



# Key Note



Volume 93

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

September 2012

## *President's Message*

*You never know how strong you are until being strong is the only choice you have.*

- Author Unknown



Have you ever been rowing yourself along life's journey, when all of a sudden the breath was literally knocked completely out of you -- to the point that you buckled over and fell to the ground?

Recently, many of our members have suffered through the loss of loved ones, family illnesses, personal health issues, loss of jobs, etc. During my observation, as well as having been a participant myself in such unfortunate circumstances, I found our association to be the most sympathetic, supportive and consoling to those enduring such tragedies.

I applaud each one of you who gave, and continue to give, kindness to those in need. You will probably never know the depth of your kindness to a particular individual, but your kindness will often be repaid to you in ways you could never imagine.

Andrea Brunson, CP  
NTAP President, 2012



## 2012 Executive Committee

- President - Andrea Brunson, CP
- 1<sup>st</sup> Vice President - Sandi Clarke, CP
- 2<sup>nd</sup> Vice President - Nadriette Hardeman, CP
- Secretary - Cindy VanBlaricom
- Treasurer - Shannon Qualls
- NALA Liaison - Javan Johnson, ACP

## 2012 Chairpersons

- Parliamentarian - Mona H. Tucker, ACP
- Employment - Andrea Brunson, CP
- Auditor - Andrea Brunson, CP
- Scholarship - Javan Johnson, ACP



## Congratulations!

**Nadriette & Marlon Hardeman** welcome their son Marlon Jr., born August 15<sup>th</sup>. He weighed in at 9 lbs, 1 oz, and was 21.5" long.



Marlon Hardeman, Jr.



## What's Happening



**Cindy VanBlaricom** is in the process of buying her first house, and abandoning the apartment where she's been for 10 years. She is currently in the market for furniture, washer, dryer, fridge, and all that sort of thing. If you can hook her up with something that won't break the bank, let her know. *Congratulations, Cindy!*



**Northeast Texas Association of Paralegals, Inc.**  
**Minutes of the Membership Meeting**  
**August 15, 2012**

The monthly membership meeting of the Northeast Texas Association of Paralegals was held at the Longview Community Center on Wednesday, August 15, 2012.

Those in attendance were Sandi Clarke, Crystal Roberts, Lisa Liston, Javan Johnson, Lori Campbell, Andrea Brunson, Shannon Qualls, and Cindy VanBlaricom.

President, Andrea Brunson welcomed members and guests and called the meeting to order at 12:20 p.m.

**Reports:**

Secretary - The minutes from the July membership meeting were presented by Cindy VanBlaricom. Javan Johnson made a motion to approve the minutes. Lisa Liston seconded the motion, and the minutes were approved as printed.

Treasurer - The Treasurer's Report was presented by Shannon Qualls. Shannon Qualls made a motion to approve. Javan Johnson seconded the motion, and the treasurer's report was approved.

Membership - The membership had previously approved the application of Crystal Roberts. Lisa Liston made a motion to approve the application. Shannon Qualls seconded the motion and the application was approved.

Plans are being made for the fall semester to visit the Kilgore and Texas A&M Commerce campus

Scholarship - Javan Johnson announced no new information at this time.

Website/Facebook - Shannon Qualls is updating the website.

Speaker - The speaker for the September membership meeting is unknown at this time. The speaker will be covering the topic of pre-trial motions.

Charities - Donations for the Rainbow Room will be taken at each membership meeting.

New location - There has been no new information on the status of the current meeting

location.

CP Review Course - Finals plans will be made soon for the CP Review course that will be held on October 26 - 27, 2012 at the Summit Club. The grand prize drawing will be for an Ipad. First 10 registrants will receive a 4GB flash drive.

TAPS - TAPS is currently scheduled for October 3-5, 2012 in Addison, Texas.

Veterans Wills Clinic - The wills clinic will be November 17, 2012 in Gilmer Texas at Joe Newsom's office.

Key Note - Key Note submissions are due September 7, 2012.

Employment - Joe Newsom has a position open at his firm.

Sandi Clarke spoke on dispositive motions and Javan Johnson spoke on discovery objections.

With no further business, the meeting was adjourned at 12:50 p.m.

Cindy VanBlaricom  
NTAP Secretary



**Opinions (or Warnings) Worth Noting**

Judge John Facciola wishes the parties would play nice. "There is a new sheriff in town - not Gary Cooper, but me." The Court ordered that the parties cease the "filing of forty-page discovery motions accompanied by thousands of pages of exhibits" and the parties will make "genuine efforts to engage in the cooperative discovery regimen contemplated by the Sedona Conference Cooperation Proclamation." *Tadayon v. Greyhound Lines, Inc.*, 2012 U.S. Dist. LEXIS 78288, 15-17 \* (D.D.C. June 6, 2012).

Judge Shira Scheindlin (of *Zubulake* and *Pension Committee* fame) dealt with adequacy (or not) of the government's searches under FOIA in determining whether it "failed to conduct any searches of the files of certain custodians who were likely to possess responsive records" and whether it "established that the searches that they did conduct were adequate." Judge Scheindlin sounded a bit weary in her conclusion: "This litigation, filed more than two years ago, has already engendered four judicial

opinions - now five." Remember Rule #1, people? Repeat after me: "Don't - Make - the - Judge - Mad!" *Nat'l Day Laborer Org. Network v. United States Immigration & Customs Enforcement Agency*, 2012 U.S. Dist. LEXIS 97863 (S.D.N.Y. July 13, 2012).

U.S. Magistrate Judge Paul S. Grewal, in granting plaintiff's motion for an adverse inference jury instruction, found that defendant, although put on notice of possible litigation *and* after having sent its employees a litigation hold letter, failed to suspend its email auto-delete function. This resulted in the destruction of highly relevant ESI. In granting the spoliation order, Judge Grewal noted that the defendant had failed to suspend the same auto-delete feature in a different court case seven years earlier. *Apple Inc. v. Samsung Elecs. Co., Ltd.*, 2012 U.S. Dist. LEXIS 103958, 12-13 (N.D. Cal. July 24, 2012).



### Are You Certified?

If you've been procrastinating about sitting for the Certified Paralegal exam, NTAP is here to rid you of your excuses.

On October 26 & 27, 2012, we will offer an intensive 2-day CP Review Course to help you prepare. Excellent speakers have been lined up to present insight into the various sections of the exam and to answer questions.

Lunch will be provided each day, and door prizes will be awarded. (You must be present to win.) The registration form will be included in the next issue of the *Key Note*, or you may register online at [www.NTAParalegals.org](http://www.NTAParalegals.org).



### You're Invited

District 14 of the Paralegal Division of the State Bar of Texas is joining forces with the Tyler Area Association of Legal Professionals to present a free one-hour CLE session on September 13<sup>th</sup> at Gilbert's El Charro in Tyler. The only cost is your meal.

The CLE will be followed by an informal meet & greet where you can get to know your fellow paralegals. Be sure to sign up for the door prize - a copy of the *Paralegal Ethics Handbook*, donated

by the PD. See the flyer attached to the end of this issue of the *Key Note* for details. Registration deadline is September 11, so don't wait! Reserve your spot by emailing [District14@txpd.org](mailto:District14@txpd.org). Space is limited to the first 50 registrants.



## September



The membership meeting will be at noon on September 19<sup>th</sup> at the Longview Community Center. We will continue our series of talks on the life of a trial.

Remember to pick up your lunch on the way to the meeting.



## COOKBOOKS - \$10.00

RAISING MONEY FOR PARALEGAL  
STUDENT SCHOLARSHIPS



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# CLE Calendar

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

**(Tyler) September 13, 2012.** Paralegal Division District 14 and TAALP will co-sponsor a free hour of CLE and a meet & greet at El Charro in Tyler. Cost is for meal only. RSVP by Sept. 11 to [District14@txpd.org](mailto:District14@txpd.org). See flyer, attached.

**(Addison) October 3-5, 2012.** The Paralegal Division (PD) of the State Bar of Texas is sponsoring its annual Texas Advanced Paralegal Seminar "TAPS 2012 - A Direct Flight to 1<sup>st</sup> Class CLE" at the Crowne Plaza Hotel in Addison. Paralegals can obtain up to 14 hours of CLE. For details or to register, visit [www.txpd.org/taps](http://www.txpd.org/taps).

**(Longview) October 17, 2012.** NTAP will celebrate Texas Paralegal Day at the Summit II in Longview. This is the date of our regular meeting, and NTAP will pick up the tab for members' lunches. Non-members cost is \$10. RSVP to [AndreaB@nixlawfirm.com](mailto:AndreaB@nixlawfirm.com) before Oct. 12, 2012.

**(Longview) October 26 & 27, 2012.** NTAP will sponsor a CP Review Course. The registration form is attached to this month's *Key Note*. Go to [www.NTAParalegals.org](http://www.NTAParalegals.org) for more 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 "Fiduciary Litigation in Family Law: The Spousal Relationship". [www.texasbarcle.com](http://www.texasbarcle.com). *Please note: NALA will not accept courses under 50 minutes in length.*

Check out the **Ten Minute Mentor** on [www.texasbar.com](http://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. The fall program starts on August 28<sup>th</sup>. More information is available at [www.nala.org](http://www.nala.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:

Andrea Brunson, CP  
[AndreaB@NixLawFirm.com](mailto:AndreaB@NixLawFirm.com)  
NTAP, P.O. Box 2284, Longview, Texas 75601



# Paralegal Day Celebration Luncheon

at

Summit Club  
210 East Methvin Street  
Longview Texas

**October 17, 2012 at Noon**

Current NTAP Members: No Charge  
Non-Members: \$10.00

RSVP to Andrea Brunson at (903) 645-7333 or [AndreaB@nixlawfirm.com](mailto:AndreaB@nixlawfirm.com) before October 12, 2012

September brings winds of change with Back to School, Football, falling leaves and cooler temps.

Join us for a change also!

TAALP and  
Paralegal Division of the State Bar of Texas  
District 14

Co-host

September's Monthly Membership  
Meeting

**JERRY BAIN, Speaker**

"What Every Paralegal Always Wanted to Know About  
Community Property, Separate Property, Pre & Post Nuptial  
Agreements But Did Not Want to Ask Their Spouse."

Gilbert's El Charro # 2,  
2623 East Fifth Street, Tyler  
September 13, 2012  
5:30 - 7:30 p.m.  
(Meet & Greet After CLE)

**You Don't Want to Miss the CLE, Food,  
Door Prizes and Fun!!**

