



Key Note



Volume 77

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

May 2011

From the Hart

I don't really look at myself as the kind of person who craves attention, but I've never been to therapy so there's probably a lot of stuff about myself that I don't know.

Al Yankovic



What do you do that is therapeutic? A dear friend of mine is into yoga. Some of the attorneys I know go run when the stress really gets bad.

When there just aren't enough hours in the day, do you pass on the therapy? Do you skip taking breaks? Skip lunch? Come in early and work late?

Do you find yourself grinding your teeth or getting headaches? Experiencing digestive problems?

I'm guilty of all these things, my friend. I rarely take the time to indulge myself in a massage, but, to me, that is the ultimate in therapy.

I'm interested in hearing how you cope with the stresses of the job and still keep your sanity.

Mona Hart Tucker, ACP
President



2011 Executive Committee

President – Mona H. Tucker, ACP
1st Vice President – Ginger D. Gage, ACP
2nd Vice President – Sandi Clarke, CP
Secretary – Sandi Clarke, CP
Treasurer – Elisha Calhoon, CP
NALA Liaison – Javan Johnson, ACP

2011 Chairpersons

Parliamentarian – Javan Johnson, ACP
Employment – Andrea Brunson, CP
Auditor – Andrea Brunson, CP
Scholarship – Javan Johnson, ACP
Technology – Elisha Calhoon, CP
Publicity – Gail Love, CP
Hospitality – Ginger Gage, ACP; Sandi Clarke, CP; & Javan Johnson, ACP



Northeast Texas Association of Paralegals, Inc. Minutes of the Membership Meeting Wednesday, April 20, 2011

The monthly membership meeting of the Northeast Texas Association of Paralegals was held at the Longview Community Center on Wednesday, April 20, 2011.

Those in attendance were Mona Tucker, Sandi Clarke, Elisha Calhoon, Javan Johnson, Andrea Linton-Brunson and Lori Campbell.

Guests in attendance were speaker Mark McMahon, Kathy Magness, Bernice DeSantiago, Kriston Mobler, and Beth Griffin.

President Tucker welcomed members and guests and called the meeting to order at 12:10 p.m.

Reports:

Membership – Sandi Clarke announced that she has received four requests for applications, as a result of the March membership drive and that she will continue to try to recruit new members.

Treasurer – Elisha Calhoon provided a Financial Report for February 2011. After reviewing the report, Lori Campbell made a motion to accept

the March report; Javan Johnson seconded the motion and the report was approved, pending audit.

Secretary – President Tucker announced that the minutes from the March membership meeting were distributed on the tables and asked the membership for approval of same. Javan Johnson made a motion to approve the minutes; Sandi Clarke seconded the motion, and the minutes were approved as printed.

Membership – Sandi Clarke reported that we have received no new membership applications.

Employment – Job Bank Chair Andrea Linton-Brunson reported that there were no new jobs in the job bank and none of the members knew of openings.

Education – Ginger Gage was not present at the meeting, so President Tucker gave an update on the progress of NTAP's upcoming seminar. The seminar date has been set for August 6, 2011 and President Tucker reported that NTAP has acquired some door prizes and speakers and asked for topics and/or speakers that the membership would be interested in hearing. President Tucker also asked the membership to provide information on any vendors that might be willing to donate door prizes for the seminar.

Old Business – President Tucker reported that she has been trying to reach Randy Smith, her veteran's affairs contact, regarding the will clinic but that she has not had a response from him. President Tucker also informed the membership that the date for the will clinic has been set for November 13, 2011 and asked the membership to consider helping – that in addition to attorneys, there will be a need for paralegals and students to make copies.

New Business – There was no new business.

President Tucker announced that the deadline to submit articles for the *Key Note* is May 6, 2011.

Speaker – Javan Johnson introduced Mark McMahon, who presented a very informative speech on general litigation issues.

Winner – Kathy Magness's name was drawn as the winner of the door prize. Kathy was a guest and is an employee of Erskine McMahon.

With no further business, the meeting was adjourned at 1:00 p.m.



eFiling in Texas Supreme or Appellate Courts? Don't Scan, Convert!

We've learned that quite a few attorneys are sending scanned documents to Texas trial courts when eFiling on Texas court cases. However, scanned documents submitted to the Texas appellate courts are often rejected because they do not always meet the data standards required by the appellate court's case management system. When that happens, the courts are requesting that the efilers re-send those documents in a "non-scanned" format.

Blake Hawthorne, Clerk of the Court, Supreme Court of Texas, along with Don Cruse, an attorney in Austin, has posted a document, "Appellate Briefs of the Future", on the Supreme Court's website www.supreme.courts.state.tx.us that describes best practices in appellate brief preparation. It includes many helpful hints including how to convert and bookmark documents you wish to eFile. Bookmarking, for example, allows an attorney, legal assistant or legal secretary to insert a virtual exhibit tab, which many electronic filing courts require.

We also wanted to mention that scanning documents, as opposed to converting them, is costly in terms of upload and storage space. Scanned documents can take up to 50% more space than those that are converted!

From *One Legal Blog*



Proxy Forms and Instructions to Proxy Holders!

If you are an active member of NALA and cannot attend the NALA annual meeting, you may designate another NALA member to carry your vote to the meeting. A designation of proxy form can be accessed on the NALA website at www.nala.org/right.aspx.

The designation of proxy form should be in the hands of the NALA Secretary and Credentials Chair by June 29, 2011. The form may also be filed online.



The Lawyer's Toolkit: **A 30-Year Retrospective**

In December 1980, the State Bar issued bar number 93548 to J. Scott Bovitz, Loyola Law School class of 1980. In December 2010, the State Bar issued bar number 273894 to Joy Chen, Loyola Law School Class of 2010. I had the pleasure of mentoring Joy while she was a law student, and one of the questions she asked me was how the practice of law has changed during "my time."

In many ways, the job of lawyering has not changed much. A lawyer helps a client identify options and make the best choices under difficult circumstances. The transactional lawyer's job is to find and clearly document practical solutions for a client. The litigator's job is to present a client's position in the best light, be a master of civil procedure and evidence, and identify the time to press for a fair settlement or do battle. A lawyer's key assets are intelligence, education, experience, thoughtful analysis, and a good attitude.

What has changed over the last 30 years are the tools and procedures a lawyer uses to meet client expectations. In 1980, a lawyer started his (or, less frequently, her) day with stale black coffee and a donut. In 2011, a lawyer starts the day with an "extra hot, skinny, no whip, Americano" and an organic muffin. In 1980, communications took place in meetings, by letter, by fax, by cable, by telegram, and on telephone handsets designed in 1948. When I was a young associate, I purchased a 45-pound "car phone" for \$3,500. In 2011, meetings are rare. Communications take place by e-mail and texting, on speaker phones and Blackberrys (with Hip Hop ring tones). But, unreturned communications are still a major source of attorney discipline.

In 1980, the average ratio was one law firm partner and one associate to one secretary. In 2011, the average ratio is about five lawyers to one professional assistant. In 1980, document preparation started with an outline on a yellow pad, followed by dictation to a secretary, who wrote in shorthand. Secretaries had typewriters without error correction. Legal secretaries were top spellers, editors, and letter-perfect typists. There were no modern word processing

features—spell check, track changes, cut and paste, and the like. When computers finally landed on lawyers' desks, a controversy sprang up. Could a lawyer ethically bill a client for typing his or her own letter or pleading in WordPerfect 5.1? In 2011, document preparation means zippy word processing in Word 2010. Lawyers prepare most of their own drafts on computers. A few true lawyer-geeks dictate directly into the computer while the software types along.

In 1980, secretaries used carbon paper. Large firms and law schools owned finicky black-and-white photocopy machines. In 2011, color photocopy machines are ubiquitous. In 1980, court filings were blue-backed and carried by messengers. In 2011, most federal pleadings are filed online. Lawyers are deputy clerks of the court and make direct entries onto the court docket. As a result, docket entries are filled with spelling errors and unwelcome advocacy.

In 1980, a client found a lawyer by reputation and word of mouth. Martindale Hubbell was a daily tool, and lawyer certification was still a pilot program. Lawyers promoted themselves by public service, getting quoted in the paper, writing articles, and volunteering in organizations. In 2011, clients still find lawyers by reputation and word of mouth. But Martindale Hubbell is now part of LexisNexis. State and national certification programs abound, and lawyer advertising is everywhere. But lawyers still like to be quoted.

In 1980, lawyers recorded their billable time on paper time sheets. Good lawyers charged \$60 an hour and mailed paper invoices. In 2011, lawyers log every minute onto a computer program, and some lawyers charge up to \$1,000 an hour. Invoices are e-mailed.

In 1980, research was done in libraries with books. Lexis and Westlaw were new. Lawyers worked in law firms to spread out the cost of a library. In 2011, legal research is almost always done online. Lexis and Westlaw have artificial intelligence. Boolean searching is taught in law school. Primary legal resources are available online. In 1980, a librarian was the best resource for...almost everything. In 2011, Google is the best resource for...almost everything. (But I still love librarians.) In 1980, appearances were made in person. In 2011, appearances are done on the

telephone, by video, and in person. In 1980, books were published on paper. In 2011, books are published on paper and in digital form.

In 1980, every pleading was a custom project, typewritten in Courier font. In 2011, many common pleadings have been reduced to fillable PDF forms. In 1980, lawyers wrote down their tasks on a pad of paper. A manual tickler system and paper calendar served as backup. In 2011, a computer keeps the task list and sounds an alarm for each deadline. In 1980, a lawyer kept up-to-date through dinners and a few formal educational programs. In 2011, a lawyer has boundless educational opportunities—in person, on demand via recorded media, or live via webcast.

In 1980, white males predominated in the profession, and it took years to become a partner at your law firm—if ever. In 2011, color and gender barriers are slowly dissolving—but it still takes years to become a partner at your law firm—if ever. My robot looks forward to reading Joy Chen's own retrospective in 2041.

J. Scott Bovitz, the senior partner of Bovitz & Spitzer in Los Angeles, is certified as a

bankruptcy specialist by the Board of Legal Specialization of the State Bar of California and the American Board of Certification. He thanks attorney Nicole LeBlanc for her editorial suggestions.



May Meeting

Chad Newman, of Erskine & McMahon, will be the speaker at our May 18th meeting.

The menu calls for baked potato bar, salad and dessert. Please RSVP to Sandi Clarke if you plan to attend: sandi.clarke@boonlaw.com. The cost is \$5 per person.



Remember to bring a little \$ to help support the Rainbow Room!



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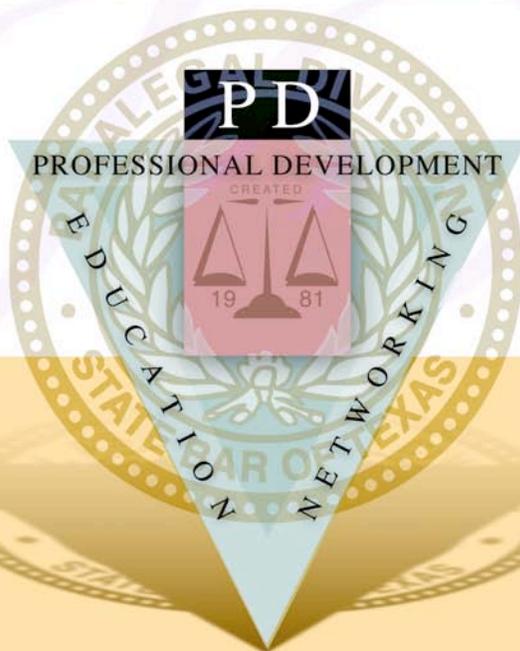
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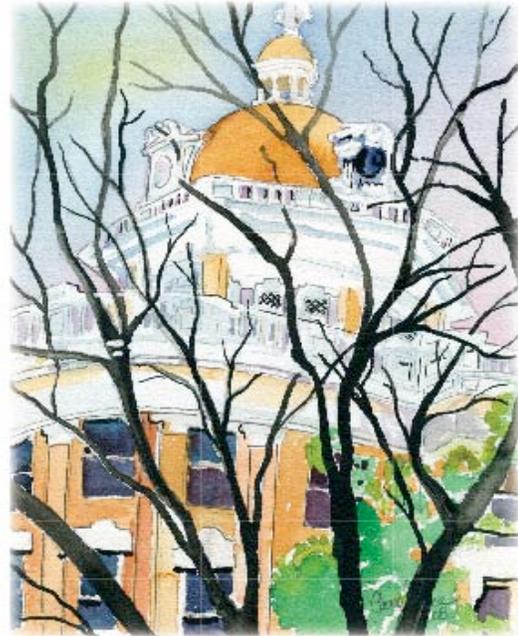
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CLE Calendar

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.

(Dallas/Plano) NALA 36th Annual Convention, July 27-30, 2011, Marriott at Legacy Town Center. It isn't too early to make plans. Go to <http://nala.org/convention.aspx> for details.

(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 "The Practice of Law in the Information Age: How to Survive and Flourish." 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! has many topics to choose from, and the Texas Board of Legal Specialization has approved certain programs for certification and re-certification. More information is available at www.nala.org.

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

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:

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