

WINTER 2019 VOL. 25 NO.3

TPIJ

Texas Paralegal Journal

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PRESIDENT'S *Message*

Division with a Vision...Empowering Paralegals

Megan Goor, TBLS-BCP

Membership Renewal Spot Audit Mission

One of my missions this year is to assist the Membership Renewal Spot Audit Chair in reminding our membership how important and easy it is to maintain their CLE in the event of an audit. As one of your benefits, we have a convenient portal for members to enter and manage their CLE, but it is also necessary for you to keep those certificates for your CLEs in support of the hours you have claimed for membership renewal. There have been several *TPJ* articles over the years about tips if you receive an audit request and the Chair sends a detailed notice what to do if you audited.

A few years ago, other methods of random auditing became available. Of course, there is always a statistical probability of being audited in sequential years. The Chair is very mindful about this and includes a special note to those who have been audited two years in a row acknowledging this and assuring they are exempt if audited the third year. If you are audited, you are *selected*. You and your other *selected* colleagues are representing the remaining 90% of the membership. Earning your required CLE is a testament to you, as a professional, and to the betterment of our profession and the Division.

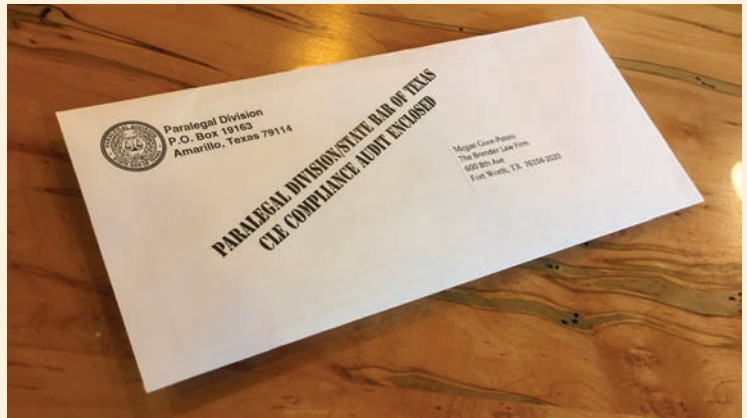
You are showing that the Division is a well-founded association that does not waiver in its obligation to provide CLE to its membership and that its membership is just as dedicated to actively pursuing CLE annually.

[Click here](#)

Your success and happiness lies in you. Resolve to keep happy, and your joy and you shall form an invincible host against difficulties. – Helen Keller

Thank you for being a proud member of the Paralegal Division!

---Megan Goor, TBLS-BCP
Paralegal Division President



District 3 members witnessed that no one is immune from the Membership Renewal Spot Audit. Chair Pointer served President Goor with her letter at District 3's Paralegal Day Luncheon.

TPIJ

Texas Paralegal Journal

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EDITOR'S *Note*

By Shanna Ellis, Editor, tpj@txpd.org

Greetings readers! Winter is coming (sort of, Texas, you know...) and with it comes a new year and a new decade. I am proud of the work that the Paralegal Division has done over the last ten years and even more proud of the accomplishments of our members. We have made great strides in implementing new technologies to broadcast our news and messages to our membership and continue to search for new ways to improve.

You will find one such improvement in this issue of the TPJ which I plan to include in future issues- a video embed. Clicking the video link will take you to a video message made by members for members with special announcements, reminders, and news. This should make for an exciting and fun addition to the TPJ that I hope everyone will enjoy!

There was no place like TAPS, but if you couldn't make it you can catch up on all the action right here with the TAPS recap. Pictures and sponsors and stories, oh my! This year's TAPS was a great time and thanks to our wonderful sponsors, volunteers, and coordinators the event went off without a hitch. Be sure to check this issue for next year's Save the Date and make plans to attend!

Every year we recognize paralegals that make an outstanding contribution to their community through Pro Bono service with the Exceptional Pro Bono Service Award. Be sure to check out this year's recipient inside! Nominations for the 2019-2020 Exceptional Pro Bono Service Award are also underway; please see the announcement inside for more details on this process.

We also recognize every year a paralegal who stands out above the crowd and makes an impact on the paralegal profession. Read on for details on this year's winner of the Award of Excellence.

It's time to consider nominations for President-Elect. If you or someone you know is interested in serving the PD as President-Elect, please see the announcement inside for details.

Just in time for the holidays, the PD has a very special present for you: Spot Audits! Now that may sound like it would make a better Halloween scary story, but with the right tools and organization Spot Audits don't have to be scary at all! Megan, Deb and the gang go over how to plan for a smooth and pain free Spot Audit that will have you back to feeling that yuletide cheer in no time. Click on the link under the article to see our first ever PD video embed!

Even though this edition came out after the holidays, I hope everyone and their families had a wonderful holiday season and I look forward to the New Year and a new year full of PD news and events. Thank you all for being the most important part of the Paralegal Division and for all you do. Cheers!

Sincerely, Shanna Ellis, 2019-2020 TPJ
Co-Editor/Publications Chair



Publications

Megan Goor, TBLS-BCP, Co-Editor

Shanna Ellis, Co-Editor

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Janet McDaniel, CP, Board Advisor

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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.

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McDaniel (D11)

DEADLINE FOR APRING ISSUE IS MARCH 4,

2020. E-mail tpj@txpd.org.

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PARALEGAL ETHICS HANDBOOK

The *Paralegal Ethics Handbook* is a resource for all paralegals, attorneys, and members of the legal community that addresses ethical considerations for 17 practice areas, as well as considerations for in-house, corporate, freelance, administrative, governmental, and regulatory law paralegals. The PEH:

- ♦ 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; and
- ♦ Contains rules and regulations for all 50 states and Washington, D.C.
- ♦ Explains how to determine whether an action may be an ethical violation.

Authored by Paralegal Division members, with input from the legal community. Published by Thomson Reuters.



<https://tinyurl.com/txpdPEH>

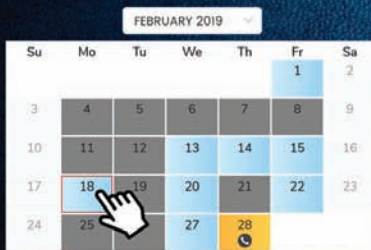


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Paralegal Division
Utilization and Compensation Survey

Salary Survey for Texas Paralegals
The Salary Survey is available starting March 1, 2020 until 5:00 pm CST March 31, 2020.

Please share this email with all paralegal colleagues.

Take the Survey for a Chance to Win 1 of 5 \$100 Visa Gift Cards!
Sponsored by The Center for Advanced Legal Studies

The Paralegal Division's Utilization and Compensation Survey of paralegals in Texas is coming soon! The information from this survey will be used to generate reports that will allow paralegals in Texas to see how their compensation packages compare to others in their geographic region.

Questions cover educational backgrounds, work environments, duties and responsibilities, billing and salary levels, and regional demographics affecting paralegal utilization and compensation. Participation in the convenient "scroll-and-click" survey is totally anonymous. Each question can be answered by simply checking a response or filling in a blank. The survey is open to all paralegals – not just members of the State Bar of Texas Paralegal Division. Please participate and tell others of this opportunity. By completing the survey you are helping the Paralegal Division to provide the most accurate and up-to-date information.

Please complete this survey by **March 31, 2020.**

Thank you for your participation. This information will provide summary demographic information about paralegal work, compensation, benefits, and job satisfaction in Texas. The survey findings will be summarized and published on our website after completion.

For more information, please contact Megan Goor, TBLS-BCP, at president@txpd.org.

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KEEP YOUR CLE (CERTIFICATES)


Every year the Paralegal Division executes a Spot Audit. This is a random selection of members, who, if chosen, must submit their CLE Certificates for authentication of claimed CLE credit hours. Unfortunately, even though this is not a new event, every year our Spot Audit Chair must contend with problems with getting certificates from members. It's time to do our part and make life a little easier for the Spot Audit Chair. Here's how you can help:

- Request a certificate if one is not given to you at the CLE event
- Fill out the certificate properly (see image below)
- Keep the certificate
- Regularly update your CLE records on the PD website (www.txpd.org—go to Members Only- Manage My CLE Records and log your CLE credits)
- Keep a copy of your renewal application
- Keep a hard copy and an electronic copy of your CLE certificates and renewal applications as a back up for 2 years just in case
- Consider employing the use of a USB (or thumb) drive to keep the electronic version of your certificates so they stay separate and avoid system/computer crashes
- Download and save the certificate immediately after completing an online CLE
- Keep the hard copies of your certificates in a place away from your other work papers so they don't get mixed up and lost

All active PD members must have at least 6 hours of CLE credit to renew their applications, and these credits must be claimed. Spot Audits ensure that our members are taking legitimate CLE's and that everyone is completing their credits. It is imperative that you are able to prove up CLE hours with a Certificate of Completion if you are selected for Spot Audit; if you aren't able to show proof of completion then, other than the benefit of learning something new, you wasted that time (and potentially money)! No one wants that!

Think of the Spot Audit like a selfie- if you don't take a picture of yourself in front of the Eiffel Tower how will anyone believe you were there? Don't lose out on your CLE learning experiences because you didn't take a selfie; get your certificate, fill it out properly, and save it in a safe location. We are all responsible for a million important things a day at our offices and we keep track of al of it; that's what makes us superstar paralegals! Be a Superstar for our Spot Audit Chair and Keep Your CLE (Certificates)!

PARALEGAL DIVISION
STATE BAR OF TEXAS



PLEASE **DO NOT** SUBMIT THIS FORM TO THE PARALEGAL DIVISION OF THE STATE BAR OF TEXAS FOR CLE PROOF. KEEP THIS FORM FOR YOUR RECORD OF ATTENDANCE.

CERTIFICATE OF CLE ATTENDANCE

SEMINAR TITLE: "Becoming (and Helping Lawyers Become) Better and More Persuasive Writers"

DATE: Wednesday, October 30, 2019

LOCATION: Pappadeaux's - Fort Worth

SPEAKERS: Justice Elizabeth Kerr, Second Court of Appeals

NO. OF CLE HOURS: 1 hr. CLE

APPROVAL/CREDIT: 1hr. TBLS CLE approved - Bankruptcy Law, Civil Trial Law Criminal Law, Estate Planning & Probate Law, Family Law, Oil, Gas & Mineral Law, Personal Injury Trial Law, and Real Estate Law
(TBLS, NALA, NFPA, MCLE Department of State Bar of Texas)

Attendee Name: Debra Pointer

PD Membership No.: [REDACTED]

Address: 6000 Western Plaza St 200
Fort Worth, TX 76107

Phone: 817-332-2580

E-Mail: dpointer@tase.com


VALIDATION OF ATTENDANCE

Paralegal Division District: District 3

Name of Sponsor: District 3, Paralegal Division, SBOT

Sponsor Signature: [Signature]

Date: 10/30/19



CERTIFICATE OF CLE ATTENDANCE

SEMINAR TITLE: Mobile Device Forensics and User Tracking

DATE: July 9, 2019

LOCATION: Tarrant County Bar Association
1315 Calhoun Street, Fort Worth, Texas 76102
Dr. Gavin W. Manes, Avansic E-Discovery and Digital Forensics

SPEAKER: 1

NO. OF CLE HOURS: 1

APPROVAL/CREDIT: Civil Trial, Criminal Law

Attendee Name: Debra Pointer

PD Membership No.: [REDACTED] (if applicable)

Attendee Address: 6000 Western Plaza, St 200 FW TX 76107

Attendee Phone No.: (817) 332-2580

Attendee Email: dpointer@tase.com

VALIDATION OF ATTENDANCE

Name of Sponsor: Fort Worth Paralegal Association

Sponsor Signature: [Signature]
Mary Mendoza, Professional Development Chair

Date: July 9, 2019

PLEASE **DO NOT** SUBMIT THIS FORM FOR CLE PROOF. KEEP THIS FORM FOR YOUR RECORD OF ATTENDANCE.

Pursuant to the Paralegal Division Standing Rules (sections 1.1.4.a and b), the Division will accept substantive law CLE presented or approved by the MCLE Department of the State Bar of Texas, the Texas Board of Legal Specialization, the National Association of Legal Assistants, the National Federation of Paralegal Associations, and/or presented by the Paralegal Division, local bar associations, paralegal associations, or law firms for credit towards the Paralegal Division mandatory membership renewal CLE requirement.

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"There's No Place Like TAPS — 2019 20 Years of CLE Excellence" and the Division's Annual Meeting

By Megan Goor, TBLS-BCP, President

The Paralegal Division's mission states, "The purpose of the Division shall be to enhance paralegals' participation in the administration of justice, professional responsibility and public service in cooperation with the State Bar of Texas." The Paralegal Division has its Texas Advanced Paralegal Seminar ("TAPS") that offers up to 14 hours of CLE. This annual three-day event also includes socials, an exhibition hall, and keynote luncheon. A new addition was the Paralegal Division's Annual Meeting being held at the Keynote Luncheon.

This year, TAPS was held on September 18-20, 2019 at the DoubleTree in Austin. The presentations covered numerous topics in various areas of law by over 60 speakers. Speakers ranged from attorneys, paralegals, professors, judges, etc.

2019 TAPS Planning Committee

TAPS 2019 was chaired by Immediate Past President Stephanie Sterling, TBLS-BCP and the planning committee which included:

- Pam Etie, ACP, PLS – Speakers Chair
- Susi Boss – Socials Co-Chair
- Sherie Hollinger, PHP, RP – Socials Co-Chair
- Shanna Mello – Vendor/TAPS App
- Alice Lineberry, PLS, CP – Door Prizes/Grand Prizes
- Jennifer Rogers, CP – Registration
- Stephanie Sterling, TBLS-BCP – Marketing
- Megan Goor, TBLS-BCP – Scholarship



Elaine Simons and Mona Tucker, ACP

Chair/Board Advisor and current President

- Meeting planner, Rhonda Brashears, CP, TBLS-BCP

The Public Members this year were:

- Frank Hinnant – Innovative Solutions
- Jennifer Chambless – Kim Tindall & Associates
- Kelly Davis – File & ServeXpress

TAPS Goodwill

A donation was made to the Austin Bar Foundation in lieu of speaker and volunteer gifts to support its contributions to the local legal community and causes.

The complete list of these appreciated speakers, their topics, and areas of law are at the end of this article.

TAPS Scholarships

The Paralegal Division offers two scholarships that are applied to the registration fee of TAPS. This year's topic was, "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. There were several submissions this year and this year's recipients were Elaine Simons (D5-San Antonio), and Mona Tucker (D14-Northeast Texas).



2018 Evaluation Drawing Winner

Angie Laird (D1) was the 2018 Evaluation Drawing Winner and received a registration discount for 2019 TAPS!

TAPS App

The TAPS App is an essential part of the conference. It has so many features - giving alerts or notifications about the day's events and helpful features like bookmarking speakers, quick reference guide about the speakers, vendors, socials, and so many others.

SOCIALS

Wednesday's "Regally Legally Networking Socially"

TAPS began with the social on Wednesday night at the DoubleTree with light hors d'oeuvres and door prizes. There was an interactive game with the vendors and a "Wizard of Oz" costume contest was held this night. There were several great looking contestants!

Thursday Night Social – "The Emerald Gala – Celebrating 20 Years of TAPS"

The Thursday evening dinner was held at the beautiful Austin Public Library. Attendees enjoyed an elegant meal, a photo booth and the Austin's Bar and Grill Singers to finish the night with their fun, but oh-so-true, legal-related parodies and melodies. To commemorate the past 20 years, photographs from past TAPS were on display and words about the history of the Division's CLE event by Past-President/Charter Member Javan Johnson, ACP, TBLS-BCP. Thank you to First Corporate Solutions for providing the photo booth!

Friday Special Session

The "Special Session" held early Friday morning is geared towards professional development. This year, there was a TBLS Preparation Panel that addressed questions and tips about preparing and taking the Texas Board of Legal Specialization. The panel included: Stephanie Sterling, TBLS-BCP, Jay Williams, TBLS-BCP, Brenda



Costume Contest



Javan Johnson, ACP, TBLS-BCP



Austin's Bar & Grill Singers



Colvin, TBLS-BCP, Renee Wettengal, Catrina Sorensen, TBLS-BCP, and special guest, Molly Galvez, TBLS Analyst, Texas Board of Legal Specialization.

Annual Meeting Keynote Luncheon and Speaker

This year was the Division's inaugural year to have Annual Meeting in conjunction with TAPS Keynote Luncheon.

The Immediate Past President, Stephanie Sterling, TBLS-BCP, and current President, Megan Goor, TBLS-BCP, co-moderated the TAPS and Annual Meeting functions.

Annual Meeting included the Division's Code of Ethics and Professional Responsibility, by President Megan Goor, TBLS-BCP who emphasized the importance of CLE to maintain proficiency under Texas Disciplinary Rule of Professional Conduct, Rule 1.01, Comment 8, which applies to attorneys and consequently the attorney's paralegal and emphasized the "Keep Your CLE Certificate" campaign, especially for the upcoming membership renewal spot audit.

Annual Meeting business also included Reading of the Rules of Order by Susi Boss, District 5 Director and Parliamentarian; approval of 2018 Annual Meeting Minutes; and the Treasurer's Report was presented by Rebecca Lopez, District 16 Director and Treasurer.

The State of the Division was given by both Immediate Past President, Stephanie Sterling, TBLS-BCP and President Megan Goor, TBLS-BCP, highlighting the many benefits and activities of the Division.

The Board of Directors is installed at the beginning of the term every June. However, recognition of the 2018-2019 Board of Directors and current 2019-2020 Board of Directors were presented to membership at this Annual Meeting. After the luncheon, the Board held its Fall Board meeting that evening and on Saturday.



TBLS Panel



President Goor selfie



Stephanie Sterling, TBLS-BCP



Sterling and Goor



Awards were given by Immediate Past President Stephanie Sterling, TBLS-BCP for these awards being for her year:

Exceptional Pro Bono – Amber Haney

Outstanding Committee Chair Award – Kara O’Shaughnessy (Online CLE Committee Chair)

This year, new awards given to Sustaining Members for their outstanding support of the Division: Innovative Solutions; Kim Tindall & Associates; and Express Records.

Award of Excellence

The Paralegal Division’s highest honor was presented to Michele Boerder, CP, TBLS-BCP. This award is the highest Paralegal Division award and is awarded to someone who has gone above and beyond. This award is not given every year. It is given to someone who has performed duties that are exceptional, has shown outstanding commitment to the Paralegal Division and to the professional enhancement of paralegals in Texas.



Annual Meeting—Board of Directors



Kara O’Shaughnessy



Frank Hinnant—Innovative Solutions



Jennifer Chambless –Kim Tindall & Associates



Express Records Accepted by Director Becky Lopez



Michele Boerder has served the Paralegal Division in many roles over the years and is always available to advise and assist when asked. She at all times shows extreme professionalism, dedication, and commitment to any role that she has or will serve with the Division.

Keynote Speaker

Keynote Speaker, Hon. Darlene Byrne, 126th Judicial District Court Judge, Travis County, gave a presentation, “Oh, the Ethical Places You Will Go!” She discussed our responsibilities as legal professionals to be ethically minded and responsibility under Texas Disciplinary Rules of Professional Conduct.



Volunteers' Desk

Grand Prize Winners

Lastly, the conference was concluded with drawings for the lucky winners of the grand prize drawings of \$500.00 for four winners: Victoria Chambers (Thomas J. Henry, Injury Attorneys <https://thomas-jhenrylaw.com/>), Terri French (Champion Records <http://championrecordsreverse.com/>), Becky Holland (Austin Bar Association <https://www.austinbar.org/>), and Nikita Glass (iSERVIO3 <https://inservio3.com/>)



Hon. Darlene Byrne



Terri French, Champion Records



Victoria Chambers, Thomas J. Henry,
Injury Attorneys



Nikita Glass, iSERVIO



Becky Holland, Austin Bar Association



TAPS SPEAKERS

Thank you to our generous speakers for giving their time to prepare and give their presentations.

Thank you!

Many thanks go to our volunteers and to our sponsors. A special “thank you” to our AV crew, Jeff Dyke and Doug Smith.

TAPS 2020 will be held on September 18-20, 2020, at Wyndham Riverwalk Hotel, Austin, Texas. Additional photographs from TAPS 2019 and any updates about TAPS 2020 can be found on the PD’s Facebook page at <https://www.facebook.com/TAPS2014/>

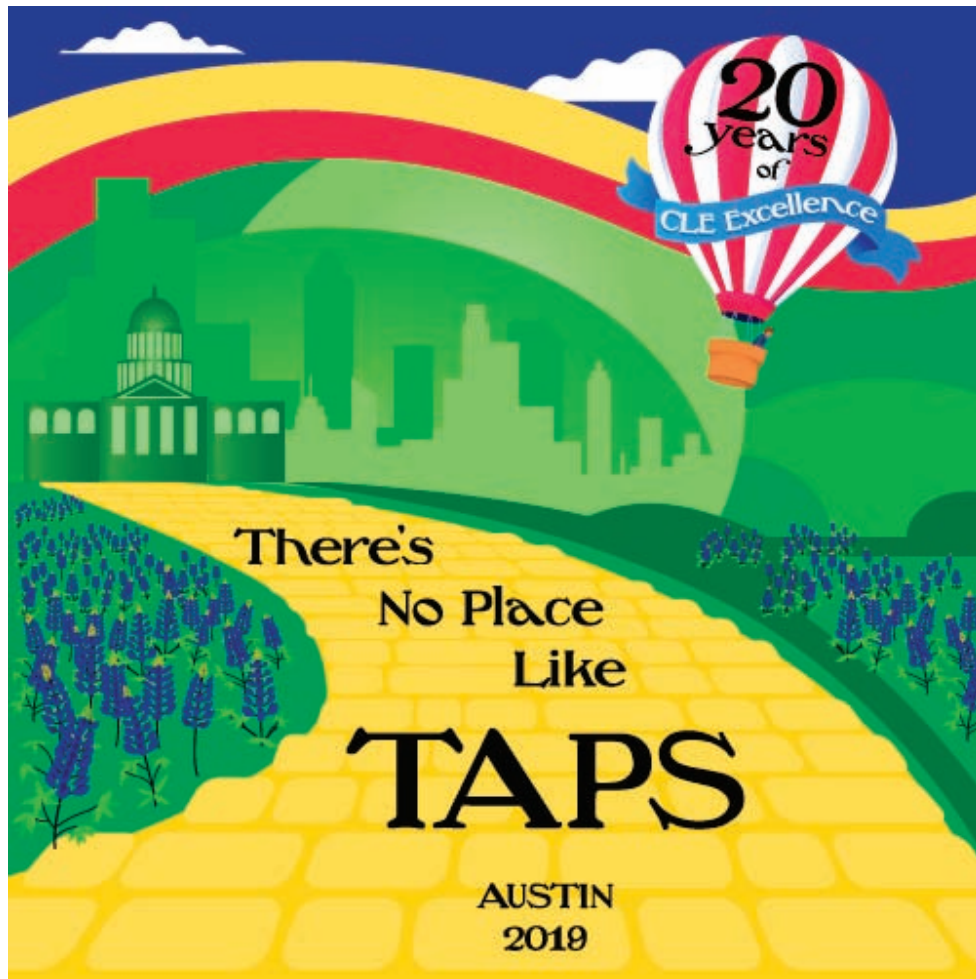
If you were unable to attend TAPS this year, some of the videotaped CLE pre-

sentations can be found at <http://txpd.inreachce.com/>. Under Advance Search, type in “From the Texas Advanced Paralegal Seminar” in the search term field and either “September 16, 2019” or “September 17, 2019” in the event date search field.



Jan McDaniel, CP, and Lydia McBrayer, CP

Focus on...



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Association (HCPA)
Paralegal Association of the
Permian Basin (PAPB)
Tyler Area Association of Legal
Professionals (TAALP)
Lynch, Chappell & Alsup
Hidgon, Hardy and Zuflacht, LLP
The Haney Law Firm



Michele Boerder, CP, TBLS-BCP-Civil Trial Law Receives the Paralegal Division Award of Excellence

Rhonda Brashears, CP, TBLS-BCP

The Paralegal Division's highest award is the Award of Excellence. It is an award conferred by the

Paralegal Division Board of Directors to recognize an individual who has made a substantial contribution to the paralegal profession. The award is given for outstanding merit. At the Paralegal Division Annual meeting in October 2019 in Austin Michele Boerder was bestowed with this award.

Michele is a leader, a mentor and has tirelessly served the Paralegal Division for many years, including Chair of the Legal Assistant's Division (former name of the Paralegal Division) 1990-1991, District 2 Director, Chair of the 25th Anniversary Committee, and in many other capacities too numerous to list. Michele was the Chair of Paralegal Division in 1990

when the first Executive Director, Norma Hackler, started in the newly formed position. Michele has authored several articles for the *Texas Paralegal Journal*. Michele continues to provide her wisdom to this association, currently chairing the Paralegal Division Long-Term Strategic Planning Ad-Hoc Committee to help in developing ways for the Paralegal Division to continue to serve its members and the paralegal profession.

Ms. Boerder is also a former past President of the Dallas Area Paralegal Association and currently serves as their Program's Vice President.

According to Michele's Paralegal Division Ambassador biography, she also has served on the State Bar of Texas Paralegal Committee (1991-2009), the TBLS Paralegal Civil Trial Commission,

NFPA's Paralegal Advanced Competency Exam Standards Committee, and Paralegal Today magazine's editorial review board.

Other mentionable accolades include, the Dallas Area Paralegal Association's Paralegal of the Year Award in 1995, NFPA's Paralegal of the Year award in 2005, the Dallas Area Paralegal Association Lifetime Achievement award in 2006 and NFPA's William R. Robie Leadership Award in 2011. Michele is also an instructor and consultant in the Paralegal Certificate Program at SMU's Certification Standards Committee.

Michele Boerder is a trailblazer in this field and it is abundantly clear why she was awarded the 2019 Paralegal Division Award of Excellence!



2019 Exceptional Pro Bono Award

By Shanna Mello, Pro Bono Committee Chair

Amber Haney has gone above and beyond the call to service for her community through pro bono efforts and more than deserves the award for Exceptional Pro Bono Service from the Paralegal Division of the State Bar of Texas (“PD”).

Fostering the Development of Pro Bono Projects

Amber serves as the Pro Bono Committee Chair for her local community-level paralegal association, Capital Area Paralegal Association, and has given this program the revival it needed. She was appointed as the Chair just short of two years ago and has expanded participation of other community paralegals through her sheer enthusiasm and servant’s heart.

Amber has been instrumental in gathering paralegal support for the Austin Bar Foundation’s CANLAW Clinic – a clinic serving the estate planning needs of those affected by cancer. She has rallied and encouraged area paralegals to donate their time and share their skill sets with this pro bono opportunity to assist an underserved population. With her support and the team she helped to commit to serve for this effort, this clinic has been able to expand its services, offering more clinics per year and serving more individuals in each clinic. Without her efforts to the CANLAW Clinic, it would not be the award-winning success that it has become.

More recently, Amber has assisted the local young lawyers’ association’s efforts in providing free estate planning services to the homeless and low-income population through the Austin Young Lawyers Association Community First! Clinic. Again, in her hard-to-turn-down rally efforts she gathered the community’s paralegals to provide witness and notary support to this pro bono clinic. This organiza-



tion has been able to host this clinic twice and with her continued efforts, this pro bono opportunity will continue to grow.

Provide Assistance to Established Pro Bono Programs

Last year, the Director of the Travis County *Pro Se* Litigant and Family Law Clinics offered through the Travis County Law Library and Austin Bar Association reached out to Amber for assistance in gathering paralegal support for their efforts in helping the community process uncontested family law matters.

Since her involvement, this clinic has begun to thrive again! In her free time, she trains paralegal students and working paralegals in the uncontested process, explains the forms, and offers to attend their first few clinics with them as moral support. She has become a vital member of this clinic’s volunteer team.

Provide Unmet Legal Services to Persons with Low-Income

Amber has recently been offered a spot at the table on the board of the Volunteer Legal Services of Central Texas – a HUGE win for paralegals everywhere. This pro bono committee offers a variety of free legal serves for the local community and Amber helps support this organiza-

tion by volunteering herself and encouraging other paralegals to get involved. Priscilla Cortez the Executive Director for Volunteer Legal Services of Central Texas said of Amber:

“As a VLS volunteer, Amber is part of the heart and soul of our organization. Her extraordinary service includes serving as a Board member, volunteering at our community legal clinics, and assisting with numerous pro bono cases. She truly represents the best of our legal community and we are so fortunate to have her tremendous leadership, expertise, and support.”

In addition to participating in pro bono clinics throughout the state, she has developed and taught a Texas Board of Legal Specialization and National Association of Legal Assistants accredited CLE regarding uncontested family law matters and has been active with Christopher House as a volunteer notary for end-of-life documents for this organization for over two years.

Pro bono is more than just providing legal services without compensation. Pro bono is about using a skill and giving back to the community in more ways than one. Amber gives back to her community two-fold by not only providing pro bono services support but recruiting other support staff to get involved. The impact that Amber has made on the local community and those individuals that have been lucky enough to have worked with her during pro bono activities is unmeasurable.

Congratulations are in order to Amber Haney, 2018-2019 Paralegal Division of the State Bar of Texas Exceptional Pro Bono Service Award recipient.

EXCEPTIONAL PRO BONO SERVICE AWARD

The Paralegal Division (PD) of the State Bar of Texas is proud to sponsor an Exceptional Pro Bono Service Award. Its purpose is to promote the awareness of pro bono activities such as those defined by the State Bar of Texas, and to encourage PD members to volunteer their time and specialty skills to pro bono projects within their community by recognizing a PD member who demonstrates exceptional dedication to pro bono service. Paralegals are invited to foster the development of pro bono projects, to provide assistance to established pro bono programs, and work closely with attorneys to provide unmet legal services to people with low incomes. This annual award will go to an individual PD member, who performed the pro bono service(s) in the State of Texas, and has volunteered his or her time and special skills in providing uncompensated services in pro bono assistance to their community. The recipient of the award will be announced at the Paralegal Division Annual Meeting Luncheon, his/her expenses to attend the Annual Meeting Luncheon will be incurred by the Division, and a profile of the individual will be published in the Winter issue of the *Texas Paralegal Journal*.

Definition of Paralegal Pro Bono Service (Adopted June 2013)

Providing legal assistance, without remuneration or compensation to the paralegal, that requires specific legal skills, knowledge or training, under the supervision of a licensed attorney or qualified organizations, whether individually, or through non-profit charitable, religious, civic, community, or governmental organizations, and serving as an advocate for those with limited means or that are unable to speak for themselves.

1. Providing legal support services for persons of limited means, either through qualified legal services/legal aid programs.
2. Providing legal support services at community legal clinics; and
3. Providing assistance for, working directly with attorneys on cases, or providing direct client advocacy, under legal services/advocacy programs that are sponsored by a bar association, court, governmental agency or non-profit agency.

Please complete the attached nomination form, and return it **NO LATER THAN MARCH 31, 2020** to the following:

Megan Goor, TBLS-BCP
The Brender Law Firm
600 8th Ave.
Fort Worth, Texas 76104
P: 817-334-0171 | F: 817-334-0274
ProBonoChair@txpd.org



**EXCEPTIONAL PRO BONO SERVICE AWARD
NOMINATION FORM**

Individual's Name: _____

PD Member Number: _____

Firm: _____ Job Title: _____

Address: _____

Phone: _____ Fax: _____ Yrs. in Practice: _____

Work Experience: _____

Give a statement (on a separate sheet using "Nominee" rather than the individual's name) using the above definition and following guidelines as to how the above-named individual qualifies as rendering Exceptional Pro Bono Service by a Paralegal Division Member:

1. Renders service without expectation of compensation.
2. Renders service that simplifies the legal process for (or increases the availability) and quality of, legal services to those in need of such services but who are without the means to afford such service.
3. Renders to charitable or public interest organizations with respect to matters or projects designed predominantly to address the needs of poor or elderly person(s).
4. Renders legislative, administrative, political or systems advocacy services on behalf of those in need of such services but who do not have the means to afford such service.
5. Assist an attorney in his/her representation of indigents in criminal and civil matters.

Return (no later than March 31, 2020) to:

Megan Goor, TBLS-BCP
The Brender Law Firm
600 8th Ave.
Fort Worth, Texas 76104
P: 817-334-0171 | F: 817-334-0274
ProBonoChair@txpd.org



State Bar of Texas
Paralegal Division
www.txpd.org

We provide... leadership • professionalism • public service

Join PD and reap the benefits!

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

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

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

A Division with Vision... Empowering Paralegals!

Asset Protection for Women: Beyond Insurance

By Craig Hackler

Generally, an asset protection strategy should dissuade potential creditors from pursuing an action against you, and protect your personal assets from being seized to satisfy a creditor's judgment.

As women continue to work and earn money, become the main breadwinners, and run their own businesses, it's important to take measures to protect your lives, businesses, and simply the things you own. That's why asset protection planning has become so vital for women.

Asset protection planning is the process of arranging your financial affairs to prevent or at least minimize the risk of your assets being used to satisfy claims of future creditors or claimants. Asset protection is not intended to hide assets, defraud creditors, or evade the payment of taxes. In fact, if a court finds that your asset protection plans were made with the intent to defraud, it will disregard those plans and make the assets available to creditors.

Why is asset protection planning important for women?

Women, now more than ever, need to consider asset protection planning because:

- Women live longer than men and will likely need their money to last longer
- At some point in their lives, women may have to manage their own finances due to divorce, widowhood, or remaining single
- Many women are successful business owners
- A good asset protection plan can help you achieve financial security and independence, and give you an opportunity to have enough money to provide for your comfortable support and that of your dependents



Insurance as part of your asset protection plan

Often, the simplest way to protect assets is by shifting the risk to an insurance company. This should generally be your first line of defense. However, insurance may not provide all the protection you need, or it might not be available.

Other asset protection strategies generally involve transferring legal ownership of assets to other persons or entities, such as corporations, limited partnerships, and trusts. The logic behind shifting ownership of assets is fairly straightforward: your creditors can't reach assets you don't own.

C corporations

You might be a business owner, or thinking about starting a business. If so, choosing a business entity is an important decision. One option is a C corporation. The law views a C corporation as a separate legal entity. As such, business assets owned by a C corporation are considered separate from your personal assets, which will generally not be at risk for the liabilities of the business.

However, protection from liability may be lost if the business does not act like a business, such as when the business acts in bad faith, fails to observe corporate formalities (e.g., organizational meetings), has its assets drained (e.g., unreasonably high salaries paid to shareholder-employees), is inadequately funded, or has its funds commingled with shareholders' funds.

Caution: A number of issues should be considered when selecting a form of business entity, including tax considerations. Consult an attorney and tax professional before shifting assets to a corporation or other business entity.

Limited liability company (LLC)

An LLC is a hybrid of a partnership and a C corporation. An LLC is generally taxed like a partnership with income and tax liabilities passing through to its members (and not double-taxed as with a C corporation), but it is viewed as a separate legal entity and can be used to own business assets, protecting your personal assets from business claims against the LLC. While the legal formalities are based on state law, the legal requirements to form and maintain an LLC are usually not as involved as those associated with a C corporation.

Many professionals, such as lawyers, doctors, dentists, and accountants, face liability for damages that result from the performance of their professional duties. Both an LLP and PC protect you from the professional mistakes of your partners.

Professional corporation (PC), limited liability partnership (LLP)

Many professionals, such as lawyers, doctors, dentists, and accountants, face liability for damages that result from the performance of their professional duties. While no business structure will protect you from personal liability for your own professional activities, states have enacted laws allowing professionals to join together to form professional corporations wherein all participating corporate members are of the same profession. An alternative form of business entity suitable for professionals is the LLP. Both an LLP and PC protect you from the professional mistakes of your

partners. That is, if one of your partners is sued for negligence, and the PC or LLP is also named in the lawsuit, the partner sued may be liable personally for any judgment, but the PC or LLP should protect your personal assets from the reach of any judgment creditor of the entity.

Family limited partnership (FLP)

An FLP is a limited partnership formed by family members only. Assets that you own, such as a closely held business or any real estate (other than your residence), may be placed in the partnership. Generally, a creditor can only obtain a charging order against the FLP, which allows the creditor to receive any income distributed by the general partner (who is usually a family member). It does not allow the creditor access to the assets of the FLP. Thus, a charging order is not an attractive remedy to most creditors, and consequently, its limitations might convince a creditor to settle on more reasonable terms than might otherwise be possible.

Protective trusts

Protective trusts are intended to protect your assets and/or estate from creditor claims, lawsuits, an unwanted beneficiary, or other threats. Generally, protective trusts work to pay income to the beneficiary you name in the trust. The trust also can be set up to pay out for a specific purpose, such as education expenses, or care for a beneficiary with special needs. In fact, you can name yourself as the beneficiary to ensure payment of income while protecting the trust assets from creditors and lawsuits.

Your creditors are only able to reach assets in the trust to the extent of your beneficial interest in those assets. If you have no right to the assets of the trust, your creditors can't reach them. On the other hand, if you're entitled only to trust income, that's all your creditors can seek to attach.

Irrevocable trusts

For an irrevocable trust to be effective as an asset protection tool, you must not be able to revoke or change the trust once you establish it. This means you can't dissolve the trust, change beneficiaries, remove assets from the trust, or change

its terms. But because you relinquish control over the assets you place in the trust, they're generally beyond the reach of your creditors as well. In addition, by adding special language to your trust through a spendthrift clause, you can further protect trust assets from your beneficiaries' creditors.

Caution: *A revocable trust, unlike an irrevocable trust, generally does not protect trust assets from creditor claims since you have control over those trust assets.*

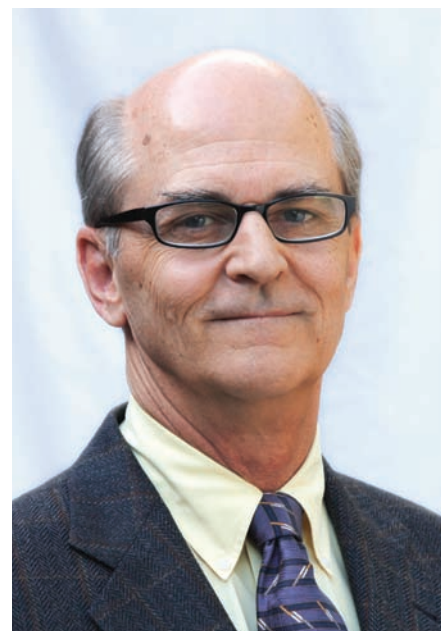
Domestic self-settled trusts

The laws in a few states, such as Nevada, Alaska, and Delaware, enable you to set up a domestic self-settled trust. You can create this type of trust, transfer assets to the trust, and name yourself as beneficiary. The key to a self-settled trust is that it gives the trustee discretion over whether or when to distribute trust property or income to beneficiaries. Creditors can only reach property that the beneficiary has a legal right to receive. Therefore if you, as a trust beneficiary, don't have access to trust property, your creditors will be unable to reach it as well.

Offshore (foreign) trusts

Many foreign countries have laws that make it difficult for creditors to reach trust assets held in that foreign country. In order for a creditor to reach assets held in a foreign or offshore trust, a court must have jurisdiction over the trustee or the trust assets. A trust that is properly established in a foreign country generally does not allow jurisdiction of a U.S. court over the trustee. A U.S. court will be unable to exert any of its powers over the offshore trustee. For a creditor to assert a claim against trust assets, the suit must commence in the foreign jurisdiction, with a lawyer licensed to practice in that foreign country. In addition, the creditor will probably have to post a bond with the foreign court. Taken as a whole, these obstacles have the general effect of deterring creditors from pursuing actions in the foreign court.

Craig Hackler, Financial Advisor Holds the Series 7 and Series 63 Securities Licenses, as well as the Group I license (life, health, annu-



ities). 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 Bee Coves Rd., Suite 208 Austin, TX 78746

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Raymond James is not affiliated with Texas Paralegal Journal

The Ethics of Soliciting Current and Former Clients

Ellen Lockwood, ACP, RP

I was recently contacted by a paralegal about a situation in her office.

Her supervising attorney had asked her to contact former clients to make sure everything regarding their legal issue had worked out to their satisfaction and inquire whether there was anything else the firm could do for the client. At first, I assumed these were clients whose matters had concluded in the last few weeks and she would be contacting these clients as a form of satisfaction survey. However, the paralegal explained that I was misunderstanding the situation.

The paralegal stated that the attorney was requesting she reach out to clients, some recent, and some of which could be considered former clients as their matters had been resolved quite some time ago. The purpose of the calls was not to determine whether the clients were satisfied with the resolution of their legal matters, instead, the attorney's goal was to find out if the clients needed additional legal services and if so, to encourage them to have the firm represent them in those matters. The paralegal wisely realized that the attorney was asking her to solicit clients. Although the people she would be contacting are current and former clients, reaching out to them and asking if they have any legal matters they need handled is still solicitation.

Rule 7.03(s) of the Texas Disciplinary Rules of Professional Conduct states in part:

A lawyer shall not by in-person contact, or by regulated telephone or

other electronic contact as defined in paragraph (f), seek professional employment concerning a matter arising out of a particular occurrence or event, or series of occurrences or events, from a prospective client or nonclient who has not sought the lawyer's advice regarding employment or with whom the lawyer has no family or past or present attorney-client relationship when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain.

Since the purpose of contacting the clients is an attempt to bring in more business, it appears such contact would be for the attorney's monetary gain, and therefore, prohibited conduct for the attorney. Two of the canons of the Paralegal Division Code of Ethics and Professional Responsibility are also applicable to this situation:

Canon 2. A paralegal shall not perform any of the duties that attorneys only may perform or do things which attorneys themselves may not do.

Canon 5. A paralegal shall not solicit legal business on behalf of an attorney.

These canons make clear that the paralegal would be ethically prohibited from contacting the clients to attempt to solicit business for the attorney.

It is fortunate the paralegal questioned whether the attorney's request was some-

thing she should do. Too often paralegals either assume that if the attorney tells you to do it, it is ethical, or are uncomfortable telling the attorney they want to research whether what the attorney is asking is permitted for paralegals. In order to remain ethical, paralegals must educate themselves about ethics and not hesitate to ask questions or conduct research to confirm they are remaining ethical.



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.



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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PROFESSIONALISM THROUGH EDUCATION

NOTICE OF NOMINATIONS/ELECTION OF PRESIDENT-ELECT

Pursuant to Standing Rule XIV of the Paralegal Division of the State Bar of Texas, notice is hereby given of an election for the office of 2020-2021 President-Elect. This election will be held by electronic mail during the month of January 2020 by the Board of Directors.

Qualifications for serving as President-Elect of the Paralegal Division are contained in Standing Rules XIV as follows:

XIV. OFFICERS

B. ELIGIBILITY

1. Any current or past Director who is currently an active member of the Division and who has completed at a minimum a full term (two (2) consecutive years) as Director is eligible to be elected as President or President-Elect.

Any qualified individual who is interested in running for office of President-Elect should forward a one-page resume, together

with a letter of intent to run, to the nominations committee chair at the following address or electronic mail address **TO BE RECEIVED NO LATER THAN JANUARY 15, 2020** and a confirmation e-mail will be sent by January 17, 2020.

Rebecca Lopez
Chair, President-Elect Nomination Committee
El Paso Water Utilities
1154 Hawkins Blvd
El Paso, TX 79925-6437
Telephone: (915) 594-5505
District16@txpd.org

Note: In the event the Board of Directors of the Paralegal Division elects an individual who is currently serving as a Director, a vacancy will be declared in the district in which that individual serves. An election will be held to replace the outgoing Director (President-Elect) at the time the elections for the Board of Directors are regularly scheduled.

SAVE THE DATE!!!!



TAPS 2020 will be held on **SEPTEMBER 18-20, 2020**, at Wyndham Riverwalk Hotel, Austin, Texas. Additional photographs from TAPS 2019 and any updates about

TAPS 2020 can be found on the PD's Facebook page at <https://www.facebook.com/TAPS2014/>

PARALEGAL DIVISION

Notice of 2020 District Director Election

The Paralegal Division's DIRECTOR ELECTION for District Directors in even-numbered districts (Districts 2, 4, 10, 12, 14 and 16) will take place March 23 through April 10, 2020.

- Beginning on January 30, 2020 each Elections Subcommittee Chair will prepare and forward, upon request, the following materials to potential candidates for director in their respective district at any time during the nominating period:
 - a. A copy of the List of Registered Voters in candidates' respective district;
 - b. A sample nominating petition; and
 - c. A copy of Rule VI of the Standing Rules entitled "Guidelines for Campaigns for Candidates as Director."
- Each potential candidate must satisfy the following requirements:
 - a. Eligibility Requirements. The candidate must satisfy the eligibility requirements of Article III, Section 3 and Article IX, Section 1 A and Section 4 of the Bylaws and Rule V B, Section 5c of the Standing Rules.
 - b. Declaration of Intent. The candidate must make a declaration of intent to run as a candidate for the office of director through an original nominating petition declaring such intent that is filed with the Elections Subcommittee Chair in the candidate's district pursuant to Rule V B, Section 5 of the Standing Rules.
 - c. Nominating Petition. The original nominating petition must be signed by the appropriate number of registered voters and must be submitted to the Elections Subcommittee Chair in such district, on or before February 21, 2020.

If you are interested in running for District Director, or need further information regarding the election process, contact the Elections Committee Sub-Chair in your District, or the Elections Chair, Melanie Langford, ACP at Elections@txpd.org.

2019–2020 District Election Committee Sub-Chairs:

District 2 – Joncilee Davis, ACP - joncilee@yahoo.com

District 4 – Jennifer Rogers – Jennifer.B.Rogers@huschblackwell.com

District 10 – Jennifer Barnes JBarnes@jenkinskamin.com

District 12 – Jennifer Cline - jennifer@thejulianfirm.com

District 14 - April White, TBLS-BCP - april@sinclairlawtyler.com

District 16 – Peggy Dieter – pdieter@kempsmith.com

NOTICE OF VOTING— March 23 through April 10, 2020

All Active members of the Paralegal Division in good standing as of March 23, 2020 are eligible to vote. All voting must be completed on or before 11:59 p.m., April 10, 2020.

All voting will be on-line and no ballots will be mailed to members.

Please take a few minutes to logon to the PD's website (beginning March 23) and cast your vote for your district's director. The process is fast, easy, anonymous, and secure.

- Between March 23rd and April 10, 2020 go to www.txpd.org
- In the Members-Only section, click on "Vote"
- Follow the instructions to login and vote

RECOGNIZE YOUR COLLEAGUES IN THE TPJ!!

Every year in the Spring issue of the TPJ, we recognize the achievements and accolades of our fellow paralegals. Unfortunately, Texas is a big state and it's not easy to keep up with all of our PD members. That's where you can help...

If you know of a fellow paralegal who deserves recognition, let us know! Write up a short piece about the person and why they deserve to be recognized and send it along with a photo (if you can get one) to tpj@txpd.org.

DON'T FORGET...

If your law firm or legal organization has 100 percent membership in the Paralegal Division, you can be in the 100 PD Club. To fill out an application and be featured in the Spring TPJ, please email tpj@txpd.org for more details.

If you know of a fellow paralegal that has passed away that you would like to have remembered in the "In Memorium" Section of the Spring TPJ, please email tpj@txpd.org for more information.



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Sales@CourtroomSidekicks.com

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>



MENTOR PROGRAM

BE A MENTOR | HAVE A MENTOR

Protégés:

- Receive guidance/direction/support on topics such as ethics, career advancement, & professionalism.
- Access to valuable networking opportunities with other paralegals and the legal community through your mentors and others at state-wide and district PD events.
- Opportunities to learn more about the PD and PD activities & opportunities to get more involved.

Mentors:

- Opportunity to share your guidance/direction/support on topics such as ethics, career advancement, & professionalism.
- Encourage and promote the Division, and opportunities to participate in the Division.
- Invite Protégés to attend Division functions, and introduce Protégés to Division leadership, as well as some of the members.

*Voting, active members in good standing, with at least seven (7) years of experience as a paralegal, are qualified to serve as Mentors. Mentors must complete the requisite application acknowledging Mentor has read and agrees to follow the Mentor Program Guidelines.

SIGN UP TODAY

For more information contact:
mentorprogram@txpd.org