income limit for eligibility is tied to the maximum allowed federally, which for 2017 is \$735.00 a month for an individual and \$1103.00 for a couple. What that means is that if a person's income falls below those limits, he or she is eligible for benefits and that benefit will be the difference between his or her income and the maximum allowed. So if a person has income of \$300.00 a month, SSI will provide \$435.00 to that person (maximum of \$735.00 minus \$300.00 in income). What is income you ask? Included in the definition are; money earned from wages or self-employment, investment income, gifts, rents and interests and annuities. Additionally, some dollar amounts are excluded from total income depending on the type of income.

Related to income limits is the issue of determining if an individual is receiving what is known as "in-kind support" from a parent, friend or relative. In-kind support and maintenance (also commonly referred to as "ISM") is unearned income in the form of food or shelter, or both. The Social Security Administration views food or shelter one receives as equal to one-third of the SSI benefit, and as such will reduce the benefit by that amount.

A potential reduction is not considered if the individual lives alone and pays for their own food and shelter; if the individual lives only with their spouse and minor children,



and nobody outside household pays for food and shelter, or lives with other people and pays their share of the food and shelter.

Reductions could also be avoided if an individual is given food or shelter as a loan and pays it back.

Now on to resources. A person can have a maximum amount of \$2,000.00 in countable resources (\$3,000.00 for a married couple) in order to be eligible for SSI. The definition of countable resources includes; bank accounts, investments, real estate (not including primary residence) and personal property. Like any rule, there are some exceptions. These exceptions include an applicant's home, the land the home is on, personal and household goods, as well as one vehicle so long as the vehicle is used for the transportation for the applicant or applicant's family.

Now that we understand the interplay between income, resources and SSI eligibility, we can finally examine how child support payments affect SSI and Medicaid.

SSI defines child support as in-kind or cash payments to a child or a child's legal representative or custodian to meet the child's needs for food and shelter. For a child 18 or older, one hundred percent of a child support payment (minus \$20.00 as an exemption) counts as a reduction against SSI. For example, if a child support payment is \$300.00, a \$735.00 maximum SSI payment would be reduced by \$280.00 (the \$300.00 payment minus the \$20.00 exemption), which would lead to a new SSI payment of \$455.00. While child support would lead to a total of \$755.00 a month, (the \$455.00 plus the support payment of \$300.00), the addition of the child support only created an extra \$20.00

benefit to the child.

Where this situation gets dangerous is when child support exceeds the SSI income limits. While dollar amounts are not harmed (in the above example the child receives a net gain of \$20.00 dollars from the child support), SSI eligibility could be harmed if the amount of support exceeds the SSI income limit, which in turn will lead to a loss of Medicaid and all the benefits that come along with it.

To protect SSI and Medicaid benefits AND still receive child support, there are a few tools that can be employed. These options include a special needs trust, spousal maintenance and annuities.

A special needs trust is designed to hold assets of a person receiving public benefits, such as SSI and Medicaid. If a divorce decree directs the non-custodial parent to make child support payments



## 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](http://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](http://www.NADN.org/directory)*



to a special needs trust for the sole benefit of a child, then the valuable government benefits the child receives can be protected. This trust must be carefully drafted in order to not displace the monthly SSI payments. Essentially, by not directly supplying an adult disabled child with a child support payment, the adult disabled child's income will not be increasing in the eyes of the government.

Another alternative would be to set up and ABL account for the person with disability and have the support paid into the ABL account. A maximum of \$14,000 per year may be put in an ABL account. The ABL account may be used for the benefit of the person with benefits, without counting as income for the person with disability.

Spousal support or contractual alimony paid directly to the parent of an adult child, in lieu of child support to the adult child, will also not be considered income of the adult child. This money could then be applied to the care of the adult child without interfering with SSI payments or Medicaid benefits. Some clients may say that they don't need a child support order and the supporting parent will just voluntarily and informally pay support. This option also comes with risk. The Social Security Administration, might impute child support if none is Order that could but doesn't provide support, which would reduce the SSI benefits by the amount of imputed support. It is best to have the Order provide some amount of support.



*Jonathan Glusband is an Associate Attorney with Noelke Maples St. Leger Bryant, LLP in Austin, Texas. Jon graduated from the George Washington University Law School in Washington, D.C.,*

*where he was named a Thurgood Marshall Scholar and was a member of the Public Contract Law Journal. Before joining Noelke Maples St. Leger Bryant, Jon practiced law in New York City, where he was a Felony Assistant District Attorney in the Brooklyn District Attorney's office. With a background in criminal law and civil litigation, Jon is now exclusively focused on the practice of family law. [nmsb-law.com](http://nmsb-law.com)*

## PARALEGAL DIVISION ONLINE STORE



### TAPS Merchandise!

The PD is offering PD products with the 2017 TAPS logo, as well as its traditional logo. There are 35th Anniversary logo products (in Black and White or Bronze) available for a limited time. The Paralegal Division of the State Bar of Texas offers members merchandise to promote the paralegal profession and their membership of the Paralegal Division.

*Go to the PD online store today!*

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



# Paralegals Fly to Brussels, Bruges and Amsterdam

## April 20—April 28, 2018 (Eight Days and Seven Nights)



**FRI, April 20, 2018**— Depart from the USA to Europe.

**SAT, April 21, 2018 (Bruges)**— Morning arrival and transfer to Bruges.

This evening enjoy a special welcome dinner to kick off your trip. (D)

**SUN, April 22, 2018 (Bruges)**—This morning you will enjoy a guided walking tour which highlights the best preserved Renaissance architecture in all of Europe and also includes a visit to a lace center with demonstration. Bruges is famous for its lace, one of the oldest hand worked crafts in the world, and has been since the early 1700's. You'll also visit a diamond museum and learn that diamonds were traded in Bruges long before diamonds were heard of in Antwerp and Amsterdam. Later you will visit the Groeningemuseum. In the afternoon, discover Bruges by boat on a relaxing canal cruise. (B)

**MON, April 23, 2018 (Bruges)**—Today enjoy an excursion to Brussels. Today's sightseeing with a local guide begins with a drive to the Royal Domain at Laeken, residence of the Belgian royal family, and the famous Atomium. Return to town to see the European Parliament, the imposing Palace of Justice, St. Michael's Cathedral and the neo-classical Place Royale. You will continue to the antiques district, the Sablons, before viewing the iconic statute Manneken Pis and the breathtaking square that has become emblematic of the Belgian capital, the Grand-Place. After lunch visit the EU complex and main commission building. Return to Bruges this evening. (B,L)

**TUE, April 24, 2018 (Bruges)**—This morning you are free to discover Bruges. In the afternoon, you will enjoy a chocolate workshop and tasting. Then you will enjoy a tasting of local beer. (B)

**WED, April 25, 2018 (Amsterdam)**—Early morning departure for a visit to Kinderdijk including the museum, windmill and pumping station "Wisboomgemaal". Stop in Delft for lunch and a guided visit of the Royal Delft Factory. In the afternoon follow the tulip route to Amsterdam. (B, L)

**THU, April 26, 2018 (Amsterdam)**—Enjoy a morning city sightseeing tour including the Rijksmuseum. After a free afternoon enjoy a Rijsttafel dinner. (B, D)

**FRI, April 27, 2017 (Amsterdam)**—Today is a free day to perhaps visit the famous Keukenhof Gardens, Anne Frank's House or the Van Gogh museum. Relive the highlights of your trip on your private farewell dinner canal cruise. (B,D)

**SAT, April 28, 2018**—Depart for the USA. (B)

**FEE WITH AIR INCLUDED:** Fee is based on registration by November 1, 2017.

**Fees:** Departing DFW— \$4,629; Austin/San Antonio—\$4879; Houston—\$4839; Amarillo—\$4959; Midland—\$4,899; Abilene—\$4,979 (includes program fee). **Note:** Registrations after August 1 may include additional fuel surcharges that are finalized 45 days prior to departure; an invoice will be sent at that time if there are any increases. *Other departure cities available upon request. Fees based on 20 persons and includes airfare, hotel, transportation, tours, and meals as indicated above.*

**Additional/Optional fees:** Single room supplement: \$859; Ultimate Protection Plan: \$270; Comprehensive Protection Plan: \$225; Surcharge for guests ages 66+: \$100

**LAND ONLY FEE:** (if you wish to make your own air travel arrangements): \$3,529

**PAYMENT SCHEDULE:** Deadline for registration is November 1, 2017; Initial non-refundable deposit is \$200; another \$295 payment will be due 30 days after registration, third payment of \$500 is due November 1, 2017; fourth payment of \$500 is due on December 1, 2017, with balance due on January 15, 2018. **Non-payment of required on-time monthly payments will result in trip cancellation.**

### MAKE IT EASY ON YOURSELF! SIGN UP FOR AUTO PAYMENTS:

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

**EXTENSION:** To extend stay at the end of the trip, an Alternate Request Form must be completed (found at <https://www.pdfFiller.com/217790774-2016-Alt-Return-Formpdf-2016-Alternate-Return-Request-Form—ACIS-Educational-Tours-Various-Fillable-Forms>) and returned to ACIS at least 90 days prior to your trip's departure. There will be an additional fee of \$175 for this extension, plus any additional airline ticket costs.

**REGISTER** at <http://www.acis.com/register> choose Participant from the drop-down menu and sign in using: Group Leader ID: 46775-Group Leader's Last Name: Brashears - Click on the appropriate circle for your departure city for the "Bruges, Brussels and Amsterdam" trip and fill in your information.

# Recapping The Sunset Commission's Impact on the 85th Legislative Session

Donna Lynn Waldon, TBLS-BCP  
Mary R. Wintermote

2017 marks the 40th anniversary of the [Texas Sunset Act](#) which was passed by the 69th Legislature. The Act created a 12-member [Sunset Advisory Commission](#) to review a certain number of the 130 state agencies every twelve years and make recommendations about whether the specific agency should be continued, improved, or phased out. During 2016-2017, the Commission reviewed twenty-five state agencies and adopted recommendations on continuing, dissolving, or improving these agencies.

By the May 29, 2017 conclusion of the Legislature's Regular Session, five agencies—Texas Medical Board, Texas State Board of Social Workers Examiners, Texas State Board of Examiners of Marriage and Family Therapists, Texas State Board of Examiners of Psychologists and Texas State Board of Examiners of Professional Counselors—had not received approval to continue on a two-year "safety net" legislation regarding these five agen-

cies. [House Bill 2561](#) and [House Bill 2590](#), which were introduced during the General Session, impacted several of the reviewed agencies as those bills dealt with control, monitoring, and reporting on prescribing, dispensing, and use of controlled substances.

On July 10, 2017, Governor Abbott declared a [special session](#) of the Legislature to convene beginning on July 17, 2017 for the purpose of extending the expiration dates of the five agencies. Upon reconvening, [Senate Bill 20](#) and [Senate Bill 60](#) introduced by Senator Van Taylor proposed amending Section 151.004 of the Occupations Code to reauthorize the affected agencies. The bills passed unanimously shortly after midnight on July 20, 2017. Should the House not approve the bills by a 2/3 margin, they will come in effect on the 91st day after conclusion of the special session.

Significant information related to the twenty-five agencies includes:

| Agency*  | Comment   |
|--|---|
| State Bar of Texas, State  | SB320 continues the State Bar agency for an addition 12 years. It also provided powers to the Office of the Chief Disciplinary Counsel regarding monitoring and action against unethical attorneys and improvements to the Bar's rulemaking process.  |
| Central Colorado River Authority (CCRA)  | SB 2262 abolishes the CCRA on January 1, 2019 and the answers of the Agency will be transferred to Coleman County   |
| Texas Board of Chiropractic Examiners  | SB 304—Deregulates chiropractic facilities, requires the Board to use chiropractic experts to investigate complaints. Requires fingerprint, background a disciplinary action checks before issuing or renewing a license. Address issues related to "bottle-necks in the complaint resolution process" as well as linking penalties to risk.                  |
| Texas State Board of Examiners of Professional Counselors,<br><br>Texas State Board of Examiners of Professional Marriage and Family Therapists<br><br>Texas State Board of Examiners of Professional Social Workers Examiners, Texas State Board of | HB 2898 containing the Sunset Commission's recommendation for the three behavioral science examination boards did not pass. However, several non-statutory management actions are to be adopted   |
| State Board of Dental Examiners  | SB 313 strengthened anesthesia regulation and provided methods to enforce the regulation, improved training and requirements for emergency preparedness and provided evidence-based review regarding additional changes in anesthesia regulation  |
| Board of Trustees of Employees Retirement System of Texas  | SB 301 requires the Agency Board to approve individual alternative investments and track and report profit shares for these investments in an attempt to increase Agency oversight and transparency. The bill also requires the Agency to provide additional group benefit information and develop a process for members to participate in insurance appeals. |
| Health Licensing Consolidation Project   | HB 2878, which would have merged the licensing and regulations of psychologists, marriage & family therapists, professional counselors, social workers and chemical dependency counselors, did not pass.  |

|  |  |
|--|--|
| Board of Law Examiners   | SB 303—The Commission originally looked at the board structure separating the licensing and examination of attorneys from the State Bar of Texas's enforcement activities and concluded that the current structure of the two agencies was standard across the United States and performed its duties well. SB 303 removed several statutory barriers and inconsistencies to promote efficiency. Several management actions, not requiring legislative action, were also adopted.  |
| Texas Medical Board,   | Neither HB 3040 or SB 315 passed, however, several of the Commissions other recommendations were passed under separate legislative including: HB2561 related to the Prescription Monitoring Program; SB 315—Regulations regarding Pain Management Clinic; SB 1625—Requiring at least one physician's assistant to serve as a panelist in settlement conferences regarding a physician's assistant; SB 1625—Related to licensing of physician's assistant SB 674—Regarding licensing and dual registration provisions for various medical professionals.                  |
| Texas Board of Nursing   | HB 2950 limits subjective standards used by the Agency to discipline nurses and continued the exception to licensing requirements to Excelsior College's nursing program and creates a similar licensing process for other in-state programs. Additionally, the bill added to the Board's peer assistance program and discussed issues related to overprescribing certain drugs. It also addressed restrictions on the board's hearing process, religious freedom protections and allowed advanced practice registered nurses to sign death certificates.                |
| Texas Board of Occupational Therapy Examiners<br><br>Texas Board of Physical Therapy Examiners | Both the Occupational Therapy Examiners Board and Physical Therapy Examiners Board had not been reviewed by the Commission for 23 years so there had not been an overview of the Board's regulations. Through SB 317, the boards will no longer be required continue with the requirement to register physical and occupational therapy facilities after September, 2019. The bill takes advantage of regulatory activity for physical and occupational therapists to cross state lines and updates the agency statutes and practices to comport with current standards. |
| Texas Optometry Board  | SB 314 requires optometrists to have a fingerprint-based criminal background check. HB 2561 comports with the other health licensing agencies by requiring optometrists with prescription writing authority to search the Prescription Monitoring Program database and conduct a patient review before prescribing controlled substances. HB 2561 also requires the board to search the database periodically to identify any improper prescribing patterns.   |
| Palo Duro River Authority of Texas   | Through HB 1920, the Palo Duro River Authority is restructured to become a local water district and allows the district to decide its own future through an optional member dissolution practice   |

|  |   |
|--|---|
| Texas State Board of Pharmacy  | HB 2561 addresses the prescription drug abuse epidemic and implanted national best practices for the Prescription Monitoring Program including requiring pharmacists to enter data more quickly and check the database before prescribing high risk controlled substances. It also requires doctors, nurses and licensing board to use the system proactively as detailed in each related agency's report. The bill also contains recommendations to improve the licensing and enforcement processes and updates processes for board training, rulemaking and dispute resolution. |
| Executive Council of Physical Therapy and Occupational Therapy Examiners | This board had not been reviewed by the Commission for 23 years. SB 317 continued the PT and OT boards for 12 years. The board no longer needs to continue the registration requirement to register physical and occupational therapy facilities. SB 317 also recommended that the agency statutes and practices be updated to reflect current standards.   |
| Texas State Board of Podiatric Medical Examiners                         | HB 3078 transfers the agency's functions to the Texas Department of Licensing and Regulation (TDLR) on September 1, 2017. The TDLR will provide stability and savings, address slow complaint resolution responses and improve licensing & enforcement outcomes. HB3078 also updates licensing and enforcement practices and, consistent with House Bill 2561, requires podiatrists to search the Prescription Monitoring Program (PMP) database and review a patient's prescription history prior to issuing certain prescription medications.                                   |
| Texas State Board of Examiners of Psychologists                          | HB 2898 contained the Commission recommendations for the board did not pass; however, the Commission adopted several nonstatutory management actions the board is required to implement.  |
| Railroad Commission of Texas   | HB 1818 requires that the Railroad Commission develop a plan tracking and measuring its enforcement program, including conducting audits of severed leases to deter illegal production of oil and gas. The bill also makes the Commission's recommendations to provide resources for pipeline safety, pipeline damage production and develop an alternative dispute resolution policy.  |
| Sulphur River Basin Authority  | As a result of controversies regarding water development projects, HB 2180 essentially resets the board and allows the SRBA to reestablish positive working relationships and trust to better the Sulphur River basin area. The Commission made recommendations regarding funding, contracting and improved transparency.   |

|   |  |
|---|--|
| Texas Department of Transportation          | SB 312 attempts to ensure that TxDOT continues to progress to a more transparent, performance based planning and project selection process, addressed inefficiencies within the department authorized additional tools to improve the timeliness of its construction projects. The bill also advanced the Commissions' desire to increase accountability for the use of the state aircraft fleet and modernize vehicle crash reporting. Several provisions related to toll road financing, user fines on TxDOT toll roads and public communication.  |
| Upper Colorado River Authority              | In accordance with the Commission's recommendations, HB 1921 clarifies the Authority's boundaries and increases the board's role in identifying priorities to strengthen relationships with local partners   |
| State Board of Veterinary Medical Examiners | SB 319 and HB 2561 addressed inadequate monitoring related to dispensing controlled substances and automatically registered veterinarians to use the Texas Prescription Monitoring Program database. Additionally, the board is required to monitor, identify and investigate potentially harmful prescribing and dispensing patterns. The legislature did not adopt the Commission's recommendation requiring veterinarians to report their controlled substance dispensing to clients' animal-related prescription history. SB 319 hopes to improve the agency's enforcement process with regard to fair treatment of complainants and licensees while increasing transparency and information access, while protecting complaint confidentiality. |

1 The Sunset Commission's final report is hyperlinked to each individual Agency discussed in this article.



*Donna Lynn Waldon is Professional Development Committee Chair of the Paralegal Division of the State Bar of Texas and has worked as a paralegal for 15 years. Donna*

*Lynn was certified in Family Law by the Texas Board of Legal Specialization in 2015. She is a family law paralegal and is currently working in the Southlake office of KoonsFuller, P.C., which has five offices—Dallas, Denton, Plano, Southlake, and Houston. [koonsfuller.com](http://koonsfuller.com)*



*Mary R. Wintermote is Secretary and District 3 Director of the Paralegal Division and has worked as a paralegal for 27 years. Mary is a senior litigation paralegal in the Fort Worth office of Cotten Schmidt &*

*Abbott, LLP. She works collaboratively on complex litigation matters filed nationwide along 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. [www.csa-lawfirm.com](http://www.csa-lawfirm.com)*

# EXPECT MORE

from your court reporting company



Court Reporting • Video Services • Remote Depositions • Document Repositories  
Exhibit Solutions • Data Security / Privacy • Complimentary CLE courses



**VERITEXT**  
LEGAL SOLUTIONS

Contact us for your next deposition!  
**800.336.4000 | [calendar-tx@veritext.com](mailto:calendar-tx@veritext.com)**

Austin | Dallas | Fort Worth | Houston | San Antonio  
and more than 45 other locations throughout the U.S.



# Scruples

## Ethical Considerations Regarding Paralegals and Privileged Communications-Client Privilege

Ellen Lockwood, ACP, RP

**A**s paralegals, we are frequently responsible for transmitting questions and confidential information from clients to attorneys, and advice and guidance from attorneys to clients. Paralegals are often more available to clients than busy attorneys and have more access to the attorneys handling the matter. Paralegals also have lower billing rates, so if a conversation with a client will take a few minutes, it will be less expensive to have the conversation with the paralegal.

All information regarding legal matters is confidential and some of the information will also be considered privileged. Attorney-client privilege is a well-established doctrine of common law. The required elements are as follows:

- a statement that seeks or provides legal advice
- made between an attorney and the attorney's client
- made in confidence
- for the purpose of seeking, obtaining, or providing legal assistance to the client

Several federal decisions have clarified when communications between a non-attorney and a client may be considered privileged. The federal courts have elucidated that the communication must have been made for the purpose of obtaining legal advice from the attorney. The elements required for a communication to be subject to attorney-client privilege is

another reason why it is important to make clear to clients when advice and guidance is coming from the attorney. Statements such as "I passed along your question to attorney \_\_\_\_\_ and she advised . . ." or "I spoke to attorney \_\_\_\_\_ who asked me to tell you . . ." will alert the client that the information is from the attorney, not the paralegal. Such clarifications also help paralegals avoid claims that the paralegal is engaging in the unauthorized practice of law. (Of course, this assumes paralegals have actually consulted their attorneys regarding the appropriate responses to the clients.)

Communications with clients can be an especially complicated area for non-attorneys who provide guidance to clients without constant involvement of attorneys, such as within a corporation. In *HPD Laboratories v. The Clorox Company*, 202 F.R.D. 410 (D.N.J. 2001), HPD filed a motion to compel discovery of communications between a paralegal and the business people. The Clorox paralegal's job duties included advising the business people regarding marketing and regulatory matters. Clorox argued that the communications were privileged. However, the judge ruled that under federal law, these communications did not meet the criteria of privileged communications. Since the business department did not consult with the paralegal for the purpose of obtaining legal advice from an attorney, and the paralegal gave her advice independently

rather than assisting the attorney in formulating and providing legal guidance, the judge's decision was that the communications did not meet the required elements to be considered privileged.

Although the *Clorox* case involved an in-house paralegal, the same issues are also a concern for paralegals who work in law firms. Paralegals and attorneys should not assume all communications between non-attorneys and clients automatically meet the criteria to qualify as privileged. Clients may assume every communication they have with anyone in the attorney's office is not only confidential, but also privileged. Legal teams should take care that all privileged communications meet the legal requirements.

Written communications that include legal advice should be signed by an attorney. If legal advice is being sent to a client via email from the paralegal, the attorney should be copied on the email and the email should be worded to make it clear the advice is coming from the attorney.

Ultimately, it is the responsibility of attorneys, with assistance from paralegals, to ensure any privileged communications meet the requirements to be designated as privileged, and will be likely to withstand legal scrutiny and challenges.



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](https://www.twitter.com/paralegalethics) and she may be contacted at [ethics@txpd.org](mailto:ethics@txpd.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**

**[www.txpd.org/taps](http://www.txpd.org/taps)**



# Paralegal Division State Bar of Texas



## Board of Directors Quarterly Board Meeting Summary June 2017

*Submitted by President-Elect, Stephanie R. Sterling, TBLS-BCP*

**T**he Paralegal Division Board of Directors has been very busy this last year. Here are some interesting highlights from the last quarterly meeting in June.

### *Online Membership Renewals*

Membership renewals are being processed strictly online effective beginning this past May. The Board of Directors would like to remind all active and associate members to be sure to keep their CLE updated on their membership profile.

### *New Membership Bar Cards*

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

### *Digital TPJ*

The *Texas Paralegal Journal* (TPJ) is fully digital now, so be sure to read it when the e-blast with the link to access it is sent out to the membership. You can read past print and electronic issues [HERE](#).

### *Governing Documents Committee*

The Governing Documents committee is busy making sure that all of our Governing Documents are cohesive and up to date. At this last meeting in June, the Board approved to add the [Texas Paralegal Standards](#) to the Paralegal Division's Standing Rules as Appendix 1 for the purpose of more member visibility and access. These "Standards" were approved by the State Bar of Texas

Board of Directors in 2006 to assist attorneys in their utilization of paralegals.

### *New Ethics CLE Requirement*

In keeping with the Paralegal Division's vision of empowering paralegals, the Board of Directors passed a new CLE requirement. Effective for the 2017–2018 Renewal Period, all active and associate members will be required to have one (1) hour of the current six (6) hour requirement in ethics by May 31, 2018.

### *Online Store*

Get your Paralegal Division logo merchandise at the [PD Online Store](#). TAPS merchandise was recently added to selections. 35th Anniversary merchandise is still available, but only for a limited time.

### *Board of Directors and Committees*

We are hard at work for you - Get to know your [Board of Directors and Committee Chairs](#).

### *Paralegal Pulse*

The Paralegal Division's monthly e-newsletter sent out to the membership on or about the 15th of the month. Did you know that you can access the [Paralegal Pulse archives](#) online?

### *Paralegal Division Blog*

Read and subscribe to the [PD Blog](#)

### *Social Media—Follow, Like or Join*





# 2017 ANNUAL MEETING

*By Jay M. Williams, TBLS-BCP  
District 2 Director*



*Special Appreciation Award—Deb Pointer*



*Outstanding Chair Award—  
Susan Davis, TBLS-BCP*

**T**he 2017 Annual Meeting of the Paralegal Division, State Bar of Texas, took place on June 23, 2017 at the Crowne Plaza Dallas Galleria Hotel. Under the guidance of Melody Johnson, CP, the committee planned topics that allowed attendees to receive TBLS approved CLE on topics following the theme, “Writing and Cloud Storage: The Paralegal’s New Legal Pad.” Starting with Tom Mighell’s presentation of “Collaboration and Productivity Tools for Law Firms—2017 Update,” followed by Robert Bogdanowicz, III’s presenting “Your Case in the Cloud: Avoiding Ethical Pitfalls & Security Issues When Using Cloud Storage,” Peter Vogel gave a very entertaining yet fascinating presentation

to “Keep Investigations about Cyber Intrusions in the U.S. and Around the World.” Once again, the Paralegal Division was a beneficiary of the support of our wonderful vendor members. Led by our Gold Level Sponsors Veritext, Kim Tindall & Associates, File & Serve Xpress, DepoTexas/Lexitas, and Metro Video, the Division benefitted from several sustaining members supporting our event.

During the business portion of the meeting Parliamentarian Stephanie Sterling, TBLS-BCP, reminded the attendees of the Division’s Canons of Ethics. Then, Outgoing President Megan Goor, TBLS-BCP, gave the State of the Division address. We continue to remain strong and viable as an association. Treasurer Jay M.



*Special Recognition Award—Vicki Lorenzen with District 7 Director,  
Sharla Fowler, CP*

Williams, TBLS-BCP, informed attendees the Division is in a strong fiscal position namely due to the following of proce-

dures by District Directors and Committee Chairs while carrying out their fiduciary duties to the Division.





President's Award—Rhonda Brashears, CP, TBLS-BCP

Next, the Division recognized the outstanding work of various members throughout the preceding term. Julie Sherman, TBLS-BCP, presented the *Exceptional Pro Bono Award* to Katrina Lea (District 3) for her tireless work in the legal community and serving as an advocate for those with limited means or who are unable to speak for themselves.

The *Special Appreciation Award* was presented to Deb

Pointer (District 3) who serves in many capacities for District 3 (Membership sub-chair and Spot Audit co-chair) and is always one to step in and help with whatever else might be needed.

An *Outstanding Chair Award* was given to Susan Davis, TBLS-BCP (District 3), Vendor Liaison Chair, for her continued efforts in getting sponsorship for events across the state and increasing



President Goor graciously passing along the President's gavel to President Hart Tucker



Annual Meeting Committee: Susan Davis, Melody Johnson, Megan Goor, Jay Williams, and Eugene Alcala (not pictured)

networking opportunities for sustaining members. A second *Outstanding Chair Award* was given to Sheila Posey, TBLS-BCP (District 10), E-Newsletter Chair and Editor, for putting together and providing important information and news in the "Paralegal Pulse" every month. The *Special Recognition Award* was given to Vicki Lorenzen (District 7) for her persistent and tireless efforts to formulate a new area of board certification for paralegals in oil, gas and mineral law, which came to fruition earlier this year. A *President's Award* was awarded to PD Coordinator, Rhonda Brashears, CP, TBLS-BCP, for her remarkable work and exceptional service as the Paralegal Division Coordinator.

The prestigious *Award of Excellence* was given to

President-Elect, Stephanie Sterling, TBLS-BCP, (District 4) for her outstanding and herculean achievement as Chair of the Governing Documents Committee.

Afterward, Outgoing President Goor passed the gavel to Incoming President Mona Hart Tucker, ACP. Then came the installation of the Board of Directors and Executive Committee for the 2017–18 term. The Board of Directors consist of Sherylyne Hollinger, RP, PHP (District 1); Jay M. Williams, TBLS-BCP (District 2); Mary Wintermote (District 3); Pamela M. Etie, ACP (District 4); Susi Boss (District 5); Sharla Fowler, CP (District 7); Jennifer Barnes, CP (District 10); Sandra Seutter (District 11); Michelle Beecher (District 12); Javan Johnson, ACP, TBLS-BCP (District 14); Enda W. Garza, TBLS-BCP (District 15); and Rebecca Lopez (District 16). The Executive Committee for the 2017–18 term consists of President Mona Hart Tucker, ACP; President-Elect Stephanie Sterling, TBLS-BCP; Treasurer Javan Johnson, ACP, TBLS-BCP; Secretary Mary Wintermote; and Parliamentarian Edna W. Garza, TBLS-BCP.



# 2016–2017 EXCEPTIONAL PRO BONO SERVICE AWARD

*By Julie Sherman, TBLS-BCP*

**I**t was my honor and privilege to present Katrina Lea with this year's Exceptional Pro Bono Service Award. As most of you know, Katrina is a contract analyst/paralegal with BNSF Railway in Fort Worth. What you probably don't know is that she is also the 2017—President & Chair, J.L. Turner Legal Assoc.—Paralegal Section; 2016 & 2017—Ethics Chair, Fort Worth Paralegal Association; and the 2016—Annual Meeting Chair, SBOT-PD.

Katrina has held numerous board positions & chair positions with the SBOT-Paralegal Division, the Fort Worth Paralegal Association and the J.L. Turner Legal Association—Paralegal Section.

Additionally, Katrina has been a long time Pro Bono volunteer with Legal Aid of Northwest Texas; State Bar of Texas—Paralegal Division; Fort Worth Paralegal Association and Tarrant Volunteer Attorney Services (TVAS).

I have had the opportunity to work with Katrina on numerous Pro Bono projects, Legal Aid of North West Texas' Will Clinics, Tarrant Attorney Volunteer Services' Family Law Clinics, Estate Planning Clinics and General Advice Clinics. Katrina uses her legal skills, knowledge, education and experience to



*Left to Right: Shanna Mello, Pro Bono Chair; Katrina Lea; and Julie Sherman, TBLS-BCP.*

help provide pro bono services to our community. Katrina is truly an Advocate for Justice.

Over the past four years, Katrina has been a paralegal volunteer for numerous TVAS projects and events. In fact, she has missed only two events in those four years. Katrina is one of the “go to” people that is always willing to volunteer for a Pro Bono project and she does it with a smile on her face that reflects that she really and truly

cares about people.

Katrina was previously honored as The Tarrant County Bar Foundation's 2015 TVAS Volunteer Paralegal of the Year; The Fort Worth Paralegal Association's 2013 Paralegal of the Year, and the Fort Worth Paralegal Association's 2009 and 2016 Volunteer of the year.

Please help me congratulate Katrina Lea, recipient of the 2016/2017 Exceptional Pro Bono Service Award.

## Do you want even more PD news?

The “Paralegal Pulse” is the PD's monthly electronic newsletter. This is just another one of your PD membership benefits and is issued every month by the E-Newsletter Committee. Be sure to look for your e-newsletter e-mail around the 15th of every month for the latest PD updates and news!

If you have a submission or question, please contact  
E-Newsletter Chair, Sheila Posey, TBLS-BCP, at  
[e-newsletter@txpd.org](mailto:e-newsletter@txpd.org).



# AWARD OF EXCELLENCE

*By Megan Goor, TBLS-BCP*

**S**tephanie Sterling, TBLS-BCP, was awarded the PD's award of highest honor, the 2017 Award of Excellence, by the Board of Directors. Stephanie was presented this award at the 2017 Annual Meeting held in June in Addison. President Megan Goor, TBLS-BCP, expressed the deep appreciation and praises of the Board of Directors to Stephanie as she was presented her award. The Award of Excellence, by definition, is an award conferred by the Board of Directors of the Paralegal Division to recognize an individual who has made a substantial contribution to the paralegal profession. The award is given for outstanding merit and is not required to be conferred annually. Stephanie's receipt of this award was due to diligent efforts accomplishing the herculean task of conforming all of the PD's governing documents (Bylaws, Standing Rules, and Procedure Manual). Stephanie is the current President-Elect and served as Director of District 4, Parliamentarian, and several other roles before being elected as President-Elect in 2016.

Stephanie is a Civil Litigation and Intellectual Property Paralegal with the law firm of DuBois, Bryant & Campbell, LLP in Austin. Stephanie is a member of Capital Area Paralegal Association (CAPA) and has served CAPA in many board positions and committee roles over the years, including President in 2013–2014. She has received CAPA's Paralegal of the Year in 2013, its Volunteer of the Year in 2011 for her outstanding volunteerism, and again in 2014 for her extraordinary commitment and dedication to CAPA. Additionally, Stephanie was awarded with the NALA Affiliates Award in 2013 for her contribution and dedication to the advancement of the paralegal profession.

Stephanie has demonstrated tremendous dedication to the paralegal profession. Stephanie is also a member of the Texas Bar College, NALA—The Paralegal Association, and Women in E-Discovery.



*Award of Excellence—Stephanie Sterling, TBLS-BCP*







*Past President Michele Boerder visiting the vendor hall.*



*Keynote Speaker: Peter Vogel*



*Morning speaker—Rob Bogdanowicz*



*President Goor, Rob Bogdanowicz, and Annual Meeting Chair Johnson*



*Jay Williams introducing morning speaker, Tom Mighell*



*Attendees enjoying morning CLE sessions*

---

Thank you to the 2017 Annual Meeting Speakers and Sponsors!



Left to Right—Tom Mighell, Peter Vogel and Robert J. Bogdanowicz, III

---

## Gold Sponsors



## Silver Sponsors



## Bronze Sponsors



Tote Bag Sponsor



Signage



AV Sponsor





# 2017–2018 EXECUTIVE COMMITTEE OFFICERS AND PD COORDINATOR

## President

### Mona Hart Tucker, ACP



Mona Hart Tucker, ACP, has been a member of the Paralegal Division since 2001. She previously served as Secretary, Treasurer, and

President-Elect of the Division, as well as Paralegal Division Director for District 14 for the term years 2004–2006, 2006–2008, 2012–2014, and 2014–2016.

Mona works as a contract paralegal in the civil litigation field. She has previously worked in the oil & gas, real estate, and estate planning & probate areas of law.

Mona graduated *cum laude* from East Texas Baptist University in Marshall, and while there, also obtained her formal paralegal education in ETBU's ABA-accredited program. She earned her Certified Paralegal credentials from NALA in 2001, earned the Advanced Certification in Trial Practice in 2009, and Advanced Certification in Discovery in 2012. She was selected as a member of NALA's inaugural LEAP class.

An avid amateur genealogist, Mona enjoys research and “dead ancestor hunts”. She currently serves as President of the Trevat Cemetery Association in Trinity County. Mona and her husband Lonnie live with their Chihuahua, Jamie, in Daingerfield.

## President-Elect

### Stephanie Sterling, TBLS-BCP

Stephanie has been a member of the Paralegal Division since 2003. Until her election as President-Elect, she served the Division as District 4 Director from 2014–2016 and 2016–2017, while also serving as Parliamentarian from 2015–2017. Stephanie is currently Chair to the Governing Documents Ad Hoc Committee, previously served as Marketing Chair on the TAPS 2014 Planning Committee, and has served



on several other committees in various roles with the Division. Additionally, Stephanie had the extreme honor to be appointed as a member of the

State Bar's Technology Program.

Stephanie is a Civil Litigation and Intellectual Property Paralegal with the law firm of DuBois, Bryant & Campbell, LLP in Austin. She became a Board Certified Paralegal in Civil Trial Law through the Texas Board of Legal Specialization in 2015. Stephanie earned her Associate of Applied Science Degree in Paralegal Studies with honors from Lamar University, an ABA accredited program, and went on to graduate with a Bachelor's of Science Degree in History with honors from West Texas A&M University.

Stephanie is a member of Capital Area Paralegal Association (CAPA) and has served CAPA in many board positions and committee roles over the years, including President in 2013–2014. She is also a member of the Texas Bar College, NALA—The Paralegal Association, and Women in E-Discovery.

Stephanie was honored to have received the Paralegal Division's Award of Excellence in 2017 and CAPA's Paralegal of the Year in 2013. CAPA also awarded her with its Volunteer of the Year in 2011 for her outstanding volunteerism, and then again in 2014 for her extraordinary commitment and dedication to CAPA. Additionally, Stephanie was awarded with the NALA Affiliates Award in 2013 for her contribution and dedication to the advancement of the paralegal profession. Stephanie has been a contributor to the *Texas Paralegal Journal*, the *Paralegal Pulse*, and CAPA's *The Brief*. Additionally, she has been a frequent speaker at various legal events and paralegal classes.

Stephanie has been married to Clint for 25 years and they have 1 child, Caleb,

who is 16. She has served the local PTA organizations as Legislative Action Chair, Website Coordinator, and Homeroom Mom for numerous years as well as a teacher in AWANAs for several years. In her free time, she enjoys spending time with family, traveling, reading, dancing, hiking, and participating in various obstacle runs and 5Ks.

## Treasurer

### Javan Johnson, ACP, TBLS-BCP



Javan Johnson, ACP, is a Charter member of the Paralegal Division (PD) of the State Bar of Texas. She has served PD for two terms as President

(2000–2001; 2006–2007), a member of the Board of Directors, Membership Committee Chair, Public Relations Committee Chair, and the Texas Advanced Paralegal Seminar Planning Committee, as well as many other positions. She is a co-author of the Paralegal Ethics Handbook. She has been honored with various awards including the highest Award of Excellence in 2004 and in 2016 for her volunteer efforts with the PD. Javan is a PD Ambassador and is a frequent speaker for PD on ethics and numerous civil trial and personal injury topics. Javan is currently serving her second term as Director of District 14 in Northeast Texas, and is serving as a Mentor for PD Proteges.

Javan owns Professional Paralegal Services, a freelance paralegal service which opened in February 1999. She specializes in civil trial and personal injury litigation, and has more than 35 years paralegal experience. She received a Bachelor's Degree in Business Administration and Education from Baylor University. Javan obtained her Certified Paralegal (CP) from the National Association of Legal

Assistants in 1990, earned the NALA Advanced Civil Litigation specialty designation in 1993, and became certified in Civil Trial Law by the Texas Board of Legal Specialization in 1996.

Javan is devoted to the paralegal profession and educating paralegals all over the State. She is also a charter member of the Northeast Texas Association of Paralegals, Inc. in Longview and has served that organization in numerous since its inception. Javan also assisted in organizing and starting the Paralegal Program at Kilgore College, and has taught in that program since 1988 and serves on the Advisory Board. She has served on the Paralegal Civil Trial Commission for the Texas Board of Legal Specialization, and has served on the Board of Trustees for the Texas Center for Legal Ethics. Her husband, Brett, of more than 30 years has been very supportive of her career goals and volunteer efforts. They have one son, Cameron.

### **Secretary Mary Wintermote**



Mary R. Wintermote is a senior litigation paralegal in the Fort Worth office of Cotten Schmidt & Abbott, LLP. Mary's work as a paralegal spans more than

23 years with an emphasis on civil trial practice in the areas of complex personal injury and wrongful death cases nationally involving theories of premises liability, products liability, and medical malpractice. Mary also serves as liaison to several of the firm's major clients and assists with technology training at the firm's offices in Fort Worth and New Orleans.

Mary received her legal assistant certificate from the University of Texas-Arlington in 1991 and previously attended Pennsylvania State University and Harrisburg (PA) Area Community College. Prior to that time, Mary worked in the public safety and emergency management fields in Pennsylvania eventually moving to Texas in 1989.

Mary is a member of the Fort Worth Paralegal Association and serves as its Litigation Specialty Section Chair. She is also a member of the Dallas Area Paralegal Association. Mary has been a member of the Paralegal Division of the State Bar of Texas since 2013 and served as Elections Sub-Chair, Volunteer Coordinator, and CLE Committee for District 3.

Mary and her husband, John, live in Arlington. They have two children, Katharine and Joseph, 4 rescue dogs and 1 cat. She has a variety of hobbies and enjoys volunteering for several civic and charitable organizations in the Dallas/Fort Worth area.

### **Parliamentarian Edna Garza, TBLS-BCP**



Edna will be serving as the new Director for District 15 for 2015-2017. She has been a member of the Paralegal Division since 2011 and has served as the District 15

Continuing Legal Education Committee Sub-Chair from 2011-present.

Edna has 25 years of experience as a Paralegal. She obtained her Paralegal certificate from South Texas Vo-Tech in McAllen, Texas in 1991. She was also a Paralegal Instructor for 4 years at South Texas Vo-Tech from 1994-1998. Edna obtained her board certification in Civil Trial Law by the Texas Board of Legal Specialization in December 2014. For most of her paralegal career, Edna has worked in litigation, specializing in personal injury/wrongful death cases, commercial/lender-liability, employment and collection work.

Edna will be completing her Associate of Arts Degree (Interdisciplinary Studies) in December 2015. She will be seeking a Bachelor of Applied Science Degree in Organizational Leadership at South Texas College in McAllen, Texas. Edna obtained her real estate license in May 2012 and is a part-time Realtor. Since her licensure, she has acquired experience in REO (bank-

owned) properties and works with buyers and sellers in residential sale transactions. She also has experience working in property management. Edna is a member in the Greater McAllen Association of Realtors; The Texas Association of Realtors; and the National Association of Realtors.

### **PD Coordinator Rhonda Brashears, CP, TBLS-BCP**



Rhonda Brashears is a paralegal with the firm of Underwood Law Firm, P.C., Amarillo, Texas, and has been in the legal profession for over 30 years. She

specializes in personal injury and civil trial defense law. She received her B.G.S. from West Texas A&M University in 1998, her Certified Paralegal designation from the National Association of Legal Assistants in 1996, and was board certified by the Texas Board of Legal Specialization in Personal Injury Trial Law in 1998.

Rhonda began her position as Paralegal Division Coordinator in January of 2016. Rhonda proudly serves the Paralegal Division in this exciting new role, but she is not new to the Paralegal Division. She has been a member of the Paralegal Division since 1990. She also currently serves the Division as an Ambassador. In the past she has served as Director of District 7, 1996 until 2001, Secretary, 1999 to 2001, President Elect in 2001 and 2007, and President of the Division in 2002 and 2008. She has also previously served as Chair of the On-Line CLE Committee, the TAPS Planning Committee, the Publications Committee and as Editor of the Texas Paralegal Journal. Rhonda is a member of the Texas Panhandle Paralegal Association, where she has served as President, President-Elect, Treasurer and NALA Liaison.

# PARALEGAL DIVISION BOARD OF DIRECTORS 2017–2018

The 2017–2018 Paralegal Board of Directors was installed at the Annual Meeting in Addison on Friday, June 23, 2017.



This year's board members are:

## Executive Committee

President—Mona Hart Tucker, ACP; President-Elect—Stephanie Sterling, TBLS-BCP; Treasurer—Javan Johnson, ACP, TBLS-BCP; Parliamentarian—Edna Garza, TBLS-BCP; and Secretary—Mary Wintermote

## DISTRICT DIRECTORS

|             |  |             |   |
|-------------|--|-------------|---|
| District 1  | Sherylyne Hollinger, RP,<br>PHP<br>Houston | District 2  | Jay Williams, TBLS-BCP<br>Dallas            |
| District 3  | Mary Wintermote<br>Fort Worth              | District 4  | Pamela M. Etie, ACP<br>Austin               |
| District 5  | Susi Boss<br>San Antonio                   | District 6  | Michael Akins<br>Lubbock                    |
| District 7  | Sharla Fowler, CP<br>Amarillo              | District 8  | Vacant                                      |
| District 10 | Jennifer Barnes, CP<br>Conroe              | District 11 | Sandra Seutter<br>Midland                   |
| District 12 | Michelle Beecher<br>Denton                 | District 14 | Javan Johnson, ACP,<br>TBLS-BCP<br>Longview |
| District 15 | Edna W. Garza, TBLS-BCP<br>McAllen         | District 16 | Rebecca Lopez<br>El Paso                    |



A special “Thank You” to Immediate Past President Megan Goor, TBLS-BCP and the Outgoing Directors for their tireless work in representing the Paralegal Division:

District 1—Jennifer Evans, CP, Houston

District 5 – Susan Wilen, RN,  
San Antonio

District 7—Shandi Howard, CP, Lubbock

District 11—Jan McDaniel, CP, Midland



*District 5—Susan Wilen, RN, and District 7—Shandi Howard, CP*

## PARALEGAL DIVISION COMMITTEES AND LIAISONS ROSTER 2017–2018

### STANDING COMMITTEES

| Committee                | Chair  | Board Advisor                    |
|--------------------------|--|----------------------------------|
| Annual Meeting           | Alice Lineberry, PLS, CP   | Pam Etie, ACP, D-4               |
| Continuing Education     | Jennifer Evans, CP<br>(District)<br>Shannon Shaw, CP and<br>Kara O’Shaughnessy<br>(Online) | Jay Williams, TBLS-BCP,<br>D-2   |
| Elections                | Martha Ramirez, CP   | Michelle Beecher, D-12           |
| Membership               | Francesca Romans, ACP  | Pam Etie, ACP, D-4               |
| Professional Development | Donna Lynn Waldon  | Mary Wintermote, D-3             |
| Professional Ethics      | Ellen Lockwood, ACP,<br>RP   | Jennifer Barnes, CP, D-10        |
| Public Relations         | Erica Anderson, ACP<br>Cynthia Minchillo, RP,<br>Blog Coordinator                          | Rebecca Lopez, D-16              |
| Publications             | Megan Goor, TBLS-BCP   | Edna Garza, TBLS-BCP,<br>D-15    |
| Procedures Manual        | Stephanie Sterling,<br>TBLS-BCP  | Stephanie Sterling, TBLS-<br>BCP |

## AD HOC COMMITTEES

| Committee                                       | Chair                        | Board Advisor                      |
|---|------------------------------|------------------------------------|
| Ambassador                                      | Debbie McBride               | Sandra Seutter, D-11               |
| E-Group Policy                                  | Kimberly McDonald, TBLS-BCP  | Sharla Fowler, CP, D-7             |
| E-Newsletter                                    | Sheila Posey, TBLS-BCP       | Javan Johnson, ACP, TBLS-BCP, D-14 |
| Membership Renewal Spot Audit                   | Deb Pointer                  | Mary Wintermote, D-3               |
| Paralegal Ethics Handbook                       | Ellen Lockwood, ACP, RP      | Jennifer Barnes, CP, D-10          |
| Pro Bono  | Shanna Mello                 | Edna Garza, TBLS-BCP D-15          |
| TAPS  | Megan Goor, TBLS-BCP         | Mona Tucker, ACP                   |
| Texas Bar College Membership Application Review | Jena Parker, CP              | Susi Boss, D-5                     |
| Sustaining Member / Vendor Liaison              | Susan Davis, TBLS-BCP        | Michelle Beecher, D-12             |
| TBLS Helpful Hints Guide                        | Javan Johnson, ACP, TBLS-BCP | Javan Johnson, ACP, TBLS-BCP, D-14 |
| Website Development                             | Michelle Beecher             | Michelle Beecher, D-12             |
| Mentor Program                                  | Deb Pointer                  | Sherie Hollinger, RP, PHP, D-1     |
| Governing Documents                             | Stephanie Sterling, TBLS-BCP | Stephanie Sterling, TBLS-BCP, D-4  |

## LIAISONS

| Organization  | Liaison                            |
|---|------------------------------------|
| American Alliance of Paralegals (AAPI)                  | Jennifer Barnes, CP, D-10          |
| American Association for Paralegal Education (AAfPE)    | Sharla Fowler, CP, D-7             |
| American Association of Legal Nurse Consultants (AALNC) | Sherie Hollinger, RP, PHP, D-1     |
| American Bar Association (ABA)                          | Rebecca Lopez, D-16                |
| Office of Court Administration                          | Michelle Beecher, D-12             |
| National Association of Legal Assistants (NALA)         | Susi Boss, D-5                     |
| National Federation of Paralegal Associations (NFPA)    | Jay Williams, TBLS-BCP, D-2        |
| Texas Alliance of Paralegal Associations (TAPA)         | Mona Tucker, ACP, President        |
| Texas Association of Legal Professionals (TALP/ NALS)   | Sandra Seutter, D-11               |
| Texas Board of Legal Specialization (TBLS)              | Edna Garza, TBLS-BCP, D-15         |
| Texas Lawyers for Texas Veterans (TLTV)                 | Javan Johnson, ACP, TBLS-BCP, D-14 |
| Texas Young Lawyers Association (TYLA)                  | Mary Wintermote, D-3               |

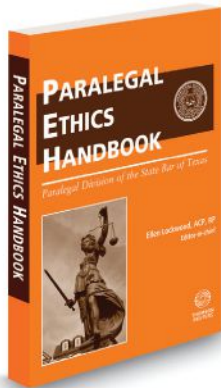


## PARALEGAL DAY EVENTS

In 2009, the Texas State Senate adopted Proclamation No. 1144, recognizing October 23rd as Texas Paralegal Day, to honor the paralegal community. Join your fellow members by celebrating Texas Paralegal Day at your district event:

| <u>District</u> | <u>Date / Time</u>             | <u>Location &amp; Plans</u>  |
|-----------------|--------------------------------|--|
| 1               | October 23<br>5:30–7:30pm      | Birraporetti's in Downtown Houston<br>Social meet and greet with Houston Metropolitan Paralegal Association  |
| 2               | October 23<br>TBD              | Luncheon<br>With Dallas Area Paralegal Association, North Texas Paralegal Association, and J.L. Turner Legal Association   |
| 3               | October 18<br>noon–1:30pm      | Pappadeaux, 2708 West Freeway, Fort Worth<br>CLE and Luncheon with Fort Worth Paralegal Association  |
| 4               | October 27<br>6:00–8:00pm      | TBD<br>Reception with keynote speaker with Capital Area Paralegal Association  |
| 5               | October 27<br>noon–1:00        | Norris Conference Center, San Antonio<br>14th Annual San Antonio Paralegal Day Celebration, “The Legal Profession: Where are We Now & Where will We be in 10 Years?”—speaker, G. Thomas Vick, Jr. with San Antonio Paralegal Association |
| 7               | TBD                            | TBD  |
| 10              | October 20 or 23               | TBD<br>Happy Hour  |
| 11              | TBD                            | Local Country Club<br>Appreciation luncheon with a local judge as keynote speaker with local bar association and local paralegal association in Midland  |
| 12              | TBD                            | TBD<br>With Denton County Paralegal Association  |
| 14              | TBD                            | Reception  |
| 15              | Oct. 26<br>6–8pm               | Arturo's Mexican Restaurant, Weslaco<br>3rd Annual Paralegal Day/Member Appreciation Social  |
| 16              | Oct. 19<br>8:30 a.m.–1:00 p.m. | Auditorium located at the Stanton Building.<br>Half-day seminar and luncheon to celebrate Texas Paralegal Day with the El Paso Paralegal Association   |





## The Paralegal Ethics Handbook, 2017 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:**324

**Print Product Number:**40638127

**Print Price:** \$110.00

### SAVE 10%

Order online at [legalsolutions.com](http://legalsolutions.com) and at checkout, enter promo code 10ETHICS and the discount will be applied.

Or order by phone at 1-800-344 - 5009

10% discount applies to this book only. Expires 12.31.2017

Price subject to change without notice.

12/31/2017

To order, or for more information, visit  
[legalsolutions.thomsonreuters.com](http://legalsolutions.thomsonreuters.com).



THOMSON REUTERS™



## What are the PD Membership Benefits?

- **E-Group Forum** – join the members only forum with hot topics, forms, ethics, and general questions posted and answered by paralegals. Be sure to sign up for this after receiving your membership card!
- **Texas Board of Specialization (TBLS) Helpful Hints Guide** - be ahead of the rest. If you are planning to take a TBLS Specialty Exam, then we have this Helpful Hints Guide that is packed with information to help you through every step of the exam process, from application to sitting for the actual exam. It has been written by TBLS Board Certified paralegals, so make it your first source for studying!
- [www.MyTexasBar.com](http://www.MyTexasBar.com) – provides legislature tracking, form access, notification of TexasBarCLE events, free access to case law and many other perks.
- **Free legal research** through Casemaker and Fastcase.
- **Membership Directory and Listing in Texas Legal Directory (Blue Book)** – find the members in your district, reconnect with previous colleagues, or meet new friends.
- **Job Bank** – be the first to get the dish on hot jobs!
- **Mentor Program** - mentor program available to all members of the Paralegal Division; view flyer [here](#).
- **Statewide CLE Depository** – event notices of upcoming CLE and related events hosted by PD and State Bar of Texas.
- **Texas Advanced Paralegal Seminar** – 3 days of CLE Hours for one low great price and available every year!
- **Track attendance to MCLE approved CLE Online** – log in and view SBOT MCLE-attended CLE and submit other CLE attendance before you forget!
- **Pro Bono Events** – receive notification and access the statewide listing. Track your hours too!
- **Subscriptions to the Texas Paralegal Journal and Texas Bar Journal** – keep up to date with current event issues, tips and tricks as technology evolves, and what others are doing in similar situations.
- **Discounts** – available from Hewlett-Packard, Blue Apron, and much more! For a complete list, go to [www.texasbar.com](http://www.texasbar.com) and view under “Lawyers/Member Benefits.” **OR** View [HERE](#).
- **Participation in State Bar activities and benefits** – health, life, and dental insurance programs and credit unions, and more.
- **PD Travels to Destinations Unknown** – take a trip of a lifetime with colleagues. Recent expeditions include Ireland, Italy, and France.
- **Professional Recognition and Growth** – hold yourself to a higher standard with the communication and promotion of professional conduct and responsibility. Your attorneys will notice the change.
- **Networking** – communication and promotion of professional conduct and responsibility. State networking through involvement with statewide committees. Be proactive in the promotion and direction of the paralegal profession!
- [www.txpd.org](http://www.txpd.org) – the one-stop shop for your needs. Find all of this information, plus so much more, including helpful tips and links to vendors, blogs, and other sources of information.



# State Bar of Texas Paralegal Division



## *PD Mentor / Protégé Program*

Are you studying to be a paralegal, or are you new to the field?

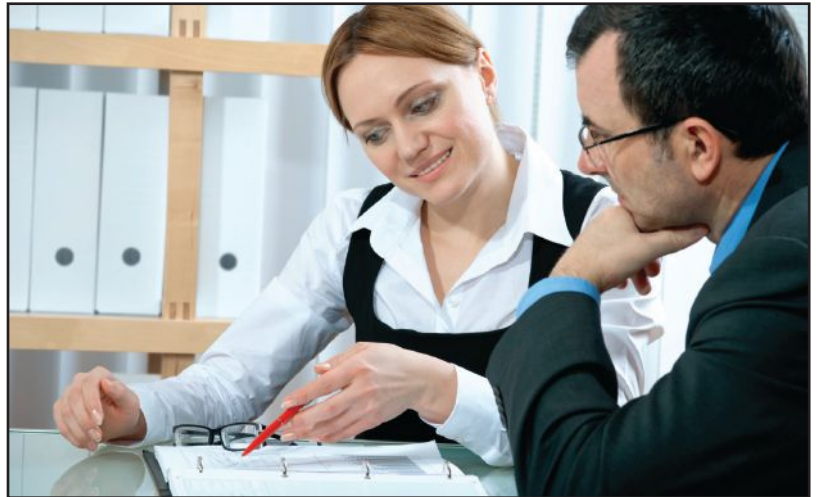
Have you recently changed the type of law that you work in?

The Paralegal Division offers a mentor program to help you get started!

Participants receive direction and support on topics such as ethics, career advancement, and professionalism. 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.

### **Eligible PD members include:**

- Student members
- Active and Associate members with less than 3 years' work experience as a paralegal
- PD members changing the area of law on which they focus



*The mentor / protégé relationship can be very rewarding, with benefits extending long past the official end of the relationship.*

All of the PD mentors are Division members who have at least 7 years' experience working as a paralegal. Many of our mentors are also Division leaders and liaisons.

Mentors are located across the state and work in many areas of law.

*Protégés may be matched with a mentor who is not geographically close by; meetings may be held electronically based on the mentor and protégé's preferences.*

The mentoring program is a **free benefit** available to Paralegal Division members.

Join the PD today and let us match you with a mentor in your area of legal interest!

Visit **[www.txpd.org](http://www.txpd.org)** to learn more about membership and the Mentor/Protégé program.



# PARALEGALS

## Texas Bar College

### Associate Membership

# PRIDE & PROFESSIONALISM

## REQUIREMENTS

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

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

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

## PURPOSE

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

## BENEFITS

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

## JOIN TODAY!

Please visit the Texas Bar College website for more information on becoming a Paralegal Associate Member:  
<https://texasbarcollege.com/merchandise/membership>



# TEXAS

Professionalism Through Education.