FALL 2021 VOL. 27 NO.2

TPJ

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PRESIDENT'S *Message*

by Susi Boss, President

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

TAPS is upon us and the TAPS Planning Committee has been working especially hard to bring TAPS back live but with all the safety measures for all to protect attendees, speakers, and vendors alike. There are great speakers, events to keep everyone movng, a vendor hall that is going to be great. Don't forget the Annuall Meetiing luncheon on Friday and join us in starting the 40th Anniversary celebrations across all of our Districts. I hope to see you all in person, in San Antonio at TAPS in just 3 weeks.

We entered 2020 not knowing what we would be able to endure and survive, We have entered 2021 hoping this year would be better and hopefully back to some semblence of normalcy only to find again, uncharted waters, learning ways to work and be productive remotely, for some to go back into the office after months and in some cases over a year.

We have gone from in the Court hearings to no hearings, to zoom, back to in the courtroom and now back to zoom. Well, just when you think its calmed down we get that next little kick back but I know the strength of all of you and we will survive.

I urge any of you who are struggling to reach out to a friend, family member, another paralegal or a professional, do not try to work through these times alone. TLAP will if you call their hotline refer you to a professional in your area to assist you or someone you know who might be struggling.

We are all here to support one another as we have been for 40 years.

As you all know my message for my term is "PARALEGAL PRESENCE". In the first three months of my term I see this already starting to come to fruition. Members coming out of comfort zones to bring a stronger leadership for us all not only in individual districts but across the state. Our members becoming more involved, sharing ideas but most importantly bringing the Paralegal Division into the presence of attorneys, judges and legal professionals in our Districts and local and statewide legal organizations. This is how we make the Paralegal Presence and our members known. Keep up the good work is all I can say. I am so proud of each and everyone of you.

There are so many opportunities for all of us to continue to grow including

Continued on page 3

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EDITOR'S *Note*

In this edition, Author Cindy Tisdale gives some great tips on how to navigate through the dreaded new discovery rules. Of course, the Texas Legislature has been very busy this summer. See the article recapping just some of them in "666 Bills on the Wall, 666 Bundles of Bills." The introduction of the new Board of Directors and Committee Chairs are announced in this edition. Hope you had a great time at TAPS in San Antonio and the recap will be featured in the Winter *TPJ*!

Megan Goor, Editor, *Texas Paralegal Journal*

Continued from page 1

but especially me. Those who know me know I love people and being involved. Becoming involved with the Paralegal Division as a member was great but then add volunteering as a sub chair or on a committee, then onto District 5 Director, Parliamentarian and President Elect and now President – coming out of my comfort zone but in all these steps an evolution into a passion for this organization and especially its members and encouraging new members. Finding areas like the TPJ and Paralegal Pulse and the wonders inside each page, The E-Group – talk about support from across the state. This is the go to group when you have a question or need for a referral (just don't send ads for employment!). The Mentor Program which is not just for students, but especially important support if you are changing your areas of law.

We have just updated our website and while we have had some glitches we are working hard to fix things as quickly as possible. I should say that our great Coordinator Rhonda is working hard to fix as the system as quickly as possible.

I was once told: "Try to surround yourself with positive people who make you happy, sarcastic people who make you laugh, and coffee. You should always surround yourself with coffee." The first part I think we have down with a great Executive Board, Board of Directors and Chairs. Now about the coffee…lets replace that with Dr. Pepper, lots of Dr. Pepper!

I hope you all have wonderful fall plans to look forward to and never give up on yourselves or your dreams. Especially those dreams.

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Focus on . . .

New Discovery Rules

The Who, What, When, Why, Where & How

By Cindy Tisdale

With the new discovery rules, family law attorneys are working diligently to ensure the new rules are implemented into their daily practices. This paper is intended to be used as a reference regarding the new discovery rules. The scope of the paper is on family law and family law practitioners. It will provide a brief overview of some of the highlights of the new rules and tips on how to implement the rules into your daily practice.

AMENDMENTS TO TEXAS RULES OF CIVIL PROCEDURE

As of January 1, 2021, the new amendments to Texas Rules of Civil Procedure 169, 190, 192, 193, 194, and 195 took effect and apply to cases filed on or after January 1, 2021, except those filed injustice court. The Rules were amended, specifically Rules 190.2 and 194, to implement Section 22.004(h-1) of the Texas Government Code which calls for rules "to promote the prompt, efficient, and cost-effective resolution of civil actions filed in county courts at law in which the amount in controversy does not exceed $250,000" that "balance the need for lowering discovery costs in these actions against the complexity of and discovery needs in these actions." Additionally, as stated in the comments to Rule 194, "Rule 194 is amended based on Federal Rule of Civil Procedure 26(a) to require disclosure of basic discovery automatically, without awaiting a discovery request. A party is not excused from making its disclosures because it has not fully investigated the case or because it challenges the sufficiency of another party's disclosures or because another party has not made its disclosures."

Appendix I. ***Order Amending Texas Rules of Civil Procedure 47,169,190,192,193,194, and 195.***

TRCP RULE 190. DISCOVERY CONTROL PLANS

The discovery control plans were implemented to promote prompt and efficient resolutions of cases. Pursuant to TRCP.190.1, discovery control plans are required in every case. In the first paragraph of its petition, the plaintiff must allege the discovery level. If a plaintiff fails to allege a discovery level, special exceptions may be filed challenging the pleadings. Each case is assigned to Level 1, Level 2, or Level 3 which is determined by the amount in controversy and the type of case.

A. Level 1 governs expedited actions under TRCP 169 and suits for divorce not involving children where the value of the marital estate is more than zero, but not more than *$250,000*. TRCP 190.2(a)(2). The $250,000 is an increase from the previous $50,000 and applies to cases filed on or after January 1, 2021.

   a) Discovery period. The discovery period begins when the *initial disclosures are due* and continues until 180 days after the date the *initial disclosures are due.*
   b) The total time for oral depositions has increased from no more than six hours to no more than *20* hours.
   c) Disclosures are mandatory without waiting for a request for disclosures, and are due at or within 30 days of the filing of the initial answer or general appearance. TRCP 194, 192.1.
   d) Timing. Except by agreement, a party cannot serve discovery until after the initial disclosures are due. TRCP 192.2.

B. Level2 governs suits involving children and suits for divorce where the marital estate is more than *$250,000* or less than zero. TRCP 190.2(a)(2), 190.3(a). The parties may also agree to conduct discove1y under

Level 2 even though the suit may fall under Level 1 discovery plan.

a) Discovery period. The discovery period begins when the *initial disclosures are due* and continues until 30 days before the date set for trial, in cases under the Family Code.
b) Disclosures are mandatory without waiting for a request for disclosures, and are due at or within 30 days of the filing of the initial answer or general appearance. TRCP 194, 192.1.
c) Timing. Except by agreement, a party cannot serve discovery until after the initial disclosures are due. TRCP 192.2.

C. Level 3 cases can only be conducted by court order. TRCP 190.4.

Practice Tip: If **the case involves children or you are unsure about the value of the marital estate, file the case under discovery level 2.**

TRCP 192.2. TIMING

Prior to the new discovery rules, discovery requests could be filed with a party's original pleadings. Under the new rules, discovery requests cannot be served until *after* the initial disclosures are due. TRCP 192.2. The initial disclosures are due at or within 30 days after the filing of the first answer or general appearance. The new rules regarding discovery requests may be altered by the use of Rule 11 Agreements and/or court orders. In the case of a pro se party who does not file an answer, 3rd party discovery, or an opposing counsel who intentionally uses the rules to delay the discovery process, it may be necessary to request a court order to circumvent the rules.

Practice Tip: **If discovery is necessary and an answer has not been filed or general appearance made, file a motion with the court for leave to request discovery.**

TRCP RULE 194.2 REQUIRED INITIAL DISCLOSURES

Under the old discovery rules, discovery was optional. It was not filed unless necessary to discover certain information or obtain specific documentation. The attorney on the case could decide whether to serve disclosures, interrogatories, production requests, conduct depositions, or serve subpoenas. Under the new discovery rules, disclosures are mandatory and due within 30 days of the initial answer being filed. Without receiving a request, a party *must* disclose and produce documents described in Rule 194.2, 194.3, and 194.4 unless exempted by Rule 194.2(d), agreed by the parties, or court ordered.

Rule 194.2 was amended to require mandatory disclosures within 30 days of the filing of the initial answer. The "without awaiting a discovery request" was included which now eliminates the option of serving discovery on an opposing party. Additionally, parties are now required to provide all documents that may be used to support their claims or defenses, unless the information is privileged, protected, or used solely for impeachment.

a) Timing. The response to initial disclosures are due at or within 30 days after the filing of the first answer unless agreed by the parties or court ordered. TRCP 194.2.
b) Content. *Without awaiting a discovery request,* a party *must* provide:

1. the correct names of the parties to the lawsuit;
2. the name, address, and telephone number of any potential parties;
3. the legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial);
4. *a computation of each category of damages claimed by the responding party-who must also make available for inspection and copying the documents or other evidentiary material, unless privileged or' protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered;*
5. the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case;
6. *a copy-or adescription by category and location-of alldocuments, electronically stored information, and tangible things that the responding party has in its possession, custody, or control, and may use to support its claims or defenses, unless the use would be solely for impeachment;*
7. any indemnity and insuring agreements described in Rule 192.3(3);
8. any settlement agreements described in Rule 192.3(g);
9. any witness statements described in Rule I 92.3(h);
10. in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages

asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills;

11. in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party; and
12. the name, address, and telephone number of any person who may be designated as a responsible third party.

TRCP RULE 194.2(C)-ADDITIONAL DISCLOSURES REQUIRED IN CERTAIN FAMILY SUITS

In addition to disclosing the information as required by 194.2(b)(l-12), certain family law suits require production of additional information within 30 days of the filing of the initial answer. With the amendment of mandatory additional production, a family law practitioner should begin organizing and obtaining documents from the client at the initial consultation or upon the client retaining the law office.

1) In *divorce or annulment suits,* mandatory disclosures and production of the following is required without waiting for a request:
   i. all documents pertaining to real estate;
   ii. all documents pertaining to any pension, retirement, profit-sharing, or other employee benefit plan, including the most recent account statement for any plan;
   iii. all documents pertaining to any life, casualty, liability, and health insurance; and
   iv. the most recent statement pertaining to any account at a financial institution, including banks, savings, and loan institutions, credit unions, and brokerage firms.

2) In suits where *child support or spousal support* is at issue, mandatory disclosures and production of the following is required without waiting for a request:
   i) all policies, statements, and the summary description of benefits for any medical and health insurance coverage that is or would be available for the child or the spouse;
   ii) the party's income tax returns for the previous two years or, if no return has been filed, the party's Form W-2, Form 1099, and Schedule K-1 for such years; and
   iii) the party's two most recent payroll check stubs.

Practice Tip: **During the initial consultation, inform the potential new client of the mandatory disclosures and the necessary documents required.**

Appendix II. **Appendix** III. **Appendix** IV. **AppendixV.**
Checklist for Preparation of Disclosures. Letter to Client
Required Initial Disclosures Required Initial Disclosures

TRCP RULE 194.4 PRE-TRIAL DISCLOSURES

Unless court ordered otherwise, witness lists and exhibit lists are now required 30 days before trial. If possible, you may want to reach a Rule 11 Agreement or obtain a court order to shorten the pre-trial deadline. Except evidence solely for impeachment, a party is required to produce and file with the court evidence it intends to use at trial, including the name, address, and telephone number of each witness and identify those the party will call from those the party may call if necessary. Further, a party must identify each document or exhibit, including summaries of other evidence, and identify which items the party expects to present and those the party may call if necessary.

Appendix VI. ***Sample Witness List***
Appendix VII. ***Sample Exhibit List***
Appendix VIII. ***Rule 194.4(a) Pretrial Disclosures***
Appendix IX. ***Required Pretrial Disclosures***

Sample Witness List Sample Exhibit List. Rule 194.4(a) Pretrial Disclosures Required Pretrial Disclosures

COURT-ORDERED DISCLOSURES AND REPORTS

Expert disclosures previously found under Rule 194(f) is now found under 195.S(a). Under Rules 195.2 and 195.5, expert disclosures and reports are mandatory and due 90 days before the end of the discovery period for testifying experts seeking affirmative relief and 60 days before the end of the discovery period for all other experts. Without waiting for a discovery request, a party must provide the opposing party with information regarding any testifying expert. The comments to the new rule states that the rule now includes three new disclosures based on Federal Rule of Civil Procedure 26(a)(2)(B). In addition to the previous disclosures found under Rule l94(f) now l95.5(a), if the expert is "retained by, employed by, or otherwise subject to the control of the responding party" a party must disclose, "(C) the expert's qualifications, including a list of all publications authored in the previous 10 years; (D) a list of all other cases in which, during the previous four years, the expert testified as an expert at trial or by deposition; (E) a statement of compensation to be paid for the expert's study and testimony in the case."

Without awaiting a discovery request, a party must provide the following for any testifying expert:

(1) the expert's name, address, and telephone number;

(2) the subject matter on which the expert will testify;

(3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;

(4) if the expert is retained by, employed by, or otherwise subject to the control of the responding party:

(A) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony;

(B) the expert's current resume and bibliography;

(C) *the expert's qualifications, including a list of all publications authored in the previous 10 years;*

(D) *a list of all other cases in which, during the previous four years, the expert testified as an expert at trial or by deposition; and*

.

(E) *a statement of the compensation to be paid for the expert's study and testimony in the case.*

Appendix X. ***Required Testifying Expert Disclosures***

Recently, there have been questions, discussions, and CLEs regarding the new discovery rules. Though there may be more questions than answers, over time, the "new" discovery rules will become the "old" discovery rules with case law and experience to solidify their presence and accomplish their mission. Hopefully, the new rules may accomplish its goal of prompt, efficient, and cost-effective settlement while also addressing discovery needs in family law matters. Only time will tell if the new rules are helpful to lawyers and parties or a hinderance to them.

Appendix XI. ***New Discovery Rules - Family Law Cheat Sheet.***

Cindy Tisdale is Board Certified in Family Law by the Texas Board of Legal Specialization. She dedicates 100% of her practice to family law. Attorney Tisdale has been serving the residents of Granbury (Hood County), Glen Rose (Somervevell County), Cleburne (Johnson County), Weatherford (Parker County), Stephenville (Erath County) and other surrounding areas since 2003. Cindy V. Tisdale, Attorneys at Law.

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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

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Focus on . . .

Employee Misclassification: A Costly Mistake for Employers

By Debra Manitzas Trueman

Employers, are your employees properly classified? One area that trips up employers and can cause costly problems down the road is misclassifying employees who are entitled to overtime as *exempt* employees.

With certain exceptions, the Fair Labor Standards Act (FLSA) requires employers to pay overtime to employees who work more than 40 hours per week. The FLSA provides exemptions from the overtime requirement for employees in legitimate "Administrative," "Professional" and "Executive" positions. To qualify for one of these exemptions, the employee must meet certain salary requirements and certain duties tests.

Exempt v. Non-Exempt. Employees who are entitled to overtime are referred to as *non-exempt*; these employees must be paid time-and-one-half for all hours actually worked in excess of 40 during the workweek. (Holidays and vacation days would not count, since those are not hours actually worked.) Employees who are not subject to overtime are referred to as *exempt*. The Department of Labor (DOL) enforces the FLSA.

There's a common misconception that an employee who is salaried is automatically exempt from the overtime provisions of the FLSA. Not so! You can have an employee who is paid a salary but who is still entitled to overtime, since the salary test is only one factor in determining whether an employee is exempt from overtime. (BTW, it is *not* advisable to pay a non-exempt employee a salary; do yourself a favor and stick to an hourly rate.)

Employers should know that when it comes to qualifying for an exemption, titles are meaningless as far as the DOL is concerned. If the employee's job functions don't meet the duties test, the employee is not exempt. And a carefully crafted job description that doesn't match the employee's actual duties isn't going to cut it either. Likewise, if the employee's salary does not meet the salary test, the employee is not exempt.

Minimum Salary Threshold. In 2016 under the Obama Administration, the salary threshold to qualify for the Administrative, Professional and Executive exemptions was set to increase from $455 a week ($23,660 annually) to $913 a week ($47,476 annually) when a Texas Federal court blocked and overturned the new overtime rule. At that time, the salary threshold had not changed since 2004, so an increase was well overdue, but doubling the salary threshold would have been a back-breaker for many business owners.

Enter the Trump Administration, and as is typical with a change of party in the White House, the pendulum swings to the other side. Trump's DOL took up the issue and compromised with a salary threshold that was not so severe a jump: As of January 1, 2020, the minimum salary threshold was raised to $684.00 per week ($35,568.00 annually) to meet the salary test for the Administrative, Professional and Executive exemptions. Non-discretionary bonuses and incentive pay paid out at least annually can make up 10% of the salary. Unlike the previous Administration's proposed changes which had built-in adjustments every three years, there are currently no automatic adjustments to the salary threshold. As it stands now, if your employee's salary is not at least $684.00 per week, the employee does not meet the salary qualification and must be paid overtime for all hours actually worked over 40 in the workweek.

Duties Tests for Administrative, Professional and Executive Exemptions. As noted, just because employees meet the salary test, doesn't mean they are exempt from overtime; they still have to meet the duties test for the claimed exemption. The DOL has established the following duties tests for the respective exemptions.

Administrative Exemption. To qualify for the Administrative exemption, all of the following duties tests must be met:

- The employee's primary duty must be the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers; and
- The employee's primary duty includes the exercise of discretion and independent judgment with respect to

matters of significance.

Professional Exemption. There are two types of exempt Professional employees: Learned Professionals and Creative Professionals.

Learned Professional Exemption. To qualify for the Learned Professional exemption, all of the following duties tests must be met:

- The employee's primary duty must be the performance of work requiring advanced knowledge, defined as work which is predominantly intellectual in character and which includes work requiring the consistent exercise of discretion and judgment; and
- The advanced knowledge must be in a field of science or learning; and the advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction. (The DOL specifies that advanced knowledge cannot be attained at the high school level.)

Creative Professional Exemption. To qualify for the Creative Professional exemption, the following duties test must be met:

- The employee's primary duty must be the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor. (This would include fields such as music, writing, acting and the graphic arts.)

Executive Exemption. To qualify for the Executive exemption, all of the following duties tests must be met:

- The employee's primary duty must be managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise;
- The employee must customarily and regularly direct the work of at least two or more other full-time employees or their equivalent (e.g., one full-time employee and two part-time employees); and
- The employee must have the authority to hire or fire other employees, or the employee's suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees must be given particular weight.

In addition, **highly compensated employees** performing office or non-manual work and paid total annual compensation of $107,432 or more are exempt from the FLSA if they customarily and regularly perform at least one of the duties of an exempt executive, administrative or professional employee identified in the standard tests for exemption.

Consequences of Misclassification. Audits can happen for a variety of reasons, but they are often the result of employee complaints that they have not been paid properly and should have been receiving overtime. If a DOL audit determines that employees were misclassified as exempt, back wages in unpaid overtime can be a killer to the employer's bottom line. Liability for unpaid overtime goes back two years (three for willful violations), and the employer could be on the hook for liquidated damages equal to the amount of backpay, as well. If the DOL determines that the misclassification was willful or the employer is a repeat offender, they could be assessed up to $1,000 per violation in civil penalties and could even be criminally prosecuted.

As if that's not bad enough, if the employer has to go back and recalculate hours and pay for an employee, that's going to affect the employer's federal payroll taxes which will no doubt include penalties and interest; and possibly state unemployment taxes if the employee threshold had not already been met. Before classifying employees as exempt under the FLSA, employers should make darn sure they qualify for the exemption.

Keep in mind that assuring proper classification is not a one-and-done. Employers should continue to assess their workforce and perform periodic self-audits to assure that exempt employees are still properly classified. For example, has your business reorganized or lost employees? If so, does that employee covered under the Executive exemption still supervise at least two full time employees or the equivalent? If not, that exemption is no longer applicable and the employee should either be reclassified, or supervisory authority should be restored per the regulations. Likewise, if you failed to raise employees

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to the current minimum salary of $684.00 per week ($35,568.00 annually) in January 2020, those employees are misclassified. Similarly, if an employee's job description has changed, review the new duties to make sure the employee still qualifies for the exemption.

Another Potential Pitfall: Deductions from Pay. Even if employees are properly classified as exempt, employers can get into trouble for improperly docking exempt employees for absences. Subject to a few exceptions, exempt employees must receive their full salary for any week in which they perform any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work.

There are limited exceptions when an employer can deduct from an exempt employee's wages. Under DOT regs, deductions from pay are permissible:

- When an employee is absent from work for one or more full days for personal reasons other than sickness or disabilityÐ
- For absences of one or more full days due to sickness or disability if the deduction is made in accordance with a policy or practice of providing compensation for salary lost due to illnessÐ
- To offset amounts the employee receives as jury or witness fees, or for military payÐ
- For penalties imposed for infractions of safety rules of major significanceÐ or
- For unpaid disciplinary suspensions of one or more full days imposed for workplace conduct rule infractions.

Note that the employer may not deduct for partial days. Thus, if an employee takes off two full days for personal reasons, the employer can deduct for two days' wages. However, if the employee takes off 1½ days for personal reasons, the employer can only deduct for one full day.

What's on the Horizon? With the Biden Administration installed, the pendulum now swings back the other way. The DOL is already reviewing the overtime regulations, including the status of the minimum salary threshold. U.S. Secretary of Labor Marty Walsh has commented that the current threshold is definitely too low and he wants to see automatic and regular updates to the overtime threshold – a provision in Obama's overtime rule which was taken out by the Trump Administration.

Although Walsh has not thrown out a specific number, some legislators have bandied-about figures in the $80,000+ range for the minimum salary threshold to qualify for the Administrative, Professional and Executive exemptions. There is no question that this would be a boon for millions of workers who are not currently entitled to overtime. However, such a severe increase would be detrimental to business owners who are already struggling to get back on their feet after the pandemic. Couple this with the inevitable increase in the federal minimum wage, and employers will have a double-whammy that will no-doubt put many of them out of business. Some are speculating that the increase in the minimum salary will be closer to Obama's proposed threshold of $47,476, but we will have to wait and see what happens. It's also not out of the question that the DOL would revamp the duties tests as well, which up to this point have been left intact.

Based on Secretary Walsh's comments that the current salary threshold is too low, employers should start assessing their workforce: Start tracking employees' time so you know how many hours your exempt employees are actually working. When the DOL takes action, you can identify employees who no longer qualify for the overtime exemption based on the salary test, and you will be in a good position to determine whether to raise the employee to the new salary threshold and maintain the exemption, or to reclassify the employee as non-exempt and pay overtime for hours worked over 40 in the workweek. In this regard, if the exempt employee customarily works no more than a 40-hour week, there's not much advantage to the employer in classifying that employee as exempt. On the other hand, if the employee is consistently putting in 50 or 60 hours a week, the employer will need to do some math to see if it's better to raise the employee to the new salary threshold and retain the exemption; or to convert the employee to hourly and pay overtime; or even to limit the employee to 40 hours per week and hire a part-timer to pick up the slack. By keeping track of the weekly hours that exempt employees are working, employers will be able to make knowledgeable decisions on how best to proceed when the new regulations take effect.

Employers are on notice: *Change is a comin' and it ain't gonna be pretty*. In the meantime, be proactive in assuring that your current employees are properly classified. If you find that you have employees who are improperly classified as exempt, don't ignore the problem; convert them to hourly and pay them time-and-one-half for all hours worked over 40 in the workweek. And if you don't already have one, implement a policy requiring that all overtime for non-exempt employees must be approved in advance . . . and make sure to enforce it.

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Focus on . . .

Essential E-Mail Etiquette

By Megan Goor, TBLS-BCP

In the workplace, calling businesses or clients has evolved into sending e-mails. Never has this been more true than with the impact of COVID-19 this year. While there are more conference calls by Zoom or some other means, accompanying agendas, memos, and notices are generated by e-mail. Hence, e-mail communication has become the stronghold of conducting business. Coupled with the fact that sender's "tone" is left open to be interpreted, makes e-mail etiquette very essential.

Obviously, as the word "e-mail" reflects, it is "electronic mail" and compares to sending a letter in the mail. There are three components to an e-mail:

- the header (date/to/from/subject)
- the body (the message)
- the envelope (which is the internal process of sending the e-mail)

Realize, though, this is more than electronic mail. And whether it is a short note or letter, it is mail and a streaming conversation combined and should include:

- **The date** – although the header contains it, this information can be left off when printing or forwarding.
- **The addressee's name and company** – this provides clarity as to the address and saves on guesswork.
- **A signature block** – a complete signature block with your name, company (logo and website address are also beneficial to promote your company), e-mail address, address, fax, and telephone number. A signature block provides your contact information, so the addressee can reach out to you if there is a need or a return e-mail has failed.

Signature blocks can easily be created with "webmail signatures" in your e-mail program and automatically generated when you create or sign off an e-mail.

- **Spell checking and review** – the "double" pause is something to get in the habit of doing before hitting "send."

  Review the e-mail for:
  - Complete sentences
  - Respectfulness
  - Attachments – be sure to mention that and be sure to attach it
  - Do not include slang, swearing, and contractions (that's my personal preference)

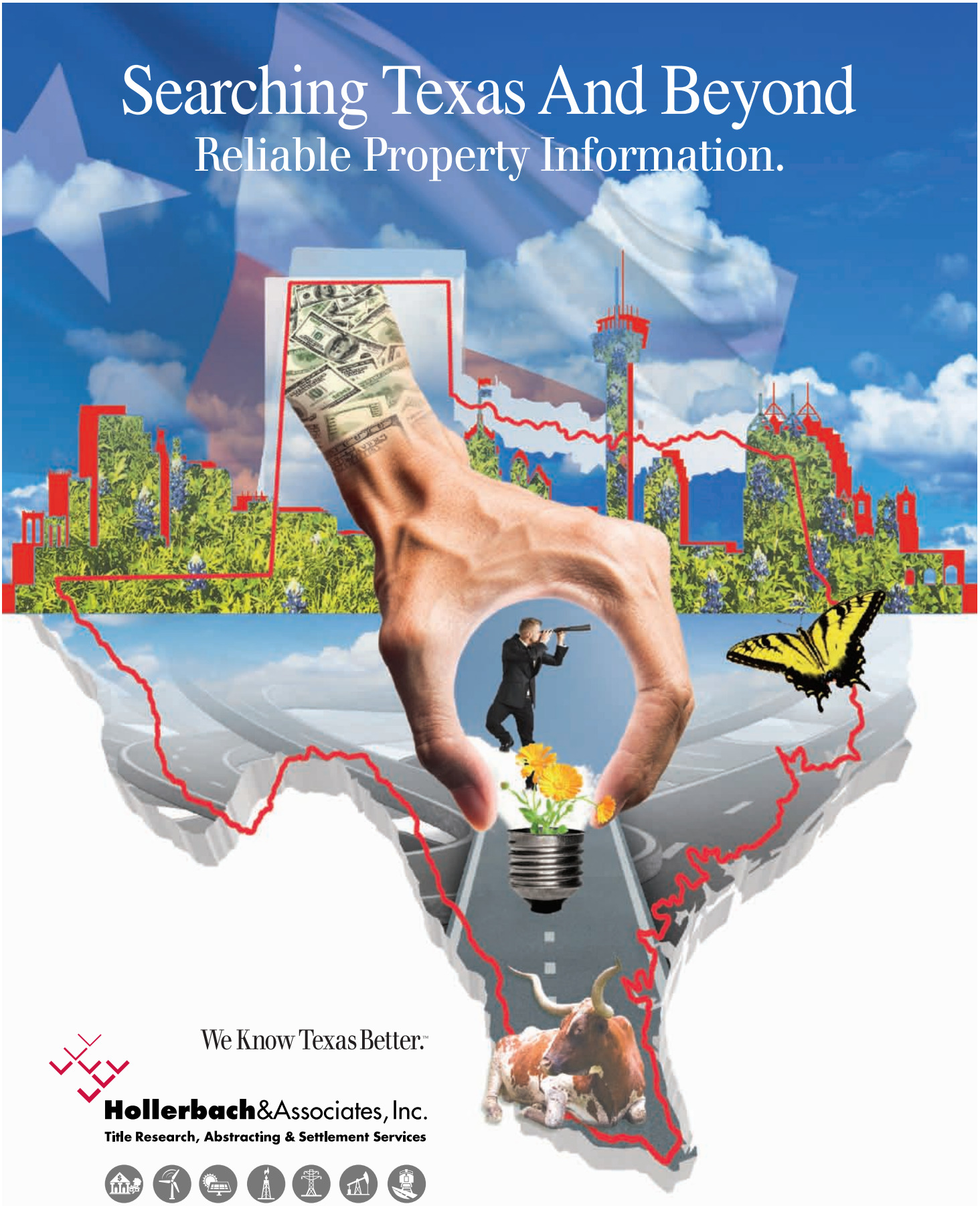
  Most e-mail programs check your spelling upon sending or as you type, but take a double pause and read through it to ensure your thoughts are clear and check those unusual spellings.

- **Copying yourself** – whether you have a preference setting or do have to copy yourself manually, it is always a good idea to copy yourself to see whether your e-mail was sent, and you can see what your recipient sees. (TIP: Do not copy your clients on e-mails to opposing counsel. You will be exposing your client's e-mail, and they do not need to be included in the electronic "conversation.")

These are simple habits that will give you a professional appearance and tone. Sending professional e-mails are important and large parts of expeditiously conducting business these days and may serve as an as an electronic paper trail for your file.

Membership Benefit

The Paralegal Division's Mentor/Protégé program is available to all members of the PD. If you are a student member, by all means, grab this one! You will be paired with an experienced paralegal who can provide guidance on professionalism, ethics, and the everyday ins and outs of what this career called "paralegal" is all about. For paralegals who are changing direction into a different area of law, you need to check this out too. If you've been immersed in real estate and oil & gas for years, but now you need to figure out how to work with federal class action cases, by all means, ask for a mentor. Contact Mona Tucker, ACP, Membership Chair, membership@txpd.org.



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Protecting Your Data in 2021

By Mitchell Byrum, CFP

As if we needed more negative news in 2020, recent FireEye and SolarWinds cybersecurity attacks targeting the U.S. government and Fortune 500 companies are garnering significant media attention. However, there is some good news. Following the firm's internal investigation, the Raymond James Cyber Threat Center (CTC) determined that Raymond James data and systems have not been impacted by this attack. However, we encourage you to take the following precautions to ensure the protection of your personal information with other U.S. entities and government agencies.

What should you do next?

While Raymond James and other financial firms employ the most up-to-date safeguards to protect account information and other important personal information, there are many ways for you to help keep information secure:

1. Create strong passwords with a combination of letters, numbers, and symbols.
2. Protect passwords, PINs, and answers to any security questions.
3. Physically secure laptops and mobile devices always.
4. Do not click on unknown links or open suspicious attachments.
5. Do not use public computers for sensitive information.
6. Be cautious of unknown flash drives.
7. Be careful what information you share on social media.
8. Keep all software up to date.
9. When shopping online, choose https sites.
10. Do not access sensitive information when using public wireless networks, such as at a coffee shop or airport. When possible, use a mobile hotspot or VPN.
11. Ensure all your PCs use antivirus software. Do not fall victim to "your computer is infected" messages
12. Check your financial accounts regularly to ensure no unauthorized activity is taking place. Contact your credit card company or financial account institution immediately if you notice anything suspicious.
12. Enable two-factor authentication on financial and other accounts.
13. Do not give out vital information over the phone, by email or through in-person requests. Type in the URL of the site you want rather than clicking a link provided in an email.
14. Monitor email, social media, and online financial accounts for unauthorized changes. If you receive an email that changes have been made to one of your accounts (e.g., new contact details, new addresses, etc.) that you did not authorize, follow the instructions provided by your service provider to protect your accounts.
15. If you become aware that your identity has been compromised, contact us so we can flag your accounts at Raymond James. We would also recommend you contact your other financial institutions as well.

How does Raymond James protect information?

Raymond James' systems are monitored 24 hours a day, 365 days a year, for signs of tampering or unauthorized activity. Raymond James employs the use of encryption, virtual private networks, penetration/vulnerability testing, and the latest firewall and antivirus technology to keep information safe.

Raymond James' information technology professionals constantly research and develop enhancements to keep us at the vanguard of data security. A team of independent auditors reviews the firm's technological systems quarterly. This combination of technological and human defenses enables Raymond James to protect against and mitigate the effect of cyber-attacks.

If you ever have any questions about how your data is protected or about anything else at all, please do not hesitate to reach out to us. We hope you and your families stay healthy, enjoy this holiday season, and have a Merry Christmas.

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Hot "Cites"

Legislative Update"666 Bills on the Wall, 666 Bundles of Bills..."

Texas 87th Legislature - Legislative Summary - Regular Session

by Megan Goor, TBLS-BCP

The Texas Legislature passed 666 bills during the regular session.

Included are:

House Bill 9 enhances the criminal penalty to a state jail felony offense for anyone who knowingly blocks an emergency vehicle or obstructs access to a hospital or health care facility.

House Bill 103 creates an Active Shooter Alert System in Texas.

House Bill 365 creates civil liability protections for farmers and ranchers.

House Bill 547 allows home-schooled students to participate in UIL activities.

House Bill 957 repeals the criminal offense of possessing, manufacturing, transporting, or repairing a firearm silencer. It also ensures that any firearm suppressor manufactured in Texas, and that remains in Texas, will not be subject to federal law or federal regulation.

House Bill 1280 will outlaw abortion in Texas after Roe v. Wade is overturned.

House Bill 1500 prevents any government entity from prohibiting the sale or transportation of firearms or ammunition during a declared disaster or emergency.

House Bill 1900 penalizes cities that defund their police departments. The law freezes property tax revenues for cities with a population over 250,000 that defund the police. Under this law, cities that defund the police will lose their annexation powers for 10 years and any area annexed by a defunding city in the past 30 years can vote to dis-annex from the city. It also allows the State of Texas to withhold sales taxes collected by a defunding city and give it to the Texas Department of Public Safety to pay for the cost of state resources used to protect residents of a defunded municipality.

House Bill 1925 prohibits camping in public spaces.

House Bill 1927 authorizes Constitutional Carry in Texas, meaning law-abiding Texans can legally carry a handgun without a license to carry.

House Bill 2366 enhances criminal penalties for the use of laser pointers and creates an offense for the use of fireworks to harm or obstruct the police.

House Bill 2622 makes Texas a Second Amendment Sanctuary State by protecting Texans from new federal gun control regulations.

House Bill 3257 creates the Texas Holocaust, Genocide, and Antisemitism Advisory Commission.

House Bill 3712 provides increased training and transparency during the hiring process for peace officers.

Senate Bill 8 ("The Heartbeat Bill") bans abortion the moment a baby's heartbeat is detected in the womb.

Senate Bill 13 prohibits state contracts and investments with companies that boycott energy companies.

Senate Bill 19 prohibits any governmental entity from contracting with any business that discriminates against firearm and ammunition businesses or organizations.

Senate Bill 20 allows guests to store firearms in their hotel rooms.

Senate Bill 23 requires voter approval to reduce law enforcement budgets in counties with a population of more than one million. If voter approval is not received, but the county still defunds the police, the county's property tax revenue will be frozen.

Senate Bill 24 requires police departments to review files of applicants before they are hired to ensure officers with a negative history aren›t passed between departments.

Senate Bill 550 removes the shoulder or belt holster requirements, allowing Texans to carry firearms in whatever kind of holster they choose.

Senate Bill 576 creates a felony offense for the smuggling of persons into Texas.

Senate Bill 768 enhances criminal penalties for manufacturing and distributing fentanyl in Texas.

A full list of new laws can be found here. (https://gov.texas.gov/news/post/over-600-new-laws-go-into-effect-today-in-state-of-texas.)

The 87th Legislature (2021) - Effective Dates for Bills

Immediately
2021: July | September | October | December
2022: January | March | June | July | September | October | December
2023: January | April | June | September
2026: January
Other: Other

Immediately

87R List - 329 bills
This link takes you to a listing from the Texas Legislature Online showing information for bills from the 87th regular session effective immediately.

In addition, the following bills have sections which became effective immediately:

HB 988

Relating to ad valorem taxation; creating a criminal offense.
This Act takes effect January 1, 2022, except Sections 1, 2, 4, 14, 18, 20, 21, 23, and 24 take effect immediately.
HB 1525
Relating to the public school finance system and public education.
This Act takes effect September 1, 2021, except Sections 7 and 13 take effect immediately, and Section 14 takes effect September 1, 2023.
HB 2896
Relating to the creation and re-creation of funds and accounts, the dedication and rededication of revenue and allocation of accrued interest on dedicated revenue, and the exemption of unappropriated money from use for general governmental purposes.
This Act takes effect immediately, except Sections 13 and 14 take effect September 1, 2021, and certain exceptions from Section 2 of this Act take effect on the later of August 31, 2021, or the effective date of the Act(s) creating, re-creating, dedicating, or rededicating the accounts, revenues, or funds described in Sections 9, 10, and 11.
SB 475
Relating to state agency and local government information management and security, including establishment of the state risk and authorization management program and the Texas volunteer incident response team; authorizing fees.
This Act takes effect immediately, except Section 10 takes effect September 1, 2021.
SB 1615
Relating to the adult high school charter school program.
This Act takes effect immediately, except Section 15(a) takes effect September 1, 2021, and Section 15(b) takes effect September 1, 2023.

July 1, 2021
SB 1385
Relating to the compensation and professional representation of student athletes participating in intercollegiate athletic programs at certain institutions of higher education.

August 31, 2021
HB 2896
Relating to the creation and re-creation of funds and accounts, the dedication and rededication of revenue and allocation of accrued interest on dedicated revenue, and the exemption of unappropriated money from use for general governmental purposes.

This Act takes effect immediately, except Sections 13 and 14 take effect September 1, 2021, and certain exceptions from Section 2 of this Act take effect on the later of August 31, 2021, or the effective date of the Act(s) creating, re-creating, dedicating, or rededicating the accounts, revenues, or funds described in Sections 9, 10, and 11.

September 1, 2021
List - 666 bills
This link takes you to a listing from the Texas Legislature Online showing information for bills effective September 1, 2021.

In addition, the following bills have sections which became effective on September 1, 2021:

HB 390
Relating to requirements for human trafficking awareness and prevention in commercial lodging establishments; authorizing a civil penalty.
This Act takes effect September 1, 2021, except Section 1 takes effect January 1, 2022.
HB 738
Relating to residential and commercial building requirements of municipalities, counties, and emergency services districts.
This Act takes effect January 1, 2022, except Section 5(b) takes effect September 1, 2021.
HB 766
Relating to the entry into the Texas Crime Information Center of certain information regarding orders imposing a condition of bond in a criminal case involving a violent offense.
This Act takes effect January 1, 2022, except Section 2 takes effect September 1, 2021.
HB 1280
Relating to prohibition of abortion; providing a civil penalty; creating a criminal offense.
This Act takes effect September 1, 2021, except Section 2 takes effect, to the extent permitted, on the 30th day after the issuance of a certain judgment of the United States Supreme Court or the adoption of a certain amendment to the United States Constitution.
HB 1525
Relating to the public school finance system and public education.
This Act takes effect September 1, 2021, except Sections 7 and 13 take effect immediately, and Section 14 takes effect September 1, 2023.
HB 1560
Relating to the continuation and functions of the Texas Department of Licensing and Regulation.
This Act takes effect September 1, 2021, except Sections 5.68(1), (5), (12), and (13) take effect June 1, 2023.
HB 2056
Relating to the practice of dentistry and the provision of teledentistry dental services.
This Act takes effect September 1, 2021, except Sections 27 and 28 take effect January 1, 2022.
HB 2896
Relating to the creation and re-creation of funds and accounts, the dedication and rededication of revenue and allocation of accrued interest on dedicated revenue, and the exemption of unappropriated money from use for general governmental purposes.
This Act takes effect immediately, except Sections 13 and 14 take effect September 1, 2021, and certain exceptions from Section 2 of this Act take effect on the later of August 31, 2021, or the effective date of the Act(s) creating, re-creating, dedicating, or rededicating the accounts, revenues, or funds described in Sections 9, 10, and 11.
HB 3607
Relating to nonsubstantive additions to, revisions of, and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 86th Legislature to other Acts of that legislature.
This Act takes effect September 1, 2021, except Article 9, Part B of this Act takes effect January 1, 2022.
HB 3774
Relating to the operation and administration of and practice and procedure related to proceedings in the judicial branch of state government.
This Act takes effect September 1, 2021,

except Sections 1.01, 1.03, 1.05, and 2.04(a) take effect January 1, 2022; Sections 1.06 and 1.10 take effect September 1, 2022; Sections 1.04, 1.08, 2.05, and 2.11 take effect October 1, 2022; and Sections 1.09, 2.09, and 2.10 take effect January 1, 2023.

HB 4627

Relating to the creation of certain municipal utility districts; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

This Act takes effect September 1, 2021, except Section 4 takes effect March 31, 2022 and Section 7 takes effect on October 1, 2021.

SB 181

Relating to suspension of a driver's license for persons convicted of certain offenses and the educational program required for reinstatement of a license following certain convictions; authorizing a fine.

This Act takes effect September 1, 2021, except Article 1 takes effect on the 91st day after the date the office of the attorney general publishes a certain finding in the Texas Register.

SB 475

Relating to state agency and local government information management and security, including establishment of the state risk and authorization management program and the Texas volunteer incident response team; authorizing fees.

This Act takes effect immediately, except Section 10 takes effect September 1, 2021.

SB 792

Relating to specialty license plates and parking placards for vehicles of certain disabled veterans.

This Act takes effect January 1, 2022, except Section 7 takes effect September 1, 2021.

SB 1132

Relating to the regulation of crafted precious metal dealers; authorizing the change of a fee.

This Act takes effect September 1, 2021, except Section 4 takes effect January 1, 2022.

SB 1232

Relating to the management and investment of the permanent school fund, including authorizing the creation of the Texas Permanent School Fund Corporation to manage and invest the fund and limiting the authority of the School Land Board to manage and invest the fund if the corporation is created.

This Act takes effect September 1, 2021, except Article 2 takes effect December 31, 2022, but only if the State Board of Education incorporates the Texas Permanent School Fund Corporation under Subchapter B, Chapter 43, Education Code, as added by this Act, on or before that date. If the State Board of Education does not incorporate the Texas Permanent School Fund Corporation on or before December 31, 2022, Article 2 has no effect.

SB 1588

Relating to the powers and duties of certain property owners' associations.

This Act takes effect September 1, 2021, except Section 209.004(b-1), Property Code, as added by this Act, takes effect December 1, 2021.

SB 1615

Relating to the adult high school charter school program.

This Act takes effect immediately, except Section 15(a) takes effect September 1, 2021, and Section 15(b) takes effect September 1, 2023.

October 1, 2021

HB 3799

Relating to the exemption from sales and use taxes for items sold by a nonprofit organization at a county fair.

HB 4627

Relating to the creation of certain municipal utility districts; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

This Act takes effect September 1, 2021, except Section 4 takes effect March 31, 2022 and Section 7 takes effect on October 1, 2021.

SB 153

Relating to the exclusion of certain payment processing services from the definition of "data processing service" for purposes of sales and use taxes.

SB 197

Relating to a sales and use tax exemption for animals adopted from or sold by nonprofit animal welfare organizations.

SB 477

Relating to the administration and collection of sales and use taxes and certain fees applicable to sales involving marketplace providers.

This Act takes effect October 1, 2021, except Sections 1-3 take effect July 1, 2022.

December 1, 2021

HB 3012

Relating to charitable raffles conducted by the professional sports teams charitable foundations of organizations sanctioned by certain professional associations at rodeo venues.

This Act takes effect December 1, 2021, but only if HJR 143 is approved by the voters.

SB 1588

Relating to the powers and duties of certain property owners' associations.

This Act takes effect September 1, 2021, except Section 209.004(b-1), Property Code, as added by this Act, takes effect December 1, 2021.

January 1, 2022

List - 23 bills

This link takes you to a listing from the Texas Legislature Online showing information for bills effective on January 1, 2022.

The following bills have sections which go into effect on January 1, 2022:

HB 390

Relating to requirements for human trafficking awareness and prevention in commercial lodging establishments; authorizing a civil penalty.

This Act takes effect September 1, 2021, except Section 1 takes effect January 1, 2022.

HB 738

Relating to residential and commercial building requirements of municipalities, counties, and emergency services districts.

This Act takes effect January 1, 2022, except Section 5(b) takes effect September 1, 2021.

HB 766

Relating to the entry into the Texas Crime Information Center of certain information regarding orders imposing a condition of bond in a criminal case involving a violent offense.

This Act takes effect January 1, 2022, except Section 2 takes effect September 1, 2021.

HB 988

Relating to ad valorem taxation; creating a

criminal offense.
This Act takes effect January 1, 2022, except Sections 1, 2, 4, 14, 18, 20, 21, 23, and 24 take effect immediately.
HB 2056
Relating to the practice of dentistry and the provision of teledentistry dental services.
This Act takes effect September 1, 2021, except Sections 27 and 28 take effect January 1, 2022.
HB 3607
Relating to nonsubstantive additions to, revisions of, and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 86th Legislature to other Acts of that legislature.
This Act takes effect September 1, 2021, except Article 9, Part B of this Act takes effect January 1, 2022.
HB 3774
Relating to the operation and administration of and practice and procedure related to proceedings in the judicial branch of state government.
This Act takes effect September 1, 2021, except Sections 1.01, 1.03, 1.05, and 2.04(a) take effect January 1, 2022; Sections 1.06 and 1.10 take effect September 1, 2022; Sections 1.04, 1.08, 2.05, and 2.11 take effect October 1, 2022; and Sections 1.09, 2.09, and 2.10 take effect January 1, 2023.
SB 611
Relating to an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty and to late applications for exemptions from such taxation for disabled members.
This Act takes effect January 1, 2022, except Sections 1 and 2 only take effect if SJR 35 is approved by the voters.
SB 792
Relating to specialty license plates and parking placards for vehicles of certain disabled veterans.
This Act takes effect January 1, 2022, except Section 7 takes effect September 1, 2021.
SB 938
Relating to an exemption from the franchise tax and certain filing fees for certain businesses owned by veterans during an initial period of operation in the state.
This Act takes effect January 1, 2022, except Sections 3, 7, and 9 take effect January 1, 2026.
SB 1132
Relating to the regulation of crafted precious metal dealers; authorizing the change of a fee.
This Act takes effect September 1, 2021, except Section 4 takes effect January 1, 2022.

March 1, 2022
SB 876
Relating to the county in which a person may apply for the registration of and title for a motor vehicle.

March 31, 2022
HB 4627
Relating to the creation of certain municipal utility districts; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
This Act takes effect September 1, 2021, except Section 4 takes effect March 31, 2022 and Section 7 takes effect on October 1, 2021.

June 1, 2022
SB 1523
Relating to registered and protected series of domestic limited liability companies; authorizing fees.

July 1, 2022
SB 477
Relating to the administration and collection of sales and use taxes and certain fees applicable to sales involving marketplace providers.
This Act takes effect October 1, 2021, except Sections 1-3 take effect July 1, 2022.

September 1, 2022
HB 1252
Relating to the limitation period for filing a complaint and requesting a special education impartial due process hearing.
HB 3774
Relating to the operation and administration of and practice and procedure related to proceedings in the judicial branch of state government.
This Act takes effect September 1, 2021, except Sections 1.01, 1.03, 1.05, and 2.04(a) take effect January 1, 2022; Sections 1.06 and 1.10 take effect September 1, 2022; Sections 1.04, 1.08, 2.05, and 2.11 take effect October 1, 2022; and Sections 1.09, 2.09, and 2.10 take effect January 1, 2023.
HB 4344
Relating to a complaint filed with the State Commission on Judicial Conduct.
SB 1921
Relating to Medicaid reimbursement for the provision of certain behavioral health and physical health services.

October 1, 2022
HB 3774
Relating to the operation and administration of and practice and procedure related to proceedings in the judicial branch of state government.
This Act takes effect September 1, 2021 except Sections 24.129(b), 24.66022, 24.60030, 25.0632(b and c), and 24.60026, Government Code, as added or amended by this Act, take effect January 1, 2022; Sections 24.60028 and 24.60099, Government Code as added by this Act take effect September 1, 2022; Sections 24.60025, 24.120(b), 24.60097,25.1331, 25.1332, and 25.2481, Government Code, as added or amended by this Act, take effect October 1, 2022; and Sections 24.60098, 25.2071(a), 25.2072, and 25.223(l), Government Code, as added or amended by this Act, take effect January 1, 2023.

December 31, 2022
SB 1232
Relating to the management and investment of the permanent school fund, including authorizing the creation of the Texas Permanent School Fund Corporation to manage and invest the fund and limiting the authority of the School Land Board to manage and invest the fund if the corporation is created.
This Act takes effect September 1, 2021, except Article 2 takes effect December 31, 2022, but only if the State Board of Education incorporates the Texas Permanent School Fund Corporation under Subchapter B, Chapter 43, Education Code, as added by this Act, on or before that date. If the State Board of Education does not incorporate the Texas Permanent School Fund Corporation on

or before December 31, 2022, Article 2 has no effect.

January 1, 2023

HB 3774

Relating to the operation and administration of and practice and procedure related to proceedings in the judicial branch of state government.

This Act takes effect September 1, 2021 except Sections 24.129(b), 24.66022, 24.60030, 25.0632(b and c), and 24.60026, Government Code, as added or amended by this Act, take effect January 1, 2022; Sections 24.60028 and 24.60099, Government Code as added by this Act take effect September 1, 2022; Sections 24.60025, 24.120(b), 24.60097,25.1331, 25.1332, and 25.2481, Government Code, as added or amended by this Act, take effect October 1, 2022; and Sections 24.60098, 25.2071(a), 25.2072, and 25.223(l), Government Code, as added or amended by this Act, take effect January 1, 2023.

SB 1210

Relating to substitutes for hydrofluorocarbon refrigerants applicable to commercial or residential buildings or construction.

April 1, 2023

HB 3530

Relating to the nonsubstantive revision of certain local laws concerning water and wastewater special districts, including a conforming amendment.

June 1, 2023

HB 1560

Relating to the continuation and functions of the Texas Department of Licensing and Regulation.

This Act takes effect September 1, 2021, except Sections 5.68(1), (5), (12), and (13) take effect June 1, 2023.

September 1, 2023

HB 1322

Relating to a summary of a rule proposed by a state agency.

HB 1525

Relating to the public school finance system and public education.

This Act takes effect September 1, 2021, except Sections 7 and 13 take effect immediately, and Section 14 takes effect September 1, 2023.

SB 1615

Relating to the adult high school charter school program.

This Act takes effect immediately, except Section 15(a) takes effect September 1, 2021, and Section 15(b) takes effect September 1, 2023.

January 1, 2026

SB 938

Relating to an exemption from the franchise tax and certain filing fees for certain businesses owned by veterans during an initial period of operation in the state.

This Act takes effect January 1, 2022, except Sections 3, 7, and 9 take effect January 1, 2026.

Other dates

HB 1280

Relating to prohibition of abortion; providing a civil penalty; creating a criminal offense.

This Act takes effect September 1, 2021, except Section 2 takes effect, to the extent permitted, on the 30th day after the issuance of a certain judgment of the United States Supreme Court or the adoption of a certain amendment to the United States Constitution.

HB 2896

Relating to the creation and re-creation of funds and accounts, the dedication and rededication of revenue and allocation of accrued interest on dedicated revenue, and the exemption of unappropriated money from use for general governmental purposes.

This Act takes effect immediately, except Sections 13 and 14 take effect September 1, 2021, and certain exceptions from Section 2 of this Act take effect on the later of August 31, 2021, or the effective date of the Act(s) creating, re-creating, dedicating, or rededicating the accounts, revenues, or funds described in Sections 9, 10, and 11.

SB 181

Relating to suspension of a driver's license for persons convicted of certain offenses and the educational program required for reinstatement of a license following certain convictions; authorizing a fine.

This Act takes effect September 1, 2021, except Article 1 takes effect on the 91st day after the date the office of the attorney general publishes a certain finding in the Texas Register. **(https://lrl.texas.gov/sessions/effDates/billsEffective87.cfm)**

The Texas 87th Legislature ended its Second Special Session on September 3rd with a Third Special Session to convene on September 20th. For the latest updates, go to: https://capitol.texas.gov/Home.aspx.

MEMBERSHIP RENEWAL SPOT AUDIT MISSION

It is that time again for the Membership Renewal CLE Spot Audit. As one of your benefits, we have a convenient portal for members to enter and manage their CLE, but it is also necessary for you to keep those certificates for your CLEs in support of the hours you have claimed for membership renewal. There have been several *TPJ* articles over the years about tips if you receive an audit request and the Chair sends a detailed notice what to do if you audited.

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

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

Scruples

The Ethics of Pronouns in Legal Writing

Language is constantly changing. New words are created, old words take on new meanings, and even grammar evolves. Legal writing is often slow to change. Most of us still have at least a few forms with outdated terms such as "comes now," "aforementioned," and "witnesseth."

One change that we all need to make immediately is to remove gendered pronouns from our writing. Gone are the days when using "he" or "him" was the appropriate default pronoun. Legal writing should not only avoid legalese, it should also be inclusive.

Most sentences can be rewritten to avoid gendered pronouns, as described in the examples below.

- Original
  If a paralegal becomes aware of a client who is copying content without permission, he should bring that information to the attention of his supervising attorney.

- Repeat the Noun
  If a paralegal becomes aware of a client who is copying content without permission, the paralegal should bring that information to the attention of the paralegal's supervising attorney.

- Make the Noun Plural
  When paralegals become aware of a client who is copying content without permission, they should bring that information to the attention of their supervising attorneys.

- Drop the Pronoun
  If a paralegal becomes aware of a client who is copying content without permission, the information should be brought to the attention of the supervising attorney.

- Use "Who"
  Paralegals who become aware of a client who is copying content without permission should notify their supervising attorneys.

- Rewrite the Sentence
  If a client is copying content without permission, the paralegal should bring that information to the attention of the supervising attorney.

The use of "he/she" or even "he/she/they" has always been awkward and should be avoided. Further, using a slash to list two or more pronoun options may give the impression that the writer is not willing to make the effort to rewrite the sentence.

The use of "they" as a singular pronoun is common in speech but is often viewed as grammatically incorrect in legal writing. Although it is gaining wider acceptance, it is probably best to avoid using "they" as a singular pronoun unless it is the preferred pronoun of the person to whom the document is referring.

At least one state has issued an ethics opinion regarding gendered pronouns. A judge wanted to require a singular pronoun be used for a singular person in the judge's court, even if an attorney or party had advised the court that their preferred gender pronoun is "they." The judge's concern was that using a plural pronoun to refer to a single person could create confusion in the record. In its opinion, the New York Advisory Committee on Judicial Ethics stated the judge may not require the use of "he" or "she" when someone has advised the court that "they" is their preferred pronoun. (N.Y. Adv. Comm. on Jud. Ethics, Op. 21-09 (2021))

In addition to removing gendered pronouns from legal documents, paralegals should strive to remove gendered pronouns and other gendered terms from speech and other types of writing. Many companies, including law firms, encourage their employees to include their preferred pronouns in their email signature, and are updating HR materials with gender neutral language. The terms "spouse" and "partner" are preferred by many to "husband" and "wife," even by those who otherwise use gendered pronouns. There are also numerous gendered terms used in the workplace that should be changed to gender neutral terms such as "work hours" instead of "man hours" and "crewed" instead of "manned." If planning an event, ask registrants for their preferred pronouns and include that information on each registrant's nametag.

Although it takes thought and effort to make these changes, paralegals must keep up with the evolution of language and writing, especially legal writing. It is significant not only to the people about whom we are writing, but often has far-reaching effects.

Ellen Lockwood, ACP, RP, (she/her/hers) 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.*

BOARD OF DIRECTORS

Quarterly Board Meeting Summary

Submitted by President-Elect, Lisa Pittman
president-elect@txpd.org

The Outgoing Board of Directors and Incoming Board of Directors met on Friday, June 25, 2021 and Saturday, June 26, 2021 in Austin, Texas. Thank you for your service to the 2020–2021 Board of Directors and Executive Committee:

After the out-going meeting was the annual meeting and installation of officers, including the passing of the gavel from Immediate President Edna Garza-Guerra to Incoming President Susi Boss.

Thank you to our 2020–2021 Board of Directors and PD Coordinator

President – Edna Garza-Guerra, TBLS-BCP
President-Elect – Susi Boss
District 1 – Kim Goldberg, TBLS-BCP
District 2 and Treasurer – Eugene Alcala
District 3 – Wayne Baker, Jr., RP
District 4 and Secretary – Alice Lineberry, PLS, CP
District 5 – Pearl Garza
District 7 – Erica Anderson, ACP
District 10 and Parliamentarian – Shannon Shaw
District 11 – Janet McDaniel, CP
District 12 – Lisa Pittman
District 14 – Shannon Happney, CP, TBLS-BCP
District 15 – Martha Ramirez, TBLS-BCP
District 16 – Rebecca Lopez

Paralegal Division Coordinator
Rhonda Brashears, CP, TBLS-BCP

President Boss shared her plans and goals for 2021–2022. Susi's vision for this year is "***Paralegal Presence***" to encourage paralegals to be active in the legal community and the Paralegal Division. She welcomes hearing from the members about suggestions, comments and recommendations to bring to the Board.

The Board of Directors and Committee Chairs are hard at work for you. Please reach out to them if you have any questions or are interested in learning more about how to serve on a committee or to volunteer. Their contact information is on the website for the Executive Committee and the District Directors.

Here are some points of interest from the Board Meeting:

- **40th Anniversary** – The 40th Anniversary for the Paralegal Division will be celebrated at the 2021 TAPS in San Antonio, Texas, September 24th & 25th. This will be a very special event, so be sure to plan to attend TAPS!
- The State Bar of Texas was the first bar association in the United States to create (and recognize) a separate division for paralegals! The Paralegal Division of the State Bar of Texas was created on October 23, 1981.
- **CLE Forms** – Be sure to **KEEP YOUR CLE** certificates of attendance so that if you are chosen for the membership renewal spot audit, you will be prepared! It is recommended that you keep your CLE certificates of attendance for two years. You will want to keep your CLE records updated on the PD website.
- **Membership** – Encourage your fellow paralegals that are not members of the PD to join. And don't forget to renew your membership to continue enjoying all the member benefits available.
- **Paralegal Pulse and TPJ** – The Paralegal Pulse is emailed out monthly and the TPJ is emailed on a quarterly basis. Please open and read them as there is so much information contained in both. And remember to check out the Paralegal Pulse for what is happening in your District and across the state.

Membership Benefit

The Paralegal Division's Mentor/Protégé program is available to all members of the PD. If you are a student member, by all means, grab this one! You will be paired with an experienced paralegal who can provide guidance on professionalism, ethics, and the everyday ins and outs of what this career called "paralegal" is all about. For paralegals who are changing direction into a different area of law, you need to check this out too. If you've been immersed in real estate and oil & gas for years, but now you need to figure out how to work with federal class action cases, by all means, ask for a mentor.

The Paralegal Division Wishes Paralegal Candidates Taking the Texas Board of Legal Specialization Exam on November 13th Best of Luck on Your Exam!

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)

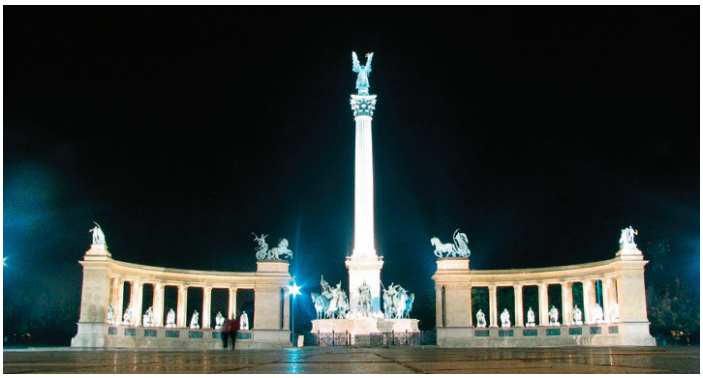
TUE, April 19, 2022 (Budapest) – Depart Slovakia this morning and continue your journey to Hungary. Today's destination is Budapest, also known as the Pearl of the Danube. This evening enjoy a cruise on the Danube. (B,D)

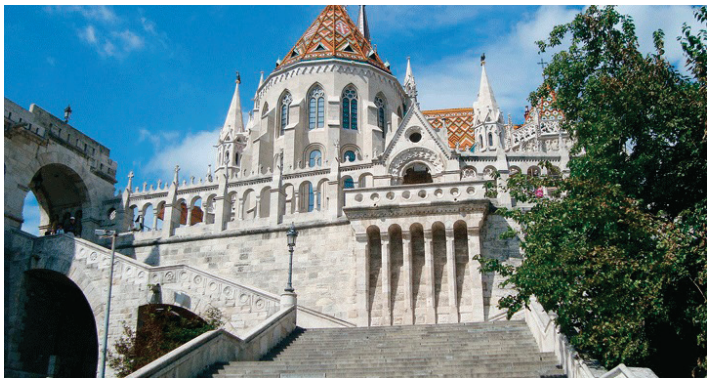
WED, April 20, 2022 (Budapest) – Meet your local guide for a sightseeing tour of Budapest where you'll learn about the amazing 1,000-year history of this city, split in half by the Danube River–the Buda district on one side and the Pest district on the other (hence the city's name!). See Heroes' Square, 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.

ET *al*

MEET YOUR 2021–2022 PARALEGAL DIVISION BOARD OF DIRECTORS, COMMITTEE CHAIRS, AND STATE BAR REPRESENTATIVES

President: Susi Boss

President-Elect: Lisa Pittman

DIRECTORS

District 1: Kim Goldberg, TBLS-BCP

District 2: Eugena Alcala (Treasurer)

District 3: Wayne Baker, RP

District 4: Alice Lineberry, PLS, CP (Secretary)

District 5: Pearl Garza

District 7: Erica Anderson, ACP

District 10: Shannon Shaw (Parliamentarian)

District 11: Stacey Marquez

District 12: Pamela Snavely, ACP

District 14: Shannon Happney, CP, TBLS-BCP

District 15: Georgina Guzman

District 16: Rebecca Lopez

Paralegal Division Coordinator, Rhonda Brashears, CP, TBLS-BCP

COMMITTEES

Immediate Past President/Historian
Edna Garza-Guerra, TBLS-BCP

Annual Meeting Committee
Chair: Susi Boss (President)

Continuing Education Committee
Chair District CLE: Rocio Mayes
Board Advisor: Alice Lineberry, PLS, CP, District 4

Chair Online CLE: Amy Rainwater, TBLS-BCP, PHP
Board Advisor: Shannon Happney, CP, TBLS-BCP, District 14

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: Lindy Duffney
Board Advisor: Wayne Baker, RP, District 3

Professional Ethics Committee
Chair: Ellen Lockwood, ACP, RP®
Board Advisor: Eugene Alcala, District 2

Public Relations Committee
Chair: Kerri Alexander
Board Advisor: Erica Anderson, ACP, District 7

Publications Committee
Chair: Megan Goor, TBLS-BCP
Board Advisor: Kim Goldberg, TBLS-BCP, District 1

TPJ Editor
Megan Goor, TBLS-BCP

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

Procedures Manual Committee
Chair: Lisa Pittman (President-Elect)

AD-HOC COMMITTEES

40th Anniversary Ad-Hoc Committee
Chair: Javan Johnson, ACP, TBLS-BCP
Board Advisor: Shannon Happney, CP, TBLS-BCP, District 14

Ambassador Ad Hoc Committee
Chair: Stephanie Sterling, TBLS-BCP
Board Advisor: Georgina Guzman, District 15
Ambassador: Erica Anderson, ACP
Ambassador: Michele Boerder, CP, TBLS-BCP
Ambassador: Rhonda J. Brashears, CP, TBLS-BCP
Ambassador: Clara Buckland, CP
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: Jay Williams, TBLS-BCP
Board Advisor: Pearl Garza, District 5

Ethics Handbook Ad Hoc Committee
Chair: Ellen Lockwood, ACP, RP®
Board Advisor: Stacey Marquez, District 11

Leadership Development Ad Hoc Committee
Chair: Susan Wilen, RN
Board Advisor: Lisa Pittman

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

Membership Criteria - E-Group Compliance Ad Hoc Committee
Chair: Megan Goor, TBLS-BCP
Board Advisor: Erica Anderson, ACP, District 7

Mentor Program Ad Hoc Committee
Chair: Jennifer Barnes, CP
Board Advisor: Alice Lineberry, PLS, CP, District 4

Paralegal Pulse-E-Newsletter
Chair: Javan Johnson, ACP, TBLS-BCP
Board Advisor: Pam Snavely, ACP, District 12

Pro Bono Ad Hoc Committee
Chair: Heather Ulliman
Board Advisor: Kim Goldberg, TBLS-BCP, District 1

Standing Rules and Bylaws Ad Hoc Committee
Chair - Shannon Shaw (Parliamentarian)

Student Liaison - Appointment
Chair - Elaine Simmons, CP
Board Advisor: Eugene Alcala, District 2

Sustaining Member/Vendor Liaison
Chair: Susy Johnson, TBLS-BCP
Board Advisor: Shannon Shaw, District 10

TBLS Helpful Hints Ad Hoc Committee
Chair: Javan Johnson, ACP, TBLS-BCP
Board Advisor: Wayne Baker, RP, District 3

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: Pamela Snavely, ACP, District 12

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

The Senate of The State of Texas

SENATE PROCLAMATION NO. 1144

WHEREAS, The Senate of the State of Texas is pleased to honor paralegals in Austin and across the state and recognize October 23 as Texas Paralegal Day; and

WHEREAS, Paralegals are vital resources in law firms, governmental entities, and private corporations and businesses; they perform valuable services for and under the direction of an attorney, and their work requires a thorough knowledge of legal concepts and facts; and

WHEREAS, October 23 marks the anniversary of the founding of the Paralegal Division of the State Bar of Texas; the division was established to promote high standards of conduct, professional ethics, and responsibility through continuing legal education and cooperation with the State Bar of Texas; and

WHEREAS, The goals of the Paralegal Division are to achieve more economical and improved legal services throughout the state, to focus on benefits for its members and the paralegal profession, and to develop opportunities, incentives, and recognition for legal education; and

WHEREAS, Through their exceptional talents and expertise, paralegals provide valuable services that contribute significantly to the efficient functioning of the judicial system in the Lone Star State, and they are indeed worthy of special recognition; now, therefore, be it

PROCLAIMED, That the Senate of the State of Texas hereby commend the paralegals of this state for their important services and recognize October 23 as Texas Paralegal Day; and, be it further

PROCLAIMED, That a copy of this Proclamation be prepared as an expression of high regard from the Texas Senate.

Watson

Member, Texas Senate

I hereby certify that the above Proclamation was adopted.

Secretary of the Senate

TEXAS PARALEGAL DAY CELEBRATIONS

October 23rd has been proclaimed Texas Paralegal Day. Here are some of the Texas Paralegal Day celebrations across the state:

District 3 - Speaker Vic Feazell - Ethics and Criminal Law topic related to Henry Lee Lucas murder trials, TBD, on October 22nd.

District 4 - Joint virtual event with Dallas Area Paralegal Association (DAPA) on October 20th.

District 5 - Joint luncheon with San Antonio Paralegal Association (SAPA) on October 22nd.

District 10 - Paralegal Day Social at Del Frisco's Grille at Hughes Landing on October 21st.

District 11 - Court Observance/Paralegal Day, Midland Country Club on October 14th.

District 12 - Joint mixer with Denton County Paralegal Association (DCPA) at Eastside in Denton on October 21st.

Unsure about your district? Go to https://txpd.org/wp-content/uploads/2020/02/district-map.pdf

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

NEWS AROUND THE DIVISION

30 YEARS OF DCPA!

By Pamela Snavely, ACP, District 12 Director

In 1991, a handful of local paralegals launched the *Greater Denton Legal Assistants Association* to promote the professional development of paralegals in the Denton area. Marge McAuliffe, Melinda Cobb, Gloria Porter, Michelle Beecher, Christine Piott, and Carolyn Ganzer were among the original charter members whose united effort brought about the GDLAA. This group had a clear idea of what the volunteer non-profit association should be: a community of professionals offering support to one another and establishing an educational basis.

Blueprint for Excellence

The founding members talked with numerous paralegals and attorneys regarding their interest, commitment, advocacy, and expectations, to develop plans specific to the Denton legal community. They had benefit of the example set ten years prior by the Legal Assistants Division of the State Bar of Texas, distinguished as the first such division created by any State Bar Association in the country. Marge served as District 12 Director for the PD in '89-'90, and obtained valuable insight into the procedures, processes, and benefits of that system.

The charter group met in the Lawyers Building on the square to determine the rules members would follow and to outline its structure in the Bylaws, such as membership criteria, duties of officers, election process, and committee functions. Standing Rules were developed for administration of day to day operations and activities. The charter group rallied support from Denton attorneys who volunteered their time and expertise to speak at legal seminars, and assembled partners in the community to promote the paralegal profession.

Membership & Meetings

Once the association was officially established, officers were elected, committees were formed, and membership numbers gradually increased. Membership benefits included substantive legal education, networking with fellow paralegals, establishing connections within the legal field, and building relationships within the community. When membership numbers grew from a handful to a roomful, a dedicated meeting place became necessary to ensure adequate space and continuity. After trying several different sites in Denton, the monthly membership meeting was relocated to Oakmont Country Club in Corinth. Oakmont offered a private meeting room, audio/visual equipment for presentations, and equal access to paralegals working outside the city limits in the burgeoning area south of Denton.

Lending a Helping Hand

Community outreach has been a central theme of the association, with fundraisers held to assist the non-profit agencies that DCPA supports. The association shared its proceeds from silent auctions, cookie gram sales, and bingo night earnings with the Denton County Children's Advocacy Center and Denton County Friends of the Family on many occasions. DCPA members have also had a positive impact on the community through participation in food drives, school supply collections, holiday toy drives, provision of legal skills to assist the Denton County Bar Association's Wills for Heroes program, and a project to provide hand-made blankets for children sheltered at Friends of the Family.

Keeping Their Edge

In 2005, the State Bar officially recognized the legal assistant as a paralegal, and the association changed its name to the *Denton County Paralegal Association.* In mid-2005, they began to offer continuing legal education at various monthly membership meetings during the course of the year. An annual seminar was also added to assist members in obtaining the CLE hours necessary to maintain active membership in the association. An educational scholarship was added to membership benefits to help offset expenses for paralegals seeking certification credentials. In 2007, the association participated in the Texas Alliance of Paralegal Associations (TAPA) leadership conference to exchange ideas regarding the development of the paralegal profession, which has continued annually.

The newsletter that began circulation as a simple handout was transformed by

CORRECTION

There was an omission of a Paralegal Division member in the *Summer 2021 Edition,* page 31, listing the 2020 Texas Board of Legal Specialization paralegals - Family Law:

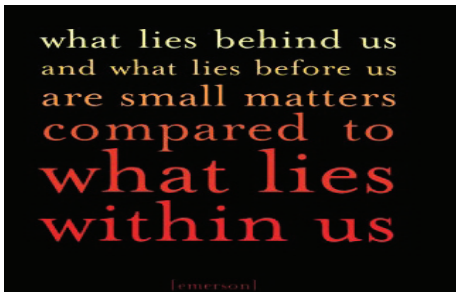
Family Law
Holly Keen, Denton (District 12)
Holly Keen is with the law firm Coker, Robb & Cannon, Denton, Texas.

desktop publishing, graphics, and the utilization of email communications. In 2008, the association realized the dream of launching its own website, designed and maintained by an outside professional. By 2014, upgraded software provided DCPA officers with the ability to become their own designers and administrators of the website, and also allowed members to keep their own personal information updated. Online membership renewals were available for the first time in 2016, which greatly streamlined the renewal process. In addition to the website, DCPA promoted visibility through its Facebook Page, Twitter Account, and LinkedIn Group Page.

In 2020, the Covid-19 pandemic changed the landscape regarding workplaces, businesses, and personal attendance to support the association's activities. The challenges faced were met with creative solutions through the use of technology. DCPA sustained the ability to conduct business by meeting remotely, offered online CLE for members, and maintained connections through email communications, newsletters, and videoconferencing.

Leadership Opportunities

Qualified members received encouragement to run for office to provide different skill sets, experience, and perspective to the Executive Board each election. Volunteers were supported to



serve as Committee Chairs in their area of interest and rotate positions among members to bring new energy and ideas to programs. Since its inception, the associations' Bylaws and Standing Rules have been updated every several years as needed to keep up with changing times, membership growth, technological advancements, community needs, and educational resources requisite to the paralegal profession. Active members can vote on any changes that may be recommended by an Ad Hoc Committee after thorough review and discussion. Voting members have always had a voice in making changes that allow the organization to advance and maintain relevance in the dynamic legal arena.

Maintaining Values

While some things may have changed over the years, there are those that remain constant. DCPA maintains adoption of the State Bar Paralegal Division's Code of Ethics and Professional Responsibility as a guideline for professional conduct. The charter members' vision to establish a local association to promote the professional objectives and goals of paralegals in Denton County, Texas still holds strong. The mission to encourage, promote, and conduct programs of continuing legal education and professional development continues to be of paramount importance. The commitment to promote high standards of integrity and professionalism for paralegals is as relevant today as it was over thirty years ago.

Pioneers & Progress

The founding members that developed the *Denton County Paralegal Association* set the cornerstone and are commended for their initiative and vision. Those who followed in their footsteps are lauded for their accomplishments in building upon that foundation, and helping shape the structure that stands today. Many thanks are extended to all those who contributed to the development of the association and were a significant part of DCPA's past.

The association has worked hard to earn its reputation for high standards and respect of the Denton County legal community. Trailblazers of tomorrow have the opportunity to uphold DCPA's legacy and elevate the paralegal profession to new heights in the coming years. DCPA seeks the next generation of leaders who possess vision, character, commitment, and heart to become an integral part of their future as they begin the next 30 years.

NEWS RELEASE

Texas Paralegal Serves as President of the National Federation of Paralegal Associations

Minneapolis, MN, June 15, 2021 – The National Federation of Paralegal Associations, Inc. (NFPA®) is pleased to announce Lisa Lynch, CRP, CEDS, of Dallas, Texas will serve as NFPA President. Lisa will serve as President until the conclusion of the 2022 Convention and Policy Meeting.

Lisa Lynch, CRP™, CEDS currently works as an in-house paralegal for Cushman and Wakefield, a global leader in the commercial and multifamily real estate industry in Dallas, Texas. Her role focuses on litigation, eDiscovery and corporate governance.

In 2015, Lisa was first elected to the NFPA's Board of Directors as its Vice President and Director of Marketing. In this role she had many accomplishments, including increasing non-dues revenue and brand awareness, modernizing the design of National Paralegal Reporter, and co-chairing the committee that was instrumental in convincing the American Bar Association to change its definition of a paralegal to no longer identify the term "legal assistant" as synonymous with paralegal.

In 2019, Lisa was elected to the NFPA's Board of Directors as its Region II Director where she worked closely with the member associations in Region II on issues affecting all member associations. Lisa was re-elected to this role in October 2020.

In January 2021, Lisa was elected to the NFPA's Board of Directors as its first

President-Elect where she worked with the President and learned the roles and responsibilities to ensure continuity.

Lisa has been involved with the Dallas Area Paralegal Association (DAPA) since 2004. She served as DAPA's President in 2014 and held various other positions on the DAPA Board of Directors, as well as serving on many committees. She has also been a CLE speaker at many DAPA and student events. In 2014, Lisa was presented with the DAPA Paralegal of the Year Award. She is also a member of Paralegal Division of the State Bar of Texas and sat on the El Centro Paralegal Advisory Board. Lisa participates in DAPA's mentor/protégé program and is a volunteer with the Dallas Volunteer Attorney Program and other community service programs benefiting non-profits such as the North Texas Food Bank, Juliette Fowler, TangoTab and The Stewpot.

Lisa obtained her Paralegal Certificate from the Professional Development Institute at the University of North Texas. In 2011, Lisa was certified by NFPA as a Core Registered Paralegal, becoming one of the first 16 CRPs in the State of Texas and initial 148 paralegals in the nation who passed the pilot exam administered at 12 test sites across the country. Most recently, Lisa became CEDS certified through ACEDS (Association of Certified eDiscovery Specialists).

The President will be the leader of NFPA and a mentor for the paralegal profession. This individual will be responsible to make daily, on-going and long-term decisions regarding NFPA's overall effect on the profession and ensure these decisions are implemented and monitored. NFPA's Annual Convention and Policy Meeting encourages engaging connections, professional and leadership development through motivational keynote speakers, the latest impending legal trends through continuing legal education, career planning through workshops and networking opportunities while embracing technology, diversity in the legal profession and fostering leadership.

NFPA is a non-profit professional organization representing more than 8,000 paralegals and is headquartered in Minneapolis, Minnesota. NFPA's core purpose is the advancement of the paralegal profession and promotes a global presence for the paralegal profession and leadership in the legal community.

NFPA – The Leader of the Paralegal Profession©

www.paralegals.org

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

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.

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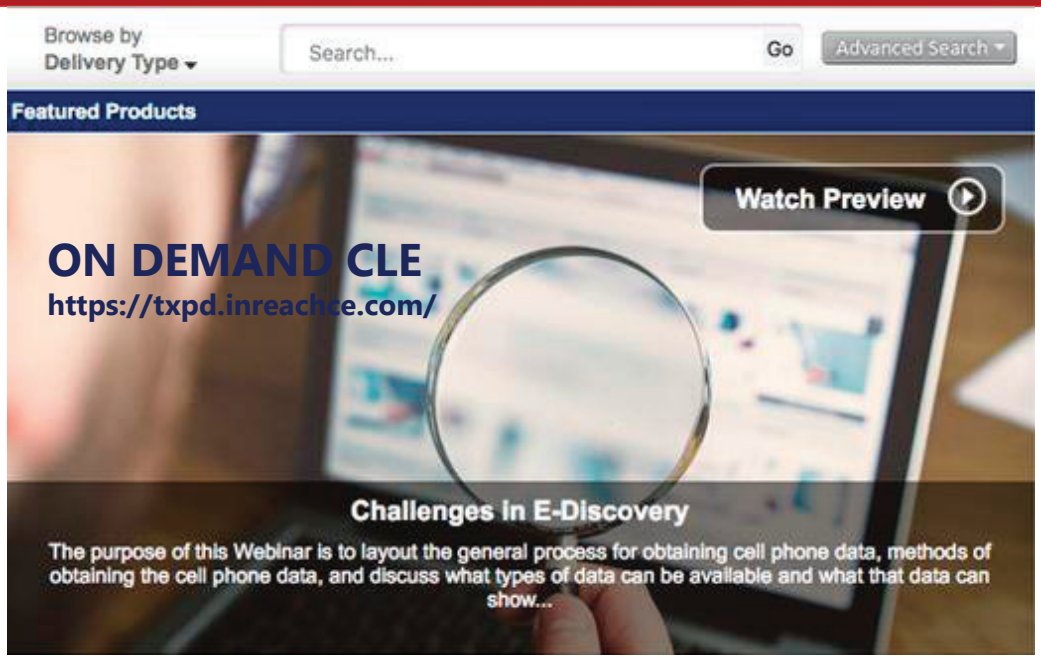
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