Hexas Jaralegal Jo

SPRING 2022

NO.4 | VOL. 27



OUR STANDARD

CLIENT-FOCUSED SERVICE

We didn't envision building a national company when we started Capitol Services in 1978. A small office in Austin offering Texas UCC searches was all we really had in mind. Forty years later, Capitol Services has offices from coast-to-coast providing a full range of corporate, registered agent, and lien services.

The one thing that hasn't changed in those forty years is our commitment to providing personal and accommodating customer service to corporate and legal professionals. Capitol Services goes Above and Beyond to give you the service you deserve.

We don't believe in automated phone systems. And, rather than forcing you to work with an unfamiliar service representative or team, we give you the freedom to build your dream team. With Capitol Services, you'll be able to work with people you know and trust.

LIEN SERVICES

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

CORPORATE SERVICES

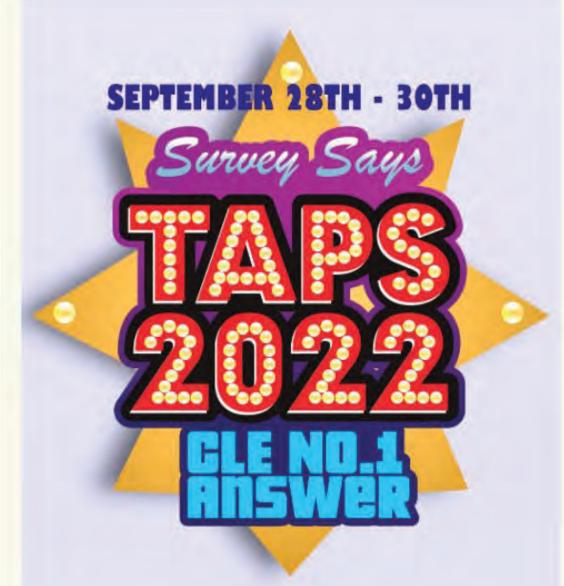
- · Document filing
- · Retrieval and good standings
- · Apostille and legalization

REGISTERED AGENT

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

CAPITOLSERVICES.COM

TAPS 2022 FORT WORTH





DETAILS COMING SOON TO WWW.TXPD.ORG
PLEASE LIKE OUR TAPS FACEBOOK PAGE AND KEEP UP
WITH EVERYTHING YOU NEED TO KNOW ABOUT TAPS 2022

President's Message

Texas Paralegal Journal Spring 2022



President's **MESSAGE**

Well for most places I would say Happy Spring but as we are in Texas more like happy spring/summer as tempertures are already in the 90's!

"Do one thing everyday that scares you"

- Eleanor Roosevelt

Congratulations to our returning even numbered District Directors: Alice Lineberry (D-4), Shannon Shaw (D10) and Pam Snavely (D-12). Congratulations to our two new Directors: Heather Ulliman (D2) and Maria Sturdy (D14). D-16 we still need someone to take that step into the Director spot.

We are so busy with CLE, events, TAPA, elections, spot audits, and setting up the website our heads are spinning. There are some great new ways PD deadlines and announcements will be instigated to keep you apprised of happenings (not th great tattoo program Megan had for us) but stayed tuned.

Activites for TAPS and great speakers are well underway and our sponsors are signing up by leaps and bounds. If you have suggestions for speakers and/or topics from the Ft. Worth area please send them to me so I can pass them along.

I am still waiting to see some articles from our awsome members. I know you have it in your minds. That one topic you get on a soap box about. Let us hear from you. That one idea you have wanted to shout from the roof tops. Let us hear from you. Remember you are the strength and presence of our organization. All of you keep PD going and alive and you are all amazing after 40 years.

I have been so pleased to see all the activity and sharing of forms, contacts and suggestions and working through unchartered territory on EGroup but a couple of reminders to help Jay out a bit: no employment ads; remember you don't need to hit reply all each time you respond.

Don't forgot to sign up for our great Paralegal Travels Trip for 2023. In formation to put down deposits and all the details are in the TPJ and in the Pulse. This is recharge time we all need so take a peek and get your name on that list before the spaces are filled.

Take care and enjoy all that 40 years of the Paralegal Division has built from a small vision into such great opportunities and strength it has become with so much more in store. I only hope to be a part of this great group of leaders that you all are.

Susi Boss

President 2021-2022 Paralegal Division State Bar of Texas

Editor's Note

Texas Paralegal Journal Spring 2022



Editor's **NOTE**

In the spring edition of the *Texas* Paralegal Journal, we celebrate our members who have been recognized by a local or other association. Notably, these members are all

volunteers and do this out of passion for the profession and/or for their local association and the Paralegal Division. These volunteers love what they do and want to belong and help inspire and/or empower our colleagues. Please think about getting involved today. We would love to have you!

If you have a member being honored by your local or other association, please send in a submission for next year's spring edition.

TAPS 2022 is coming to Fort Worth! Be on the lookout for some great speakers and other information very soon.

Megan Goor-Peters, TBI S-BCP **TPJ Editor**



We value our members.

We have been serving Texas paralegals for 40 years providing excellence and presence.





Log into your at www.txpd.org



Make sure your required MyAccount>Manage My **CLE** Records



Then start your renewal. MyAccount>Renew

STATE BAR OF TE

Table of CONTENT



- 01President's Message
- 02 Editor's Note
- 07 Board of Directors Quarterly Board Meeting Summary Spring 2022
- Defensible Deletion: The Proof is in the Planning 09
- 13 The Last STRAW: Managing Your Emotions in the Workplace
- 16 Are you Using a Health Savings Account Effectively?
- Announcement of 2022-2023 President-Elect 20
- Paralegal Division 2021-2022 Leadership 21
- Texas Local Associations Honor Paralegal Division 25 Members and Paralegal Day Celebrations
- Texas Paralegal Standards 33
- 35 2021 TBLS Paralegals
- 36 Membership Benefit

Publications

Megan Goor, TBLS-BCP, Editor Rhonda J. Brashears, CP, TBLS-BCP, Coordinator Kim Goldberg, TBLS-BCP, Board Advisor

RRD GO Creative™ 35 West Wacker Drive Chicago, Illinois 60601 gocreative.rrd.com 1.800.782.4892

Digital Publisher

RRD DigiMag

Paralegal Division

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

Board of Directors

President, Susi Boss, San Antonio; President-Elect, Lisa Pittman, Denton; District 1 Director, Kim Goldberg, TBLS-BCP, Houston; District 2 Director, Eugene Alcala, Dallas; District 3 Director, Wayne Baker, RP, Granbury; District 4 Director, Alice Lineberry, PLS, CP, Austin; District 5 Director, Pearl Garza, San Antonio; District 7 Director, Erica Anderson, ACP, Amarillo; District 10 Director, Shannon Shaw, The Woodlands; District 11 Director, Stacey Marquez, Lemesa; District 12 Director, Pam Snavely, ACP, Denton; District 14 Director, Maria Sturdy, Longview District 15 Director, Arturo Ortiz, McAllen; and District 16 Director, Rebecca Lopez, El Paso.

Publication Committee Members

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

Deadline for Summer Issue is June 15, 2022. E-mail tpj@txpd.org.

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



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











APR 14-22, 2023

Group Leader Rhonda Brashears

Group Leader ID 46775

Paris and the Loire Valley

WHAT'S INCLUDED

- Round-Trip Flights
- Daily Breakfast and
 Dinner (unless
 otherwise noted)
- 24-Hour Tour Manager
- Centrally Located Hotels
- Start Exploring
- Global Network
- Commanderie des Templiers de la Villedieu

- **Ø** Blois Chateau
- Château de Chenonceau
- Wine Tasting
- O Château d'Amboise
- O Clos Lucé
- O Chartres Cathedral
- @ Paris Tour with Guide
- Opera Garnier

TRIP ITINERARY

9 Days | Overnights: Overnight Flight (1), Loire Valley (3), Paris (4)





OUR PROMISE

Travel Changes Lives

In educational travel, every moment matters. Pushing the experience from "good enough" to exceptional is what we do every day. Our mission is to empower educators to introduce their students to the world beyond the classroom and inspire the next generation of global citizens.



FULL ITINERARY

DAY 1, APR 14, 2023: OVERNIGHT FLIGHT Departure from the United States.

DAY 2, APR 15, 2023: LOIRE VALLEY

Arrive in Paris and transfer to your hotel in the beautiful Loire Valley. En route enjoy a guided visit of the Commanderie des Templiers de la Villedieu - pending. (D)

DAY 3, APR 16, 2023: LOIRE VALLEY

Today, visit the chateaux of Blois as well as Chenonceau, the château of six women, built over the River Cher in an exquisite Renaissance design. It features a moat, drawbridge, towers and turrets—and great stories about resistance to the Nazi army. Enjoy a wine tasting while in the Loire. (B)

DAY 4, APR 17, 2023: LOIRE VALLEY

Your day begins with a visit of the town of Amboise as well as the chateau. You'll also enjoy a visit to Clos Luce, a fortified palace turned Renaissance manor where, at the invitation of Francis I, Leonardo lived, created, and died. Marvel at the display of many of his inventions brought to life as working models. Legend maintains that Clos Luce was linked by an underground tunnel to the nearby Château of Amboise so that Francis I could visit Leonardo when the King resided at Amboise. (B,D)

DAY 5, APR 18, 2023: PARIS

Depart for Chartres to view the famed Gothic Chartres Cathedral, its stained-glass windows and veil of the Virgin Mary, before traveling on to Paris this afternoon. (B)

DAY 6, APR 19, 2023: PARIS

Your day begins with a guided sightseeing tour that takes you past some of the most famous attractions in Paris. Your expert local guide will show you the splendid Seine, Napoleon's final resting place at Les Invalides and the Gothic wonder of Notre Dame. Free afternoon. (B)

DAY 7, APR 20, 2023: PARIS

Guided tour of the Paris Opera House. Free afternoon before Farewell Seine River dinner cruise. (B,D)

DAY 8, APR 21, 2023: PARIS

Free day to explore on your own. (B)

DAY 9, APR 22, 2023: DEPARTURE

Transfer to the airport for return flight to the United States.

TOUR COST

Depart From: Dallas/Ft. Worth

Cost per Traveler

Full Payment Deadline

\$4693

1/14/2023

\$399 per month using an automatic payment plan

Cost Breakdown

Program Fee	\$4793
Saver Date Incentive	\$-100
Total Cost Valid through 4/1/2022	\$4693

Additional Fees (as applicable)

Single Room Supplement	\$765
Ultimate Protection Plan	\$270
Ultimate-Plus Protection Plan	\$405

NOTES FROM ACIS

Save \$50 off your Total Participant Fees if you pay for your trip through E-Check or our Automatic Payments Plan.

All registered participants can enjoy the convenience and savings of having payments automatically withdrawn from a checking account with an Automatic Payment Plan. To learn more, visit acis.com/autopay.

Adult travelers over 21 should add in the Adult Surcharge and Double or Single Room Supplement to calculate Total Cost.

This educational travel program is not school or district sponsored unless expressly stated by the Group Leader.

Tipping for your tour manager and bus driver is not included.



ACIS TRIPSITE

Scan the code to view your group's Tripsite and learn more details about your upcoming trip, and to register!

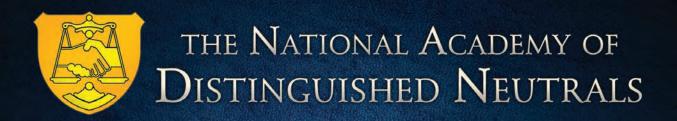
Get Started Today

ONLINE:

Scan the above QR code or visit www.acis.com/findmytrip and enter your Group Leader's ID and last name and click Register Now when you're ready to sign up.

MAIL:

If you prefer, send your completed registration form to: ACIS 330 Congress Street, Suite 5 Boston, MA 02210



ATTENTION LITIGATION STAFF



OVER 70 OF TEXAS' PREMIER
CIVIL-TRIAL MEDIATORS & ARBITRATORS NOW
PUBLISH THEIR AVAILABLE DATES ONLINE

Save HOURS of scheduling time directly at

www.TexasNeutrals.org

This online calendaring service is <u>entirely free</u>, funded by the members of our Texas Chapter of the Academy.

To view the National Academy's free database of over 1000 top-rated mediators & arbitrators, simply visit <u>www.NADN.org/directory</u>

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.ora

Board of Directors

Texas Paralegal Journal Spring 2022



Board of Directors QUARTERLY BOARD MEETING SUMMARY Winter 2022

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

The Board of Directors met on Friday, February 11, 2022 and Saturday, February 12, 2022 in Dallas, Texas.

Here are some points of interest from the Board Meeting:

President-Elect – Election was held and the 2022 – 2023 President-Elect was announced. Congratulations to Joncilee Davis, ACP!

Even-Numbered Director Elections

- Elections for Districts 2, 4, 10, 12, 14 and 16 will be voted on. Don't forget to make sure you get your ballots in.

TAPS 2022 – The TAPS Planning Committee is working very hard to make sure that attendees have great speakers/topics and some fun too! TAPS will be held September 28 – 30, 2022 in Fort Worth.

Annual Meeting – The Annual Meeting will be held on September 30, 2022 at the TAPS 2022 Friday luncheon.

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.

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.

PARALEGAL DIVISION ANNOUNCES

TAPS 2022 SCHOLARSHIP

For the upcoming 2022 Texas Advanced Paralegal Seminar (TAPS), a three-day CLE seminar, the PARALEGAL DIVISION of the State Bar of Texas will award up to two (2) educational scholarships for the three-day registration to attend the TAPS 2022 seminar, "Survey Says –TAPS 2022 – CLE No. 1 Answer." Below please find the guidelines and application for applying for this scholarship.

- 1. The Recipient must be a member (or apply for membership) of the Paralegal Division of the State Bar of Texas.
- 2. To apply for a TAPS scholarship, the applicant is required to give a written essay on the following: "What brought you to the paralegal profession and why do you feel CLE is important?"

 The essay must be two (2) pages in length and double-spaced.
- 3. To apply for a TAPS scholarship, the applicant is **required to provide two (2) letters of personal references**, which describe the applicant's involvement in the paralegal profession.
- 4. Financial need shall be a contributing factor, but not a requirement. However, if two or more applicants are tied in meeting the criteria for the scholarship, financial need shall be the determining factor.
- 5. Recipient(s) are required to volunteer a minimum of three hours on-site during the event.

Other

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

The Paralegal Division of the State Bar of Texas will award scholarships for TAPS 2022 which will cover the cost of registration in accordance with the TAPS scholarship guidelines.

TAPS 2022 SCHOLARSHIP APPLICATION

IMPORTANT: ALL APPLICATIONS FOR A SCHOLARSHIP FOR TAPS 2022 MUST BE <u>RECEIVED</u> BY FRIDAY, JULY 15, 2022. DATE OF TAPS 2022: <u>September 28-30, 2022, Fort Worth, Texas</u>

Name		PD Membership No	
Home Address	7 4		
Home Telephone	E-mail A	E-mail Address	
Work Address		Nyumban	
Work Telephone	F	Fax Number	
Employer			
Are you a member of	a local paralegal organization that of	fers a scholarship award?	
Give a detailed descri	iption of your reason for seeking a sci	nolarship to TAPS 2022:	
Give a detailed descri	iption, if any, for your reasons for fin	ancial need:	
Lisa Pittman, Scholar Hickory, Suite 100, D	rship Chair of the TAPS Planning Cor Denton, Texas 76201 or email to: <u>tap</u>	tay to this application. Applications should be mailed to mmittee, Hayes, Berry, White & Vanzant, LLP, 512 W. saturd.org Scholarship recipients will be notified by registered for TAPS by August 15, 2022.	
Date	Applicant's Signature	Attach any additional explanations.	

Texas Paralegal Journal Spring 2022

Defensible Deletion: THE PROOF IS IN THE PLANNING









*Reprinted with permission from the January 29, 2021 edition of the "New York Law Journal © 202X ALM Global Properties, LLC. All rights reserved. Further duplication without permission is prohibited, contact 877-257-3382 or reprints@alm.com."

Most companies maintain vast amounts of unneeded data and can decrease legal and compliance risk and minimize financial burden if they retain less ROT (redundant, obsolete and trivial data). Unfortunately, eliminating ROT, often referred to as "defensible deletion," can seem

challenging. Here, we provide a framework for making defensible deletion an attainable goal. The key lies in planning.

What Is Defensible Deletion?

Prospectively, defensible deletion involves the ongoing and routine elimination of unneeded data, in real time or pursuant to a prescribed schedule to avoid accumulation of ROT. Retroactively, defensible deletion involves identification and deletion of previously accumulated ROT. In either case, the "defensible" part of the proposition involves minimizing legal risk, particularly associated with spoliation of evidence.

Deletion Can Be... Defensible

The first challenge most legal departments face is the question of whether any data can safely be deleted. The short answer is, "yes." Companies are entitled to dispose of information they no longer

need, so long as they do not violate regulatory requirements or litigation preservation obligations. As validated by the U.S. Supreme Court, "Document retention policies," which are created in part to keep certain information from getting into the hands of others, including the Government, are common in business. It is, of course, not wrongful for a manager to instruct employees to comply with a valid document retention policy under ordinary circumstances."

Arthur Andersen v. United States, 544 U.S. 696, 704 (2005).

"Best practice" dictates not only that a record may be destroyed when no longer required for any business, legal or regulatory purpose—it should be destroyed due to the many risks associated with over-preservation. The Sedona Conference, Commentary on Defensible Disposition, Second Ed., 20 Sedona Conf. J. 179, 187, 199 (2019). These risks include unnecessary storage costs; compliance risks

Texas Paralegal Journal Spring 2022

associated with retention of data subject to privacy regulations; compliance with contractual provisions concerning retention and disposition of confidential and other business information; reduced productivity due to difficulty in finding information; increased litigation risk; greater expense associated with discovery in future matters; and increased cyber-security risks. ld. at 199-214.

Lay a Foundation for Defensibility

Stakeholders should decide to dispose of information based on legal and business judgment, relying on sound processes and procedures, including:

(1) Records retention policy and schedule: Ideally, companies document retention requirements in a policy and schedule, which lends certainty to decisions about what data are eligible for deletion. In the absence of a previously established policy, one can be developed for a targeted category of data as part of the defensible deletion initiative.

(2) Inventory of Legal Preservation
Obligations: Most companies
have legal holds in place, requiring
preservation of certain data.
Understanding the data categories
subject to legal hold, and where that
data resides, will allow stakeholders
to more efficiently effectuate a
defensible deletion project.

(3) Buy-In and Support: Any effort to dispose of data is likely to face opposition without executive support. The key is identifying the "win" for each affected constituent: reduced cost for the CFO, increased storage capacity and decreased complexity for the CIO, faster system performance and response times for



the COO, etc. Eliminating ROT benefits every aspect of the business; it is simply a matter of identifying the benefit for stakeholders.

Understand the Scope

Next, the stakeholders must understand and define the scope of the disposition initiative, which can be defined in many ways:

(1) Key driving forces: Often, circumstances will make the scope clear. For example, retirement or upgrade of a system or migration to a new platform creates a unique opportunity to delete ROT from those sources. Similarly, release of a legal hold creates an opportunity for defensible deletion for data that was subject to the hold. Organizational transformations like a merger or acquisition create opportunities to identify and dispose of unneeded information as systems and data sources are integrated and consolidated.

(2) Departmental Focus: Individual departments can be the focus of a defensible deletion project. Reorganizations, relocations, or other circumstances may make a department open to a "house-cleaning" exercise for its own data.

(3) Enterprise-Wide Information
Governance: Many companies are
beginning to prioritize enterprisewide information governance. Such
efforts are ideal opportunities to
launch a defensible deletion project,
as they offer an early, demonstrable
return on investment. If undertaking
an enterprise-wide initiative, it is
advisable to divide it into smaller
projects, because it can be daunting
to assess ROT on a company-wide
level all at once.

Texas Paralegal Journal Spring 2022

Staff the Project

Defensible deletion is a multidisciplinary exercise requiring the knowledge and expertise of different members of an organization:

- Legal and compliance—to ensure compliance with legal and regulatory preservation obligations;
- Business representative(s) for the functions responsible for the data to understand which information has business value:
- IT—a technical resource forexecution;
- Records management professionals—to advise on statutory retention requirements and prospective strategies;
- Outside resources—depending on scope, complexity, and internal resource availability, there may be a need for outside resources to augment the above roles; and
- C-suite sponsors—to show support.

Timing Is Everything

Timing is critical in two ways. First, to manage expectations. Data cannot be deleted instantaneously, particularly in large volumes. Actual execution will take time, the overall process will be iterative, and stakeholders must be cognizant of this.

Second, preservation obligations can arise unpredictably. Because the defensible deletion process takes time, it is necessary to plan for a "quiet" period during which new preservation obligations are unlikely to arise. Having a plan in place will enable the company to act quickly when a quiet period arises.

Data Categorization

The key to success for a defensible deletion project is to focus on feasibility and not take on too much at once. Early wins with low-hanging fruit will demonstrate the value of the effort.

Once you understand the scope of data to be analyzed for potential disposition, it is time for the hard part, and the heart of the project—categorizing the data for deletion based on criteria allowing the stakeholders to assess the applicable retention schedules, legal preservation obligations, and business value.

Start by categorizing the data into three buckets (easy, medium, and hard) based on objective, identifiable criteria that enables differentiating data. Culling should be iterative, beginning with specific criteria such as, but not limited to, retention quidelines, date ranges, data type, custodian, department, applicability to legal hold, or accessibility. If circumstances warrant, subsequent culling efforts can be more targeted and refined, using search terms or other criteria. You can get creative. Relying on the advice of others experienced with these projects can be beneficial.

The Three-Bucket Approach:

Easy. This data is low-hanging fruit. It is readily identifiable and easy to understand whether it has any basis for retention. Example*: The company may understand that it has no regulatory or legal obligations to keep data more than 10 years old. Accordingly, any in-scope data 10 years or older only needs to be assessed for business value.

Medium. This data will require deeper analysis as to its content and retention obligations. It may be mixed data and not as easily recognizable. Example*: The company may have a "data closet" of hard drives containing email data for a large legal hold that has now terminated. Retention requirements for that data has expired; however, various custodians have been placed on subsequent legal holds. In this situation, it is imperative to identify the data for each custodian subject to subsequent legal holds.

Hard. This data will be the most complex to analyze. It may be completely unidentifiable or hard to access. It will be important to assess reasonableness and proportionality here. Example*: The company has identified backup media it is no longer using and has not used for several years. The company can no longer access the backup without retaining an expensive vendor to analyze the media. The company believes that all information needed for regulatory purposes has been separately retained but is worried that data subject to legal hold may be on the backup. Here, because of reasonableness and proportionality, it may be more appropriate to assess whether any data is missing from the legal holds that may require preservation of backup media (than to assess what is on the backup media) and proceed accordingly.

*These examples are illustrative only and are not legal advice.

Document Everything

A critical component of defensibility is documentation. Document the overall approach, the scope, the data classification process, and final execution.

Texas Paralegal Journal Spring 2022

Pull the Trigger

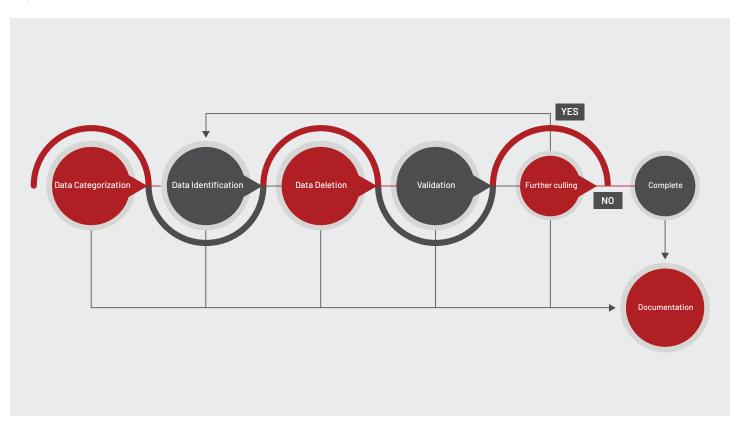
The best approach to execution of the defensible deletion task is an iterative one, as depicted in the accompanying illustration.

(1) Data Deletion: This seemingly simple step can be surprisingly complex, as there is more than one way to delete data. The method

will depend on the desired level of certainty. It is best to consult an IT professional who can outline the different standards of data deletion available.

(2) Validation: However data are deleted, it is important to validate the results through sampling and testing.

(3) Further Culling: In many cases, one round of culling will achieve the desired objective; however, it is possible to continue culling using more advanced and refined data identification methods.



What If Something Goes Wrong?

If the process has been well-planned, executed, and documented, the risk of sanctions for inadvertent spoliation of evidence is slight. Sanctions under Fed. R. Civ. P. 37(e) are available only when data "should have been preserved in the anticipation or conduct of litigation" and you "failed to take reasonable steps to preserve it." Planning a sound process and documenting its execution will generally demonstrate reasonableness and good faith.

Andrew Peck is senior counsel at DLA Piper and served for 23 years as a U.S. Magistrate Judge for the Southern District of New York. Jennifer Feldman and Leeanne Mancari are co-chairs of the firm's e-discovery and information governance group. Dennis Kiker is a senior attorney focused on e-discovery matters at the firm.

The Last STRAW

Texas Paralegal Journal Spring 2022



STRESS - Anyone who has ever worked ANY job, in ANY field, at ANY level can relate to job-related stress. In our line of work, this is expected. We often manage multiple tasks at once and need to recall information at the drop of a hat. Some of us work for multiple attorneys and need to be able to decipher who needs to be where, who has a call at what time, or which one needed something done ASAP The demand can create a level of stress that is unmanageable and often detrimental to one's health.

are harboring it. Resentment tends to build slowly over time. We do not often recognize it mostly because when incidents occur that contribute to feelings of resentment, we tend to categorize them into other, more temporary feelings. As a matter of "getting the job done," we sweep feelings of resentment under the rug. This is dangerous and unhealthy. Resentment simmers and, if left unaddressed, can eventually boil over.

ANXIETY - Being a member of the legal community often comes with notoriety. I am sure we have all heard from a friend of family member the slight, "Oh!" or "Wow!" when we share what we do for a living. Do not underestimate this well-deserved respect. What we do is challenging work, and that work requires a high level of skill. We are all very aware of how important it is to file a pleading on time or submit correspondence to the appropriate party. We often double, and triple check our work for accuracy. Our attorneys depend on our diligence. Should we make an error, the repercussions could be catastrophic. This amount of pressure can elevate our anxiety and lead to a multitude of issues, both professionally and personally.

WEARINESS - Many of us tend to put our jobs ahead of our own personal well-being and as a result, we experience fatigue and burnout. Mental fatigue is very real and often leads to both mental and physical health issues. It can begin to reflect in our work and may ultimately costs us our jobs.

The Last STRAW: MANAGING YOUR EMOTIONS IN THE WORKPLACE

As paralegals, our specific responsibilities can vary dependent upon our areas of practice, size of the firm or legal group to which we belong, and the number of cases or clients for which we are responsible. Yet despite these differences, our list of commonalities is interminable. Without exception are the emotions we experience daily. Being a legal assistant, not unlike other careers, can be highly stressful and extremely demanding. At times, we may even question why we picked this career field in the first place.

The most common negative emotions we face regularly can be summed up into the acronym: S.T.R.A.W (Stress, Tension, Resentment, Anxiety, Weariness).

TENSION - Stress often leads to tension, and tension in the workplace is NEVER good. This negative emotion is extremely toxic and often very contagious. The last thing we want to do is contaminate our work environment with tension. It inhibits communication which ultimately reduces productivity. A reduction in productivity in a deadline-oriented field such as the law is a disaster waiting to happen.

RESENTMENT - Here we see the snowball effect when we add resentment. It is not surprising that with mounting stress and brewing tensions, resentment soon follows. This silent relationship killer can go undetected for quite some time. Some may even be unaware that they

The Last STRAW

Texas Paralegal Journal Spring 2022

As cliché as it may sound, we must make ourselves a priority. We are no good to our firms, our attorneys, our clients, if we are not in good mental, emotional, and physical shape.

Be mindful of your well-being. Here are some tips to ensure that you are taking care of yourself in and out of the office:

SET UP A CALM, RELAXING WORK ENVIRONMENT: If possible, add décor

to your office or workspace that makes it feel warmer and more relaxing.

A family photo or some spiritual or religious item that has sentimental value, some soft quiet music playing in the background, or an essential oil diffuser could lighten the room and help you relax. (Be mindful of strong odors that may bother your co-workers.). If you cannot keep personal items ON your desk, keep it IN your desk drawer or within reach.

KEEP YOUR WORKSPACE (AND HOMESPACE) CLEAN AND CLEAR OF

CLUTTER: Clutter both at home and in the office heightens anxiety levels and creates unnecessary chaos. Try to take 10-15 minutes of your day to organize your desk, your inbox, etc., so that you minimize anxiety-driving distractions.

SLOW DOWN ON THE CAFFEINE: Most

of us enjoy a great cup of coffee or tea, especially to get a jump on long days at the office. Unfortunately, too much caffeine can have the complete opposite effect. Being overcaffeinated can increase anxiety, raise blood pressure, and interfere with sleep. In addition, afternoon fatigue can set in once caffeine leaves your system, leaving you less productive than you hoped you might be. Try to limit your caffeine intake to just the morning hours. Perhaps switching to decaf for your afternoon cup could do the trick. Be careful to not completely cut

off caffeine cold turkey as you can experience headaches, fatigue, and irritability. Try to wean yourself off slowly. Ask your doctor for advice on decreasing your caffeine intake.

TAKE YOUR BREAKS! I know at times we feel the need to work through lunch because we have a deadline, or we are reluctant to ask for our vacation days because we have discovery due or a trial or mediation for which to prep. Those obstacles will ALWAYS be present. Make sure you take your break during the day. Whether it be a full one-hour lunch or a brief 15 minutes, a break is NECESSARY. And if possible, take it AWAY from your desk. Go outside and get some air. Go to the break room and grab a snack. Maybe even sit in your car and listen to music. The same goes for your vacation days or paid time off. If you are lucky enough to receive PTO, utilize it! Your boss offered it to you for a reason. And you should not feel guilty for requesting time off that you have earned.

KEEP THE LINES OF COMMUNICATION

OPEN: This is perhaps the most important tip of all.

Without communication, we have nothing. Communicate with your supervisor and communicate OFTEN. It does not always have to be scary to speak with your boss. Let them know how you are feeling. If you are feeling overwhelmed, it is best to express those feelings before your performance starts to suffer, or even worse, it results in disciplinary action for poor performance. We also need to remember that our supervisors are humans too. They experience the SAME emotions, trials, and tribulations. Life does not discriminate in that way. If you are experiencing tension with your boss or a co-worker

and he or she has not initiated a conversation, you may need to prompt that interaction. If you do not feel that you can address the problem in person immediately or without incident, consider composing an email simply asking for a time to chat.

Despite what you may be feeling at times, you are likely more important to your organization that you think. If you are not well emotionally or physically, someone within your organization will eventually notice, whether it be from a change in your behavior or a change in your performance. If you lack the same motivation you once had, try to remember why you started your legal career in the first place. Think back on your accomplishments. Think back on the clients you have helped. Think back on the difference you have made and how much you have grown since the early days of your career. Do not let it get to the last STRAW.

About the Author:

Lisa M. Gutierrez is a Medical
Malpractice Litigation Paralegal with
Lyons & Lyons, PC, in San Antonio. She
has experience in both Personal Injury,
Estate Planning, and Probate law.
She attained her Associate in Applied
Science (Paralegal Specialties) from
Del Mar College in 2012 and is currently
completing her undergraduate studies
in Political Science at The University of
Texas at San Antonio.

Memberships & Affiliations:

- State Bar of Texas Paralegal Division: Active Member
- NALA | The Paralegal Association: Active Member
- San Antonio Young Lawyers
 Association: Associate Member



Are You Using a Health Savings Account Effectively?

Texas Paralegal Journal Spring 2022



For 2022, the IRS defines a HDHP as a plan with a deductible of at least \$1,400 for individuals and \$2,800 for families. You and your employer may contribute to an HSA. Then, when you need medical care, you can withdraw HSA funds to cover your expenses, or opt to pay your costs out-of-pocket if you want to save your account funds. Unlike "Flexible Spending Accounts," there is no "use it or lose it" provision, so funds roll over from year to year. Even if you leave your current employer, the account is yours to keep, and you could theoretically accumulate a significant balance over time. If you have high

ARE YOU USING A HEALTH SAVINGS ACCOUNT EFFECTIVELY?

There has been a recent surge in the popularity of Health Savings Accounts correlating with the rise in number of high-deductible health plans. When talking to clients and colleagues, I often find that many are unaware of the extent of the features and benefits that Health Savings Accounts offer. I've often referred to it as one of the best "deals" in the current tax code but am surprised at how few people use Health Savings Accounts to their full capability.

What is a Health Savings Account?

A Health Savings Account (HSA) is a tax-advantaged account that is paired with a high-deductible health plan (HDHP). You cannot contribute to an HSA unless you are enrolled in a HDHP.

medical expenses, it's certainly possible to spend down all the money in your HSA every year (HSAs are very commonly used this way). However, if you don't have high medical expenses and are several years from retirement, I challenge you to view the HSA as a powerful retirement savings tool.

HSAs as a Retirement Savings Tool

1. Tax deductible contributions
regardless of income - Contributions
to HSAs can be made via payroll
deductions and from your own
personal funds. If you make
contributions using after-tax dollars,
they're deductible from your taxable
income whether you itemize or not.
Unlike retirement accounts, you

do not have to have earned income to make deductible contributions. Contributions to HSAs are deductible until you sign up for Medicare.

2. Ability to invest funds - HSAs typically offer several savings and investment options. These may include interest-earning savings, checking, and money market accounts, or investments such as stocks, bonds, and mutual funds that offer the potential to earn higher returns but carry more risk (including the risk of loss of principal). Carefully consider your investment objectives, risk tolerance, expenses, and your time horizon before investing. A financial professional can help you decide which savings or investment options are appropriate.

3. Potential for tax-free withdrawals

- Here's the kicker, contributions to your HSA, and any interest or earnings, grow tax deferred, UNLESS withdrawn for qualified medical expenses, in which case they could be withdrawn tax free. I recommend you consult a tax professional if you have questions about the tax advantages offered by an HSA.

4. No Required Minimum Distributions

- Unlike a 401 (k) or traditional IRA, HSAs do not require you to take funds out at a certain age. The account can remain untouched and invested as long as you like.

5. Reimbursement for Medical Expenses in Retirement – You are not required to take distributions for medical expenses in the year that you incur the expense. In fact, distributions for qualified medical

Are You Using a Health Savings Account Effectively?

Texas Paralegal Journal Spring 2022

expenses incurred after your HSA is opened could be deferred as long as you would like. If you pay medical expenses out of pocket instead of from your HSA, keep careful track of the expenses and save receipts to know how much you can distribute tax-free in retirement.

HSA Limitations to Consider

- As mentioned above, you must be enrolled in a high deductible health plan to contribute to an HSA.
- For 2022, individuals can only contribute up to \$3,650 and families can contribute \$7,050. This annual limit applies to all contributions, whether they're made by you, your employer, or your family members. You can make contributions up to April 15th of the following year (i.e., you can make 2022 contributions up to April 15, 2023). There is also a "catch-up" contribution for individuals over age 55 that allows you to contribute an additional \$1,000.



- Distributions for expenses other than qualified medical expenses will be subject to income tax and a penalty of 20% if made before age 65. Individuals older than 65 can make distributions for any expenses without penalty, but those distributions will still be added to taxable income if not used for qualified medical expenses.
- Don't let the tax tail wag the dog.
 As with any retirement account,
 before making contributions, ensure
 you have an emergency fund set
 up and plenty of liquidity to cover
 your livings expenses. The last
 thing you want is to be forced into
 a situation where you have to make
 a distribution from your HSA to cover
 living expenses and incur a penalty.

Bottom Line

If you are enrolled in a high-deductible health plan, a Health Savings Account can be an extremely powerful retirement savings tool when you consider the triple tax advantage of tax-deductible contributions, potential tax-deferred growth, and potential tax-free withdrawals. If cash flow allows, consider paying health care costs out of pocket while you are working, keeping careful track of those expenses so you can reimburse yourself in retirement. An HSA may be a key part of a detailed, comprehensive financial plan. If you have any questions or would like to discuss the topic further, you can connect with us at www.sharrisfinancial.com.

Disclaimer: Securities offered through Raymond James Financial Services, Inc., Member FINRA/SIPC. S. Harris Financial Group is not a registered broker/dealer and is independent of Raymond James Financial Services. Investment advisory services offered through Raymond James Financial Services Advisors, Inc and S. Harris Financial Group. Raymond James Financial Services does not accept orders and/or instructions regarding your account by email, voice mail, fax or any alternate method. Transactional details do not supersede normal trade confirmations or statements. Email sent through the internet is not secure or confidential. Any information provided in this article has been prepared from sources believed to be reliable but is not guaranteed by Raymond James Financial Services and is not a complete summary or statement of all available data necessary for making an investment decision. Any information provided is for informational purposes only and does not constitute a recommendation. Raymond James Financial Services and its employees may own options, rights or warrants to purchase any of the securities mentioned in this article. Any opinions are those of S. Harris Financial Group and not necessarily those of Raymond James and is not affiliated with the Texas Paralegal Journal. Mitchell Byrum can be reached at mitchell@harrisfinancial.com



MEMBER BENEFITS

- Subscription to the National Paralegal Reporter
- · Access to CLE and on-demand seminars with member pricing
- Support and resources to work toward paralegal certifications
- Discounts on educational programs
- Connection to other paralegals through regional and national meetings
 - ... and much more!



NATIONAL FEDERATION

PARALEGAL ASSOCIATIONS Inc.

WWW.PARALEGALS.ORG





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

Through associate member status, the College honors paralegals that make a commitment to maintain and enhance their professional skills through attending an extraordinary amount of continuing legal education hours.

REQUIREMENTS

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

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

Two of the twelve hours including one hour of ethics may be earned through self-study.

BENEFITS

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

To join, visit texasbarcollege.com.

Texas Paralegal Journal Spring 2022



ANNOUNCMENT OF 2022-2023 PRESIDENT-ELECT

JONCILEE H. MILLER, ACP

Joncilee H. Miller, ACP is a litigation paralegal in the Dallas office of Polsinelli, and over 25 years of experience as a paralegal.

Joncilee attended Texas A&M
University and obtained her BA in
Political Science. She also received
her Master of Science degree
Magna Cum Laude from Amberton
University in Human Relations
and Business. She is an Advanced
Certified Paralegal in Trial Practice
("ACP") through NALA).

Joncilee is a charter member and past President of the North Texas Paralegal Association. She is also a charter member of the College of the State Bar of Texas, Paralegal Division.

Joncilee has served the Paralegal Division of the State Bar of Texas in many capacities for the past 24 years. She is honored to be elected to serve as President-Elect for the 2022-2023 year.

2022 Even-Numbered | DISTRICT DIRECTOR ELECTION RESULTS

District
2

HEATHER ULLIMAN **District**

4

ALICE LINEBERRY **District**

10

SHANNON SHAW **District**

12

PAMELA SNAVELY **District**

14

MARIA STURDY

Congratulations to these Directors.

They will represent their respective districts for the 2022-2024 term.

Paralegal Division 2021-2022 Leadership

Texas Paralegal Journal Spring 2022

PARALEGAL DIVISION 2021-2022 LEADERSHIP

Thank you to these members who volunteered their time to serve the Paralegal Division.

2021-2022 Board of Directors

Susi Boss

Lisa Pittman

President President-Elect

Directors:

























Paralegal Division 2021-2022 Leadership

Texas Paralegal Journal Spring 2022

Paralegal Division 2021-2022 Committee Chairpersons

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: Maria Sturdy, 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: Maria Sturdy, District 14

Ambassador Ad Hoc Committee

Chair: Stephanie Sterling, TBLS-BCP Board Advisor: Arturo Ortiz, 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 Marguez, 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: Maria Sturdy, District 14

Paralegal Division 2021-2022 Leadership

Texas Paralegal Journal Spring 2022

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

Paralegal Division Coordinator

Paralegal Division Coordinator,

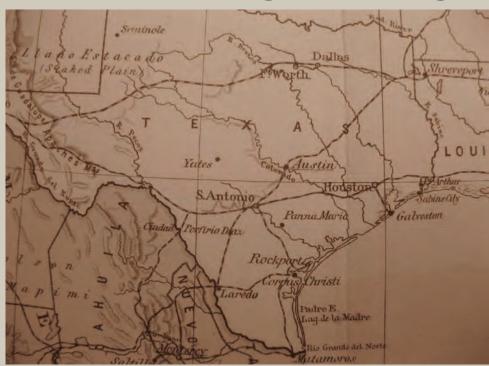
Rhonda Brashears, CP, TBLS-BCP, Amarillo

LEGAL DIRECTORIES PUBLISHING CO., INC.

Publishing Directories Since 1935

www.LegalDirectories.com

Proudly serving Texas!













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

Austin Bar Association Membership Directory

Dallas Bar Association Membership Directory

Houston Bar Association Membership Directory

Jefferson County Bar Association Membership Directory

Legal Directories Publishing Co., Inc. 1313 Oates Drive Mesquite, TX 75150 (800) 447-5375 Texas Paralegal Journal Spring 2022

TEXAS LOCAL ASSOCIATIONS HONOR PARALEGAL DIVISION MEMBERS AND PARALEGAL DAY CELEBRATIONS



District 1

Houston Metropolitan Paralegal Association Board of Director, Anita Hamilton, CP was the recipient of the Lonestar North Harris Adjunct Excellence Award.



DISTRICT 2 DALLAS AREA PARALEGAL ASSOCIATION 2021 PARALEGAL OF THE YEAR AWARD OCTAVIA GIADOLOR, CRP

DAPA presents the Paralegal of the Year Award each year to the individual based on the following: a) Community Activities; b) General Work Experience; c) Involvement in Professional Organizations d) Professional & volunteer awards, appointments, offices, etc.; and e) Any other applicable activity or honor brought to the attention of the Volunteer Selection Committee. For Year 2021, DAPA presented the Paralegal of the Year Award to Octavia Giadolor, CRP. Octavia has been a partner in a local small business (W/MBE) since 2001. During the 15 years she was actively involved in business ownership, she obtained both her Bachelor and Master's degrees, as well as received several certifications for Human Resources, Payroll, and Management.

In 2016, she decided to step aside from her self-employment responsibilities and joined Hunt Consolidated, a multibillion dollar privately owned energy firm headquartered in Dallas, TX. Octavia's employment at Hunt began in the Research & Development section



of their venture capitalist division, in a department named HEE Solar. In her role as Office Manager, Octavia oversaw the day to day operations of the department. To add value to her position, in 2018, Octavia decided to pursue her Paralegal certificate from SMU. Upon successful completion of this program, she also obtained her Intellectual Property Specialist Certification from University of Texas in Austin and began a role as an IP Paralegal for HEE Solar.

Texas Paralegal Journal Spring 2022

In 2020, she was promoted to the role of Business Services Manager for Hunt Energy, the parent company of HEE Solar. In this position she has maintained her Paralegal

responsibilities as well as acquired several additional keys roles that help ensure the success of the various start-up ventures that are initiated within Hunt.

Octavia has been married to her husband, Godswill, for 21 years and they have four children, Faith (18), Hope (17), Godswill II (14), and Gabriel (12). Octavia is a Dallas native that currently resides in Lancaster, Texas.

DALLAS AREA PARALEGAL ASSOCIATION 2021 PRESIDENT'S AWARD - LINDY DUFFNEY

Each year DAPA's President's Award is awarded by the President to the elected or appointed officer who, in the Presidents opinion, has made the greatest impact on DAPA by supporting DAPA and the Board throughout the year (the recipient of the President's Award shall possess characteristics such as integrity, professionalism and above all, dedication to DAPA). For the Year 2021, DAPA presented the President's Award to Lindy Duffney. Lindy has provided detailed legal support as a paralegal since November 2019 by working through complex litigation and transactional cases from beginning to end. Lindy was first

introduced to DAPA by attending the Wendi Atwood Rogers Mentorship Workshop where she first felt inspired to pursue a career as a paralegal. Lindy's education includes having graduated magna cum laude with a Bachelor's degree in Political Science from Fayetteville State University, and a graduate-level Paralegal Studies certificate from Southern Methodist University. In conjunction with her Paralegal Studies certificate, Lindy has continued to expand upon her knowledge and passion of the legal field by serving on the DAPA Board of Directors since 2021.

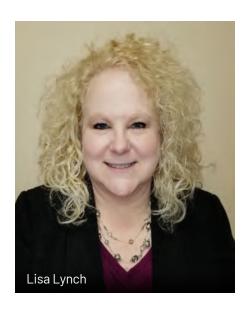


DALLAS AREA PARALEGAL ASSOCIATION 2021 MICHELE M. BOERDER LIFETIME ACHIEVEMENT AWARD LISA LYNCH

The purpose of the Michele M. Boerder Lifetime Achievement Award (the "Lifetime Achievement Award") is to recognize continued, longstanding service to DAPA and contributions to the overall paralegal profession. The Lifetime Achievement Award was inspired by the legacy of Michele M. Boerder, CP, TBLS-Paralegal. The recipient of the Lifetime Achievement Award must have made a lasting legacy through his/her contributions to DAPA, the community and the paralegal profession. For the Year 2021, DAPA

presented the Lifetime Achievement Award to Lisa Lynch, CRP. 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 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



Texas Paralegal Journal Spring 2022

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. In 2021, Lisa was elected to the NFPA's Board of Directors as its first President-Elect where she works closely with the President and learns 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 other positions including President Elect, NFPA Primary, NFPA Secondary, Vendor Advisor, 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.

District 3

2021 Recipient Gaston Award for Excellence in Legal Support/Texas Bar College JENA PARKER, CP

*Originally published https://texasbarcollege. com/awards/merianne-gaston-award-forexcellence-in-legal-support/ and printed with permission of Texas Bar College

Jena Parker has over 27 years of experience as a criminal law paralegal. Since 1997, Jena has been a certified paralegal through the National Association of Legal Assistants which the American Bar Association recognizes as a designation of her ability to provide exceptional paralegal services and marking a "high level of professional achievement" (www.nala. org). To maintain this highest level of national accreditation, Jena must fulfill ongoing educational requirements mandating a minimum of 50 hours of Continuing Legal Education (CLE) every 5 years.

In addition to her nationally recognized accreditation, Jena was on the board of the Texas Bar College for approximately 10 years and has been a member of the State Bar of Texas Paralegal Division for many years. Jena also joined the Fort Worth Paralegal Association (FWPA) in 1992, serving on its board for 6 years, receiving nominations for "Paralegal of the Year" each year from 2003-2006, and was elected President of the FWPA in 2005. Jena's "Paralegal Profile" has been featured in West's Paralegal Today (Fourth edition, p 587), and she was featured in the popular paralegal reference guide Lessons from the Top Paralegal Experts: The 15 Most Successful Paralegals and What You Can Learn from Them by Carole Bruno.



Jena was featured in the documentary series Dallas DNA (Investigation Discovery Channel) for her work with the Dallas County District Attorney's Office Conviction Integrity Unit (CIU). The CIU was the first of its kind in

Texas Paralegal Journal Spring 2022

the United States, created to review claims of actual innocence by those convicted of serious crimes, remedy wrongful convictions, reaffirm proper ones, and lobby the legislature to pass laws to prevent wrongful convictions and minimize their impacts moving forward. Jena was the CIU paralegal from its inception in 2007 through

2011 when she returned to the private sector. In the subsequent years, the groundbreaking work done by Jena and her colleagues at the Dallas County CIU has been a model for successfully reviewing the integrity of convictions from within District Attorney's Offices nationwide and, in some cases, overseas.

Jena currently works for renowned criminal defense attorneys Terri
Moore and Mike Ware, and for the Innocence Project of Texas (where Mike is Executive Director), a non-profit organization that works to free the wrongfully convicted statewide and assists with corresponding efforts nationwide.

FORT WORTH PARALEGAL ASSOCIATION PARALEGAL OF THE YEAR

Congratulations to the 2021 Paralegal of the Year, Susan Davis! Ms. Davis is described a bright star bringing a smile, skills, and a "let's do it" attitude to the office each and every day.

Ms. Davis is well liked and respected by clients, who frequently comment about how the she is able to put them at ease with professionalism during the various phases of their cases, all while managing a heavy litigation docket, and accompanying attorneys to trial to assist at all phases on both the state and federal level.



Texas Paralegal Journal Spring 2022

FORT WORTH PARALEGAL ASSOCIATION PRO BONO VOLUNTEER OF THE YEAR



Longtime Fort Worth Paralegal
Association member Susy Johnson
was presented with the Pro Bono
Volunteer of the Year award. Susy is
Vice President and Paralegal at The
Woodmont Company. Susy has been
with the Woodmont Company for 20
years. She is Board Certified in Real

Estate Law by the Texas Board of Legal Specialization. Susy negotiates and prepares governing documents for properties, negotiates leases, construction and purchase loan/ refinances, in addition to effectuating closings for sales of pads, out-parcels and/or shopping centers. Susy was the 2016 FWPA Paralegal of the Year, 2017 President of FWPA and 2018 FWPA Community Service award recipient. In addition to Susy's FWPA leadership roles, she is a long time Pro Bono Volunteer for both FWPA and TVAS. Susy is also very involved with her church and family.

Texas Paralegal Journal Spring 2022

FORT WORTH PARALEGAL ASSOCIATION VOLUNTEER OF THE YEAR

This year we recognize an individual who has given back to our community in so many ways. Mandy Sherman has served in the role of Community Service Chair or Co-Chair from 2017-2020. Additionally, she has been a volunteer on many of the community service events. Mandy has done a tremendous job representing the FWPA in the community and bringing opportunities for the FWPA to give back. Mandy's involvement and guidance has helped so many people along the way and it is our pleasure recognize Mandy Sherman as the recipient of the FWPA Community Service Award. Let Mandy be an inspiration to all of us to step up and volunteer!



PRO BONO SUPPORT STAFF AWARD SHANNA MELLO



The Pro Bono Support Staff Award recognizes the outstanding and exemplary contributions of non-attorney volunteers, such as paralegals, administrative assistants, interpreters, and other support staff, who work on pro bono projects. Mello is a paralegal at Eggleston King and donates her time coordinating and leading a free Teen Court program in Parker County. Mello has donated her time to Parker County Teen Court for 10 years. She has been active in the State Bar of Texas Paralegal Division and led significant committees for 10 years.

Texas Paralegal Journal Spring 2022

District 5

Kerri Alexander was selected as Paralegal of the year for 2021 at the District 5 /SAPA Paralegal Day luncheon October 22, 2022. Kerri is a true pillar of the paralegal community. Her contributions have helped shape and promote our profession. Kerri has been very active in both PD and SAPA for many years and currently serves as the PD Public Relations Chair and is serving on the TAPS Committee as Marketing Chair. We are truly appreciative and she could not be more deserving!



District 11

The Court Observance and Texas Paralegal Day Celebration held on October 14, 2021 at the Midland Country Club was a great success! We are so thankful to the Midland County Bar Association for allowing us to be part of this special event every year. The Keynote Speaker this year was State Bar President Sylvia Borunda Firth who discussed the value of the State Bar of Texas and the benefits of being a member.



Texas Paralegal Journal Spring 2022

District 12

D12 Texas Paralegal Day Celebration

Members of the Denton County
Paralegal Association and District 12
of the State Bar Paralegal Division
enjoyed a great Texas Paralegal Day
celebration together recognizing the
30th Anniversary of DCPA and the 40th
Anniversary of the PD. As organizations
with mutual interests, we understand
the value of working together for
the benefit of all our members.
Vince Lombardi once famously said

"Individual commitment to a group effort – that's what makes a team work, a company work, a society work, a civilization work." We are thankful to all who made the commitment to attend, donate door prizes, and support this event with their time, talent, and social media "likes"! We are very grateful to Jesse Guerrero of File & Serve Texas as our major sponsor.



DCPA Special Recognition



The Denton County Paralegal Association awarded special recognition to Sharron Dowdle for significant contributions during 2021.

Sharron played an integral part in DCPA serving as the Secretary/ Parliamentarian, and in the PD as the District 12 Online CLE Sub-Chair. Sharron served as the administrator for online CLE events for both organizations. She was diligent in her duties as the DCPA Secretary/ Parliamentarian in distributing information to DCPA members; highly responsive to all questions and requests; and committed to maintaining a positive public relations campaign on the DCPA Facebook page. Sharron went above and beyond in her duties to maintain DCPA visibility and keep members engaged during the last year of COVID restrictions.

Sharron is the chief paralegal with Little Law, PLLC in Flower Mound. She has been a DCPA member since 2015 and a PD Member since 2018. Sharron enjoys reading, cooking, spending free time with her son and daughter, vacationing at the beach, and relaxing with friends and family.

District 14

Charter member of the Paralegal Division, Javan Johnson, was awarded the Paralegal of the Year award by Northeast Texas Association of Paralegals



Texas Paralegal Standards

Texas Paralegal Journal Spring 2022

TEXAS PARALEGAL STANDARDS

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

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

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

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

- 1. Attorneys are encouraged to promote:
- a. paralegal attendance at continuing legal education programs;
- b. paralegal board certification
 through the Texas Board of Legal
 Specialization (TBLS);
- c. certification through a national paralegal organization such as the National Association of Legal Assistants (NALA) or the National Federation of Paralegal Associations (NFPA); and
- d. membership in the Paralegal
 Division of the State Bar and/or
 local paralegal organizations.
- 2. In hiring paralegals and determining whether they possess the requisite education, attorneys are encouraged to consider the following:
- a. A specialty certification conferred by TBLS; or
- b. A CLA/CP certification conferred by NALA.; or
- c. A PACE certification conferred by NFPA; or

- d. A bachelor's or higher degree in any field together with a minimum of one (1) year of employment experience performing substantive legal work under the direct supervision of a duly licensed attorney AND completion of 15 hours of Continuing Legal Education within that year; or
- e. A certificate of completion from an ABA-approved program of education and training for paralegals; or
- f. A certificate of completion from a paralegal program administered by any college or university accredited or approved by the Texas Higher Education Coordinating Board or its equivalent in another state.
- 3. Although it is desirable that an employer hire a paralegal who has received legal instruction from a formal education program, the State Bar recognizes that some paralegals are nevertheless qualified if they received their training through previous work experience. In the event an applicant does not meet the educational criteria, it is suggested that only those applicants who have obtained a minimum of four (4) years previous work experience in performing substantive legal work, as that term is defined below, be considered a paralegal.

Texas Paralegal Standards

Texas Paralegal Journal Spring 2022

B. Delegation of Substantive Legal Work:

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

"Substantive legal work" does not include clerical or administrative

work. Accordingly, a court may refuse to provide recovery of paralegal time for such non-substantive work. Gill Sav. Ass'n v. Int'l Supply Co., Inc., 759 S.W.2d 697, 705 (Tex. App. Dallas 1988, writ denied).

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

1. Attorney. The employing attorney has the responsibility for ensuring that the conduct of the paralegal performing the services is compatible with the professional obligations of the attorney. It also remains the obligation of the employing or supervising attorney to fully inform a client as to whether a paralegal will work on the legal matter, what the paralegal's fee will

- be, and whether the client will be billed for any non-substantive work performed by the paralegal.
- 2. Paralegal. A paralegal is prohibited from engaging in the practice of law, providing legal advice, signing pleadings, negotiating settlement agreements, soliciting legal business on behalf of an attorney, setting a legal fee, accepting a case, or advertising or contracting with members of the general public for the performance of legal functions.

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

Have a Topic to Share?

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

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

Submit your article to Editor at top:000 *Minimum 2,000 words/.doc format.

2021 TBLS Paralegals

Texas Paralegal Journal Spring 2022

2021 TBLS PARALEGALS

The Texas Board of Legal Specialization certification process is purposefully rigorous and specific to meet the objectives set forth by the Supreme Court of Texas and the State Bar of Texas to "... serve the public interest and to advance the standards of the legal profession."

Congratulations to these 2021 Board Certified Paralegals:

Amber Atkins (Galveston)

Kimberly Hill (League City)

Shannon Clements (Houston)

Tait Johnson (Dallas)

Ashleigh Alvarado (Richmond)

Martha Calderon (Houston)

Ashley Cardwell (Spicewood)

Erin Fisher (Frisco)

Evodije Fornelius (Houston)

Sara Martin (Austin)

Theresa Mitchell (Dallas)

Debra Nix (Houston)

Caroline Rose (Rockwall)

Kathleen Shipley (New Braunfels)

Mojgan Withers (Dallas)

YOUR AD HERE!

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

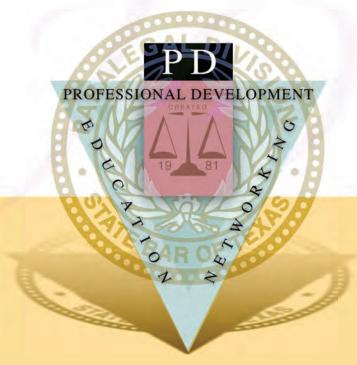
Membership Benefit

Texas Paralegal Journal Spring 2022

MEMBERSHIP BENEFIT

Are you going to TAPS? I hope you are because this is the place to get all your CLE for the whole year (including enough hours for membership in the State Bar College). Besides offering high-quality CLE, the Texas Advanced Paralegal Seminar is an amazing networking event. Meet your District Director, your Board Members, other members in your District and from across the state. Put a face and a personality with that name. Mix and mingle. Pick some brains. Register here: https://txpd.org/taps-home/. Membership earns you a nice discount! See you there!





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

PD provides many benefits for career growth:

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

THINK ABOUT IT.....

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

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

Texas Paralegal Journal