

SPRING 2019 VOL. 24 NO.4

TPIJ

Texas Paralegal Journal





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PRESIDENT'S *Message*

Division with a Vision...Empowering Paralegals

Stephanie R. Sterling, TBLS-BCP

Happy Spring!! Spring is one of my favorite times of year with the bluebonnets in bloom and warmer weather. It's a time of renewal and hope!

I am proud to be a Texas paralegal and a member of the Paralegal Division. **Texas has been a frontrunner in the paralegal profession with the Paralegal Division and its past and present leaders being instrumental in that trailblazing.** Here are several reasons to be proud you are a paralegal in Texas and a member of the Paralegal Division:

- 1) The State Bar of Texas was the **first bar in the nation to create a separate division for paralegals.**
- 2) The Paralegal Division was instrumental in creating **Texas Paralegal Day** (October 23rd).
- 3) The Paralegal Division was instrumental in the creation of the **paralegal certification exam through the Texas Board of Legal Specialization (TBLS).** It was the first state in the nation to certify paralegals in specialty areas of law; and
- 4) The Paralegal Division along with six contributing members have authored the published *Paralegal Ethics Handbook*, which is an essential resource for paralegals, paralegal students, educators, and attorneys.

The Paralegal Division, its Board of

Directors, volunteers, and members work hard to be an example in this profession, to educate, and create opportunities to show that the paralegal profession is a professional career made up of skilled, educated, and committed professionals.

As a result of our members' dedication and commitment to the profession, many are recognized with awards and honors by various associations around the state and nation throughout the year. Further, many Texas paralegals voluntarily elect to sit for a certification exam. Whether the exam is the TBLS exam, NALA's CP/ACP exam or NFPA's RP/CRP exam, these paralegals deserve our recognition for their professionalism and commitment to our profession. **We celebrate each of our members' accolades and accomplishments with them throughout this edition of the TPJ. CONGRATULATIONS!**

We have also been recognizing our directors, committee chairs, committee sub-chairs, volunteers, and members every month in our e-newsletter, *Paralegal Pulse*. We truly have outstanding members all over Texas who contribute to the growth of our profession. We depend upon these paralegals to continue the advancement of our profession.

It is through collaboration, communication, and the promotion of professional conduct, ethics, and responsibility that we enjoy how far we have come with



our profession and in the Paralegal Division.

We are a "*Division with a Vision...Empowering Paralegals.*" From reading this message, you can see that the Paralegal Division's vision is to empower our members with necessary tools and information needed to assist you in advancing your career

and promoting the paralegal profession.

Whether it is the *TBLS Helpful Hints Guide* to assist you in studying for the TBLS exam; an ethical question answered by the *Paralegal Ethics Handbook*; an informative CLE from one of our many webinars, annual TAPS seminar, local district seminar/brown bag CLE; an inspiring segment from our monthly e-newsletter; or an educational article from our quarterly professional magazine, we are here equip and empower you!

If you have any questions, comments, or suggestions, please contact me or any of the Division leadership. We want to hear from you!

Thank you for being a member and many thanks to all of the volunteers (past, present and future) who keep the Division and the paralegal profession moving forward!!

—Stephanie

Stephanie R. Sterling, TBLS-BCP
President 2018–2019

TPIJ

Texas Paralegal Journal

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EDITOR'S *Note*

By Megan Goor, TBLS-BCP, Editor, tpj@txpd.org

Happy Spring Everyone! In this edition, it is tradition to spotlight some of our members who have been recognized by local associations and also to take a look at some of the events of the districts across the state.

Our featured article is by Kevin Clark, a Board Certified attorney, with a Family and Business Law practice in Fort Worth, who expands on the role of a paralegal during trial. Mr. Clark has given many presentations for paralegal associations. We are very appreciative of his time and support.

PD members, Shanna Mello and Jay Williams, TBLS-BCP, have a guest contribution this month about credentialing. Also, we have special column from Haley Bullard, the student liaison to the Publications Committee, about the importance of communication and compliance of the rules.

It is that time again! [Be on the look-out for your blue membership renewal card](#) being mailed at the end of April. It will be the only mailed notice to you reminding you about your renewal!

Of course, TAPS is coming up fast and registration opens June 1st! Be sure to look for our TAPS brochure coming up in the next edition.

We appreciate your membership and want to know we are here to work for you!



IMPORTANT NOTICE

TIME TO RENEW YOUR PARALEGAL DIVISION MEMBERSHIP

MAY 1, 2019–JULY 31, 2019

THIS IS THE ONLY MAILED NOTICE YOU WILL RECEIVE

The Paralegal Division membership renewal process will be entirely online. Beginning on May 1, 2019, online renewals will be available. Visit www.txpd.org under the “Members Only” tab to complete your renewal. A late fee of \$25.00 will apply to renewals submitted after July 1, 2019.

Renewing Active and Associate members are required to complete six (6) hours of substantive CLE, at least one (1) hour of which must be legal ethics, prior to May 31 to renew membership. Active and Associate renewal applicants must document required CLE PRIOR TO completing the membership renewal application on the website. You may enter your CLE by accessing the page found on the PD website at www.txpd.org (Go to **Members Only**>**Directory**>**View My CLE Records** and log in). Go online and enter your CLE today! **KEEP COPIES OF YOUR CLE CERTIFICATES FOR 2 YEARS IN THE EVENT OF A CLE AUDIT.**

Please renew online beginning May 1, 2019.

Thank you!
Paralegal Division

www.txpd.org



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DEADLINE FOR SPRING ISSUE IS MAY 5, 2019.
E-mail tpj@txpd.org.

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The Role of a Paralegal at Trial

By Kevin Clark



Kevin Clark, Law Office of J. Kevin Clark, P.C., Fort Worth

As any experienced paralegal knows, the most important role in assisting an attorney to prepare for and conduct a trial is to serve as a telepathic miracle worker.

I have participated in over 100 trials during my career. Each trial has been both exciting and stressful. Working with a good paralegal on my team makes the process smoother and increases our chances of success for our clients.

I teach Trial Advocacy as an Adjunct Professor at Texas Wesleyan University in Fort Worth. Most of my students are enrolled in the pre-law program or the paralegal certification program. I want to share with you some of my thoughts regarding the role of a litigation paralegal.

Pre-Trial Preparation

Whether your trial is a bench trial or a jury trial, an organized presentation is critical. The fact finder will evaluate the evidence and the arguments. Carefully prepared exhibits which are organized and easily accessible are convincing. I believe that one of the keys to persuasion lies in presentation.

We have all seen attorneys with papers, files and exhibits stacked on counsel table in a haphazard manner. Everyone's time is wasted while the attorney fingers through hundreds of exhibits to find the one needed at the moment.

I believe the obvious disorganization lessens the impact of the attorney's arguments and presentation. It is difficult for the fact finder to ignore the sloppiness of that lawyer's materials. The team will not seem very competent.

Compare that scene with the attorney that has all of her exhibits indexed in a notebook. Additionally, she and her paralegal have provided extra copies of the exhibit notebook to the Judge, opposing counsel, the witness and the court reporter. When an exhibit is needed it is retrieved by number and all participants can view it. The presentation is planned, organized and effective. No time is wasted digging for papers. The impression left by that trial team is one of confidence and professionalism.

When the paralegal is responsible for compiling the exhibits into the notebooks they get a hands-on feel for the organization of the file and the location of the exhibits. During trial, a paralegal must be able to lay their hands on anything needed at the moment. I have worked with paralegals who knew the case and the file so well that when the Judge asked a question about a specific matter the paralegal would hand me the relevant exhibit or motion before I had time to ask them for it. For those old enough to remember the character "Radar" on the television show "MASH" know that Radar exemplified the talent of anticipating his supervisor's needs. He could answer a question before it was



asked. He would have been a great litigation paralegal.

In addition to the exhibit notebooks, I believe it is important to have a clean set of exhibits to be admitted into evidence. Holes punched into exhibits from a notebook might delete important information on the exhibit. Multiple exhibits should not be stapled together because there might be a limited admission of some of the exhibits.

A trial notebook should also be assembled by the paralegal. My trial notebook includes the live pleadings, prior orders, and discovery responses and answers from both parties. I also have a section of notebook paper in my trial notebook so that I can make notes of events during the trial that I might use in my final argument. My trial notebook may also contain sections for witness testimony (including deposition testimony), opening statement, final argument, and voir dire, if necessary. Only one or two trial notebooks are needed as a trial notebook is not distributed to others.

A good litigation paralegal also has a "goodie-box." A goodie box contains all the necessary office supplies the attorney may need at trial, such as extra exhibits stickers, pens, highlighters, tape, stapler, staple puller, post it notes, extra notepads, and of course, breath mints. One never knows what one might need while at trial.

An organized presentation will not necessarily win a case, but a disorganized presentation can certainly cause an attorney to lose a case.

Jury Selection

A litigation paralegal can be an extra set of eyes and ears for the attorney during jury selection. One of my favorite tools is a pre-prepared seating chart of the courtroom showing where each prospective juror is seated. I can use that chart to make notes during voir dire for use in the selection process. My paralegal helps me formulate questions to ask prospective jurors. I also want them to watch and listen very closely

during the entire voir dire because I want team input while I am exercising preemptory challenges. During jury selection, I will have my paralegal sit at counsel table facing the jury panel. I want everything noted from the juror information cards and the answers and responses to all questions by all attorneys. When we meet to exercise our preemptory strikes, I want all suggestions even if it is just a hunch as to whether to strike a particular prospective juror.

Trial

As I mentioned before, my goal is to have a seamless presentation of witnesses and exhibits. Preparation is the foundation of that goal, however, there are always surprises at trial. A litigation paralegal must remain calm under the pressures of trial to help the team. Trying a lawsuit is an immensely stressful task and the ability to remain relaxed and unflustered is critical.

During trial, I want my paralegal to watch the jury to gauge any reactions, both positive and negative, by the jurors. I need honest, straightforward information. If something is not going well or is not being received well, I need to know. Brutal honesty, out of earshot of the client, is critical.

Another task for my paralegal during trial is to watch after our clients to make sure they are comfortable and have what they need at the court house. That is one less thing that I have to worry about.

Several years ago, I tried a six-week lawsuit in Austin, Texas for a young man with a closed head injury. When we arrived, I asked my client to show me what he intended to wear in court. Due to his injuries, he was only going to be in court for a brief time. When he brought out his suit, I realized that I had forgotten that they still made silver sharkskin suits for men. I made a mental note to get a blue blazer and gray slacks for him before he testified.

After several days at trial, I forgot my mental note until about four hours before

he was to take the witness stand. I asked by paralegal to fix the situation. She took him to a local men's store, purchased an outfit and had him back after lunch in time to testify. He looked great. The only thing better than his appearance was his testimony. The jury awarded significant damages to him. I will always be thankful for my paralegal's grace under pressure. We never know what surprises or tasks will come up at trial. The outfit did not win the case but I believe his flamboyant suit might have hurt the case.

In my experience, it takes well over one hour of preparation for every hour of presentation at trial. Our days never end at 5:00 p.m. during trial as we must prepare for the next day. Our evenings are spent reviewing the events in court and preparing for the next witnesses. This can include research, briefing, and reviewing of notes and other matters in the note books. Once again, truthful opinions and thoughts about the trial from the team help the attorney prepare for the next day.

Post-Trial

The questions to be answered by the jury, the jury charge, should be prepared before the trial starts. The jury charge provides a road map for the evidence needed to obtain the answers from the jury which result in a successful verdict. You do not have to re-invent the wheel to prepare the jury charge as most questions are covered in the Texas Pattern Jury Charges.

After trial is complete, the file should be reassembled for storage or for filing while fighting an appeal.

I often tell people that my best days at the office are when I am in trial. I like the challenge of persuading the fact finder that my client's position is correct and fair.

The jury system is the best system in the world for resolving disputes. Almost any civil dispute can be decided by a jury if the fee is paid.

However, in Texas family law matters, the right to a jury is limited. In family



law, a jury can hear some of the following matters:

1. Child related issues, such as conservatorship, which parent has the exclusive right to determine a child's residence, if there will be a geographic restriction for that residence and the termination of parental rights.
2. Property division, such as whether the property is separate property or community property, the value of the property, whether a spouse is entitled to a reimbursement and the validity and enforcement of premarital or post-marital agreement.
3. Issues regarding a marriage, whether it is common law, whether a party is at fault and if a party may be granted an annulment.

A jury cannot decide the following issues, a

judge must make the decisions:

1. The parents' visitation schedule and parental decision-making powers.
2. Child support and medical support.
3. Division of community property.
4. If a spouse should be awarded spousal maintenance (alimony).
5. Adoption, paternity.
6. Enforcing the terms of a prior order.

I hope this gives some guidance as to my thoughts of the role of a litigation paralegal at trial. I have the utmost respect for trial lawyers and the paralegals on their team who work very hard to serve our clients.

Kevin Clark, Law Office of J. Kevin Clark, P.C., has been practicing law since 1982. He has maintained certification in Civil Trial Law by the Texas Board of Legal Specialization since 1987. Kevin's experience

as a negotiator and litigator covers the full spectrum of divorce and family law concerns, and he is equally adept in handling other forms of civil and commercial litigation. www.fortworth-civil-attorney.com



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Clearing Up the Credentialing Confusion

By Shanna Mello and Jay M. Williams, TBLS-BCP



Have you ever looked at our Board of Directors or Committee roster pages here in the *TPJ*, or even a fellow colleague's signature block or business card, and wondered what all of those letters after everyone's names stood for? RP, ACP, PLS, TBLS-BCP, CP, CRP, CLA, PP...OMG!!! What do they all mean... and more importantly... how do I get one?

As you may be aware, there are national organizations for paralegals and legal secretaries to join and reap benefits from. Each of these organizations have developed and offers, a credential for those of us who would like to take another step in our career and take on the challenge of studying and sitting for an exam. These designations are meant to set us apart as having additional knowledge and training.

Because there is no required licensing, certification, registration, or other type of regulation of paralegals or other legal professionals that are non-attorneys in the State of Texas, it is up to each of us individually to choose a path that may boost our career, increase our visibility, make us more marketable, and overall make us more proud of this profession in which we work. And an added bonus will be that hopefully your attorneys will be knowledgeable and supportive of your desires and hold you in higher regard for your efforts.

Let's first discuss the various national organizations and their credentialing examinations:

NALS

The National Association of Legal Secretaries (NALS) was formed in 1929, incorporated in 1949, and is one of the oldest organizations for legal professionals. NALS first began certifying legal secretaries in 1960. As the legal assistant concept began to develop in the early 1970's, NALS realized this new position in the legal field would need ethical guidelines as well as continuing legal education programs and professional goals. NALS created a legal assistant's section in the spring of 1973.

In July 1974, NALS approved the creation of a Certifying Board for Legal Assistants to investigate the feasibility of a national certification for legal assistants. As the knowledge of the planned certification became known, some authorities questioned the establishment of a certification program for legal assistants administered by the National Association of Legal Secretaries. Rather than looking at a name change that would better reflect all the various positions of its current members that included, and still includes, legal assistants, NALS chose another course of action. In the spring of 1975, with the approval of the NALS Executive Committee the legal assistant's division of NALS was



dissolved to create an additional association. They then transferred assets, activities, and programs to this separate association, the National Association of Legal Assistants. The first date for the Certified Legal Assistant (CLA) examination was announced in 1976. NALS and NALA shared headquarters and services until the early 1980s.” We will talk more about NALA in a bit.

<https://www.nals.org/page/history>

In 2004 NALS decided to create their own designations and now offer the Accredited Legal Professional (ALP), the Professional Legal Secretary/Certified Legal Professional (PLS/CLP) and the Professional Paralegal (PP) credentials. Once you obtain one of these, you can start a specialty track and add additional credentials for different areas of law as a Specialty Certificate, i.e. Professional Paralegal, Specialty Certificate (PP-SC).

For legal assistants, legal secretaries, and paralegals, professional certifications have become the standard of excellence that many employers demand. NALS certification exams provide a standardized assessment of your knowledge and abilities. Earning and maintaining your professional certification demonstrates to your prospective employers, colleagues and clients, that you are competent and capable.

NALA

As mentioned above, in 1976 the National Association of Legal Assistants (NALA) developed the Certified Legal Assistant (CLA) program which later changed to the Certified Paralegal (CP) program. This program “has enabled the profession to develop a strong and responsive self-regulatory program offering a nationwide credential for paralegals. The CP Certified Paralegal® program establishes and serves as a:

- National professional standard for paralegals
- Means of identifying those who have reached this standard.
- Credentialing program responsive to

the needs of paralegals and responsive to the fact that this form of self-regulation is necessary to strengthen and expand development of this career field.

- Positive, ongoing, voluntary program to encourage the growth of the paralegal profession, attesting to and encouraging a high level of achievement.”
<https://www.nala.org/certification/nala-certification-program>

As of November 2017, there are over 19,000 paralegals with this credential. Guess which state has the 2nd highest number? ☺

https://nala.org/sites/default/files/files/users/CP_Statistics%20%28002%29.pdf

PD member Kimberly Hennessy, CP stated “NALA is a great organization. In holding a CP, some firms will pay you more because they see that you have gone that extra step to obtain a higher education and certification status. I have been hired for two separate jobs where they would only hire you as a paralegal at their firm if you were certified, and most attorneys know the difference between having a certificate from school and receiving your national certification (CP) as a paralegal. As you know there is a huge difference. I can tell you that taking the CLA (what it was called when I took it) exam was the hardest test I’ve ever taken in my life. It was 16 hours long over 2 days. They base it on the bar exam with similar questions, but we also have an English portion that the attorneys don’t have to take.

NALA also began offering the Certified Legal Assistant specialty exams (CLAS) later renamed Advanced Certified Paralegal (ACP)—which is an advanced credential. Once you have obtained your CP you can go on to take additional courses and specialize in one or more fields of law. As of this date, there are over 2,400 paralegals who hold an ACP.

http://www.nala.org/sites/default/files/files/banner/ACP_stats.pdf

PD member Cathy Clamp, PLS, ACP,

CAEP, CTIP stated “I have an ACP. I lived in Colorado when I first got my CLA (back in the 90’s). I went with NALA over NFPA because I really liked that attorneys I worked with, recognized the association as legitimate (where they had never heard of NFPA) and the Code of Ethics were taken from the ABA ethics, versus the one that NFPA created amongst the founding organizations—early on, that is. They’re nearly identical now. Back when the CLA was first conceived, it was a 2-day, 16-hour exam, similar to the Bar. The attorneys I worked with figured if I could pass the exam, it would say to THEM, not to NALA or the world at large, that I was qualified to take on more duties, or at least tougher duties—things like drafting motions and client interviews and such. I could be trusted at the same level as an associate attorney. That’s the value it had, and still has, for me. It’s why I became an exam proctor for NALA for nearly ten years, until they went to online testing.”

At the Fall 2018 Board of Directors meeting, the NALA board decided to sunset the NALA CLA and CLAS trademarks. The CLAS trademark has since expired and the CLA trademark will not be renewed. Paralegals may choose to continue to use the CLA and CLAS designation, but for tracking purposes, the record in the NALA database will be listed as a CP for CLA, and ACP for CLAS. Look for this change to occur in the near future.

NFPA

In 1994, the National Federation of Paralegal Associations (NFPA) decided they wanted to jump on board and voted overwhelmingly to develop an exam which could become a standard used by state legislative bodies to gauge the competency level of experienced paralegals. The PACE program launched in 1996. “The Paralegal Advanced Competency Exam® (PACE®) is for those with not only a comprehensive education in paralegal studies but also years of practical experience. Earning the Registered Paralegal, (RP®) designation by



passing the PACE® Exam shows that you are one of the best in the field!”

<https://www.paralegals.org/i4a/pages/index.cfm?pageid=3295>

The delegates attending the 2008 Annual Convention and Policy Meeting voted to institute a credentialing exam aimed toward paralegals who have just completed their paralegal schooling, and/or have up to five years of experience. In November of 2011, the first Paralegal Core Competency Exam (PCCE®) was administered. Upon passing the CRP, examinees obtain the CORE registered Paralegal (CRP2) credential.

PD member Cynthia Minchillo, RP® sat for the PACE® exam “because I was the first PACE® Ambassador for DAPA. I felt that if I was going to serve as the ambassador that I needed to know what I was talking about. I can proudly explain to a lawyer that I passed a competency exam related to federal law and experience as a paralegal.”

As far as the trend for the exams, PD member Cindy Welch, RP® remarked, “We believe there is a steady interest in PACE®. NFPA members were aware of the recent lengthy process of evaluating all the current questions and adding new ones and updating the manual so the number of PACE® test takers did not increase this past year. We anticipate an increase when the updated exam goes live this Spring.

There is a definite increase in the interest in PCCE® in that more and more colleges are using this as an exit exam and the military is using the PCCE® as certification for their paralegals.”

That is an overview of the primary national opportunities afforded to paralegals for certification exams. And then there is Texas..... we are always the first, it seems, in everything, and the paralegal career is no different.

TBLS

Saving the best for last, the Texas Board of Legal Specialization not only offers cre-

Association	Credential	Exam Information	Exam Fees
NALS	PP	https://www.nals.org/page/pp	NALS member –\$225 Nonmember –\$275 Military—\$225 Current PLS/CLP- \$175.00 Proctoring Fee- \$45.00
NALS	SC	https://www.nals.org/page/specialtycertificate	Members \$150 Non-Members \$200
NALS	PLS/CLP	https://www.nals.org/page/pls	NALS member – \$175 Nonmember – \$225 Military— \$175 Proctoring Fee- \$45.00
NALS	ALP	https://www.nals.org/page/alp	Full-Time Student – \$75 NALS member – \$100 Nonmember –\$125 Military – \$75 Proctoring Fee- \$45.00
NALA	CP	https://www.nala.org/certification/certified-paralegal-cp-program	NALA Members = \$250 (nonrefundable exam fee) Non-Member = \$275 (nonrefundable exam fee)
NALA	ACP	https://www.nala.org/certification/certified-paralegals/advanced-paralegal-certification	NALA Members = \$250 Non-Member = \$300
NFPA	RP	https://www.paralegals.org/i4a/pages/index.cfm?pageid=3298	Non-NFPA members \$250 NFPA members \$225 \$25 application fee
NFPA	CRP	https://www.paralegals.org/i4a/pages/index.cfm?pageid=3297	NFPA members \$215 Non-NFPA members \$250 \$25 application fee
TBLS	TBLS-BCP	http://www.tbls-bcp.org/Cert	http://www.tbls-bcp.org/Cert/FeesSchedule

While each of these credentials requires dedicated studying, exams, continuing education and a little bit of money, it is well worth it to stand apart.

You can learn more about each of these organizations and what they offer here:

<https://www.nals.org/>

<https://www.nala.org/>

<https://www.nfpa.org/>

<http://www.tbls-bcp.org/>

entials for attorneys but offers credentials for paralegals as well. “Board Certified Paralegals earn their specialization credentials through a combination of experience, advanced continuing legal education, professional references and examination. The Board Certification process is purposefully rigorous and specific to meet the objectives set forth by the Supreme Court of

Texas and the State Bar of Texas to ‘...serve the public interest and to advance the standards of the legal profession.” <http://www.tbls-bcp.org/> The paralegal certification exams were first administered in 1994. Since then, several states have followed Texas’ model and began offering general certification exams for its paralegals. These include Florida (2008), Kentucky (2010),



Illinois (2012), Minnesota (2014), Indiana (2015), Virginia (2015), and California (2016). As of this writing, of the thousands of paralegals in the State of Texas, TBLS Certification Analyst Molly Galvez reports there are 398 paralegals with active specialization certificates. Of those 398 paralegals, at least 23 hold dual certifications.

"I took the Board Certified exam in Civil Trial Law at the suggestion of a colleague. Afterwards, I realized my career will be enhanced by adding the TBLS credential to my signature block and business cards. I agree with other paralegals who explain having a specialty credential will give you a leg up in the job search market. Having added the Personal Injury specialization credential puts me in an even more distinguished group of paralegals as very

few have dual specialization credentials. Attorneys are respectful of the knowledge and experience I bring to the table. Having the dual credentials shows my passion for continued growth in the profession by attending CLE events and involvement in paralegal associations." Jay M. Williams, TBLS-BCP.

You can earn your Board Certified Paralegal (TBLS-BCP) credential in the following specialty areas of law: Bankruptcy, Civil Trial, Criminal, Estate Planning and Probate, Family, Oil, Gas & Mineral, Personal Injury Trial and Real Estate.

Now that we know what all of these letters actually stand for, how do we get one? See the handy dandy chart on page 9 that will break it all down for you.

Shanna Mello Civil Litigation paralegal with Eggleston King, LLP in Weatherford Texas. www.ektexas.com

Jay M. Williams, TBLS-BCP is a dual board certified paralegal who owns and operates JMW Paralegal Services. www.jmwparalegalservices.com



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. Beginning with the 2017–2018 membership renewal period, the requirement for renewing active and associate members to obtain one (1) hour in Ethics of the current six (6) CLE hours became effective. 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, 2019 for the upcoming 2019–2020 renewal period.



Rule 1.03 and Why It's a Struggle in a World Dominated by Communication

By Haley Bullard, Student Liaison to Publications Committee

Rule 1.03. Communication, Texas Disciplinary Rules of Professional Conduct

(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

The ability to effectively communicate to a client is a fundamental of the business world, legal or not, however, there seems to be a visible disconnect with Rule 1.03 Communication of the Texas Disciplinary Rules for Professional Conduct. This is often validated in the *Texas Bar Journal's*, *Disciplinary Action* section, where one will often see Resignations, Suspensions, and Public Reprimands for “failing to keep a client reasonably informed.” In a world with so many different communication vessels such as cell phones, business phones, emails, faxes, social media outlets like Facebook, Twitter, Instagram and various others, why is communication regarding substantive information lost in every day conversation? Is it because of all the cellphone apps, websites, and social media outlets that might be keeping people from communicating pertinent information to

one another? Or maybe it is an issue with priority?

Client communication is a vital part of growth, whether it is growth within a company or growth within one's own work ethic. Bill Gates once said, “Your most unhappy customers are your greatest source of learning,” and this is an essential element of being a paralegal; to handle all clients with a sense of “duty of care” and effectively communicate with them. Canon 6 from the “Canon of Ethics For Paralegals” states “A paralegal must strive to maintain integrity and a high degree of competency and training with respect to professional responsibility, local rules and practice, and through continuing education in substantive areas of law to better assist the legal profession in fulfilling its duty to provide legal service.” The two most important words in Canon 6 are “competence” and “responsibility” because it takes responsibility to achieve competence in the paralegal profession. The American Bar Association defines competence as knowledge, skills, thoroughness, preparation, diligence, promptness, and most importantly, communication. These canons are to guide all paralegals on the performance of duty, so that justice is served and the goals of the paralegal profession are accomplished.



Student Liaison to the Publications Committee, 2018 Graduate of the University of Texas at Arlington - Paralegal Program, Paralegal for The Bassett Firm, www.the-bassettfirm.com.

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Financial Aid 101

By Craig Hackler, Financial Advisor, Raymond James Financial Services



Many parents pay for college with a combination of current income, savings, and financial aid. By learning the basics of financial aid, you'll be able to understand how the aid process works and compare the aid awards your child receives.

What counts the most?

Your current income is the most important factor in determining need, but other factors play a role, such as your total assets, how many family members are in college at the same time, and how close you are to retirement age.

WHAT IS FINANCIAL AID?

Financial aid is money distributed primarily by the federal government and colleges in the form of student loans, grants, scholarships, and work-study jobs. Loans and work-study must be repaid (through monetary or work obligations), while grants and scholarships do not. A student can receive both federal and college aid.

Financial aid can be further broken down into two types: need-based, which is based on your child's financial need, and merit-based, which is based on your child's academic, athletic, or artistic merit.

HOW IS FINANCIAL NEED DETERMINED?

Financial need is generally determined by looking at a family's income, assets, and household information. The government's aid application, the FAFSA, uses a formula known as the federal methodology.

A detailed analysis of the formula is beyond the scope of this article, but generally here's how it works: (1) parent income is counted up to 47% (income equals adjusted gross income or AGI plus untaxed income/benefits minus certain deductions); (2) student income is counted at 50% over a certain amount (\$6,570 for the 2018/19 school year); (3) parent assets are counted at 5.6% (home equity, retirement assets, cash value life insurance, and annuities are excluded); and (4)

student assets are counted at 20%.

The result is a figure known as your expected family contribution, or EFC. This is the amount of money you must contribute to college costs to be eligible for aid. Your EFC remains constant, no matter which college your child applies to.

Your EFC is not the same as your child's financial need. To calculate financial need, subtract your EFC from the cost at a given college. Because tuition, fees, and room-and-board expenses are different at each college, your child's financial need will vary depending on the cost of a particular college.

Example: You fill out the FAFSA and your EFC is calculated at \$35,000. College A costs \$60,000 per year and College B costs \$50,000 per year. Your child's financial need at College A is \$25,000 and \$15,000 at College B.

Colleges use their own formula for determining financial need. Basically, the process works the same way except that the institutional methodology in the standard college PROFILE application typically takes a more in-depth look at your income and assets. For example, some colleges may consider your home equity in assessing your ability to pay college costs.

Tip: Just because your child has financial need doesn't necessarily mean that colleges will meet 100% of that need. In fact, it's not uncommon for colleges to meet only a portion of it. If this happens to you, you'll have to make up the gap, in addition to paying your EFC.

HOW DO I APPLY AND WHEN?

The best way to file the FAFSA is online at fafsa.ed.gov. To do so, you and your child will each need to obtain an FSA ID, which you can also do online.

The FAFSA relies on income tax information from two years prior (for example, the 2018/19 FAFSA relies on your 2016 tax return) and current asset information. The FAFSA has the ability to directly import your tax information using

the IRS Retrieval Tool, which is built into the form, though you will also need to answer additional questions. The FAFSA can be filed as early as October 1st in the year prior to the year your child will be attending school.

Private colleges typically require both the FAFSA and the standard PROFILE form or their own aid form, which you'll need to submit by each individual college deadline. The PROFILE form is generally submitted in late fall or winter, but is often required earlier if your child is applying early decision or early action.

How much should you rely on financial aid?

Although financial aid can certainly help cover your child's college costs, beware of too many student loans, which can financially cripple students for years after college.

After your FAFSA is processed, you will receive a Student Aid Report that highlights your EFC. Colleges that you list on the FAFSA will also get a copy of the report. Then the financial aid administrator at each school that accepts your child will try to craft an aid package to meet your child's financial need. Colleges aren't obligated to meet all of it.

COMPARING AID AWARDS

Sometime in late winter or early spring, your child will receive financial aid award letters that detail the specific amount and type of financial aid that each college is offering. To compare offers, first determine your out-of-pocket cost, or net price, for each school by subtracting any grant or scholarship aid (which doesn't need to be repaid) from the total cost of attendance. Next, look at the loan component of each award to see how much, if any, you or your child will need to borrow. Then compare the net price and loan amounts across all colleges.

If you'd like to lobby a particular school for more aid, tread carefully. A polite letter to the financial aid administrator followed up by a telephone call is appropriate. Your chances for getting more aid are best if you can document a change in circumstances that affects your

ability to pay, such as a recent job loss, unusually high medical bills, or some other unforeseen event.

COMMON FEDERAL AID PROGRAMS

Here are some names you'll be hearing as you navigate the world of financial aid:

Direct Stafford Loan—The most common student loan for college and graduate students. For undergraduate students, the interest rate is currently fixed at 5.045% for loans disbursed July 1, 2018 through June 30,

2019, and 6.595% for graduate students.

Perkins Loan—A student loan for college and graduate students with the greatest financial need. The interest rate is currently fixed at 5%.

Direct PLUS Loan—An education loan for parents of college students and independent graduate students. A separate application is required, though filing the FAFSA first is a prerequisite. Parents can borrow the full cost of their child's education, minus any financial aid received; the only criteria is a good credit history.

The interest rate is currently fixed at 7.595% for loans disbursed July 1, 2018 through June 30, 2019.

Pell Grant—A Pell Grant is available only to undergraduates with exceptional financial need.

A WORD ABOUT MERIT AID

Colleges often use favorable merit aid packages to attract certain students to their campuses, regardless of their financial need. The availability of

college-sponsored merit aid tends to fluctuate from year to year and from college to college as schools decide how much of their endowments to spend, as well as the specific academic and extracurricular programs they want to target. As a family researching college options, exploring college merit aid is probably the single biggest thing you can do to optimize your bottom line.

If you want to get an estimate ahead of time of how much financial aid (need-based or merit) your child might qualify for at a

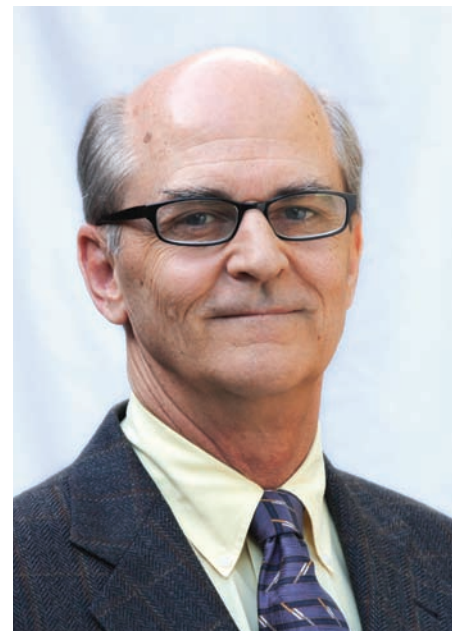
particular college, visit the college's website and fill out its net price calculator, which all colleges are required to have on their websites. Net price calculators ask for parent and student income and asset information, and they take anywhere from 5 to 15 minutes to complete.

Besides colleges, a wide variety of groups offer merit scholarships to students meeting certain criteria.

There are websites where your child can input his or her background, abilities, and interests and receive (free of charge) a matching list of potential scholarships.

HOW MUCH SHOULD I RELY ON AID?

With all this talk of financial aid, it's easy to assume that it will do most of the heavy lifting when it comes time to paying the college bills. But the reality is you shouldn't rely too heavily on financial aid. Although aid can certainly help cover your child's college costs, student loans often make up the largest percentage of the typical aid package, not grants and scholarships. Remember, parents and students who rely mainly on loans to finance college can end up with a considerable debt burden that can have negative implications for years after graduation.



Craig Hackler, Financial Advisor, holds the Series 7 and Series 63 Securities Licenses, as well as the Group I license (life, health, annuities). Through Raymond James Financial Services, he offers complete financial planning and investment products tailored to the individual needs of his clients. He will gladly answer your questions. Call him 512.391.0919 or 800.650.9517 or e-mail Craig.Hackler@RaymondJames.com Raymond James Financial Services, Inc., 3345 BeeCaves Rd., Suite 208, Austin, TX 78746. This Informa-

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Don't over-delete "that"

Wayne Schiess

Over-deleting *that* can cause miscues.

When I was a young lawyer, a senior attorney edited something I had written and removed the word *that* in several places, saying, "Whenever you can delete *that*, do it to streamline the writing." In the years since, I've heard the same advice many times: "delete extraneous *thats*."

The advice isn't wrong, but we sometimes implement it in dysfunctional ways: we sometimes delete *that* when it isn't extraneous. Let's look at a few examples.

1. The respondent argues the statute precludes all common-law claims.
2. The witness said the defendant had lied about the date.

For me, sentence 1 causes a miscue—a momentary misunderstanding—because at first, I think the respondent is "arguing the statute." Only as I read on do I realize that the respondent is not arguing the statute; the respondent is making an argument about what the statute does. So for me, 1a is better even though it's one word longer:

- 1a. The respondent argues that the statute precludes all common-law claims.

But for me, sentence 2 doesn't cause the same miscue. With the verb "say," I somehow know that the writer doesn't mean that the witness "said the defendant." I know it means that the witness

said that the defendant had lied. So if I wrote sentence 2a, I could justifiably leave out *that* (although retaining it is fine, too):

- 2a. The witness said ~~that~~ the defendant had lied about the date.

These two examples highlight why deleting *that* is tricky. It's difficult to give strict guidelines for when deleting *that* is justified and when deleting *that* will cause a miscue.

So I suggest that for many common verbs in legal writing, retain *that*. Verbs like *admit*, *allege*, *conclude*, *find*, *hold*, *reason*, *show*, and *suggest*. Here are some examples in which I think *that* was wrongly omitted:

3. The court concluded the claim was brought in bad faith.
The court concluded the claim? Oh. The court concluded ~~that~~ the claim was brought ...
4. A jury will be able to find Mason's errand was for the benefit of the employer.
A jury will be able to find Mason's errand? Oh. A jury will be able to find ~~that~~ Mason's errand was for ...
5. The *Reynosa* decision shows the implied duty is distinct from any contractual duty.

The *Reynosa* decision shows the

implied duty? Oh. The *Reynosa* decision shows that the implied duty is distinct ...

Without *that*, these examples can cause a miscue for the typical reader, who'll end up having to re-read the sentence to get the intendement. So over-deleting *that* results not in concise, streamlined writing but in writing that frustrates.

So rather than a rule for deleting *that*, I would default to retaining *that* and remove it when editing only if you're sure no miscue will result. Use your own editorial judgment or ask a colleague to read and react.

Wayne Schiess's columns on legal writing have appeared in *Austin Lawyer* for more than 11 years. Now they're compiled in a book: [Legal Writing Nerd: Be One](#). This entry was posted in [Grammar and Punctuation](#), [Usage](#) on [January 7, 2019](#). This article, which was originally published on the [utexas.edu](#) blog, "Legible," has been edited and reprinted with permission.

Wayne Schiess, Senior Lecturer—The



David J. Beck Center for Legal Research, Writing, and Appellate Advocacy, University of Texas School of Law, legal-writing.net.

The Ethics of Dealing with a Data Breach

Ellen Lockwood, ACP, RP

It seems that at least once a week there is a report of a company experiencing a data breach. These data breaches are the result of hackers infiltrating a company's computer networks specifically to access confidential information.

Because of the nature of their work, law firms have quite a bit of confidential information regarding their clients. This makes law firms particularly appealing targets for cyberattacks. Recently, several well-known law firms were the subject of cyberattacks. The hackers were likely seeking confidential information to utilize for insider trading schemes.

Attorneys and their staff have an ethical responsibility to maintain the confidentiality of client information. Comment 8 of Rule 1.01 of the Texas Disciplinary Rules of Professional Conduct states in part that "each lawyer should strive to become and remain proficient and competent in the practice of law, *including the benefits and risks associated with relevant technology*" (emphasis added). This includes storage of the information, restricting access to the information, and controlling confidential information when communicating with clients. Attorneys and their staff should research the appropriate technology and best practices, and update their methods as appropriate.

Unfortunately, despite efforts to keep confidential information safe, it is more and more likely that law firms will experience a data breach. When a data breach occurs, attorneys and their staff should be aware of the ethical responsibilities and legal obligations they owe the firm's clients.



The ABA recently released its [formal ethics opinion 483](#) describing attorneys' ethical obligations when suffering a data breach, specifically identifying the following:

- obligation to monitor for a data breach
- stopping the breach and restoring systems
- determining what occurred

The opinion further states that if an attorney knows or should know a data breach has occurred, the firm should review the rules regarding proper notification to current clients and former clients.

The communication by the law firm to current and former clients regarding the data breach will depend on the type of cyberattack and exactly what data was revealed during the cyberattack. Any notification should include a description of how the law firm will be addressing the data breach, whether it is possible to recover the information and how that will be accomplished, and the firm's plan to

increase data security. The opinion also states the firm has an obligation to keep client advised of the foregoing if it affects the client's data.

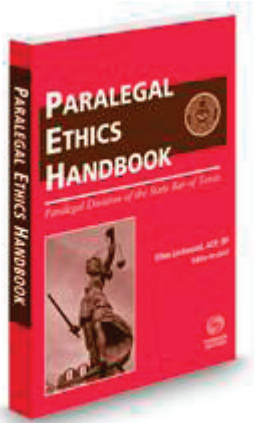
Attorneys should review the relevant federal and state statutes if a client's personal identifying information was revealed during the breach. Depending upon the type of confidential information that was breached, there may also be privacy and statutory laws that require specific actions, such as HIPAA and the Gramm-Leach-Bliley Act. Law firms should familiarize themselves with the relevant laws and be prepared to review and comply with them in the event of a data breach.

With almost constant cyberattacks, law firms should assume the question is when, not if, a data breach will occur, and be prepared to address the legal, as well as the ethical responsibilities, of a data breach.



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. She may be contacted at ethics@txpd.org.



The Paralegal Ethics Handbook, 2018 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:

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PARALEGAL DIVISION
STATE BAR OF TEXAS

BOARD OF DIRECTORS
QUARTERLY BOARD MEETING SUMMARY

February 2019



*Submitted by President-Elect, Megan Goor, TBLS-BCP
president-elect@txpd.org*

The Board of Directors had their Winter Board Meeting on February 1-2, 2019, in San Antonio, Texas. The directors not only serve their districts, but act as a liaison to certain associations and board advisors to appointed committees. At the meeting, the Directors made their respective reports and shared insights about budgetary concerns and changes in membership enrollment.

Your Board of Directors and PD Coordinator:

President—Stephanie Sterling, TBLS-BCP (president@txpd.org)
President Elect—Megan Goor, TBLS-BCP (president-elect@txpd.org)
District 1 and Secretary—Sherie Hollinger, RP®, PHP (district1@txpd.org)
District 2—Eugene Alcala (district2@txpd.org)
District 3—Mary R. Wintermote (district3@txpd.org)
District 4—Francesca Romans, ACP, TBLS-BCP (district4@txpd.org)
District 5—Susi Boss (district5@txpd.org)
District 7 and Treasurer—Erica Anderson, ACP (district7@txpd.org)

District 10—Shannon Shaw (district10@txpd.org)
District 11—Janet McDaniel, CP (district11@txpd.org)
District 12—Lisa Pittman (district12@txpd.org)
District 14—Shannon Happney CP, TBLS-BCP (district14@txpd.org)
District 15 and Parliamentarian—Edna Garza - Guerra, TBLS-BCP (district15@txpd.org)
District 16—Rebecca Lopez (district16@txpd.org)
Paralegal Division Coordinator—Rhonda Brashears, CP, TBLS-BCP (pd@txpd.org)

Paralegal Division Committees

Your committees are hard at work for you as well. Get to know your [Committee Chairs](#). Please reach out to them if you are interested in learning more about how to serve on a committee or volunteer!

The vision ahead of President Stephanie Sterling is “Growth, Foster, and Represent!” We always appreciate hearing from you about comments, suggestions, and recommendations to bring to the Board.

The next board meeting is June 7-8, 2019, in Dallas.



THE NATIONAL ACADEMY OF DISTINGUISHED NEUTRALS

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OCTOBER 2018						
Sun	Mon	Tue	Wed	Thurs	Fri	Sat
			1	2	3	
	6	7	8	9	10	
	13	14	15	16	17	
	20 PM	21	22	23	24	
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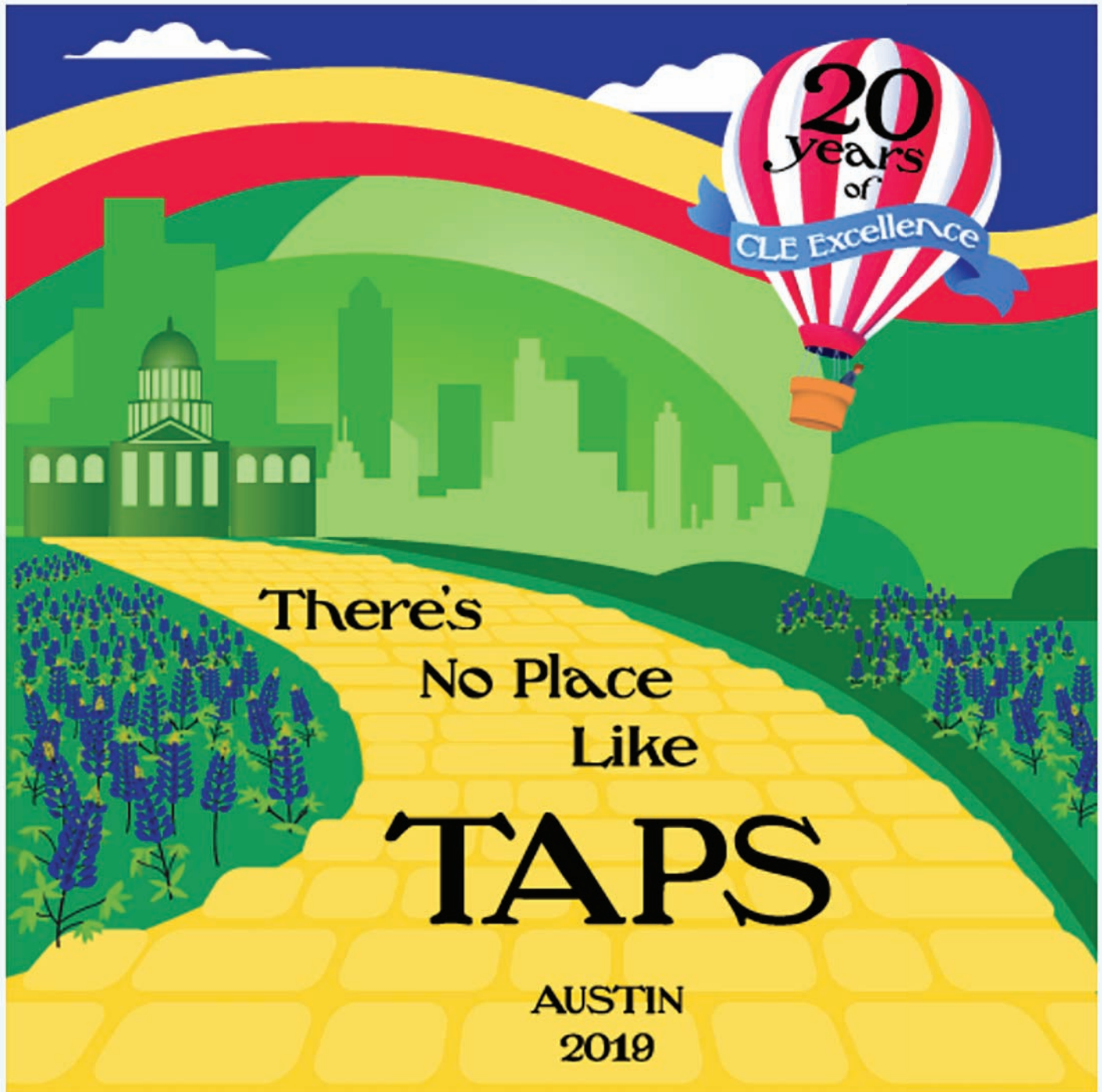
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2019–2020 President-Elect: Edna W. Garza, TBLS-BCP

On January 31, 2019, the Board of Directors elected Edna W. Garza-Guerra, TBLS-BCP, as the 2019–2020 President-Elect of the Paralegal Division. To Edna, this is an accomplished goal and a reminder that we should dare to dream and follow our goals. Edna is a Litigation Paralegal with almost 28 years of experience. She currently works at Walsh McGurk Cordova Nixon, PLLC (f/k/a Kittelman Thomas, PLLC) in McAllen in the practice areas of civil litigation, real estate, and transactional work. She attended the first Paralegal program at South Texas Vo-Tech in McAllen in 1990. After graduation, she went to work for Ramon Garcia, a very prestigious attorney in the Rio Grande Valley who specialized in wrongful death, products liability, and mass environmental cases across the State of Texas. In 1994, Edna had the opportunity to work as a part-time Paralegal Instructor at the same vocational school she attended in addition to working as a full-time Paralegal. Edna possesses vast knowledge, experience, and skills in defending commercial litigation and lender liability cases for businesses, partnerships, and local banks, foreclosures and collection work, receiverships and arbitration proceedings, even though her past work history is in personal injury cases (wrongful death and products liability).

In 2011, Edna became a member of the Paralegal Division and served as a sub-chair for the CLE Committee, where she helped generate a total of fifty-three (53) free CLE hours for District 15. Edna



became a Board Certified Paralegal in Civil Trial Law in 2015. Edna realized the importance of setting a goal and accomplishing it through the pursuit of her board certification. She strongly encourages the members of District 15 (and non-members) to seek board certification, stressing the importance of personal and professional growth and continuing education. She proudly represents that five of the new members of District 15 are now board certified paralegals.

In May 31, 2012, Edna became a realtor and is currently licensed under Guadalupe Limas of Limas Realty, LLC. She is a member of the National Association of Realtors, Texas Association of Realtors and the Greater McAllen Association of Realtors. She has experience working as a buyer's representative, a seller's representative and the sale of bank foreclosures. Edna enjoys

working as a part-time realtor during the weekends and after work. She enjoys viewing different properties and, in some instances, may stage a property in order to obtain a successful sale faster. She works hard to make sure her clients get the most bang for their buck.

Edna values the leadership of the past Presidents/President-Elects while serving on the Board of Directors since 2015, and is honored to continue to serve in these capacities in the near future. Edna will arduously work with the Board of Directors to effectively serve the members and directors of the Paralegal Division as the new President-Elect. Her top priority will be to ensure that this professional organization remains one of the most successful organizations in the State of Texas, while embarking on a new vision to help improve the Paralegal Division.

Edna married Roel Guerra on June 30, 2018. She "Thanks God" for Facebook because thirty-five (35) year later her high school crush, Roel, sent her a friend request. The rest is history! Edna has a daughter, Pamela; a son, Michael; two new sons, Omar and Randy; and two new daughters, Monica and Denise. Their grandkids include Hailey, Jona, Wyatt, Chism, Remington, and Baby Aaron. Roel. Edna enjoys spending quality time with family, friends, and their two Dobermans, Levi and Niki. Her mottos are "Live life simple," and "Put God first, he's going to take you places that you've never dreamed of..."

Paralegal Division 2018–2019 Leadership

PARALEGAL DIVISION 2018–2019 BOARD OF DIRECTORS

On behalf of the Paralegal Division, thank you to each Director who has served on the 2018–2019 Board of Directors. The Directors meet three times a year to perform business-related duties for the Paralegal Division.

Stephanie Sterling, TBLS-BCP, President (Austin)
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Mona Hart Tucker, ACP, Immediate Past President (Daingerfield)
Sherylyne Hollinger, District 1 Director and Secretary (Houston)
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Shannon Happney, CP, TBLS-BCP, District 14 Director
 (Longview)
 Javan Johnson, ACP, TBLS-BCP, District 14 Director and
 Treasurer (Longview)
 Edna Garza, TBLS-BCP, District 15 Director and Parliamentarian
 (McAllen)
 Rebecca Lopez, District 16 Director (El Paso)

PARALEGAL DIVISION 2018–2019 AMBASSADORS

As a benefit to the paralegal profession, the Paralegal Division (PD) offers paralegal associations, bar associations and paralegal programs an experienced CLE speaker through its Ambassador Program. The Ambassador Program of the Paralegal Division is made up of past presidents of the Paralegal Division with over 20 years of paralegal experience. Ambassadors are prepared to speak on a variety of topics. They will travel across Texas to present CLE to paralegals (both members and non-members) and distribute information on the Paralegal Division and its many member benefits. These Ambassadors spend many hours preparing, presenting and traveling for the Paralegal Division. The Board of Directors would like to extend its sincere gratitude to each person listed below who is a PD Ambassador. Not only are these Ambassadors past presidents of the Paralegal Division, but they all continue today to lead its cause.

Ambassador presentations are requested through the [Request](#)

a [Speaker](#) link. Please take a moment to get to know the PD Ambassadors by viewing their [photos and bios](#).

Thank You!

Joncilee Davis, ACP (Dallas), Chair
 Erica Anderson, ACP (Amarillo)
 Michele Boerder, CP, TBLS-BCP (Dallas)
 Rhonda Brashears, CP, TBLS-BCP (Amarillo)
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 Javan Johnson, ACP, TBLS-BCP (Longview)
 Ellen Lockwood, ACP, RP (San Antonio)
 Mona Tucker, ACP (Daingerfield)
 Susan Wilen, RN (San Antonio)

PARALEGAL DIVISION 2018–2019 COMMITTEE CHAIRPERSONS

The Paralegal Division is grateful to all of its Committee Chairs listed below who take time from their busy schedules to lead a committee for this organization. Without the work of the Committee Chairs and their volunteer members, the Paralegal Division would not be able to offer the many benefits to its members.

Thanks to all of you!

Standing Committees

2018 Annual Meeting—Alice Lineberry, PLS, CP, Chair (Austin)
 Continuing Education, District CLE —Jennifer Hutchison, CP,
 Chair (Houston)
 Online CLE/Webinars —Kara O'Shaughnessy, Chair (Austin)
 Elections—Jennifer Rogers, CP, Chair (Austin)
 Membership—Alice Lineberry, PLS, CP (Austin)
 Professional Development—Carli Collins, Chair (Austin)
 Professional Ethics—Ellen Lockwood, ACP, RP, Chair (San
 Antonio)
 Public Relations—Erica Anderson, ACP (Amarillo)
 Publications—Megan Goor, TBLS-BCP, Chair (Fort Worth)

Ad Hoc Committees/Programs

Ambassador Program—Joncilee Davis, ACP, Chair (Dallas)
 Blog Coordinator —Melanie Langford, ACP (San Antonio)
 E-Group Policy—Kim McDonald, TBLS-BCP, Chair (Austin)
 e-Newsletter/Paralegal Pulse —Gabriela Warner (Spring) and
 Brenda Colvin, TBLS-CP (Austin), Co-Chairs

Ethics Handbook—Ellen Lockwood, ACP, RP, Chair (San
 Antonio)
 Membership Renewals—Spot Audit —Debra Pointer, Chair (Fort
 Worth)
 Mentor Program Ad Hoc Committee—Debra Pointer, Chair
 (Fort Worth)
 Pro Bono—Shanna Mello, Chair (Weatherford)
 Procedures Manual—Megan Goor, TBLS-BCP (Fort Worth)
 TAPS 2019 Planning Committee —Stephanie Sterling, TBLS-BCP,
 Chair (Austin)
 TAPS 2020 Planning Committee —Megan Goor, TBLS-BCP,
 Chair (Fort Worth)
 Texas Bar College Membership Application Review—Jena Parker,
 CP, Chair (Fort Worth)
 Texas Board of Legal Specialization (TBLS) Examination - Helpful
 Hints—Javan Johnson, ACP, TBLS-BCP, Chair (Longview)
 Vendor/Sustaining Member Liaison—Susan Davis, TBLS-BCP
 (Fort Worth)
 Website Development Ad-Hoc Committee—Pamela Etie, ACP,
 PLS (Austin)

Representative

Texas Bar College Representative—Jena Parker, CP, Chair (Fort
 Worth)

Paralegal Division Coordinator

Paralegal Division Coordinator—Rhonda Brashears, CP, TBLS-
 BCP (Amarillo)

Paralegal Division Districts' Paralegal Day Events and Other Highlights

District 1

District 1 had many wonderful Texas Paralegal Day celebrations in the month of October. Here are photos from the October 23rd District 1 and HMPA Texas Paralegal Day Social at Birraporetti's Downtown. A huge thank you to Birraporetti's Downtown for generously supporting the event! **Awards:** Esteban Martinez won the 2018 HMPA Paralegal Award (an award plus \$250). He also won the 2018 TAPS Scholarship in Memory of Pamella Ford (\$750 - covered TAPS registration, socials and hotel). Esteban is an amazing PD Member and is currently going to law school full time while working full time.



HMPA's POY Esteban Martinez



District 2

District 2, in conjunction with Dallas Area Paralegal Association, J. L. Turner Legal Association, and North Texas Paralegal Association, held its 2018 Texas Paralegal Day Celebration with special Keynote Speaker, Michael K. Hurst, President, Dallas Bar Association, "Something for Someone: The Change is You," at the Belo Mansion, in Dallas, on October 23rd. **Awards:** The DAPA 2018 Paralegal of the Year Award was awarded to Shiela White. [Pictured Group: Kelli Smith, 2018 DAPA President; Eugene Alcala, PD District 2 Director; Keynote Speaker, Michael K. Hurst, President, Dallas Bar Association; NTPA President Joncilee Davis; Michele Boerder, Chair; and Lamont Aldridge, President, J.L. Turner Legal Association-Paralegal Section.]





D2 Director Mary Wintermote with FWPA's POY Mandy Sherman

District 3 Amanda "Mandy" Sherman, CLA, was named as the Fort Worth Paralegal Association's 2018 Paralegal of the Year at the association's annual Holiday Luncheon. Each year, an inde-

pendent sitting judge from outside of the Dallas/Fort Worth area reviews resumes and recommendation letters where the identifying information has been removed and selects the award recipient based on qualifications, professionalism, characteristics and qualities that contribute to the paralegal field or exemplify the role of the paralegal. The three 2018 nominees were all members of the Paralegal Division.

The District 3 Paralegal Day Luncheon was on October 17, 2018 this year at the Fort Worth Women's Club. Approximately 70 members and guests enjoyed a presentation from the Honorable Lee Ann Dauphinot on "How Opinions from the Second Court of Appeals Impact Texas Law Today." Rob Henry, President of the Tarrant County Young Lawyers Association, read the Paralegal Day proclamation. Through the generous support of



Susy Johnson

our wonderful vendor sponsors, local businesses, and law firms there were plenty of excellent door prizes and every attendee received a swag



bag filled with great goodies! The event would not have been possible without the hard work of the District 3 Paralegal Day Luncheon Committee: Susan Davis, TBLS-BCP, Megan Goor, TBLS-BCP, Carrie Sinks, Mary Mendoza, Deb Pointer, Shanna Ellis, Susy Johnson, Lisa Abdulkareem, Amber Shepard, and Debbie Wade. **Awards:** Susy Johnson, TBLS-BCP, a member of the District 3 leadership team, received the Fort Worth Paralegal Association's Community Service Award at the organization's Holiday Luncheon. The Tarrant County Bar Foundation awarded its 2018 Paralegal of the Year Award to District 3 member, **Monty Mayes**. Monty is also the



current President of the Fort Worth Paralegal Association. [Pictured Group: Rob Henry, President of the Tarrant County Young Lawyers Association; Mary Wintermote, District 2 Director; Hon. Lee Ann Dauphinot; Anne Palmer, Tarrant County Bar Association, PD President-Elect, Megan Goor, and Sherry Jones, Tarrant County Bar Association.]

District 4

Francesca Romans, ACP, TBLS-BCP, was awarded the 2018-2019 Paralegal of the Year award by Capital Area Paralegal Association. CAPA President-Elect Brittany Posadas presented Francesca with an engraved crystal award and check for \$500.00. Francesca was nominated for her dedication and many, many contributions to CAPA, to Pro Bono service, and to the paralegal profession as a whole.

District 4 and the Capital Area Paralegal Association co-hosted a Texas Paralegal Day Celebration at The Grove Wine Bar & Kitchen in Cedar Park, Texas, on October 23. Everyone had a great time catching up with old friends and meeting



CAPA's POY Francesca Romans, ACP, TBLS-BCP

new ones. District 4 Sub-Chair and CAPA President-Elect Brittany Posadas made a short presentation about the history of Paralegal Day, and read a message from Paralegal Division President Stephanie Sterling. Special thanks go out to the District 4 Sub-Chairs who organized and helped during the event, and to the AMAZING Sustaining Members for their sponsorship and prizes. **Other News:** After many years of work by numerous CAPA members (and a huge recent push by Judge Shepperd and CAPA Pro Bono Co-Chair Amber Haney), Austin-area paralegals are now going to be allowed to join the Austin Bar Association!

District 5

On October 26, 2018, PD District 5 and San Antonio Paralegal Association members attended the Red Mass Celebration at San Fernando Cathedral. Over 200 paralegals, attorneys and judges participated in this glorious event. **Awards:** Molly Bullis was selected as Paralegal of the Year for the 2018 Annual Joint PD—District 5 and SAPA event. Molly is a member of both the District 5 PD and SAPA. [Pictured Group: Susi Boss—PD District 5 Director; Molly Bullis; Heidi Helstrom—SAPA President; and Pearl Garza—SAPA President-Elect.]



SAPA's POY Molly Bullis



District 7

District 7 had a wonderful “Member Appreciation Mingle” for Paralegal Day at Region 17 Service Center, in Lubbock, that included PD Ambassador, Javan Johnson, ACP, TBLS-BCP, as its Keynote Speaker with a complimentary lunch.



District 10

District 10's social at Crush Bar in August was a huge success. District 10 and Southeast Texas Association of Paralegals had a joint membership appreciation social on September 13 at Suga's Deep South Cuisine & Jazz Bar. Southeast Texas Association of Paralegals had its Paralegal Day Luncheon on October 18th at the MCM Eleganté Hotel, in Beaumont, with guest speaker Hon. Gerald W. Eddins.



District 11

District 11 celebrated Court Observance Day and Paralegal Day with a joint CLE and luncheon with the Permian Basin Paralegal Association/Midland County Bar Association. The celebration took place at the Midland Country Club on October 25th. Keynote Speaker: Hon. David Counts, Judge, United States District Court for the Western District.



District 12

On October 23, 2018, District 12, in conjunction with the Denton County Paralegal Association, held a “Dinner and Movie Night” at the Movie Tavern to celebrate Texas Paralegal Day 2018. This enjoyable event was well attended and sponsored by PD sustaining member, Heath Hamlett of The Legal Connection.



Pictured: Cindy Moon, President-Elect of DCPA, Lisa Pittman, D12 Director, & Heath Hamlett, The Legal Connection, Inc.

District 14

Tyler Area Association of Legal Professionals celebrated Paralegal Day on October 11 at Cantina Laredo in Tyler. Matt Tibbetts spoke about “Faces of Change.” Northeast Texas Association of Paralegals joined with the Paralegal Division, DAPA, and J.L. Turner for a Paralegal Day celebration luncheon at the Belo, in Dallas, on October 23rd. Awards: NTAP 2018 Paralegal of the Year awarded to PD member, Rebecca Alldredge.



District 15

District 15 held its 4th Annual Paralegal Day Social/Member Appreciation event on October 25th at Arturo's Bar & Grill in Weslaco, Texas. Members got to enjoy visiting with one another. There was plenty of laughter and comradery amongst the members/friends, not to mention good food!



District 16

Peggy Dieter won El Paso Paralegal Association's Outstanding Paralegal of the Year award. Peggy is D16's Elections sub-chair and has been a PD member since 1999. She has been recently featured in the volunteer spotlight in the D16 Newsletter.

District 16 had a joint Paralegal Day celebration with El Paso Paralegal Association, "A Day with Judges," on October 18th, and featured three judges for a half-day CLE with a complimentary lunch.



Texas Board of Legal Specialization Recipients

Board Certified Paralegals earn their specialization credentials through a combination of experience, advanced continuing legal education, professional references and examination. The Board Certification process is purposefully rigorous and specific to meet the objectives set forth by the Supreme Court of Texas and the State Bar of Texas to "... serve the public interest and to advance the standards of the legal profession." Congratulations to the following paralegals who have recently earned their certification by the Texas Board of Legal Specialization:

Civil Law —

Melissa Holcombe, Cuero
Maurcie Parmley, Houston
Brittany Posadas, Austin
Francesca Romans, Austin

Estate Planning and Probate Law—

Cindy Moon, Denton

Family Law —

Patreca Banks, Pasadena
Pamela Berry, Austin
Austin Bowen, Austin
Jennifer Cline, Lewisville
Jaime Dickerson, Dallas
Heidi Helstrom, San Antonio

Lorraine Leduc, Kingwood
Crystal Martinez, Forney
Amy Lynn Murry, Southlake
Lonie E. Savage, San Antonio
Margaret Joan Scott, Plano
Susan Spann, Katy
Brandon Turnage, Southlake
Carol White, Dallas

Personal Injury Trial Law—

Carli Collins, Austin
Anna Liesman, Edinburg

Oil, Gas and Mineral Law—

P. Marie Boydston, Frisco
Rosalie Reast, Kerrville



THE PD APP NEEDS YOUR CLE!*

Having membership renewals completely online will mean that you will need to input your CLE online too. Utilizing the Paralegal Division CLE portal is more important than ever! To update your CLE, go to www.txpd.org->Directory->View My CLE Records->Log On to enter your CLE or use the Paralegal Division App!

There will be a **BRIGHT BLUE POSTCARD** coming your way in the mail in April to notify you to renew your membership only AND THIS **BRIGHT BLUE POSTCARD WILL BE YOUR ONLY REMINDER TO RENEW** your membership starting May 1st. Tack it to your fridge, put it with your bills and/or snap a photo and add it to your smart phone notes or calendar!

(The Paralegal Division App is a web-based app that allows PD members to add the app icon to their homepage on their handheld devices. Once members log on, they will be able to manage their CLE hours on the go, and call up the *Texas Paralegal Journal* (TPJ) on their handheld devices! To download the app, please click or go to <http://txpd.org/myapp>)

* 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, 2019.

Joint Conference

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Join us in Denver for professional development and networking planned specifically for paralegals hosted by Rocky Mountain Paralegal Association.



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PARALEGAL DIVISION ONLINE STORE

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>

PARALEGAL DIVISION
ANNOUNCES
TAPS 2019 SCHOLARSHIP

For the upcoming 2019 Texas Advanced Paralegal Seminar (TAPS), a three-day CLE seminar, the PARALEGAL DIVISION of the State Bar of Texas will award up to two (2) educational scholarships for the three-day registration to attend the TAPS 2019 seminar, “*There’s No Place Like TAPS – 20 Years of CLE Excellence*.” Below please find the guidelines and application for applying for this scholarship.

1. The Recipient must be a member (or apply for membership) of the Paralegal Division of the State Bar of Texas.
2. To apply for a TAPS scholarship, the applicant is required to give a written essay on the following:
“You have plenty of courage, I am sure,” answered Oz. “All you need is confidence in yourself. There is no living thing that is not afraid when it faces danger. The true courage is in facing danger when you are afraid, and that kind of courage you have in plenty.” — L. Frank Baum, *The Wonderful Wizard of Oz*

What does it mean to be a confident paralegal in the workplace, in the field, and in the community? Describe your experiences and how CLE contributes to this.

The essay must be two (2) pages in length and double-spaced.

3. To apply for a TAPS scholarship, the applicant is **required**

to provide two (2) letters of personal references, which describe the applicant’s involvement in the paralegal profession.

4. Financial need shall be a contributing factor, but not a requirement. However, if two or more applicants are tied in meeting the criteria for the scholarship, financial need shall be the determining factor.
5. Recipient(s) are required to volunteer a minimum of three hours on-site during the event.

Other

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

The Paralegal Division of the State Bar of Texas will award scholarships for TAPS 2019 which will cover the cost of registration in accordance with the TAPS scholarship guidelines.

TAPS 2019 SCHOLARSHIP APPLICATION

IMPORTANT: ALL APPLICATIONS FOR A SCHOLARSHIP FOR TAPS 2019 MUST BE RECEIVED BY MONDAY, JULY 15, 2019. DATE OF TAPS 2019: September 18–20, 2019, Austin, TX

Name _____ PD Membership No. _____

Home Address _____

Home Telephone _____ E-mail Address _____

Work Address _____

Work Telephone _____ Fax Number _____

Employer _____

Are you a member of a local paralegal organization that offers a scholarship award? _____

Give a detailed description of your reason for seeking a scholarship to TAPS 2019: _____

Give a detailed description, if any, for your reasons for financial need: _____

Attach two (2) personal references and your written essay to this application. Applications should be mailed to: Megan Goor, Scholarship Chair of the TAPS Planning Committee, The Brender Law Firm, 600 Eighth Avenue, Fort Worth, TX 76104-2020 or email to: president-elect@txpd.org. Scholarship recipients will be notified by letter or email by July 25, 2019 and must accept and be registered for TAPS by August 5, 2019.

Date

Applicant’s Signature

Attach any additional explanations.

Texas Paralegal Standards

In 2005, the State Bar of Texas Board of Directors, and the Paralegal Division of the State Bar of Texas, adopted a new definition for “Paralegal.”

A paralegal is a person, qualified through various combinations of education, training, or work experience, who is employed or engaged by a lawyer, law office, governmental agency, or other entity in a capacity or function which involves the performance, under the ultimate direction and supervision of a licensed attorney, of specifically delegated substantive legal work, which work, for the most part, requires a sufficient knowledge of legal principles and procedures that, absent such a person, an attorney would be required to perform the task.

On April 21, 2006, the State Bar of Texas Board of Directors approved amending this definition by including the following “STANDARDS,” which are intended to assist the public in obtaining quality legal services, assist attorneys in their utilization of paralegals, and assist judges in determining whether paralegal work is a reimbursable cost when granting attorney fees:

A. Support for Education, Training, and Work Experience:

1. Attorneys are encouraged to promote:
 - a. paralegal attendance at continuing legal education programs;
 - b. paralegal board certification through the Texas Board of Legal Specialization (TBLS);
 - c. certification through a national paralegal organization such as the National Association of Legal Assistants (NALA) or the National Federation of Paralegal Associations (NFPA); and
 - d. membership in the Paralegal Division of the State Bar and/or local paralegal organizations.
2. In hiring paralegals and determining whether they possess the requisite education, attorneys are encouraged to consider the following:
 - a. A specialty certification conferred by TBLS; or
 - b. A CLA/CP certification conferred by NALA; or
 - c. A PACE certification conferred by NFPA; or
 - d. A bachelor's or higher degree in any field together with a minimum of one (1) year of employment experience performing substantive legal work under the direct supervision of a duly licensed attorney AND completion of 15 hours of Continuing Legal Education within that year; or
 - e. A certificate of completion from an ABA-approved program of education and training for paralegals; or
 - f. A certificate of completion from a paralegal program administered by any college or university accredited or approved by the Texas Higher Education Coordinating

Board or its equivalent in another state.

3. Although it is desirable that an employer hire a paralegal who has received legal instruction from a formal education program, the State Bar recognizes that some paralegals are nevertheless qualified if they received their training through previous work experience. In the event an applicant does not meet the educational criteria, it is suggested that only those applicants who have obtained a minimum of four (4) years previous work experience in performing substantive legal work, as that term is defined below, be considered a paralegal.

B. Delegation of Substantive Legal Work:

“Substantive legal work” includes, but is not limited to, the following: conducting client interviews and maintaining general contact with the client; locating and interviewing witnesses; conducting investigations and statistical and documentary research; drafting documents, correspondence, and pleadings; summarizing depositions, interrogatories, and testimony; and attending executions of wills, real estate closings, depositions, court or administrative hearings, and trials with an attorney.

“Substantive legal work” does not include clerical or administrative work. Accordingly, a court may refuse to provide recovery of paralegal time for such non-substantive work. *Gill Sav. Ass'n v. Int'l Supply Co., Inc.*, 759 S.W.2d 697, 705 (Tex. App. Dallas 1988, writ denied).

C. Consideration of Ethical Obligations (See Note* below):

1. Attorney. The employing attorney has the responsibility for ensuring that the conduct of the paralegal performing the services is compatible with the professional obligations of the attorney. It also remains the obligation of the employing or supervising attorney to fully inform a client as to whether a paralegal will work on the legal matter, what the paralegal's fee will be, and whether the client will be billed for any non-substantive work performed by the paralegal.
2. Paralegal. A paralegal is prohibited from engaging in the practice of law, providing legal advice, signing pleadings, negotiating settlement agreements, soliciting legal business on behalf of an attorney, setting a legal fee, accepting a case, or advertising or contracting with members of the general public for the performance of legal functions.

*Note: a more expansive list is included in the “General Guidelines for the Utilization of the Services of Legal Assistants by Attorneys” approved by the Board of Directors of the State Bar of Texas, May, 1993.



ASSOCIATE MEMBERSHIP



Join forces with an elite group of lawyers and paralegals who lead our profession.

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.

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 accredited CLE in the previous OR current calendar year which must include two hours of 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 of ethics may be earned through self-study.

BENEFITS

- A certificate of membership suitable for framing and a leather portfolio with the College logo
- The distinction of attaining a higher level of professional membership
- Unlimited access to TexasBarCLE's Online Library, a searchable database of over 27,000 CLE articles, forms, and case law updates
- Discounts for many live and video replay courses through TexasBarCLE, the State Bar's award-winning CLE department
- Use of the College logo on business cards, websites, letterhead, email signatures, etc.

To join, visit texasbarcollege.com.

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- Networking with paralegals across the state
- Powerful CLE opportunities such as Texas Advanced Paralegal Seminar (TAPS)
- Professional Development
- Professional magazine with substantive articles and updates from across the nation

THINK ABOUT IT.....

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Go to www.txpd.org and see for yourself or contact the PD Coordinator via email at pd@txpd.org
or call (806) 443-2209

TPJ Summer Edition Sections

Just a reminder that the *TPJ* has two sections exclusively for the *TPJ* Summer editions.

The “100 PD” Club—if your firm has 100% Paralegal Division membership, your firm can be listed as being a part of the “100 PD” Club!

Memorials Section - Contributions can be made in remembrance of our PD members.

To make a submission for either section, please e-mail tpj@txpd.org for a form.

Submissions must be made by May 15th.

Thank you for being a PD member!