



Key Note



Volume 69

Northeast Texas Association of Paralegals, Inc.
An Affiliate of the National Association of Legal Assistants, Inc.
Editor, Mona Hart Tucker, ACP

September 2010

President's Greeting



you are too fearful to seek genuine elations in your life.

Nadriette Hardeman, CP
President



2010 Executive Committee

President - Nadriette Hardeman, CP
1st Vice President - Gloria Gibbons, CP
2nd Vice President - Lori Campbell, CP
Secretary - Shannon Watts, CP
Treasurer - Lida Vega, PP
NALA Liaison - Javan Johnson, ACP



Charity Focus

The Rainbow Room Needs You!

Yes, the economy has been tough and we have all had to learn to stretch our dollars a bit more, but we have to also realize that there are others much more unfortunate than we are. The Rainbow Room helps children of all ages when they have been removed from abusive situations, abandoned, and so many other scenarios. They strictly work off a small state budget and donations.

Could you spare a dollar or two to help? Could you run by a dollar store and pick up some baby wipes, diapers, diaper rash ointment? You can pick up one of each for about \$2-3. It's not really that much and it goes such a long way for these children.

If you don't like something change it; if you can't change it, change the way you think about it.

-- Mary Engelbreit

This quote is something to think about with all of the controversial topics in the daily news. The media gets hold of that one hot topic and harps on it for weeks and sometimes months at a time before laying it to rest. I have found some of these ceaseless rants of who-blah to be quite irritating with all of the redundancy. The coverage of some pointless and biased stories will never come to an end as it fuels so many peoples' emotions. It mainly ignites people in strong opposition, but what is the point if there is nothing to be done to change it?

Ms. Engelbreit's quote is applicable in and all situations, whether it is love and relationships, jobs, religion, politics, finances, education, personal vices, etc. In all instances you have three options: you can either (1) try changing your situation to be more suitable you; (2) accept and conform to your situation; or (3) remove yourself from the situation. For example, if you find yourself dissatisfied with your current career path, you can either try making changes by taking another avenue, just accept what you have and live with it, or totally change your career path to a different direction.

You have true control over your own happiness, and you have options to change every situation you encounter. If you are afraid of change, then

Ethics Corner

This is the fourth installment drawn from Javan Johnson's paper on paralegal ethics.

Set a High Standard for Competence.

There is a duty of competence set forth by the rules for attorneys, and therefore, the same is true for paralegals, i.e. Canon 9 of the Paralegal Division Code of Ethics.

a. Keep abreast of changes in the law, in technology and in ethics. Attend continuing legal education seminars in your area of practice, as well as in ethics.

CLE is not required in order to work as a paralegal in Texas, but it is imperative to keep up-to-date on legal knowledge and skills.

CLE is only required for those paralegals who are certified by NALA, NFPA, TBLS, and other organizations. CLE is also now required for membership in many paralegal organizations, such as the Paralegal Division of the State Bar of Texas, and local associations.

CLE is very easy to obtain with the Division, as well as the State Bar, offering online CLE, live webcasts, in addition to live seminars, such as the Texas Advanced Paralegal Seminar (TAPS) held each Fall, and other live presentations held throughout the state. Most organizations and associations also accept self-study hours, so reading the *Texas Paralegal Journal*, *Texas Bar Journal*, advance sheets, legal periodicals, and other materials constitute self-study.

Also, consult www.txpd.org, www.texasbar.com and hundreds of other websites that continue to post updated laws.

How do you encourage your attorney to allow you time out of the office for CLE - and here's a concept - even pay for it? Here's your answer: In *Cunningham v. Columbia/St. David's Healthcare System, L.P.*, 185 S.W.3d 7 (Tex. App. - Austin 2005 no pet. h.), the Appeals Court upheld the Trial Court's ruling that an expert was not timely designated because there was a miscommunication between the attorney and his

If you don't have time to do the shopping, then just bring some extra change to each meeting and we'll get the shopping done for you. You'll feel better knowing you have helped some kids in need!



September Birthdays

18	-	Amanda Garcia
20	-	Javan Johnson
27	-	Shannon Qualls
28	-	Cindy VanBlaricom



What's Happening

Lori Campbell's daughter Alicia is having a girl in January, and they have already picked out the name: Aurora Skye Ellis.



Legal Term of the Month

Voir Dire

Pronunciation: (vwahr deer also vor deer or vor dIr)

Definitions:

1. *n.* [Law French "to speak the truth"] A preliminary examination of a prospective juror by a judge or lawyer to decide whether the prospect is qualified and suitable to serve on a jury. • Loosely, the term refers to the jury-selection phase of a trial.
2. A preliminary examination to test the competence of a witness or evidence.

A friend's comment on pronunciation:

Although it's the last pronunciation in Black's Law Dictionary, the third pronunciation is the *only* correct pronunciation in Texas. If you use the first or second, the reaction you'll likely get from both judge and opposing counsel will be, "You're not from around here, are you?"



paralegal. *Cunningham* states:

"The Texas Supreme Court has held that "[c]ounsel should not be excused from the requirements of the rule without a strict showing of good cause." *Alvarado*, 830 S.W.2d at 915 (discussing Rule 215, predecessor to Rule 193.6 before 1999 amendments). Because lawyers are responsible for the actions of the legal assistants that they supervise, the procedural mistakes made by a legal assistant are imputed to the supervising attorney. See Tex. Disciplinary R. Prof'l Conduct 5.03 (reprinted in Tex. Gov't Code Ann., tit. 2, subtit. G app. A, art. 10, § 9 (West 2005)); see also *Weaver v. E-Z Mart Stores*, 942 S.W.2d 167, 170 (Tex. App.--Texarkana 1997, no writ). "[I]nadvertence of counsel, by itself, [is] not good cause" because, if it were, "the exception would swallow up the rule, for there would be very few cases in which counsel would admit to making a deliberate decision not to comply with the discovery rules." *Alvarado*, 830 S.W.2d at 915; see also *Agristor Credit Corp. v. Donahoe*, 568 S.W.2d 422, 426 (Tex. Civ. App.--Waco 1978, writ ref'd n.r.e.) (because secretarial mistakes are imputed to attorney and inadvertence of counsel is insufficient, counsel's excuse that secretary failed to inform him about discovery deadlines was not good cause). Thus, the trial court's determination that *Cunningham's* excuse did not constitute good cause was not an abuse of discretion because it was in accordance with the law."

b. Subscribe to e-groups that will be effective for your work and profession, such as email@egroup.txpd.org. You will be able to send and receive valuable information and questions to assist you on a daily basis.

c. Take advantage of educational opportunities offered by paralegal associations and bar associations.

d. Understand that your paralegal education and experience provide a foundation on which you are expected to build throughout your career.

e. Common breaches of the duty of competence may be missed deadlines and errors in documents. Strive to be detailed and thorough in your work so these breaches do not happen.

f. If you have an attorney that is not

adequately supervising you, improve your communications with the attorney to bring this to their attention, i.e. force them to be your supervisor.

g. Keep up with new software and updated versions of programs you already use. Evaluate whether the programs you are using are being used to their fullest. Get the appropriate training if the programs are not being properly used. If there are better programs for your office to use that would be more efficient, be sure and research and share that information.

h. In addition to software programs, understand technology that is used in your attorney's practice.

i. Email is a way of life these days - stay professional in your communications regarding clients. Do not use capital letters - it gives an impression of "yelling." Write with the same formality and rules you would use in standard letters or memorandums as many times the emails are printed and end up in a client's permanent file.

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Quick Links

Texas Attorney General - www.oag.state.tx.us

Texas Comptroller's Office - www.window.state.tx.us

Texas Dept. of Housing & Community Affairs - www.tdhca.state.tx.us

Texas Dept. of Housing & Community Affairs, Manufactured Housing Division - www.tdhca.state.tx.us/mh/index.htm

Texas Dept. of Insurance - www.tdi.state.tx.us

Texas Dept. of Public Safety - www.txdps.state.tx.us

Texas Railroad Commission - www.rrc.state.tx.us

Texas Secretary of State - www.sos.state.tx.us

Texas Workforce Commission - www.twc.state.tx.us



Flowcharts for Free

I found this on Tom Mighell's blog, *inter alia*, www.inter-alia.net. I can't use it on my Mac computer, but those of you with PCs may find it to be a great tool.

"Do you need to create a diagram or flowchart but don't have Microsoft Visio? Visio is a strong diagramming tool, but if you don't have MS Office, or didn't pony up for the version with Visio, you won't have access to it. Instead, check out MeeSoft's [Diagram Designer](#). It's a dead simple way to create flowcharts, and then export them in image formats like JPG, PNG and GIF. And did I mention it's free? Give it a look."



Important Dates

October 1, 2010 is the deadline to apply for the December CLA/CP Exam. Application available at www.nala.org.



Northeast Texas Association of Paralegals, Inc. Minutes of the Membership Meeting Wednesday, August 18, 2010

The monthly meeting of the Northeast Texas Association of Paralegals was held at the Longview Community Center on Wednesday, August 18, 2010.

The meeting was called to order by President Nadriette Hardeman at 12:08 p.m. Those in attendance were Nadriette Hardeman, Lori Campbell, Gloria Gibbons, Andrea Brunson, Lida Vega, Pam Matthews, Elisha Calhoun, Cindy VanBlaricom, Ranita Shows, and guest Jim Abernathy.

Our speaker was Kevin Roper from ComputerLand Network Technologies. Also present was Wally Edge from ComputerLand

Network Technologies. Kevin Roper spoke to us about Security Awareness for the Appropriately Paranoid and Protecting you from your new toys.

Reports

Secretary: Shannon Watts was not in attendance, but President Hardeman announced that the minutes from the July membership meeting were printed in the August 2010 *Key Note*. President Hardeman asked if the membership had a chance to review same. Upon motion made by Gloria Gibbons and seconded by Pam Matthews, the minutes from the July 21, 2010 membership meeting were unanimously approved by the membership.

Treasurer: Treasurer, Lida Vega, presented the following Treasurer's Report for the month of July 2010 to the membership:

Beginning balance:	\$5,122.94
Incoming Activity:	\$106.31 (Lunch proceeds - \$66.31; and mug sales - \$40.00)
Outgoing Activity:	\$131.55
Balance:	\$5,097.70

A motion was made by Lida Vega and seconded by Gloria Gibbons to accept the treasurer's report as presented and approved by the membership.

Announcements

Employment: No employment.

Education: Gloria Gibbons reported that she was working on a speaker for September and that the speaker will be announced in the September *Key Note*.

Key Note: Articles for the *Key Note* are due to Mona Tucker by September 3, 2010.

Old Business: Discussion was held regarding finalizing the cookbook and the contest deadline for submission of titles.

New Business: Ranita Shows thanked the Membership for her scholarship.

Charity Focus: Our September charity focus will be emancipation items. Javan Johnson agreed to take up cash and stated that she would be happy to purchase items for members that were unable to purchase items individually. Anything that

we are able to provide would be greatly appreciated.

Speaker: At 12:15, our guest speaker for the August 18, 2010 membership meeting was introduced by Gloria Gibbons. Gloria introduced Wally Edge and Kevin Roper from ComputerLand Network Technologies. ComputerLand provides consulting, support, and training to Texas schools, business, hospitals and governments. Kevin Roper gave a very informative presentation regarding Security Awareness for the Appropriately Paranoid and Protecting you from your new toys.

Adjournment: There being no further business, and upon motion duly made by Lida Vega, and seconded by Elisha Calhoun, the membership meeting was adjourned at 12:52 p.m.

Respectfully submitted,
Lori Campbell, CP
NTAP Secretary Pro Tem



Quick Links

Texas Attorney General - www.oag.state.tx.us

Texas Comptroller's Office -
www.window.state.tx.us

Texas Dept. of Housing & Community Affairs -
www.tdhca.state.tx.us

Texas Dept. of Housing & Community Affairs,
Manufactured Housing Division -
www.tdhca.state.tx.us/mh/index.htm

Texas Dept. of Insurance - www.tdi.state.tx.us

Texas Dept. of Public Safety -
www.txdps.state.tx.us

Texas Railroad Commission -
www.rrc.state.tx.us

Texas Secretary of State - www.sos.state.tx.us

Texas Workforce Commission -
www.twc.state.tx.us



September

Renee Budden, from LexisNexis will be speaking at our September meeting. Lexis will provide lunch.



Now We're
Cookin'



This month's recipes were sent to me from our friends at TAALP.

Sweet & Sour Broccoli Salad

Krystyna Alexander
Potter Minton, P.C.

4 c. broccoli floret
s
1 c. peanuts
1 c. raisins
½ c. chopped onion
1 c. real mayonnaise
2 tbs. cider vinegar
2 tbs. sugar

Combine broccoli, peanuts, raisins, and onion. Separately combine mayonnaise, vinegar, and sugar, pour over vegetables, and toss to coat. Cover and chill 2 hours prior to serving.



Yummy Dip

Lesley Collins
Office of T.J. Baynham, Jr.

8 oz. pkg. whipped cream cheese
½ jar mandarin oranges (drained and chopped)
½ jar hot and sweet jalapeños (drained and chopped)
Crackers

Mix ingredients and eat with crackers. Enjoy!

Quality Time

Sometimes the best way to spend time is to invest it in yourself.

Advanced
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- ON-SITE OPERATING TECHNICIAN

TRIAL BOARDS

- DRY ERASABLE
- FLIP CHARTS



TECHNOLOGY

COMPUTER FORENSICS



EDD (ELECTRONIC DATA DISCOVERY)

- EVIDENCE PROCESSING
- DATA CULLING

HOSTED REVIEW TOOLS

- CONCORDANCE FYI
- CLEARWELL
- SUMMATION WEBBLAZE



CORPORATE

CONSULTING

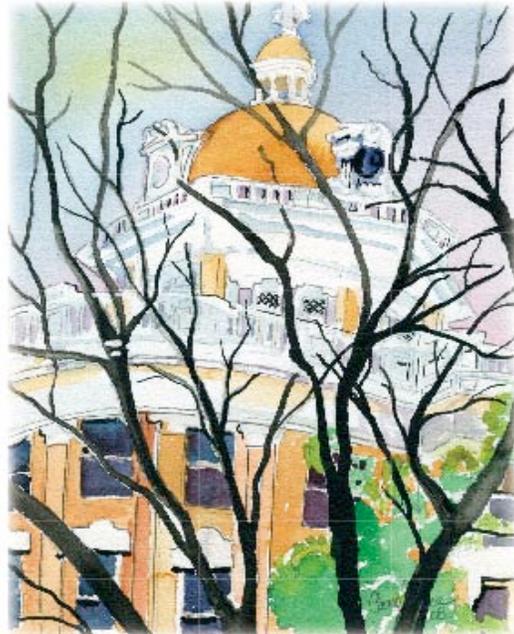
- DOCUMENT RETENTION PLANS
- LITIGATION HOLD
- CASE/EDD
- DIGITAL ARCHIVING



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CLE Calendar

For additional information about CLE across the State see the SBOT - PD web site at www.txpd.org. Also, don't forget that the PD and NALA both offer on-line CLE.

(Online) Texas Bar CLE free online seminar. TexasBarCLE offers a complimentary half hour of participatory MCLE credit. You will find a new topic available every other month. The current topic is "Legal Writing for the Rewired Brain". www.texasbarcle.com.

Check out the **Ten Minute Mentor** on www.texasbar.com. These instructional video presentations are from leading lawyers in their areas of expertise. Each presentation is typically short (around 10 minutes or less), practical, and free. Viewing presentations qualifies for MCLE self-study credit only. Topics available include Daubert challenges, petitions for review, bankruptcy issues, and many more.

(Online) NALA Campus Live! Fall Program, through Dec. 10, 2010: Courses range from practice tips and CLA/CP review courses to advanced presentations on substantive law topics. Courses last from 90 minutes to 2 hours. The Texas Board of Legal Specialization has approved certain programs for certification and re-certification. www.nala.org/onlineed.aspx

(Online) Free Webinars sponsored by Litigation Solution, Inc. Contact Todd Kelly at KTS Litigation Support, mtkelly@ktslitigationsupport.com, to register.

(Online) Free Webinars sponsored by Fios Inc. Go to www.fiosinc.com/e-discovery-knowledge-center to see what they have coming up in September.

TAPS 2010, September 29 - October 1, 2010: The Texas Advanced Paralegal Seminar will be held at the DoubleTree Hotel (North) in Austin this year. Register online at <http://txpd.org>.

Articles published herein do not necessarily represent the opinions of the Northeast Texas Association of Paralegals. Calendar listings and seminars should not be considered as endorsement of any such program or seminar.

NTAP EMPLOYMENT REFERRALS

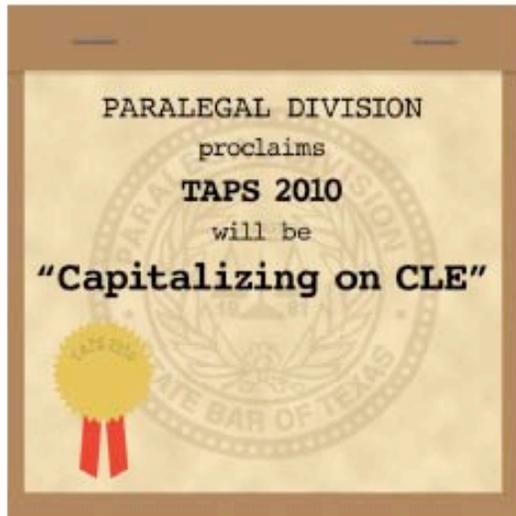
One of the benefits of your membership is NTAP's employment referral service. We receive calls from firms offering employment opportunities. If you are seeking a position or considering a change, we encourage you to use NTAP's employment referral service. If your firm is searching for qualified paralegals, ask your attorney or firm administrator to let us know about current openings.

If you are interested in being listed with the service, mail a current resume and contact information to:

Lori Campbell, CP
Sloan, Bagley, Hatcher & Perry Law Firm, P.O. Drawer 2909, Longview, Texas 75606



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REGISTER EARLY AND SAVE!

Early registration deadline is **Friday, August 20, 2010**. Register via website online at www.txpd.org beginning June 1, 2010.

PRICING OPTIONS

Full registration price includes three days of CLE, speaker materials and the Friday attendees' luncheon (socials at additional price). As an attendee you can attend any session during the three days of the seminar. **Pick and choose the classes YOU want to attend.**

One-day registration price includes one day of CLE and seminar materials (socials and luncheon at additional price). As a one-day attendee, you can attend any session during the day you register to attend TAPS. Pick and choose the classes you want to attend.

**FULL 3-DAY REGISTRATION
INCLUDES:**

- ▶ Admission to all CLE
- ▶ Seminar materials
- ▶ Admission to the Exhibit Hall
- ▶ Complimentary Continental Breakfast each day
- ▶ Complimentary ticket to Friday luncheon/CLE Event
- ▶ Option to purchase social tickets

HOTEL RESERVATIONS

DoubleTree Austin Hotel reservation deadline is **Wednesday, August 28, 2010**. Hotel reservations must be received and canceled through the DoubleTree Austin Hotel. Guest room rate of \$109.00 King and \$125.00 Double are under Texas Advanced Paralegal Seminar or TAPS. To reserve a guest room, please call 1/800.347.0330 or 512.454.3737. *Room rate is approved for three days before and after event.*

SCHOLARSHIPS AVAILABLE!

Scholarships are available to attend TAPS if you need financial assistance. Please visit the website at www.txpd.org (under NEWS) or choose CLE/Events, then select TAPS 2010.

For information regarding TAPS visit the PD website:

www.txpd.org
(Seminar brochure included
in Summer 2010 Texas
Paralegal Journal)

