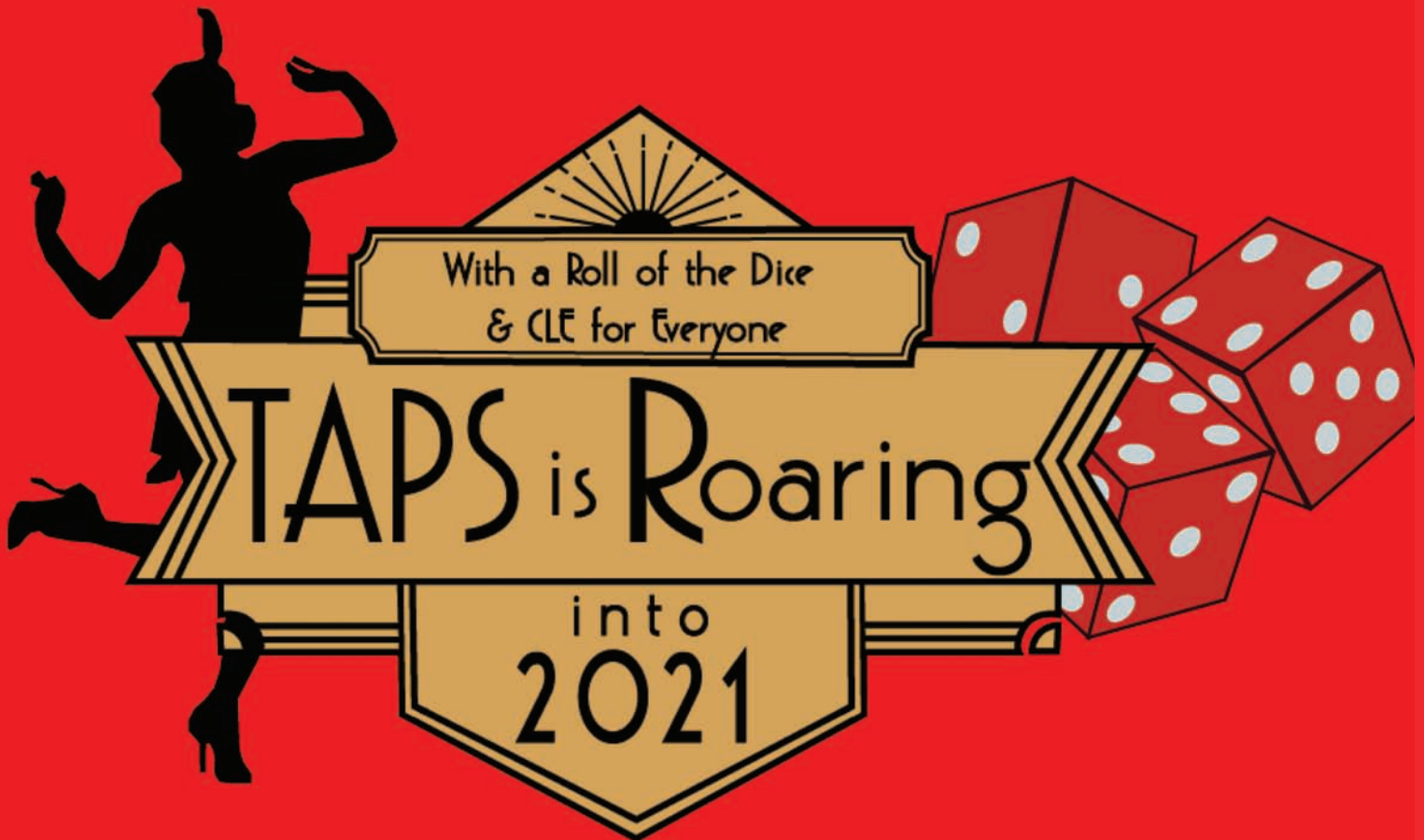


SUMMER 2021 VOL. 27 NO.1

TPJ

Texas Paralegal Journal



Live in San Antonio!



CAPITOL SERVICES

"About this time yesterday I sent you a UCC1 for filing in Delaware. I got it back earlier this afternoon all filed and paid the bill. This experience reminded me how easy some things are when you know the right people."

- Lesley C. — Wichita Falls, TX

OUR BENEFITS

UCC FILING MANAGEMENT

How are you managing your 2021? Manage less by using our state-of-the-art UCC filing platform. Our UCC Filing Manager allows you to accurately and securely prepare, maintain, and record UCC filings nationwide. With e-Filing and auto-continuation notices, you lower costs, have a faster turnaround, and receive notice prior to the lapse of a financing statement.

Wish your UCC-1s filed outside of UCC Filing Manager could receive the same e-benefits? Upload historical record data so that our system can help you manage those, as well. We've got you.

LIEN SERVICES

- Lien searches and filings
- Real estate filings
- UCC Filing Manager

CORPORATE SERVICES

- Document filing
- Retrieval and good standings
- Apostille and legalization

REGISTERED AGENT

- Nationwide representation
- Annual Report Management Service
- Corporate Entity Manager

CAPITOLSERVICES.COM

PRESIDENT'S *Message*

by Susi Boss, President

*"Do one thing everyday
that scares you" Eleanor
Roosevelt*

A client sent me a thank you card with this quote on cardstock and it stays taped over my desk and now I know why because if becoming President of this prestigious membership doesn't scare you nothing will!

One more: *"Surround yourself with people who challenge you, teach you, and push you to be your best self."* Bill Gates

This one is so important to me because I feel like the 2021-2022 Board of Directors, Executive Committee, Ad Hoc Committee Chairs, Standing Committee Chairs, Liaisons and the PD Coordinator are going to meet this challenge and challenge me so that we have a successful year



and provide all we can to our members and future members. The Paralegal Division Presence from everyone I have listed above and hopefully all PD members will be a strength we build on this year.

There is so much going on this year: 40th Anniversary, TAPS (A great reminder of what happens when attorneys and paralegals join together to support one another); Paralegal Day (a celebration of what started with a few "legal assistants" 40 years ago); CLE, CLE and more CLE for all of us to learn from and share with our attorneys and fellow paralegals.

I have been a paralegal forever (well

at least close to 40 plus years – hence the white hair). For the last 19 years I have had the privilege of being a Senior Paralegal for Charles E. Hardy at Higdon, Hardy & Zuflacht. The attorneys at HHZ are great, all one of a kind who support their staff and have found that the involvement of the paralegals with PD have brought new strengths as well as networking that have helped on many an occasion. Family law is one of those areas where you have ups and downs and just when you think you have heard it all something new comes along. I have laughed and cried with clients and gained a true respect for how short life can be with some.

For months I have thought about what I wanted to put into my first letter to our PD members. I have been so full thoughts, of what to say (and not) and went back to past TPJ issues and started reading past

(Continued on p. 3)



***Be a step above the rest –
Join the Paralegal Division
of the State Bar of Texas***

PD provides many benefits for career growth:

- 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.....

an organization designed just for YOU! ENHANCE YOUR CAREER by becoming a part of PD today.

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

TPIJ

Texas Paralegal Journal

Focus on...

How to Make Your Voice Heard in the Workplace (Especially as a Woman or Minority)

4

Guide to Responding to Data Breaches and Reporting Cybersecurity Incidents to Law Enforcement and Governmental Agencies” (Final Part)

8

TAPS is Roaring into 2021

15



Hot Cites

A Quick Investment Lesson from 2020

20

The Dread of Returning: An Introvert’s Handle of a Return to “Normal”

23

Columns

President’s Message

1

Editor’s Note

3

The Ethics of Using Non-Attorney Staff to Work Attorney Booth

25

Et AL.

President’s Last Message

28

2020–2021 Board of Directors, Committee Chairs and State Bar Representatives

29

2020 Texas Board of Legal Specialization Paralegals

31

100 PD Club

31

2020–2021 Sustaining Members

31

TAPS Scholarship Announcement

33

In Memoriam

34

EDITOR'S *Note*

Welcome to the Volume No. 1 of the *Texas Paralegal Journal* for the term 2021-2022. We are looking forward to the upcoming year and hope that you will take advantage of your benefits during the year. As a Paralegal Division member, you also enjoy a number of the same benefits offered by the [State Bar](#).

In this edition, in addition to our President's Message," which is from 2021-2022 President, Susi Boss, we are also including a "Farewell Message" from outgoing President Edna Garza-Guerra, TBLS-BCP. We say "thank you" to our 2020-2021 Board of Directors, Committee Chairs, and State Bar representatives for volunteering their time. And, of course, the long awaited TAPS brochure is here!



We have a guest writer this edition! District 12 member, Rodney Bernal, TBLS-BCP, is our guest writer in the "Hot Cites" section on a very timely topic, "The Dread of Returning."

Be sure to read the final part to the series, "Guide to Responding to Data Breaches and Reporting Cybersecurity Incidents to Law Enforcement and Governmental Agencies," in this edition. A special "thank you" to Attorney Shawn Tuma, for allowing us to feature this very hot topic!

Megan Goor, Editor, *Texas Paralegal Journal*

(Continued from p. 1)

presidents first letters. What insight and ideas there have been from all of these Presidents these past 40 years.

Let me tell you my story and the Paralegal Division. When I was able to fill out my application just to join the PD I was so excited and when I received that "State Bar of Texas – Legal Assistant (yes Legal Assistant) membership certificate I put it in a frame and it still hangs above my desk. I feel that I have come full circle with the honor of being your President.

We have all wanted our membership to grow but its not about numbers, its about ethics, integrity, involvement in our legal community and coming to the aid of the legal community to help those who need our support and assistance. To be present as a paralegal side by side with our fellow paralegals in contributing to the Paralegla Division.

As do we all, I ask that you feel free to let me know what we need to do for you and that goes for all of our Board (District Directors and Executive Board) , and all of our Chairs who will be representing you as well. Help us to help the PD show our PRESENCE to all paralegals in this great state as well as to the attorneys that we work with and come in contact with.

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

Publications

Megan Goor, TBLS-BCP, Editor
Rhonda J. Brashears, CP, TBLS-BCP, Coordinator
Janet McDaniel, CP, Board Advisor

Art Direction

David Timmons, Design
4703 Placid Place
Austin, Texas 78731 Phone 512-451-4845
E-mail: dtimmons0@gmail.com
The *Texas Paralegal Journal* is electronically published four times a year as a service to the paralegal profession. An electronic copy of each issue is furnished to the members of the Paralegal Division as part of their dues.

Paralegal Division

President, Susi Boss
President-Elect, Lisa Pittman
Treasurer, Eugene Alcalá
Parliamentarian, Shannon Shaw
Secretary, Alice Lineberry, PLS, CP

Board of Directors

President, Susi Boss, *San Antonio*; President-Elect, Lisa Pittman, *Denton*; District 1 Director, Kim Goldberg, TBLS-BCP, *Houston*; District 2 Director, Eugene Alcalá, *Dallas*; District 3 Director, Wayne Baker, RP, *Granbury*; District 4 Director, Alice Lineberry, PLS, CP, *Austin*; District 5 Director, Pearl Garza, *San Antonio*; District 7 Director, Erica Anderson, ACP, *Amarillo*; District 10 Director, Shannon Shaw, *The Woodlands*; District 11 Director, Stacey Marquez, *Lamesa*; District 12 Director, Pam Snavelly, ACP, *Denton*; District 14 Director, Shannon Happney, ACP, TBLS-BCP, *Longview*; District 15 Director, Georgina Guzman, *Alamo*; and District 16 Director, vacant.

Publication Committee Members

Publications Chair: Megan Goor, TBLS-BCP
Board Advisor to Kim Goldberg, TBLS-BCP

Deadline for the Fall Issue is August 5, 2021.

E-mail tpj@txpd.org.

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



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



How to Make Your Voice Heard in the Workplace (Especially as a Woman or Minority)

by [Regina Borsellino](#)

Copyright: Daily Muse Inc., 2014. This has been printed and distributed with permission

*H*ave you ever sat silently as a coworker talked for 47 of the 50 minutes allotted for a meeting? Have you mentioned

an idea only to be ignored or have someone else say it later and get credit? It can be frustrating and disheartening to feel like your voice isn't heard in the workplace.

And when you're a woman or minority, speaking up at work can be especially difficult. You might feel like you can't get a word in edgewise or your ideas and feelings won't be taken seriously. Or maybe you fear you'd be perpetuating a negative stereotype about a minority group or multiple minority groups you belong to.

Unfortunately, these fears aren't unwarranted: Research shows that women [speak less](#) than men in the workplace, despite the perception they speak more, for example, and that women in leadership positions [face negative consequences](#) for being more talkative. So what can you do?

Above all else, "Trust your voice," says [Latesha Byrd](#), a career and talent development consultant and founder of [Career Chasers](#), a virtual coaching experience for ambitious women of color who want to

land their dream jobs and create careers they love. And remember that you have a right to be heard.

To be clear: It's not your fault that your voice isn't being heard at work. It isn't the responsibility of marginalized people to drive societal change or fix the biases of groups with power. This article is about what you can do as an individual to help get your ideas and opinions across and your accomplishments recognized *despite* those biases and inequities.

Why Are Women and Minorities Less Heard at Work?

Society primes us to think that white men's presence in an office is the default because, for a long time, it was. Employment discrimination on the basis of sex, race, and other characteristics only became illegal half a century ago with Title VII of the Civil Rights Act of 1964. So the biases and prejudices in favor of white men and against women and minorities are baked into our work culture.

As a result, women and minorities may be left out of important conversations. Even when people don't consciously try to exclude members of minority groups, they are more likely to *include* colleagues [most similar to themselves](#). And when women and minorities do get "in the room," there are still "dozens of small, hurtful acts—from not calling on women from all ethnicities and races in meetings to cutting them off while they are speaking—

that lead to a culture of exclusion," says Serena Fong, Vice President of Strategic Engagement at [Catalyst](#), who is an expert in building sustainable, diverse, equitable, and inclusive workplaces.

Women of color in particular face barriers to being heard in the workplace "because society at large and some workplace cultures do not value or respect their contributions or perspectives," Fong says. Plus, she adds, they may feel they have to "constantly be 'on guard' to prepare for potential discrimination or bias."

Gender, race, and other biases can also affect how women and minorities perceive themselves, says [Eloise Ennet](#), Muse career coach and founder of [Parlé](#), which provides workplace communication training. After being consistently excluded, ignored, or dismissed, they may start to lose confidence in themselves—making them afraid to speak up when they do have the chance or causing them to put other people's voices before their own. And this creates a terrible, self-perpetuating cycle, Byrd says.

Tips to Make Your Voice Heard in the Workplace—No Matter What the Situation

Before we get into advice for specific scenarios, here are some general tips for being heard in the workplace that apply across the board. For all of them, take into account your specific situation and where you work.



Learn to Let Go of Being Liked

When you speak up in the workplace, especially as a woman in a male-dominated department or company, there's a chance that people will think that you're not "likable" or agreeable. But "just because you're liked doesn't mean that you're respected," Byrd says. Women often have a need to be liked, but it's not going to help you progress in your career or reach your goals if it comes at the expense of sharing your thoughts and opinions.

Know Exactly What You're Going to Say and When

Whenever possible, plan what you're going to say and how you're going to say it ahead of time. Then, rehearse. Speaking your message out loud will help you solidify the words you want to use, and will help you have the confidence to say it out loud again when it counts, Eonnet explains. If you know that what you want to say might get some pushback, prepare for that as well, Byrd says. Think about the likely objections and be ready to respond.

Then, think about the best time to say what you want. Does one of your weekly meetings always have time set aside for people to bring up anything on their minds? Would you prefer to schedule a one-on-one meeting with someone you find easy to talk to?

Think About Your Language

Cut out filtering language and state things plainly, Byrd says. Instead of "I think" or "I feel like," jump right to your point. Filtering is an automatic reflex to soften what you're saying, but it can also make you sound less confident. Also do your best to remove filler words such as "like" and "um," Eonnet says. The more concise your message, the less time you need to hold people's attention to get your voice heard.

Consider Your Delivery

"Ninety percent of how you are heard

is not what you say but how you say it," Eonnet says. Your physical actions—eye contact, gestures, posture, etc.—and vocal elements such as volume, tone, pacing, and speed affect how people hear your message. For example, if you say something too quietly or with an unsure tone, you might sound like you're asking for permission, not demanding to be heard. If you're not sure how you come across, record yourself and play it back, paying attention to each aspect of your delivery, Eonnet says.

Build Strategic Relationships

If there's a colleague whose input and opinions are always respected and who you're comfortable sharing your ideas with, it's worth getting to know them better so they'll have your back, Byrd says. This could be an ongoing [sponsorship-type relationship](#), or you could ask for support in specific situations, like during meetings or presentations, where you know it's often difficult for you to be heard.

Look for Places Outside of Work to Build Confidence

It's also important to find environments *outside* of work that are supportive, Byrd says. There are groups specifically for helping women and minorities gain confidence in the workplace like Byrd's Career Chasers, or you might consider working with a career coach one-on-one or looking for other opportunities to practice communication skills and build confidence. Just be aware it's a process: "Confidence doesn't come overnight," Byrd says.

Tips for Making Your Voice Heard in Specific Situations

Here are a few tips for common scenarios where it might be difficult to speak up or be listened to:

1. When You're in a Meeting

Meetings can be especially difficult.

You might feel that one or a few people are monopolizing the time to such an extent that you don't even know *when* you'd speak, let alone how. Plus, [research](#) shows women are more likely to be interrupted than men.

If you know ahead of time that you have something to say, try contacting the meeting organizer to get yourself on the agenda. This will give you dedicated time to share. When you're responding to something that happens during the meeting, remember to pay attention to your language and delivery. If you have a moment to jot down the key points you want to hit while others are talking, that can help organize your thoughts into as clear and concise a message as possible.

If someone interrupts you, don't yield the floor. Say something like, "I was almost done making my point," Byrd says, and continue talking. If the interruptions persist, you might say something more forceful. (For an example, think of Vice President Kamala Harris' line to Mike Pence during the [2020 vice presidential debate](#): "Mr. Vice President, I'm speaking.")

Video meetings can introduce additional obstacles given how hard it is to read people's body language and how interruptions literally cut off others' microphones. Take advantage of the chat and hand raise features when you want to say something but can't seem to claim that large "speaker" box on Zoom. Hopefully, others in the meeting will notice and allow you space.

Read More: [12 Tips for Making Your Video Meetings More Inclusive—So Everyone Feels Heard](#)

2. When You Have an Idea

If you have an idea you'd like to share, follow these steps:

- **Lay out what your idea is and why it matters.** Make sure you're clear on what exactly you're proposing, why it's important, and how it's going to impact the team or company. Is it a



small change to a process or an idea for a large campaign? Will it cost money? What's the ideal outcome?

- **Do your homework.** Back your idea up with evidence, data, and other research whenever possible. You need to know not only why this idea is important, but why it will work.
- **Decide how you'll present your idea.** Once you understand the end goal, you can reverse engineer the best way to introduce your idea, Byrd says. Who would need to approve it? Should you get buy-in from a manager or certain colleague first or can it be brought to the team as a whole right away? Can it be brought up in a regularly scheduled meeting, would it need its own meeting with one or more stakeholders, or is it best communicated through text or visuals?

3. When You Want Your Accomplishments Noticed

"People like to say 'Let your work speak for itself,' but it can't speak," Byrd says. You need to talk about it.

Create a "brag sheet," Byrd says. Every week, update your running list of what you're doing well, along with the numbers and anything else that backs it up. Then, chat about it whenever the opportunity arises—with your managers, teammates, and even coworkers in different departments who you run into at the coffee machine. When someone asks how it's going or what you're working on—have an answer that shows off your best recent work.

Bragging might be especially difficult for women and minorities because of the way we've been socialized. However, there's an art to it, Byrd says. If you frame your accomplishments in a way that shows how you're helping the team or company (without erasing yourself!), then it feels less like you're saying something just to toot your own horn, and more like you're so excited about it you just had to share.

If you're meeting with your boss specifically to review your accomplishments, decide ahead of time what your goals are, Eonnet says. Do you want a raise? More responsibility? Are you sharing your accomplishments incrementally to set yourself up to ask for a promotion further down the line? Do you want your manager to know that you took care of something independently and they can be less hands-on in the future? Do you want this win to lead to more work like what you just did? "Be objective-oriented," Eonnet says, and be ready to back up your achievements in a measurable way.

Read More: [Why You Should "Brag Better" to Help Your Career—and How You Can Get Started Today](#)

4. When You Want to Give Feedback or Suggestions

Working on a team often means giving feedback on others' work—for example, on a presentation they're going to give at a company-wide meeting or designs for a new marketing campaign. Some people might not be receptive to constructive criticism, and when you're a woman or member of a minority group, the possibility of being dismissed is even higher.

The best way to have your feedback taken seriously is to state it clearly and concisely, focusing on the person's work product, not their work style or who they are. Back up your feedback with evidence and examples, and give concrete suggestions for improvement when applicable. When feedback is vague or broad, it's easier to ignore.

Decide on the best way to deliver the feedback based on the situation. For instance, if you think the person will get defensive or feel "called out" in front of a group, consider having a one-on-one conversation.

5. When You're Calling Out Bad Behavior

When you have something to say about a person's behavior, things get trickier. But

as long as what they did isn't particularly egregious, it's "important to tackle the problem, not the person," Byrd says.

Having examples of the behavior is very important here: "'You seem this way,' doesn't mean anything," Byrd says. Lay out what they said or what happened, how it made you feel, and what you want to happen next or in the future. You might say something like: "When you were talking to [Department Head], you said that you'd analyzed the data set on your own even though I stayed late last week to help you get that done. It made me feel like you were taking credit for my work, and I'd like for you to make sure you mention my contributions in the future." In your first conversation, at least, you should assume the person has positive intent, Byrd says. Some people don't have enough self-awareness or are not used to being challenged or having their behavior questioned.

Choose the medium of communication you feel comfortable with. For example, you might pull someone aside privately after a meeting where they spoke over you or made a comment that (possibly inadvertently) perpetuated a negative stereotype, Byrd says. While written feedback can be misconstrued without tone and other cues, Eonnet says, you may feel more comfortable writing an email depending on the situation and your position at the company. Whether you share face-to-face or in writing, you can bring or copy in a neutral third party, such as a trusted manager or member of the HR team.

If the behavior crosses the line into harassment or bullying, the issue is no longer just about your voice being heard. Read more about how to spot and deal with these situations [here](#) and [here](#).

6. When You Want to Elevate Others

Beyond making your own voice heard, you can also help others—whether or not you're part of a marginalized group. "If you see a colleague being ignored or is trying to speak, say something. If you learn



about an act of bias, think about how you can address it. It may not seem like much, but it is infinitely better than ignoring it,” Fong says. “We’re all accountable for doing the hard work, taking risks, getting uncomfortable, and speaking up in ways big and small if we want true equity in the workplace.”

Consider that if you’re part of one historically marginalized group, you still might have more social power than others in a given situation. For example, if you’re a white woman in a mixed-gender group, but there’s only one Black woman in the room, you can use your position of relative privilege to help lift her up.

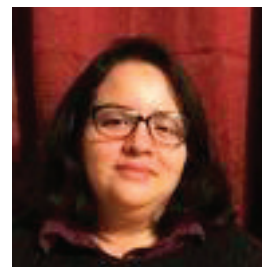
If someone is trying to speak or being interrupted in a conversation or meeting, you can say something like, “One second, Mike, I think you cut Mei off,” or “What were you saying about [X], Carlos?” If you notice folks in the room ignoring someone’s comment or a colleague jumping in

to make the idea their own, you might try [amplifying](#) the original speaker, repeating what they said and giving them credit for it.

You can also approach the coworker you’d like to help elevate privately. See if they want your help and have them explain what message they want help sharing—so you’re elevating *their* voice. Then, “become their megaphone,” Eonnet says.

The above tips can help your voice be heard, but if you’re consistently being ignored or—subtly or overtly—discriminated against, know that you’re worth more, Byrd says. “Don’t continue to subject yourself to this kind of treatment.” You don’t have to work in toxic environments where you feel emotionally or physically unsafe. “That’s not ‘just how it is’ or how it has to be to make ends meet,” Byrd says. There are companies and teams that will value you and your voice, and sometimes the best option for you profession-

ally and personally is to find one of them.



Regina Borsellino was born and raised in New York before moving to the Washington DC area to get a BA in

English Lit from the University of Maryland and an MFA in Fiction from American University. She’s excited to be back to a city that’s only humid eight months of the year. Before joining The Muse, Regina worked scooping ice cream, attending parking lots, breaking into cars (legally!), opening mail, and editing for InvestorPlace.com.

[More from Regina Borsellino](#)

Have a Topic to Share?

Let us know if you have an article you would like to publish.*

Example topics:

- **Substantive Legal Articles** (all areas of law: bankruptcy, civil trial, criminal, family, immigration, corporate/business, environmental, oil & gas; probate, real estate, employment, personal injury, entertainment, intellectual property, etc.)
- **Pre-Litigation:** Subrogation, Interview Techniques, Obtaining a Proper Witness Statement
- **Litigation:** Trial Notebooks, Organization of Complex Document Production, Use of Databases, ☐On-the-Road☐
- **Importance of the Role of Paralegal** • **Non-Traditional Roles for Paralegals**
 - **Pro Bono** • **Technology Tips**
 - **PD Member Achievements**

Submit your article to Editor at tpj@txpd.org. *Minimum 2,000 words/.doc format.



Guide to Responding to Data Breaches and Reporting Cybersecurity Incidents to Law Enforcement and Governmental Agencies (Final Part)

By Shawn Tuma

REPORTING CRIMINAL ACTS TO LAW ENFORCEMENT.

The author firmly believes that in all but (perhaps) the most extraordinary of circumstances companies should report cybersecurity incidents that are criminal acts to law enforcement. There are several issues that need to be examined when it comes to reporting such incidents.

Understanding the Role of Law Enforcement.

Law enforcement is not your company's cyber nanny. Reporting a cybersecurity incident to law enforcement is not a substitute for fulfilling your company's obligations to take all reasonable measures to contain the incident, investigate the incident, remediate the incident, and notify in accordance with the rules discussed above. Whether reporting an incident to law enforcement or not, companies must faithfully fulfill all of those obligations.

Law enforcement is not able to aggressively pursue every case, or, even take every case. Given how prolific cybercrime is and the limited resources available to law enforcement, it is important that law enforcement be strategic in how it allocates those limited resources. This means that law enforcement is not idly sitting by waiting for your company to report its case so that they can then go pounce on the bad guys. But, that does not mean your company should not report the case to law enforcement officials.

Law enforcement's primary role is to protect society, investigate crimes, and

enforce criminal law, not swoop in and save companies from all of the harms that may befall them via the Internet or leave no stone unturned in pursuing their attackers and collecting their money. But, in the author's experience, law enforcement will do everything that is reasonably within their power in appropriate circumstances in order to help victim companies recover.

While law enforcement may often be the best ally and most effective resource a company has in investigating and recovering funds or information lost from a cybersecurity incident, it is important to always remember that is not law enforcement's primary responsibility. Law enforcement's primary role is to catch the bad guys. That is, its role is to enforce the laws, investigate crimes, and pursue criminals and bring them to justice. Many times, law enforcement's pursuit of this role works hand-in-hand with the company's objectives of learning how an incident occurred and recovering information that was taken.

When criminal actions may have caused a cybersecurity incident, such incident should be reported to law enforcement as soon as possible. These actions are crimes that are no different than if someone were robbed on the street. They should be treated as such.

Which Law Enforcement Agency Do You Report To?

Federal Law Enforcement.

In most cases, federal law enforcement authorities are going to have the

best capabilities and resources to pursue cybersecurity incidents. The United States Secret Service (USSS) and Federal Bureau of Investigation (FBI) are designated as having concurrent jurisdiction to investigate "computer fraud" incidents under the Computer Fraud and Abuse Act^[28] and the FBI is designated as having primary jurisdiction over certain areas involving espionage, foreign counterintelligence, national defense, foreign relations, or certain restricted data. In reality, however, both the USSS and FBI seem to work cybersecurity incident cases without getting too caught up in the jurisdictional distinctions and both are great resources to use for reporting cybersecurity incidents to law enforcement.

In the "how to" section below, there will be further discussion of the process of reporting these incidents.

State and Local Law Enforcement.

Some state data breach notification laws reference reporting to law enforcement and obtaining a "police report" as part of the notification process. Many times, the simplest and easiest way to do this is to report the cybersecurity incident to state or local law enforcement authorities.

Oftentimes this is a perfunctory matter that is done to ensure compliance with this "check the box" process but nothing substantive really comes from making such a report. A key reason for this is because most state and local law enforcement departments do not (yet) have the training, equipment, resources, or manpower available to the federal agencies



such as the USSS and FBI.

On the other hand, because of the overwhelming volume of cybersecurity incidents that the USSS and FBI are actively pursuing, it is often times easier to pique the interest of state or local law enforcement in pursuing incidents that may not otherwise be substantial enough to be picked up by the federal agencies. It is advisable to evaluate reporting it all levels and then make a determination as to which is most appropriate for the given situation. This is especially true for those in larger metropolitan areas where the local police departments have substantially more resources available to them than those in some of the smaller or more rural jurisdictions.

For those interested in further exploring working with local law enforcement on cybersecurity incidents, *The Role of Local Law Enforcement Agencies in Preventing and Investigating Cybercrime*^[29] is an excellent guide that discusses this issue in great detail.

The Texas Department of Public Safety's Computer Information Technology and Electronic Crime (CITEC) Unit outlines steps for reporting computer hacking to Texas authorities.^[30]

The remainder of this article will focus on working with federal law enforcement.

When Will Law Enforcement Get Involved or Not Get Involved?

There is often a good deal of discussion about whether law enforcement will get involved in certain types of cases. At the federal level, there is frequently a conflict in the information about whether there are minimum thresholds required before law enforcement will take a cybersecurity incident case. The author has been given different answers to this question by federal law enforcement authorities in different areas of the United States on the question of whether the losses in a case need to exceed a certain value before federal authorities will consider opening an investigation. What is clear is that cases

that involve threats to national security, public health and safety, and critical infrastructure will be of high interest to federal law enforcement authorities.

On the other hand, there are cases that both federal and state and local law enforcement authorities will usually avoid. Those are the cases where it appears that parties are trying to use law enforcement's presence in the case as a threat or leverage against other parties in an existing dispute. For example, when there is existing litigation between parties, it would take an extraordinary case with a significant overt criminal act to entice law enforcement to consider opening an investigation into such an allegation.

The reason for this is obvious: law enforcement does not want to be used, or be perceived as allowing itself to be used, as a tool to give one party an unfair advantage or negotiating advantage over the other party. To a lesser degree, the same can be said of some personal disputes and family disputes, such as where one spouse is asserting "computer hacking" allegations against the other spouse in more trivial situations that can arise in such contexts. While the alleged criminal conduct may have technically violated the relevant statute and could very well give rise to a civil cause of action, law enforcement officials will often tread more carefully in such areas before opening an investigation.

Benefits of Reporting to Law Enforcement.

There are a multitude of reasons why it is beneficial to report to law enforcement cybersecurity incidents that may have been criminal in nature. The United States Department of Justice (DOJ) contributed a chapter to a book in which it explains many of the benefits of working with law enforcement:

Why work with law enforcement?

The first question that may come to mind in the hours after a cyber incident is why companies should work with law

enforcement at all. After all, it introduces another source of management challenges to an already difficult working environment. However, working with law enforcement can have significant benefits:

- Agencies can compel third parties to disclose data (such as connection logs) necessary to understanding how the incident took place, which can help a company better protect itself.
- Investigators can work with foreign counterparts to obtain assistance that may be otherwise impossible.
- Early reporting to in cooperation with law enforcement will likely be favorably considered when a company's responses subsequently examined by regulators, shareholders, the public, and other outside parties.
- Law enforcement may be able to secure brief delays in breach reporting requirements so that they can pursue active leads.
- A successful prosecution prevents the criminal from causing further damage in may deter others from trying.
- Information shared with investigators may help protect other victims, or even other parts of the same organization, from further loss and damage.

Effective partnership with law enforcement can be built into an overall response plan, especially when companies understand law enforcement's priorities and responsibilities.^[31]

The aforementioned chapter also has excellent advice on best practices for preparing to work with law enforcement, how to reach authorities for assistance, and what to expect when working with law enforcement, among other valuable information.

Dispelling the Myths of Reporting to Law Enforcement.

Unfortunately, there is a lot of misinformation in the legal community when it comes to reporting cybersecurity incidents to law enforcement. Much of this comes



from the generally cautious nature of attorneys and their instincts to not involve law enforcement unless necessary, their training to never volunteer information and only answer the questions asked. This is magnified by concerns over bad things that can happen when someone voluntarily shares information with law enforcement which is why the author's law school Evidence professor's video, *Don't Talk to Cops*, went viral on YouTube.^[32]

Unfortunately, most of these concerns are premised on those that arise from situations where the person talking to law enforcement is the suspect or accused of committing the act being investigated. That is not the case here and it is why answering the question of "how do you notify the government of a breach" is not nearly as simple of a question as it may seem. Referring back to the *Conundrum of Cybersecurity Law Schizophrenia* discussed in Section I. A., this is part of the reason why such a detailed explanation of this issue is important. This is also why it is important to understand the distinctions discussed in Section III. C. **Reporting a potential criminal cybersecurity incident to law enforcement is not the same thing as disclosing a data breach to a federal or state agency.** Consider the timeline of events—the former occurs almost immediately after the incident is discovered whereas the latter does not occur until after there has been at least some investigation and it is been determined that breach disclosure and notification is required under the relevant law.

As mentioned above, the author has represented clients with cybersecurity issues for nearly 2 decades and during this time has guided clients through numerous cybersecurity incidents where the incidents were reported to law enforcement. The author has never regretted reporting one of these incidents to law enforcement. Based on the author's own experiences as well as numerous discussions with law enforcement authorities about this subject, when a company reports a cybersecurity

incident to law enforcement, law enforcement is there to help the company and still treats it as the victim of a crime—not the criminal actor—that often occurs later, by other agencies as well is the public under the *Conundrum of Cybersecurity Law Schizophrenia*. More importantly, law enforcement authorities in this situation do not "tattle" to other federal or state agencies about what has been reported to them or the results of their investigation.

Law enforcement respects the company's need to keep the incident confidential and does not disclose the incident to the public or the press under normal circumstances. The working with law enforcement book chapter addresses this issue:

Law enforcement agencies, including the FBI and the U.S. Secret Service, prioritize conducting cyber investigations in ways that limit disruptions to a victim company's normal operations. They work cooperatively and discreetly with victims, and the employee investigative measures that avoid computer downtime or displacement of a company's employees. If they must use an investigative measure likely to inconvenience a victim, they try to minimize the duration and scope of the disruption.

Law enforcement agencies also conduct their investigations with discretion and work with a victim company to avoid unwarranted disclosure of information. They attempt to coordinate statements to the news media concerning the incident with a victim company to ensure that information harmful to a company's interest is not needlessly disclosed and work with companies on timing. Law enforcement also has tools, including obtaining judicial protective orders, that can protect sensitive information from disclosure during investigations and prosecutions.

If an investigation is successful and an indictment is contemplated, prosecutors will consider victims among other factors when making charging decisions. If a particular charge would play sensitive company information at risk, for example,

prosecutors may seek protection from the court or, if appropriate, use alternative charges that can reduce that risk, while still serving the overall interests of justice.^[33]

Indeed, the author has regularly been advised by law enforcement personnel that, if an incident has a particularly high level of sensitivity and there is concern over whether it should be reported, contact them as legal counsel for an undisclosed client and discuss the situation in terms of a hypothetical situation without disclosing the actual name of particular identifying characteristics of the client.

Finally, there is often concern among both attorneys and company executives that if they report the incident to law enforcement, they will take over the company's investigation, network, and business operations. While these concerns are justified in situations where the company is the target of a criminal investigation or a regulatory enforcement action, that is not the case in situations where the company was the victim of a cybersecurity incident and is reporting the crime in a plea for help. Law enforcement works with the company and, while they will request access to certain information and assets for purposes of their investigation, they work carefully to do so in a nonintrusive manner so that they do not cause further harm to the company through the investigatory process.

Is Reporting to Law Enforcement Mandatory?

This is another question that does not have an easy answer. Technically speaking, "no," there are no generally applicable blackletter laws that say "companies must report cybersecurity incidents to law enforcement or else face a penalty." Practically speaking, however, the answer is not so clear and slides much further along the scale towards the side of "yes" though it cannot yet be said to be "yes."

State Data Breach Notification Laws.
Many of the state data breach notifica-



tion laws reference reporting incidents causing data breaches to law enforcement. At a minimum, this is an implicit requirement of the statutes, and often times an overt requirement.

DOJ Best Practices.

The DOJ published *Best Practices for Victim Response and Reporting of Cyber Incidents*^[34] (Appendix C) as an official government publication which encourages companies to engage with law enforcement before an incident^[35] as well as when an incident occurs.^[36] It is worth noting that this publication has an excellent Cyber Incident Preparedness Checklist in its appendix.^[37]

FTC Guidance.

The FTC has become the primary enforcer of cybersecurity diligence among companies in the United States and, when it views something as being important, it is important. The FTC's official publication, *Data Breach Response: A Guide for Business*, states that companies should report to law enforcement:

Call your local police department immediately. Report your situation and the potential risk for identity theft. The sooner law enforcement learns about the theft, the more effective they can be. If your local police aren't familiar with investigating information compromises, contact the local office of the FBI or the U.S. Secret Service.^[38]

In May 2015, the FTC published a blog post in which it explained how important it views reporting of cybersecurity incidents to law enforcement:

We'll also consider the steps the company took to help affected consumers, and whether it cooperated with criminal and other law enforcement agencies in their efforts to apprehend the people responsible for the intrusion. **In our eyes, a company that has reported a breach to the appropriate law enforcers and cooperated with them has taken an important step to reduce the harm from the breach.**

Therefore, in the course of conducting an investigation, it's likely we'd view that company more favorably than a company that hasn't cooperated.^[39]

NIST Guidance.

The NIST *Computer Security Incident Handling Guide*^[40] is an official publication of the United States government and, as explained previously, the FTC places a substantial amount of credibility in what NIST recommends. Section 2.3.4.2 "Law Enforcement" of the NIST Guide clearly recommends reporting to law enforcement: "the incident response team should become acquainted with its various law enforcement representatives before an incident occurs to discuss conditions under which incidents should be reported to them, how the reporting should be performed, what evidence should be collected, and how it should be collected."^[41]

U.S. Senate Requests to Yahoo.

Several United States Senators have demonstrated that they too consider reporting to law enforcement to be an important step for companies to take. In September 2016, Yahoo disclosed that it had a data breach in 2014. Many were concerned that the fact that it did not provide notification of this breach until almost 2 years after it had occurred in this gave rise to an inquiry by six United States Senators. On September 27, 2016, though Senators sent a letter to the CEO of Yahoo posing 8 questions to which they required answers. The first question was "When and how did Yahoo first learned that its users' information may have been compromised? Please provide a timeline detailing the nature of the breach, when and how it was discovered, **when Yahoo notified law enforcement or other government authorities about the breach**, and when Yahoo notified its customers."^[42]

Credibility.

Finally, companies should report to law enforcement to show they are avail-

ing themselves of all available resources to protect against the past and potentially ongoing or future harm from the attackers. Many companies try to deflect negative attention away from their data breaches by arguing that they were victimized by "an unprecedented and sophisticated attack" that they could not have been expected to be able to defend against. At times, they will even claim to have been victims of "state sponsored" attacks that some will argue no private company should be expected to be able to defend against.

Using Yahoo as an example, in its breach notification letter, Yahoo used the words "state-sponsored actor" twice in the first paragraph and twice in the fourth paragraph—there were only four substantive paragraphs in the letter.^[43] Clearly Yahoo was trying to subtly invoke the "it's not our fault, we were the victim of a state-sponsored actor attacking us" defense. One can not blame Yahoo, it works. However, it only works when you can demonstrate that you have used your best reasonable efforts to defend against such attacks. In a practical sense, it is difficult to imagine one making such an argument with any level of credibility when they did not report the attack to law enforcement and seek law enforcement's assistance, through its skills, training, equipment, and assets, to help it in such a situation.

How to Report a Cybersecurity Incident to Law Enforcement.

Cyber Incident Reporting: A Unified Message for Reporting to the Federal Government

The federal government has made reporting to law enforcement very easy for anyone to do. Understanding that it can sometimes be confusing trying to determine which agency to report to or how to make the report, in September 2016, the U.S. Department of Homeland Security published *Cyber Incident Reporting: A Unified Message for Reporting to the Federal Government*^[44] (Reporting Guide)



(Appendix D). This Reporting Guide is less than two pages and identifies which Key Federal Point of Contact to report to depending upon the nature of the threat and provides the name and contact information for the respective agencies.

CITATIONS

- [28] 18 U.S.C. 6 1030 (d) (2008)).
- [29] Critical Issues in Policing Series, *The Role of Local Law Enforcement Agencies in Preventing and Investigating Cybercrime*, http://www.policeforum.org/assets/docs/Critical_Issues_Series_2/the%20role%20of%20local%20law%20enforcement%20agencies%20in%20preventing%20and%20investigating%20cybercrime%202014.pdf.
- [30] Texas Department of Public Safety, *Computer Information Technology and Electronic Crime (CITEC) Unit*, <http://www.txdps.state.tx.us/CriminalInvestigations/citecUnit.htm>.
- [31] Navigating the Digital Age: The Definitive Cybersecurity Guide for Directors and Officers, *Working with Law Enforcement in Cyber Investigations* (p. 237) https://www.securityroundtable.org/wp-content/uploads/2015/09/Cybersecurity-9780996498203-no_marks.pdf
- [32] Vice, *A Law Professor Explains Why You Should Never Talk to Police* (Sept. 20, 2016) <http://www.vice.com/read/law-professor-police-interrogation-law-constitution-survival>.
- [33] Navigating the Digital Age: The Definitive Cybersecurity Guide for Directors and Officers, *Working with Law Enforcement in Cyber Investigations* (p. 237) https://www.securityroundtable.org/wp-content/uploads/2015/09/Cybersecurity-9780996498203-no_marks.pdf
- [34] DOJ, *Best Practices for Victim Response and Reporting of Cyber Incidents*, https://www.justice.gov/sites/default/files/opa/speeches/attachments/2015/04/29/criminal_division_guidance_on_best_practices_for_victim_response_and_reporting_cyber_incidents2.pdf.
- [35] *Id.* at 5.
- [36] *Id.* at 10.
- [37] *Id.* at 14.
- [38] Federal Trade Commission, *Data Breach Response: A Guide for Business*, https://www.ftc.gov/system/files/documents/plain-language/pdf-0154_data-breach-response-guide-for-business.pdf.
- [39] FTC, *If the FTC Comes to Call*, (May 20, 2015) <https://www.ftc.gov/news-events/blogs/business-blog/2015/05/if-ftc-comes-call>.
- [40] National Institute of Standards and Technology, *Computer Security Incident Handling Guide*, <http://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-61r2.pdf> [hereinafter, NIST Cybersecurity Framework].
- [41] NIST Guide p. 11.
- [42] U.S. Senator's Letter to Yahoo Inc.'s CEO, Sept. 27, 2016, <https://www.leahy.senate.gov/imo/media/doc/9-27-16%20Yahoo%20Breach%20Letter.pdf>.
- [43] Cybersecurity Business Law, *Yahoo Data Breach – Some Facts & Questions (i.e., was it really the Russians?)* (Sept. 23, 2016) <https://shawnetuma.com/2016/09/23/yahoo-data-breach-some-facts-some-questions-i-e-was-it-really-the-russians/>.
- [44] U.S. Department of Homeland Security, *Cyber Incident Reporting: A Unified Message for Reporting to the Federal Government*, <https://www.dhs.gov/publication/cyber-incident-reporting-unified-message-reporting-federal-government>.

APPENDIX C: BEST PRACTICES FOR REPORTING OF CYBER INCIDENTS.

APPENDIX D: CYBER INCIDENT REPORTING GUIDE.

Shawn Tuma is an attorney internationally recognized in cybersecurity, computer



fraud and data privacy law, areas in which he has practiced for over two decades. Shawn helps businesses protect their information and protect themselves from their information.

He is Co-Chair of [Spencer Fane](http://www.spencerfane.com)'s Data Privacy & Cybersecurity Practice Group where he regularly serves as cybersecurity and privacy counsel advising a wide variety of businesses ranging from small and mid-sized companies to Fortune 100 enterprises, across the United States and globally in dealing with cybersecurity, data privacy, data breach and incident response, regulatory compliance, computer fraud related legal issues, and cyber-related litigation. He is frequently sought out and hired by other lawyers and law firms to advise them when these issues arise in cases for their own clients. Click here for the full bio: <https://www.spencerfane.com/attorney/shawn-tuma/> Shawn is an accomplished author with several published works on various legal-technology topics. He is a frequent speaker on business cyber risk issues such as cybersecurity, computer fraud, data privacy, and social media law. You can reach Shawn at stuma@spencerfane.com.

YOUR AD HERE!

Consider advertising in the
Texas Paralegal Journal today!
Contact Rhonda Brashears, CP, TBLS-BCP - pd@txpd.org

TBLS Newly Board Certified Paralegals

CONGRATULATIONS!



Criminal Law

Meredith Gross, Rockwall

Personal Injury Trial Law

Ashly Gutierrez, Bellaire

Lauralynde Kilman, Austin

Civil Trial Law

Annmarie Carlin, Houston

Melissa K. Matej, Fort Worth

Family Law

Denise Alberino, Plano

Victoria Cernadas, Dallas

Emily Emory, San Antonio

Caitlin Ginn, Fort Worth

Rebecca Hoffman, Houston

Holly Marie Keen, Denton

Meghan Podlesney, Houston

Marlene Rodriguez, Houston

Brenda Rodriguez, Dallas

Melissa Ruden, Denton

Aaron Scot Shafer, Austin

GENERAL REQUIREMENTS FOR PARALEGAL CERTIFICATION



minimum of 5 years of paralegal work experience under the direct supervision of a licensed Texas attorney



an assessment of the paralegal's experience and duties showing 50% of their time is devoted to the practice area



30 hours of CLE in the specialty area



completion of a Baccalaureate or higher degree or completion of an accredited paralegal program; OR 2 additional years of paralegal work experience

Download this year's certification application forms at www.tbbs-bcp.org

PARALEGAL SPECIALTY AREAS

Bankruptcy Law • Civil Trial Law • Criminal Law • Estate Planning & Probate Law
Family Law • Oil, Gas & Mineral Law • Personal Injury Trial Law • Real Estate Law

ABOUT TBLS

Texas Board of Legal Specialization, authorized by the Supreme Court of Texas, is the nation's largest and most successful legal board certification program. It certifies attorneys in 24 specialty areas. TBLS serves as a resource by listing all certified attorneys and paralegals online. TBLS works to ensure that the citizens of Texas receive the highest quality legal services.

**LEARN MORE AND
APPLY TODAY**

TBLS-BCP.COM

Searching Texas & Beyond.

Real Property information.



We Know Texas Better.™



Hollerbach & Associates, Inc.

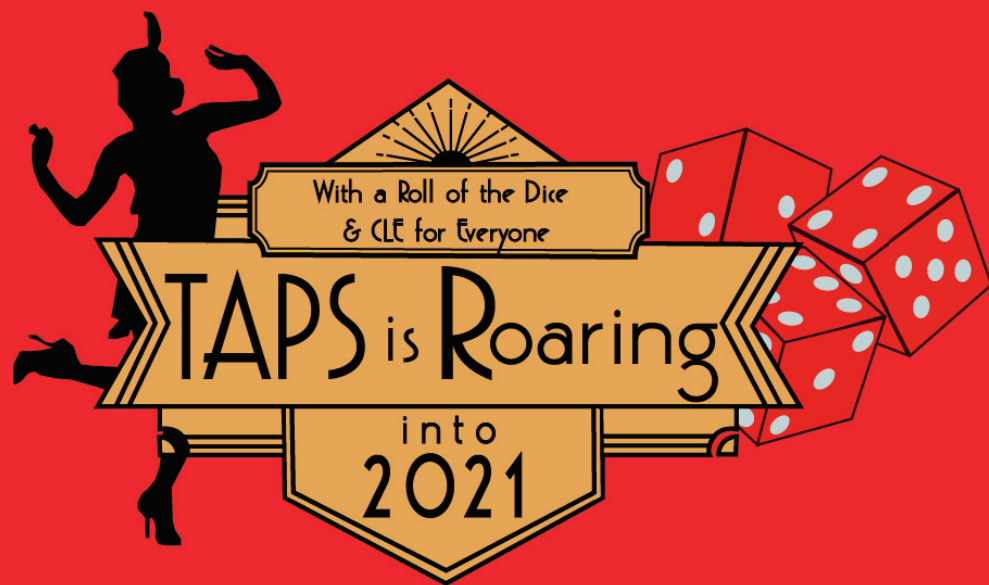
Title Research, Abstracting & Settlement Services



210-226-2556
www.hollerbach.com



The Paralegal Division of the State Bar of Texas



Texas Advanced Paralegal Seminar

A Three Day Multi-Track CLE

September 22, 2021 – September 24, 2021

The Omni Colonnade – San Antonio, TX

REGISTRATION

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

Three-Day Registration

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

One-Day Registration

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

HOTEL ACCOMMODATIONS

The Omni at the Colonnade is located at 9821 Colonnade Boulevard, San Antonio, TX. The hotel reservation deadline is August 30, 2021. Reservations must be booked and cancelled through The Omni. Guest room rate is \$135.00 for single/double. All guest rooms are listed under TAPS 2021. To reserve a guest room, either [register online](#), or call 1-800-843-6664 and reference the group code TAPS 2021. Note: If the desired room you are reserving is not available online, please call 1-800-843-6664. The hotel offers free Self-Parking and Valet at \$15.00 per day.

txpd.org/taps-home/

SOCIALS

The Excitement of TAPS is just getting started with “MAKE A BET ON YOUR VENDORS” on Wednesday night at the Omni. There will be networking with our wonderful vendors. Enjoy the cocktail hour (cash bar) with drinks and snacks while you visit. TAPS is just beginning; we still have plenty of time for more CLE and fun!



On Thursday “BE A HIGH ROLLER AT THE TAPS CASINO.... CELEBRATING 40 YEARS”. Enjoy a high stakes evening of socializing with your TAPS friends, dinner and entertainment by Gerald’s Casino! You will also have the opportunity to visit one on one with your TAPS High Roller [Sponsoring Vendors](#). This will be a fun filled evening and celebration of the Paralegal Division’s 40th Year!



Keynote Speaker

KEY NOTE SPEAKER

Justice Beth Watkins



Justice Watkins was elected to Place 2 on the Fourth Court of Appeals in 2018. Before joining the Court, she represented clients in more than 200 appeals to state and federal appellate courts, including the United States Supreme Court, the Texas Supreme Court, the United States Court of Appeals for the Fifth Circuit, and most intermediate appellate courts in Texas. Justice Watkins has been Board Certified in Civil Appellate Law since 2008.

Justice Watkins is a committed community servant. She is a Past President of the San Antonio Bar Association, San Antonio Bar Foundation, and Community Justice Foundation. She has served on the State Bar of Texas Grievance Committee, the Amicus Committee of the Texas Trial Lawyers Association, and the Boards of Directors of the San Antonio Trial Lawyers Association and St. Mary's Law Alumni Association. She is a Life Fellow of both the San Antonio Bar Foundation and Texas Bar Foundation. She currently serves on the Board of Editors for the Texas Bar Journal.

In addition, Justice Watkins has held several teaching positions at her alma mater, St. Mary's University School of Law. She currently teaches constitutional law. She also taught legal research and writing to first-year law students from 2006 to 2016. From 2005 through 2008, she served as the Associate Director of the Office of Academic Excellence, and from 2015 until 2017, she served as the law school's Institutional Legal Research Manager.

Justice Watkins was born and raised in San Antonio. She enjoys her hometown's vibrant arts, culture, and restaurant scene. In her free time, she loves to visit far-flung locales and experience new and different cultures.

KEY NOTE ADDRESS:
"When Life Closes a Door"

FRIDAY MORNING SPECIAL SESSION

"40 Years and Counting—Leading into the Future"

Take advantage of this unique "open mic" time with charter members, past presidents, and other leaders of the Paralegal Division who have served in numerous capacities for the past 40 years. Do you have questions you would like to ask regarding our profession; do you have ideas for the future of our profession? This is a great time to share information and ideas as we head into the next decade of the Paralegal Division, the paralegal profession and beyond.

Be a Part of TAPS 2021 and PD's 40th



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

Highlighted Speakers



Shari Y. Mao

Shari Y. Mao is a partner and attorney at Jackson Walker. Ms. Mao received her J.D., magna cum laude from St. Mary's University School of Law and was admitted to the Bar in 2012. Ms. Mao is one of the only Mandarin speaking attorneys in San Antonio. Ms. Mao represents entrepreneurs, privately held clients and government agencies in a variety of corporate matters including entity formation and corporate governance to financing and divestitures. Ms. Mao serves as counsel in mergers and acquisitions, business formation and corporate structuring, restructuring, financing options and succession planning. Ms. Mao during law school interned for Chief Judge Fred Biery, United States District for the Western District of Texas and as a student attorney at St. Mary's Center for Legal and Social Justice.



Corey F. Wehmeyer

Corey F. Wehmeyer represents energy industry participants in trials, arbitrations and disputes. Clients include operators, working interest owners, mineral owners, drilling contractors, oil field service companies, pipeline companies, refiners, and mining companies. He has handled matters in Texas, Oklahoma, Louisiana, and North Dakota. He also represents clients in general real property and commercial litigation matters. As lead attorney, Corey has tried oil and gas jury trials to multi-million dollar verdict and judgment for clients, and has also secured take nothing defense verdicts. Corey is also an appellate attorney and has successfully represented energy clients in oral argument and briefing before the Supreme Court of Texas, and many intermediate courts of appeal. He is Board Certified in Oil, Gas and Mineral Law by the Texas Board of Legal Specialization.

txpd.org/taps-home/



Ryan Searles

Ryan Searles, is a Senior Security Consultant, and works with IMEG Corp. Mr. Searles received a BS in Terrorism and Counterterrorism from Henley-Putnam University. Mr. Searles brings more than 17 years of professional experience in the "in the field" security force protection and risk management for multiple jurisdictional responses for local, state, regional and national levels. He has conducted domestic and global operations across five continents and managed enterprise wide risk management programs to protect life and safety, critical infrastructure, property and equipment. He has extensive knowledge in Public Policy, OSHA, Work-Place Violence, Active Shooter Response Training, Project Management and Incident Command System application.

These and many other speakers will provide up to 13 hours of advanced level CLE at TAPS 2021 - Don't Miss Out!

REGISTER EARLY AND SAVE!

Deadline for early registration is August 10, 2021. All online registrations received beginning August 11, 2021 will be subject to a \$35 late fee. On-Line Registration ends September 10. Registration is available ONLINE ONLY at txpd.org/taps-home/. Credit card, check or money order is accepted as payment. There is a \$5.00 handling fee for payment by check or money order. After September 10, 2021 only on-site registration will be accepted.

To be eligible for member pricing you must be a member of the Paralegal Division or apply for membership no later than August 10, 2021.



State Bar of Texas
Paralegal Division



TAPS PRICES

Three-Day Registration

PD Member Registration Fee \$350 *

Non-PD Member Registration Fee \$450 *

One-Day Registration

PD Member Registration Fee \$200 **

Non-PD Member Registration Fee \$300 **

Additional Fees/Information

Box Lunch on Thursday \$25

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

** Social and luncheon tickets for the day of CLE can be purchased at an additional fee

TAPS T-Shirt - Complimentary with registration

Social Tickets (prices per person)

WEDNESDAY: "Make a Bet on Your Vendors"

One-Day Attendee \$20

Wednesday Social added Guest \$30

THURSDAY: "Be a High Roller at the TAPS Casino — Celebrating 40 Years"

One-Day Attendee \$65

Thursday Social added Guest \$75

FRIDAY LUNCHEON: "Against All Odds"

One-Day Attendee/Guest \$50

To be eligible for member pricing you must be a member of the Paralegal Division or apply for membership no later than August 10, 2021.

txpd.org/taps-home/

SCHEDULE



SPONSORS

Wednesday, September 22

Registration 8:00 AM—4:00 PM

Presentations 9:00 AM—5:00 PM

Social 5:15 PM—6:45 PM

Thursday, September 23

Registration 7:00 AM—4:00 PM

Exhibit Hall 7:00 AM—2:00 PM

Presentations 9:00 AM—5:00 PM

Social 6:30 PM—9:30 PM

Friday, September 24

Registration 8:00 AM—10:00 AM

Presentations 8:15 AM—11:30 AM

Luncheon 11:45 AM—1:30 PM

TITLE SPONSOR

Innovative Legal Solutions

PLATINUM SPONSORS

Avansic E-Discovery & Digital Forensics

File & ServeXpress LLC

Hollerbach Title Group

GOLD SPONSORS

KTA—Kim Tindall & Associates, Inc.

SILVER SPONSORS

re:SearchTX

BRONZE SPONSORS

Champion Records Service

LawPay

See [HERE](#) for Complete List of Sponsors and Exhibitors

A Quick Investment Lesson From 2020

By Mitchell Byrum, CFP®

Covid-19 and fears about the election, among other events of 2020, disrupted the U.S. economy and brought the longest bull market run in history to an end. If the volatility driven by continued disheartening news caused you to lose sleep, you would not be alone. Even more surprising for many is that almost a year later we find the market hitting new highs and there is talk of a potential economic recovery in 2021.

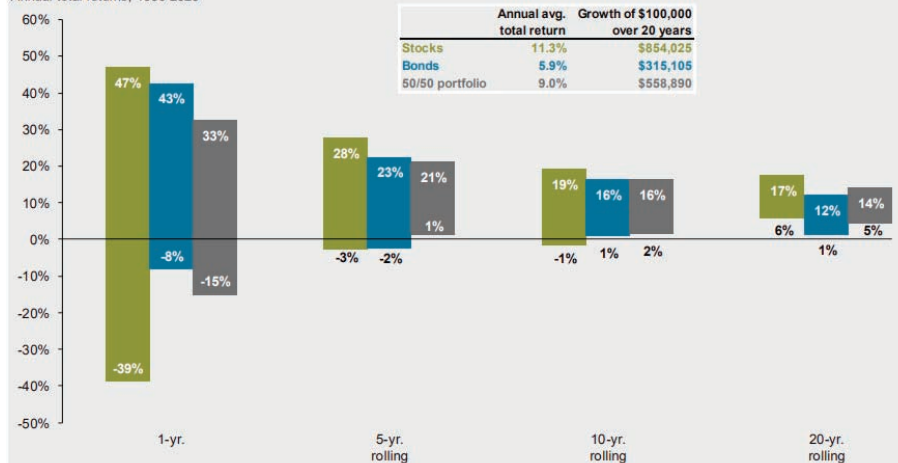
Many investors experienced their first bear market, or their first one in a while. As a reminder, bear markets are defined as declines of 20% or more from the most recent high, while bull markets are increases of 20% or more from the bear market low. So, what lessons can investors learn from 2020 and the global pandemic?

Lesson 1: Keep your long-term goals in mind to avoid emotion-based decisions

The events of last year had many investors feeling nervous and liquidating their positions in the market, as there was a rush to "safety." Money flowed out of the stock market and into either the bond market or, more likely, bank accounts. Unfortunately, this is a common occurrence in times of fear, and the reality is that many people missed some of the best market days in the last decade. Instead, we remind clients that the only monies we typically have invested in the stock market are funds we anticipate them using in 5+ years, so keeping a long-term focus is important. For example, as the chart below illustrates, a portfolio of 50% stocks and 50% bonds had positive returns in every rolling 5-year period dating back to 1950. Therefore, if your allocation is in line with your risk tolerance and you can remember that the stock market is for your longer-term needs, it can help you stay focused on the importance of staying invested.

Range of stock, bond and blended total returns

Annual total returns, 1950-2020



Lesson 2: Make sure your portfolio matches your risk tolerance

The chart above illustrates investment returns in the market each year from 2006 to 2020, ranking the best performing parts of the market from top to bottom. In addition, the last two columns on the right show the annualized return and volatility/risk (respectively) of the different parts of the market between 2006 and 2020. Remember that there was a flight to "safety" in the first quarter of 2020, when many investors got out of the stock market and moved their money to cash or bonds? Note that cash was the 3rd worst performing asset class in 2020, followed by com-

modities and real estate. In other words, if investors did not reinvest their funds rather quickly back into the stock market, they likely missed significant upside in the second through fourth quarters.

See Disclosure #2

Instead, we utilize the concept of diversification to build a portfolio for clients that is in line with their risk tolerance. You can see from this chart that a diversified ("Asset Allocated") portfolio, represented by the light gray squares, reduces the roller coaster ride of returns, and therefore increases an investors chance of being able to ride out the storm when the markets get volatile.

															2006 - 2020	
2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Ann.	Vol.
REITs	EM Equity	Fixed Income	EM Equity	REITs	REITs	REITs	Small Cap	REITs	REITs	Small Cap	EM Equity	Cash	Large Cap	Small Cap	Large Cap	REITs
35.1%	39.5%	6.2%	79.0%	27.9%	8.3%	19.7%	38.8%	28.0%	2.8%	21.3%	37.8%	1.8%	31.5%	28.0%	9.8%	23.3%
EM Equity	Comdty.	Cash	High Yield	Small Cap	Fixed Income	High Yield	Large Cap	Large Cap	Large Cap	Large Cap	DM Equity	Fixed Income	REITs	EM Equity	Small Cap	REITs
32.6%	16.2%	1.8%	59.4%	26.9%	7.5%	19.6%	32.4%	13.7%	1.4%	14.3%	25.6%	8.0%	28.7%	18.7%	8.9%	23.1%
DM Equity	DM Equity	Asset Alloc.	DM Equity	EM Equity	High Yield	EM Equity	DM Equity	Fixed Income	Fixed Income	Large Cap	Large Cap	REITs	Small Cap	Large Cap	High Yield	Small Cap
26.9%	11.6%	15.4%	32.5%	19.2%	3.1%	18.4%	23.3%	6.0%	9.5%	12.0%	21.8%	-4.0%	26.5%	18.4%	7.5%	22.6%
Small Cap	Asset Alloc.	High Yield	REITs	Comdty.	Large Cap	DM Equity	Asset Alloc.	Asset Alloc.	Cash	Comdty.	Small Cap	High Yield	DM Equity	Asset Alloc.	REITs	DM Equity
18.4%	1.1%	-26.8%	28.0%	16.8%	2.1%	17.9%	14.9%	5.2%	0.0%	11.8%	14.6%	-4.1%	22.7%	10.6%	7.1%	19.1%
Large Cap	Fixed Income	Small Cap	Small Cap	Large Cap	Cash	Small Cap	High Yield	Small Cap	DM Equity	DM Equity	Asset Alloc.	Asset Alloc.	EM Equity	EM Equity	EM Equity	Comdty.
15.6%	7.6%	-33.8%	27.2%	15.1%	0.1%	18.3%	7.3%	4.9%	0.4%	11.6%	14.6%	-4.4%	19.5%	8.3%	6.9%	18.8%
Asset Alloc.	Large Cap	Comdty.	Large Cap	High Yield	Asset Alloc.	Large Cap	REITs	Cash	Asset Alloc.	REITs	High Yield	Asset Alloc.	EM Equity	Fixed Income	Asset Alloc.	Large Cap
15.3%	5.5%	-35.6%	21.5%	14.8%	0.7%	18.6%	2.9%	0.0%	-2.0%	8.6%	10.4%	-6.8%	18.9%	7.6%	6.7%	16.7%
High Yield	Cash	Large Cap	Asset Alloc.	Asset Alloc.	Small Cap	Asset Alloc.	Asset Alloc.	Cash	High Yield	High Yield	Asset Alloc.	REITs	Small Cap	High Yield	High Yield	DM Equity
13.7%	4.8%	-37.6%	25.0%	13.3%	-4.2%	12.2%	0.0%	0.0%	-2.7%	8.3%	8.7%	-11.6%	12.6%	7.4%	5.0%	12.2%
Cash	High Yield	REITs	Comdty.	DM Equity	DM Equity	Fixed Income	Fixed Income	EM Equity	Small Cap	Fixed Income	Fixed Income	Comdty.	Fixed Income	Cash	Fixed Income	Asset Alloc.
4.8%	3.2%	-37.7%	18.9%	8.2%	-11.7%	4.2%	2.9%	-1.8%	-4.4%	2.9%	3.9%	-11.2%	6.7%	0.5%	4.8%	11.8%
Fixed Income	Small Cap	DM Equity	Fixed Income	Fixed Income	Comdty.	Cash	DM Equity	DM Equity	DM Equity	DM Equity	Comdty.	DM Equity	Comdty.	Comdty.	Cash	Fixed Income
4.3%	-1.8%	-43.1%	9.9%	9.9%	-13.3%	0.1%	-2.3%	-4.5%	-14.6%	1.5%	1.7%	-13.4%	7.7%	-3.1%	1.2%	3.2%
Comdty.	REITs	EM Equity	Cash	Cash	EM Equity	Comdty.	Comdty.	Comdty.	Comdty.	Cash	Cash	EM Equity	Cash	REITs	Comdty.	Cash
2.1%	-15.7%	-53.2%	0.1%	0.1%	-18.2%	-1.1%	-9.5%	-17.0%	-24.7%	0.3%	0.8%	-14.2%	2.2%	-5.1%	-4.0%	0.8%



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.

TEXAS BAR COLLEGE

PROFESSIONALISM THROUGH EDUCATION

Lesson 3: Avoid the temptation to time the market

The desire to liquidate holdings or invest funds when you believe something is going to happen in the short-term rarely proves to be an effective strategy. There are many times in history that headlines could make one weary of investing, but hindsight shows us that people sitting out of the market experienced significant opportunity cost during many of those times. To successfully "time the market" you must make two great calls; when to sell and when to buy back in. Individuals rarely make both those calls correctly. One reason it is so hard to get back in is that many of the best days in the market occur amongst the worst times in the market and missing those days can have devastating impacts on investor returns over time.

The chart below shows 20 years of data for the S&P 500 through the end of 2019. It shows an investor's return on a \$10,000 investment if they were fully invested (left bar), or missed the 10, 20, 30, 40, 50, or 60 best days in the market over that time.

See Disclosure #3

You might be thinking that you would have to be unlucky to miss even the 10 best days over 20 years, and we would agree. However, from January 3rd, 2000 to April 19th, 2020, six of the seven best days occurred after the worst day and seven of the ten worst days were followed the NEXT DAY by either top 10 returns over

the 20 years OR top 10 returns for their respective years. The point being, when the markets turn, they often turn very quickly and that is exactly what happened in 2020.

Does this mean we recommend putting all your money in the stock market then never touching it again? Absolutely not, as plans need to be adjusted to your goals and risk tolerance over time. However, we believe a well-thought-out diversification strategy and periodic rebalancing is still the fundamental basis of a good investment plan. In times of uncertainty, sticking to a disciplined investment approach utilizing strategic, diversified asset allocation will hopefully allow you to benefit from those best days in the market that can be critical to a portfolio's long-term performance.

Disclosure #1: Source: Barclays, Bloomberg, FactSet, Federal Reserve, Robert Shiller, Strategas/Ibbotson, J.P. Morgan Asset Management. Returns shown are based on calendar year returns from 1950 to 2019. Stocks represent the S&P 500 Shiller Composite and Bonds represent Strategas/Ibbotson for periods from 1950 to 2010 and Bloomberg Barclays Aggregate thereafter. Growth of \$100,000 is based on annual average total returns from 1950 to 2020.

Guide to the Markets – U.S. Data are as of December 31, 2020.

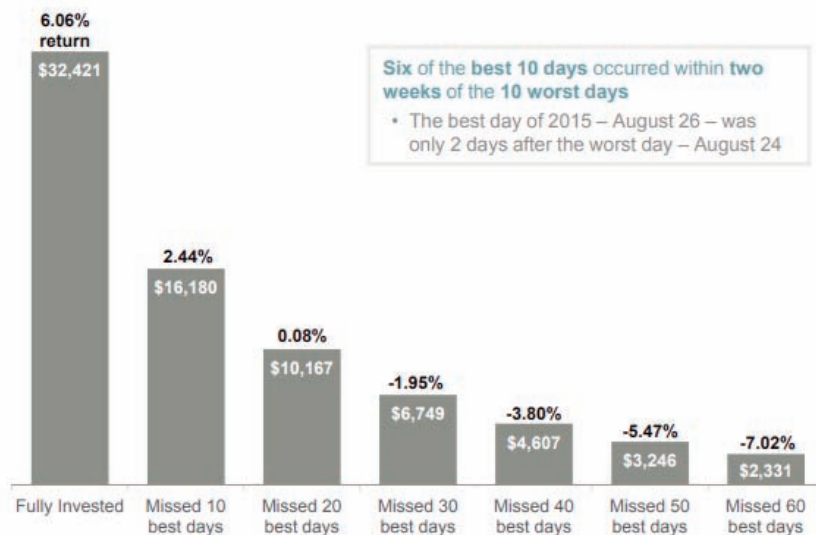
Disclosure #2: Source: Barclays, Bloomberg, FactSet, MSCI, NAREIT,

Russell, Standard & Poor's, J.P. Morgan Asset Management. Large cap: S&P 500, Small cap: Russell 2000, EM Equity: MSCI EME, DM Equity: MSCI EAFE, Comdty: Bloomberg Commodity Index, High Yield: Bloomberg Barclays Global HY Index, Fixed Income: Bloomberg Barclays US Aggregate, REITs: NAREIT Equity REIT Index, Cash: Bloomberg Barclays 1-3m Treasury. The "Asset Allocation" portfolio assumes the following weights: 25% in the S&P 500, 10% in the Russell 2000, 15% in the MSCI EAFE, 5% in the MSCI EME, 25% in the Bloomberg Barclays US Aggregate, 5% in the Bloomberg Barclays 1-3m Treasury, 5% in the Bloomberg Barclays Global High Yield Index, 5% in the Bloomberg Commodity Index and 5% in the NAREIT Equity REIT Index. Balanced portfolio assumes annual rebalancing. Annualized (Ann.) return and volatility (Vol.) represents period from 12/31/05 to 12/31/20. All data represents total return for stated period. The "Asset Allocation" portfolio is for illustrative purposes only. Past performance is not indicative of future returns. Guide to the Markets – U.S. Data are as of December 31, 2020.

Disclosure #3: Source: J.P. Morgan Asset Management analysis using data from Bloomberg. Returns are based on the S&P 500 Total Return Index, an unmanaged, capitalization-weighted index that measures the performance of 500 large capitalization domestic stocks representing all major industries. Indices do not include fees or operating expenses and are not available for actual investment. The hypothetical performance calculations are shown for illustrative purposes only and are not meant to be representative of actual results while investing over the time periods shown. The hypothetical performance calculations for the respective strategies are shown gross of fees. If fees were included, returns would be lower. Hypothetical performance returns reflect the reinvestment of all dividends. The hypothetical performance results have certain inherent limitations. Unlike an actual performance record, they do not reflect actual trading, liquidity constraints, fees, and other costs. Also, since the trades have not actually been executed, the results may have under- or overcompensated for the impact of certain market factors such as lack of liquidity. Simulated trading programs in

Returns of the S&P 500

Performance of a \$10,000 investment between January 3, 2000 and December 31, 2019



general are also subject to the fact that they are designed with the benefit of hindsight. Returns will fluctuate and an investment upon redemption may be worth more or less than its original value. Past performance is not indicative of future returns. An individual cannot invest directly in an index. Data as of December 31, 2019.

Disclaimer: Securities offered through Raymond James Financial Services, Inc., Member FINRA/SIPC. S. Harris Financial Group is not a registered broker/dealer and is independent of Raymond James Financial Services. Investment advisory services offered through Raymond James Financial Services Advisors, Inc and S. Harris Financial Group.

Raymond James Financial Services does not accept orders and/or instructions regarding your account by email, voice mail, fax or any alternate method. Transactional details do not supersede normal trade confirmations or statements. Email sent through the internet is not secure or confidential. Any information provided in this article has been prepared from sources believed to be reliable but is not guaranteed by Raymond James Financial Services and is not a complete summary or statement of all available data necessary for making an investment decision. Any information provided is for informational purposes only and does not constitute a recommendation. Raymond James Financial Services and its employees may



own options, rights or warrants to purchase any of the securities mentioned in this article. Any opinions are those of S. Harris Financial Group and

not necessarily those of Raymond James and is not affiliated with the Texas Paralegal Journal.

Mitchell Byrum can be reached at mitchell@harrisfinancial.com

The Dread of Returning: An Introvert's Handle of a Return to "Normal"

by Rodney L. Bernal, TBLS-BCP

Introduction

When Governor Abbot exclaimed that Texas was fully "open for business" hurried whippershot through professionals curious to know how soon "we'd be back to the office." Many have found this past year stressful – destructive even, to their usual routine. The isolation and social distancing imposed upon us all due to COVID-19 left many struggling with how to cope. Perhaps not as visual, but during this same time there were also those who found themselves suddenly at ease and even happy. Not despite, but *because* of the isolation and social distancing directives. No need for the mundane interaction required in most office settings, while others struggled this past year, introverts thrived and found peace in their solitude. As we begin to transition back into the office, one factor to be considered, which otherwise has typically gone unnoticed, are those introverted employees who are dreading returning to the old norm and how their experience can impact your office.

II. An Introvert Defined

The quiet or shy person tends to be labeled an introvert. Introverts can certainly be quiet and even shy, but those characteristics alone are not what define or characterize an introvert.

By nature, introverts prefer thinking and writing over talking – they are methodical in nature; however, it is the internal nature of their methodology which typically lends them to be seen as taking longer to process an idea over their outspoken extrovert counterpart.

According to Susan Cain, noted author on introversion, introverts "listen more than they talk, think before they speak, and often feel as if they express themselves better in writing than in conversation."¹ Moreover, introverts thrive working in solitude and resist pressure to be something

they are not. Translated into an office employee, introverts are more likely to volunteer to write the brief than to return client calls.

Equally important in defining an introvert, these persons can easily feel overstimulated by the outside world, groups, forced speaking and other day-to-day office minutia, often feeling overwhelmed by the overabundance of it all. Under these conditions an introvert's mind can shut down and thus the quality of their work and their productivity can suffer – a true loss as introverts are well positioned to play an integral role in the legal profession "through active listening, analytical thinking, empathy, impactful legal writing, and creative problem-solving."² Under the wrong stresses (i.e., the typical office) introverts struggle just to get through each day.

III.

Introverts During COVID-19

The "typical" employee has struggled this past year as we have all been asked to do the unusual – isolate and limit all in-person interaction for our and our community's health's sake. Those who enjoy and need "water cooler talk", and the general interaction that is natural to an office setting, found themselves suddenly alone

1. Susan Cain, *Quiet: The Power of Introverts in a World That Can't Stop Talking* (New York: Crown Publishing Group, 2012), 6.

2. Cain, 11.

and having to learn to exactly how to deal with that. All the while, still maintaining and meeting high performance standards.

In contrast to this majority, however, was another group who were, in their own way, celebrating and expressing a collective sigh of "finally". The usual workday and office space tend to cater to extroverts – the interaction and all. For those whom introversion is preferred, this is a constant struggle. The need to "fake it" legitimately takes a toll on a person's physical body and mental wellbeing. So, while no one found pleasure in the tragedies that came of the pandemic, many of us were perfectly happy being asked to work from home in solitude. In fact, many of us thrived when others were struggling to adjust. For us, finally, a workspace that catered to *our* preferences.

IV.

The Return to the Office

Having experienced this phenomenon firsthand, extroverts surely can understand the anxiety introverts have stirring inside. The pending sense of having one's world completely turned upside down is all too familiar. Introverts who have come to enjoy a routine, albeit required due to a pandemic, in which they find most com-

fort now anxiously await while their counterparts discuss how quickly to return to an environment in which they find most discomfort.

More than that, introverts dread the pending loss of a routine which enables them to produce their best work in a manner that does not leave them feeling depleted afterwards.

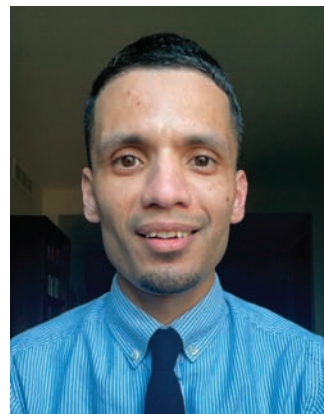
If you question whether such an experience will occur at all, just remind yourself (if you are an extrovert) of March 2020 and of the struggle and sense of loss you experienced when you were suddenly forced to isolate from all that which provided you comfort and stability and to which you were accustomed.


Each one of us, if not ourselves, have employees/coworkers/colleagues who are dreading the looming return to the office and all the hell that it imparts on us. Office managers may want to consider a more fluid work schedule, assuming it does not hurt productivity. If this pandemic has taught us anything, it is that we are able to do this job and do it well from any location. If you work at an office that is not capable of having each person assigned their own office, consider what alternatives may be available to help those introverted employees return, but return

in a manner which takes into consideration their needs and how they may be managed while doing their job.

This past year has been one struggle after another, and we have all been asked to make unwanted adjustments. As we return to the office let us all take a moment to consider just what that means to the individual employees and how we may assist in making that return one that is with *fewer* stresses and one that enables each of us to do our best work. For some of us, you may find, that is *not* a return to the office.


Rodney L. Bernal, TBLS-BCP, is a paralegal at The Julian Firm, Flower Mound, Texas; rodney@thejulianfirm.com





**State Bar of Texas
Paralegal Division**

WE PROVIDE
leadership
professionalism
public service



Browse by
Delivery Type ▾

Search...

Go


Advanced Search ▾

Featured Products

ON DEMAND CLE

<https://txpd.inreachce.com/>

Watch Preview
▶



Post-Judgment Turnover Receiverships

You have a judgment, now what? A discussion of the remedy available to judgment creditors of post-judgment turnover receiverships under Chapter 31 of the Texas Civil Practice and Remedies Code.

Scruples

The Ethics of Using Non-Attorney Staff to Work Attorney Booth

The Professional Ethics Committee of the State Bar of Texas recently issued [Ethics Opinion 689](#). The following question was presented to the committee:

Under the Texas Disciplinary Rules of Professional Conduct, may a lawyer use a nonlawyer employee to attract perspective clients to a booth in a public place operated by that nonlawyer employee? (Professional Ethics Opinion 689 September 2020)

Following a severe weather event, a law firm set up a booth in a public venue. The booth signage advertised the firm's services in representing property owners' claims against insurance companies regarding damage disputes. The booth was staffed by non-attorney employees of the firm. These employees did not speak to anyone unless they approached the booth. The non-attorney staff would then offer brochures regarding the firm and its services and suggest the booth visitor contact the firm for more information.

The opinion discussed the requirement for attorneys to supervise their non-attorney staff as well as Rule 7.03(a) of the Texas Disciplinary Rules of Professional Conduct. This rule prohibits an attorney, or someone acting on the attorney's behalf, from in-person solicitation regarding "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." This rule is the reason paralegals should refrain from recommending or referring someone to a particular attorney, regardless whether the paralegal works for that specific attorney, unless explicitly asked for this information.

The opinion also discussed Rule 7.06(a) which prohibits a non-attorney employee from being offered or paid any additional compensation or bonus for recruiting new clients. Prohibited compensation would include inducements such as paid time off, gift cards, or any other type of rewards.

The opinion does not discuss requiring the non-attorney staff working the booth to identify themselves as paralegals. Anyone approaching the booth to get more information would assume those staffing the booth are attorneys. As with all interactions, paralegals must confirm that others, particularly members of the public, understand they are not attorneys.

It was not that long ago when attorney advertisements, including a booth at a public event, would have been frowned upon by most attorneys. However, many members of the public are still not aware of their rights and how an attorney and the legal system may assist them. For those people, a booth at a public event may be the one of the ways to provide that information. They may then consider discussing their situation with an attorney to determine their legal rights and options.

Ultimately, the Professional Ethics Committee of the State Bar of Texas con-

cluded that since the public could bypass the booth without engaging with the staff, and was under no obligation to interact with the staff or take a brochure, and as long as the attorney took steps to ensure the staff was not providing legal advice, the activity is permitted.



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.



PARALEGALS GO TO Bratislava and Budapest

April 15 – April 23, 2022
(Eight Days and Seven Nights)

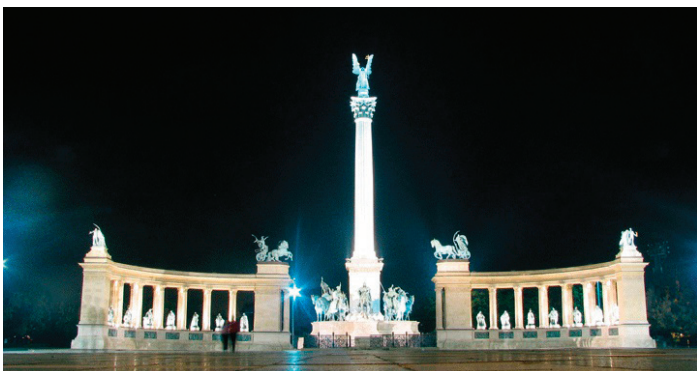
FRI, April 15, 2022 -- Depart from the USA to Vienna.

SAT, April 16, 2022 (Bratislava) – Arrive in Vienna, meet your expert Tour Manager and transfer to the historic and lovely Bratislava, the capital city of Slovakia, where you'll check-in to your hotel and start exploring. (D)

SUN, April 17, 2022 (Bratislava) – Enjoy a walking tour with your Tour Manager this morning exploring the pedestrian-friendly medieval and Gothic old town nestled along the river. You'll have the balance of the day to continue exploring on your own! (B)

MON, April 18, 2022 (Bratislava) – Today you'll enjoy an excursion to Eisenstadt, Austria, capital of Burgenland. Your guide will take you on a walking tour which includes entrance to the grand Esterhazy Palace where you'll discover its treasures and beautiful gardens. Lunch will be included today, and then you'll enjoy some free time before returning to Bratislava. (B,L)

TUE, April 19, 2022 (Budapest) – Depart Slovakia this morning and continue your journey to Hungary. Today's destination is Budapest, also known as the Pearl of the Danube. This evening enjoy a cruise on the Danube. (B,D)

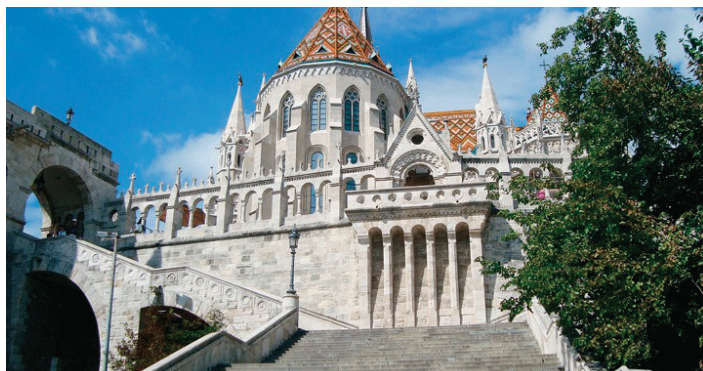


WED, April 20, 2022 (Budapest) – Meet your local guide for a sightseeing tour of Budapest where you'll learn about the amazing 1,000-year history of this city, split in half by the Danube River—the Buda district on one side and the Pest district on the other (hence the city's name!). See Heroes' Square, St. Stephen's Basilica, and the spectacular Hungarian Parliament building, then cross the famous Chain Bridge to take in wonderful views from the neo-Roman Fisherman's Bastion and enjoy entrance to Matthias Church. The afternoon is free to perhaps visit the Great Market Hall or reflect on the atrocities of the fascist and communist regimes at the powerful House of Terror museum. (B)

THU, April 21, 2022 (Budapest) – This morning enjoy an excursion to Gödöllo Royal Palace, an imperial and royal palace completed in the 1760s and known for being a favorite of Queen Elisabeth of Hungary (or more commonly known as Sissi). Farewell dinner this evening. (B,D)

FRI, April 22, 2022 (Budapest) – Today you'll enjoy an excursion outside of the capital where you'll experience small-town Hungary with visits to a couple of picturesque towns that may include Eger, Esztergom, Szentendre, and/or Szeged. Be on the lookout for castles, basilicas and lovely Baroque buildings. (B)

SAT, April 23, 2022 - Depart for the USA. (B)



FEE WITH AIR INCLUDED: Fee is based on registration by December 1, 2021.

Fees: Departing DFW – \$4,829; Houston \$4,889; Austin/San Antonio - \$4,909; Amarillo/Midland - \$4,969 (includes program fee). **Note:** Registrations after August 1 may include additional fuel surcharges that are finalized 45 days prior to departure; an invoice will be sent at that time if there are any increases. ***Other departure cities available upon request. Fees based on 20 persons and includes airfare, hotel, transportation, tours, and meals as indicated above.***

Additional/Optional fees: Single room supplement: \$665; Ultimate Protection Plan: \$270; Comprehensive Protection Plan: \$225; If the Ultimate or Comprehensive Plan is purchased there is a surcharge for guests ages 66+: \$100

LAND ONLY FEE: (*if you wish to make your own air travel arrangements*): \$3,409

PAYMENT SCHEDULE: **Deadline for registration is December 1, 2021;** Initial non-refundable deposit is \$200; second payment of \$1,000 is due October 1, 2021; third payment of \$1,000 is due on November 1, 2021, with balance due on December 1, 2021. **Non-payment of required on-time monthly payments will result in trip cancellation.**

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

EXTENSION: To extend stay at the end of the trip, an Alternate Request Form must be completed (found at https://www.acis.com/cmsfiles/file/Alt_Return_Form.pdf) and returned to ACIS at least 90 days prior to your trip's departure. There will be an additional fee of \$175 for this extension, plus any additional airline ticket costs.

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



PRESIDENT'S LAST MESSAGE

By: Edna W. Garza-Guerra, TBLS-BCP, 2020–2021 Paralegal Division President

As we all know, the Paralegal Division (“PD”), just like the State Bar, had an unprecedented year due to the Covid-19 Pandemic. And just like the State Bar and all the courts around the State of Texas, the PD quickly adjusted to the new “virtual” reality. Here’s a recap of my term as your 2020–2021 PD President.

To start, the June 18 and 19, 2020 Incoming/Outgoing Board Meeting was held via Zoom. This was the first time in the history of the PD that Officers and Directors were sworn in via a virtual setting. The installation ceremony of the new Executive Committee and Board of Directors wasn’t as meaningful or gratifying as an in-person ceremony, and of course some of us experienced quite a few glitches due to internet connectivity or lack thereof. However, this ceremony will definitely go down in the books as one of the many new things happening in the legal profession during the pandemic. The irony, during my term as the President-Elect, I was heavily promoting that the board move to change things a bit by attending at least two (2) “video conferences,” in lieu of in-person board meetings in an effort to save time and money. My proposal at the time was met with resistance and denied by the board because they preferred “in-person,” meetings. While the Zoom meetings aren’t the ideal for some of us because they are harder to attend, especially when motions are being presented, discussed and voted on; attendees carry on personal conversations and internet issues, they worked for the most part and kept us safe during this past year. In addition, the board is able to schedule impromptu Zoom meetings when necessary in order to address issues in a very timely manner.

The TAPS 2020 Planning Committee was chaired by Megan Goor, Past President of the Paralegal Division. Other Committee Members were: Edna Garza-Guerra, *Board Advisor*; Susan Davis,

Vendors; Megan Goor, *Registration and TAPS App*; Erica Anderson, *Marketing*; Susi Boss and Kerri Alexander Overfelt, *Speaker Co-Chairs*; Alice Lineberry, *Door Prize Chair*; and Javan Johnson, *Social Chair*. Public members were Frank Hinnant of Innovative Legal Solution (Houston);

Jennifer Chambless of Kim Tindall & Associates (Dallas) and Kelsey Clark of File & Serve Xpress. Rhonda Brashears was the *TAPS Meeting Planner*. When the TAPS Planning Committee learned that the State Bar had canceled all live events, including TAPS 2020 that was to be held in San Antonio, due to the Covid-19, they quickly came up with Plan B: “E-TAPS 2020-The Home Edition” which was held online on September 16 - 17, 2020. Attendees were able to enjoy two days of CLEs, some from the comforts of home. The 2020 Annual Meeting was held in conjunction with the E-TAPS Keynote Luncheon Speaker, Ellen Lockwood, on September 18, 2020 via Zoom. Attendees received one (1) hour in Ethics for attending this free CLE. The Fall Board of Directors Meeting was held via Zoom following E-TAPS 2020 on September 18 and 19, 2020. The 2020 Salary Compensation Survey was completed on October 30, 2020, and five lucky Members and Non-Members each won \$100 gift cards for their participation in same. A Mandatory Zoom Board Meeting was held on December 2, 2020 to discuss strategies to increase memberships and other related matters. The President-Elect elections were held in mid-January 2021 and Lisa Pittman, [Director for District 12] was elected as the 2021–2022 President-Elect. On February 26 and 27, 2021, the board held its first hybrid Winter Board Meeting, wherein half of the Directors attended in-person in Dallas and the other half attended the meeting via Zoom.



The June 25 and 26, 2021 Incoming/Outgoing Board Meeting will be held in Austin. Our 2021–2022 PD President, Susi Boss [San Antonio] will be sworn in via an in-person ceremony. The 2021 TAPS will be held at the Wyndham San Antonio Riverwalk

on September 22–24, 2021. This seminar will provide up to 14 TBLS approved CLE hours over three days. The PD will be celebrating its 40th Anniversary this year so plans are in the works to commemorate this milestone occasion at TAPS. Members will receive a customized lapel pin with the “40th” Anniversary PD logo. Despite the Pandemic, PD membership continue to rise each month. As of early May 2021, the PD had a total of 1,516 members.

At the start of my Presidency, I had simple goals in mind that included: (1) Increasing memberships; (2) Promoting our loyal and supportive vendors on a regular basis; and (3) Feedback from the PD members. Well, I managed to accomplish two of my goals. For one, the PD currently has a total of 1,516 members. And two, our vendors are now showcased in The Pulse e-Newsletter every month. Unfortunately, the feedback from the members have been very minimal. In the future, if you have a suggestion that could help improve the PD, please let us know. We want to hear from you, the members that make up this professional organization!

My presidency was primarily focused on promoting strong leadership by motivating and encouraging others to continue to learn and grow in the Paralegal profession (i.e. seek board certification with TBLS or continue with your college education). It’s never too late to accomplish some goal or dream you have but it does take hard work and commitment on your

part. “Believe in yourself and you will be unstoppable!” (author unknown). Know that it has been my pleasure to serve as your President, a realized dream!

In closing, I want to thank the Board

of Directors, Committee Chairs and Sub-Chairs who served in my tenure, it was a great pleasure working with all of you. Thank you for your hard work, dedication, loyalty and support to the PD, I appreciate

each and every one of you so much. And thank you Rhonda Brashears, our PD Coordinator, for everything you do for us!

THANK YOU TO THE 2020–2021 PARALEGAL DIVISION BOARD OF DIRECTORS, COMMITTEE CHAIRS, AND STATE BAR REPRESENTATIVES

Thank you to the following PD members who have volunteered their time last year:

BOARD OF DIRECTORS

President: Edna Garza-Guerra, TBLS-BCP

President-Elect: Susi Boss

Directors:

District 1: Kim Goldberg, TBLS-BCP
District 2: Eugena Alcala (Treasurer)
District 3: Wayne Baker, RP
District 4: Alice Lineberry, PLS, CP
District 5: Pearl Garza
District 7: Erica Anderson, ACP
District 10: Shannon Shaw (Parliamentarian)
District 11: Jan McDaniel, CP
District 12: Lisa Pittman (Secretary)
District 14: Shannon Happney, CP, TBLS-BCP
District 15: Martha Ramirez, TBLS-BCP
District 16: Vacant

COMMITTEES

Immediate Past President/Historian
Megan Goor, TBLS-BCP

Annual Meeting Committee
Chair: Edna Garza-Guerra, TBLS-BCP

Continuing Education Committee
Chair District CLE: Mary Mendoza
Board Advisor: Wayne Baker, District 3

Chair Online CLE: Mary Mendoza
Board Advisor: Wayne Baker, District 3

Elections Committee

Chair: Melanie Langford, ACP
Board Advisor: Pearl Garza, District 5

Membership Committee

Chair: Mona Tucker, ACP
Board Advisor: Shannon Shaw, District 10

Professional Development Committee

Chair: Andrew Liesman
Board Advisor: Martha Ramirez, TBLS-BCP, District 15

Professional Ethics Committee

Chair: Ellen Lockwood, ACP, RP®
Board Advisor: Shannon Shaw, District 10

Public Relations Committee

Chair: Erica Anderson, ACP
Board Advisor: Eugene Alcala, District 2

Publications Committee

Chair: Megan Goor, TBLS-BCP
Board Advisor: Janet McDaniel, CP, District 11

TPJ Editor

Megan Goor, TBLS-BCP

TPJ Advertising

Coordinator: Rhonda J. Brashears, CP, TBLS-BCP

Procedures Manual Committee

Chair: Susi Boss (President-Elect)

Ambassador Ad Hoc Committee

Chair: Joncilee M. Davis, ACP
Board Advisor: Lisa Pittman, District 12
Ambassador: Erica Anderson, ACP
Ambassador: Michele Boerder, CP, TBLS-BCP
Ambassador: Rhonda J. Brashears, CP, TBLS-BCP

Ambassador: Clara Buckland, CP
Ambassador: Debra Crosby
Ambassador: Joncilee M. Davis, ACP
Ambassador: Patricia Giuliano
Ambassador: Megan Goor, TBLS-BCP
Ambassador: Javan Johnson, ACP, TBLS-BCP

Ambassador: Ellen Lockwood, ACP, RP®
Ambassador: Stephanie Sterling, TBLS-BCP

Ambassador: Mona Tucker, ACP
Ambassador: Susan Wilen, RN

E-Group Policy Ad Hoc Committee

Chair: Megan Goor, TBLS-BCP
Board Advisor: Shannon Happney, CP, TBLS-BCP, District 14

Ethics Handbook Ad Hoc Committee

Chair: Ellen Lockwood, ACP, RP®
Board Advisor: Kim Goldberg, TBLS-BCP, District 1

Long-Term Strategic Planning Ad-Hoc Committee

CHAIR: Michele Boerder, CP, TBLS-BCP

Board Advisor: Alice Linebery, PLS, CP,
District 4

Member Renewal Spot Audit Committee

Chair: Patricia Giuliano

Board Advisor: Shannon Happney, CP,
TBLS-BCP, District 14

Mentor Program Ad Hoc Committee

Chair: Heather Ulliman

Board Advisor: Eugene Alcala

Paralegal Pulse- E-Newsletter

Chair: Javan Johnson, ACP, TBLS-BCP

Board Advisor: Erica Anderson, ACP,
District 7

Pro Bono Ad Hoc Committee

Chair: Rachael Watson

Board Advisor: Alice Lineberry, PLS, CP,
District 4

Sustaining Member/Vendor Liaison

Chair: Naireesa Khan

Board Advisor: Eugene Alcala

TBLS Helpful Hints Ad Hoc Committee

Chair: Javan Johnson, ACP, TBLS-BCP

Board Advisor: Martha Ramirez, TBLS-
BCP, District 15

*Texas Advanced Paralegal Seminar (TAPS)
Planning Committee*

Chair: Edna Garza-Guerra, TBLS-BCP

Board Advisor: Susi Boss

Texas Bar College Application Review

Chair: Megan Goor, TBLS-BCP

Board Advisor: Lisa Pittman, District 12

Website Development Ad Hoc Committee

Chair: Megan Goor, TBLS-BCP

Board Advisor: Erica Anderson, ACP,
District 7

40th Anniversary Ad Hoc Committee

Chair: Javan Johnson, ACP, TBLS-BCP

Board Advisor: Shannon Happney, CP,
TBLS-BCP, District 14

STATE BAR APPOINTMENTS

State Bar of Texas Child Protection Section

Representative: Susi Boss

*State Bar of Texas Legal Services to the Poor
in Civil Matters*

Representative: Megan Goor, TBLS-BCP

State Bar of Texas Pro Bono Workgroup

Representative: Stephanie Sterling, TBLS-
BCP

*State Bar of Texas Unauthorized Practice
Of Law Committee- Northern Region
District 6*

Representative: Eugene Alcala

*Texas Bar College Paralegal Division
Representative*

Representative: Megan Goor, TBLS-BCP

*Texas Judicial Committee On Information
Technology (JCIT)*

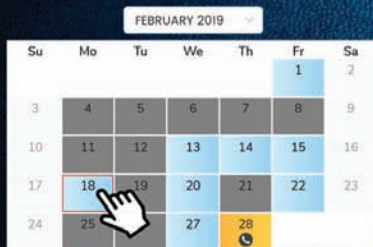
Representative: Stephanie Sterling, TBLS-
BCP

*Special thanks to the Paralegal Division
Coordinator, Rhonda Brashears, CP,
TBLS-BCP for her continued efforts on
behalf of the Division.*



THE NATIONAL ACADEMY OF DISTINGUISHED NEUTRALS

ATTENTION LITIGATION STAFF



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

Save HOURS of scheduling time directly at

www.TexasNeutrals.org

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

PARALEGAL DIVISION MEMBERS WHO PASSED THE 2020 TEXAS BOARD OF LEGAL SPECIALIZATION EXAMINATION

Congratulations to the following members of the Paralegal Division who successfully completed the 2020 Texas Board of Legal Specialization Examinations

Criminal

Meredith Gross, Rockwall (D12)

Civil Trial

Annmarie Carlin, Houston (D1)

Melissa K. Matej, Fort Worth (D3)

Family

Denise Alberino, Plano (D12)

Caitlin Ginn, Fort Worth (D3)

Rebecca Hoffman, Houston (D1)

Meghan Podlesney, Houston (D1)

Brenda Rodriguez, Dallas (D14)

Melissa Ruden, Denton (D12)

100 PD CLUB FOR 2020–2021

Thank you to the following firms for having 100% Paralegal Division enrollment:

[Innocence Project of Texas](#)

[Law Offices of Jason Smith \(Fort Worth\)](#)

[Law Offices of Terri Moore and Michael](#)

[Ware \(Fort Worth\)](#)

[Lynch, Chappell & Alsup, PC \(Midland\)](#)

[Texas Legislative Council \(Austin\)](#)

[The Brender Law Firm \(Fort Worth\)](#)

[The Woodmont Company \(Fort Worth\)](#)

Law firms and legal departments with 100% of their paralegals enrolled as PD

members for 2020-2021 qualify for the “100 PD Club” to be featured in this edition. For a “100 PD Club” form for 2021-2022, please e-mail TPJ Editor at tpj@txpd.org, and type “100 PD Club” in the subject line. Deadline is March 1st.

2020–2021 SUSTAINING MEMBERS AND ADVERTISING SUPPORTERS!

The Paralegal Division would like to thank the vendors and/or sustaining members who advertised with us during the 2020-2021 term:

[Capitol Services](#)

[Hollerbach & Associates](#)

[The National Academy of Distinguished Neutrals](#)

[National Federation of Paralegal Associations](#)

The Paralegal Division would also like to thank all of our sustaining members for their membership and support during the 2020-2021 term. Please see the full list [here](#).



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



PARALEGAL DIVISION ANNOUNCES TAPS 2021 SCHOLARSHIP



For the upcoming 2021 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 2021 seminar, "With a Roll of the Dice and CLE for Everyone TAPS is Rolling Into 2021." 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:
"During the COVID Pandemic, How Have You Managed Your Role as a Paralegal in the Workplace and the Community?"
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 2021 which will cover the cost of registration in accordance with the TAPS scholarship guidelines.

TAPS 2021 SCHOLARSHIP APPLICATION

IMPORTANT: ALL APPLICATIONS FOR A SCHOLARSHIP FOR TAPS 2021 MUST BE RECEIVED BY MONDAY, JULY 12, 2021.

DATE OF TAPS 2021: September 22-24, 2021, San Antonio, 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 2021: _____

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: Susi Boss, Scholarship Chair of the TAPS Planning Committee, Higdon, Hardy & Zuflacht, LLP, 12000 Huebner Rd., Suite 200, San Antonio, TX 78230 or email to: taps@txpd.org. Scholarship recipients will be notified by letter or email by July 26, 2021 and must accept and be registered for TAPS by August 10, 2021.

Date

Applicant's Signature

(Attach any additional explanations.)

IN MEMORIAM...

Elaine Peeples, CP

Elaine Peeples, 75, of Canyon passed away on Saturday, June 20, 2020. In the end, we are our stories. We all hope ours is a good one. Elaine's is a very good one. Elaine's roadmap for her life: Have passion in everything you do and then do it. Never just do for yourself. Do for those you love. First, throw as many parties as possible, but not just any party, the kind of parties people talk about and remember for years to come. Cuss and discuss politics with anyone brave and smart enough. If you know Elaine at all, you know which color she bled. It was always about justice. Justice for All. Stay up all night sewing for your family and friends - bedding, window treatments, pillows, clothes, amazingly beautiful table clothes, fabulous costumes, and the most beautiful, intricate Christmas stockings. Make every holiday, no matter the holiday, the most special holiday. Decorate your home to the nines, not to impress but to make family and friends feel special, loved and comfortable. Read books. Make books part of every day. A book over a bowl of Frosted Flakes curled up on the couch at the end of any day was highly recommended. Surround yourself with smart and fun friends. Gather with them. Travel the world with them. Light up any room with a beautiful smile and an easy laugh. Dance with your husband. Lastly, and most importantly, throw your entire self into your family. Seventy-five years and 11 months ago, Elaine Crawley came into this world, took its measure, and got busy. Born to Elvis and Ruby Crawley in Wellington, TX, Elaine started building her own unique path early. As a child, she read incessantly. Books for her were the iPads of today. Her mother would order her "off the books!" to go play outside. Even at three years old, her friends describe her as different, composed and confident. Elaine had a mischievous side as well. She enjoyed terrorizing her mother and sister with dead mice and snakes, often holding them hostage on top of their kitchen cabinets. Luckily, all sur-



vived. In high school, she started dating a confident, some might say, "cocky," young man by the name of Kent Peeples, that had just returned home from the Army, someone she'd known most of her life. When he returned, he could not believe the girl she had become - the most beautiful, confident, intelligent and different girl he had ever encountered. A life-long love affair began that never ended. In his words, "every day was a wonderland." On June 7, 1963, this beautiful couple married and a son, D'Ray, was born the very next year. Almost four years later in 1967, their preferred child, D'Layne, was born. At that point, they were complete. Education and learning were everything to Elaine. While raising a young family in both Canyon and Santa Fe, she received

her Bachelor's degree from West Texas University in History and Journalism. In 1971, she received her master's degree in political science, writing her thesis on "Ethics and the Constitution." Thereafter, she started a long, storied legal career with Jim Brown and Bill Kelly. Elaine was the first ever paralegal in Amarillo and the Panhandle to ever sit at counsel table. She sat "second chair" to Jim and Bill in some of the most relevant trials of their day. Her note passing is legendary. Her influence on young women in the legal field, immeasurable. She was instrumental in creating the Texas State Bar certification program for paralegals. She was a Charter Member of the Paralegal Division of the State Bar of Texas, served on the Board of Directors, was the first elected Chairperson of the Board of Directors and served on many committees. Elaine was a Charter Member of the Texas Panhandle Association of Paralegals, served two terms as President and was an advisor to the Board of Directors. Elaine was the Texas Panhandle Association of Legal Assistants 1992 Member of the Year and received the Career Achievement Award from the Amarillo Women's Network. Elaine was preceded in death by her mother, Ruby Alice Crawley, her father Elvis D. Crawley, and her 20-month old sister, Melba Ann who she never had the privilege of meeting. She is survived by her husband of 57 years, Kent Peeples, her son, D'Ray Peeples, her daughter, D'Layne Carter and husband Mike Carter, grandchildren Berkley Peeples, Tatum Burdis, Abbey Layne Carter, Molly Carter, great-grandchild, Kinley Hucks, sister Nancy Russell, and numerous nieces and nephews.

Elaine Peeples worked for Jim Brown and Bill Kelly Law Offices from 1974–2013. She simply loved the law and was privileged to have attorneys who never limited her. They treated her as an equal for which she was.

To submit a memorial for a PD member, e-mail the Editor at tpj@txpd.org.

LEGAL DIRECTORIES PUBLISHING CO., INC.

Publishing Directories Since 1935

www.LegalDirectories.com

Proudly serving Texas!



Texas Legal Directory, the Official Directory of the State Bar of Texas
"The Blue Book of Attorneys"

Austin Bar Association Membership Directory

Dallas Bar Association Membership Directory

Houston Bar Association Membership Directory

Jefferson County Bar Association Membership Directory

PRINT | DIGITAL | ONLINE

Legal Directories Publishing Co., Inc.



1313 Oates Drive
Mesquite, TX 75150
(800) 447-5375



Student Member Benefits

- Access to PD Job Bank where members may post resumes and review job opportunities.
- Listing in the *Texas Legal Directory* (Texas Blue Book);
- Subscription to the Division's member-only E Group where you may submit questions to your peers, share forms, identify experts, obtain recommendations for service providers and much more;
- Receipt of the *Texas Paralegal Journal*;
- Receipt of the *Texas Bar Journal*;
- Discounts on CLE seminars and webinars sponsored by the PD including the Texas Advanced Paralegal Seminar (**TAPS**);
- Access to our member-only Mentor/Protégé Program;
- State-wide networking; and
- Professional recognition.

Join us!

In order to be eligible for Student Membership in the Paralegal Division of the State Bar of Texas, you must be enrolled in a paralegal program that is (a) an ABA approved program of education and training for paralegals; (b) consists of a minimum of sixty (60) semester hours (or equivalent quarter hours) of which fifteen (15) are substantive legal courses; or (c) consists of fifteen (15) semester hours of substantive legal courses.

ANNUAL DUES are \$35, processed on-line at www.txpd.org /MEMBERSHIP/APPLICATIONS – *and we now accept credit cards!*

If you have questions regarding these benefits, please contact pd@txpd.org.

A Division with Vision...Empowering Paralegals!

www.txpd.org



SAVE THE DATE & Join Us!

Nurture, Flourish, Participate, Aspire
in

PORTLAND

**2021
NEPA ANNUAL CONVENTION**

Come Grow With Us

October 7-10
Portland, Oregon

For more information, visit: www.paralegals.org

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.

The PEH 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>



www.txpd.org



PARALEGAL DIVISION ONLINE STORE

Visit the PD online store today!

**TAPS 2021/40th
Anniversary Items –
Coming Soon!**

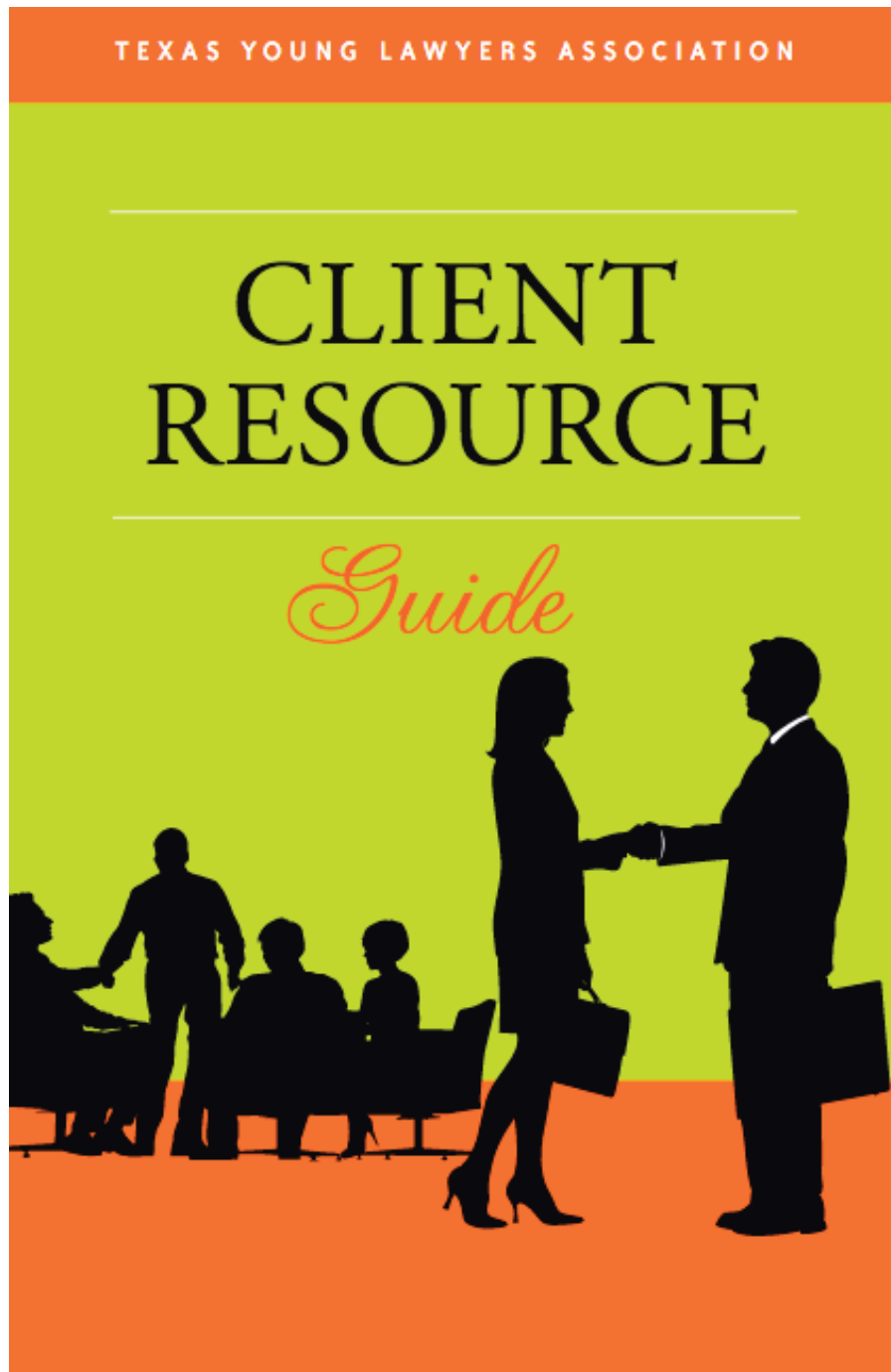


The State Bar of Texas was the first bar association in the United States to create a separate division for paralegals. The Division was created on October 23, 1981, and charged with “enhancing legal assistants’ participation in the administration of justice, professional responsibility, and public service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

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

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

The Texas Young Lawyers Association has several helpful and informative publications available to the public and are also good resources for paralegals. Here is this edition's featured pamphlet.



You can find this and many other helpful topics on the TYLA web page - www.tyla.org

