



Key Note



Volume 96

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

December 2012

President's Message

Thank you for affording me the opportunity to be your President this year. It has been a very busy but rewarding year for NTAP. However, NTAP's success could not have been accomplished without its wonderful membership and exceptional Board of Directors, making my job effortless.



Many changes took place this year for NTAP, as well as for some of its members. Some changes were good, some not so pleasant. But we have to remember that things change, people change, circumstances change, but that does not mean we have to forget the past and those we loved. We simply move forward, treasure the memories, and cherish each new day with renewed strength.

Like my favorite 1980's *Saturday Night Live* cast member Gilda Radner said, "I wanted a perfect ending. Now I've learned the hard way that some poems don't rhyme and some stories don't have a clear beginning, middle and end. Life is about not knowing, having to change, taking the moment and making the best of it, without knowing what's going to happen next."

Blessings to you all.

Andrea Brunson, CP
NTAP President, 2012



2012 Executive Committee

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Employment - Andrea Brunson, CP
Auditor - Andrea Brunson, CP
Scholarship - Javan Johnson, ACP
Nominations & Elections - Mona H. Tucker, ACP



We've Moved!

NTAP meetings are now held at the Summit Club in Longview rather than the Community Center. We will continue meeting on the third Wednesday of each month at noon.



Legal Terms of the Month

Extrinsic. Foreign; from outside sources; *dehors*.

Extrinsic Evidence. External evidence, or that which is not contained in the body of an agreement, contract, and the like. Evidence which does not appear on the face of a document, but which is available from other sources such as statements by the parties and other circumstances surrounding the transaction. Extrinsic Evidence is also said to be evidence not legitimately before the tribunal in which the determination is made.



Court Submits for Comment Rules to Expedite Simpler Cases, Dismiss Baseless Claims

The Texas Supreme Court has approved rules intended to streamline lawsuits seeking no more than \$100,000 and to provide dismissal of suits that have no basis in fact or law.

The Court also made appellate-rules changes to set per-page word limits instead of page limits on briefing.

Final approval of the expedited-actions and dismissal rules are subject to public comment through February 1 after their publication in the Texas Bar Journal. The rule on word limits for appellate briefing is effective December 1.

The complex of rules to implement legislation to expedite lawsuits seeking no more than \$100,000, including damages, prejudgment interest, costs, expenses and fees, would require all pleadings specify the monetary relief sought and will prohibit discovery if it is not included (revising civil procedure Rule 47). TRCP 169, the substance of the rules change, will allow excuse from the rule for good cause or if any claimant, other than one filing a counterclaim, pleads for relief greater than \$100,000.

Discovery in Rule 169 actions will be limited to 180 days from the first-served discovery request.

Each side would be limited to five hours to open, present evidence, examine witnesses and close.

The dismissal rule, TRCP 91a, also in response to legislation, would require a motion with specific reasons to establish a suit is without basis in law or fact. The rule stipulates that attorney fees and costs must be awarded to the prevailing party.

Adoption of Rules for Dismissals and Expedited Actions

<http://www.supreme.courts.state.tx.us/miscdocket/12/12919100.pdf>



New Appellate Rules in Effect as of December 1st

There is now a uniform docketing statement for the intermediate courts of appeals. A docketing statement is an administrative tool used to collect and provide the court of appeals with information about your case. Filing one is not jurisdictional, but the appellate rules require it. Among other things, clerk's offices use the information to screen for jurisdictional defects.

If you have ever completed a docketing statement, you'll love the new form. Before, different courts of appeals utilized different forms that had to be downloaded from each court's website. Spacing and formatting were inconsistent, and overwriting a docketing statement from an earlier case didn't always

work well.

The new uniform docketing statement is a clean, well-thought-out, fillable PDF. It is available in the forms section of each court's website.

Another change you need to be aware of is that the Texas Supreme Court has issued an order incorporating word counts into the Texas Rules of Appellate Procedure. The order amends Rules 9, 38, 49, 52, 53, 55, 64, 68, 70, and 71. Some highlights of the amendments include (for computer-generated briefs in civil cases):

- a minimum 14-point font (12-point for footnotes);
- a 15,000-word limit for briefs or responses;
- a 7,500-word limit for reply briefs;
- aggregate briefing limits of 27,000 words per party in the intermediate courts of appeals;
- a 4,500 word limit for petitions and responses filed in the Supreme Court;
- a 2,400-word limit for responses filed in the Supreme Court; and
- a certificate of compliance requirement.

Moving from 13-point to 14-point font should make briefs more readable, although readability for the court user will depend on whether a document is viewed on paper, on a full-size computer screen, or on a mobile device. Adopting word counts will reduce the temptation to manipulate margins, fonts, and so forth to beat a hard page limit.

As of December 1, 2012, under the new word-count rules, every computer-generated document filed in a Texas appellate court, except for the records, must include a certificate of compliance.

D. Todd Smith, who authors the *Texas Appellate Law Blog*, has collected a few versions of a certificate of compliance, and I share them here:

- I certify that this document contains ____ words (counting all parts of the document). The body text is in 14-point font, and the footnote text is in 12-point font. (Rob Gilbreath)
- I certify that this document brief/petition was prepared with Microsoft Word 2012, and that, according to that program's word-count function, the sections covered by TRAP 9.4(i)(1) contain ____ words. (Leif Olson)

- Relying on the word count function in the word processing software used to produce this document, I certify that the number of words in this reply (excluding any caption, identity of parties and counsel, statement regarding oral argument, table of contents, index of authorities, statement of the case, statement of issues presented, statement of jurisdiction, statement of procedural history, signature, proof of service, certification, certificate of compliance, and appendix) is _____. (Ben Taylor)
- This document complies with the typeface requirements of Tex. R. App. P. 9.4(e) because it has been prepared in a conventional typeface no smaller than 14-point for text and 12-point for footnotes. This document also complies with the word-count limitations of Tex. R. App. P. 9.4(i), if applicable, because it contains _____ words, excluding any parts exempted by Tex. R. App. P. 9.4(i)(1). (D. Todd Smith)

Which approach is best? It would depend in large part on the document being filed. Smith says: For a letter or motion, neither of which is actually subject to word limits at this point, shorter is probably better. For a petition or brief, more detail may be warranted. Otherwise, it will be mostly a matter of preference. As long as the document uses the right font sizes and the letter of Rule 9.4(i)(3) is satisfied, the filer will probably be fine.

Fortunately, the rule allows the person certifying to rely on the word count of the computer program used to prepare the document. At least we don't have to manually count those thousands of words! Be aware that, "unless every copy of a document conforms to these rules, the court may strike the document and return all nonconforming copies to the filing party. ... If another nonconforming document is filed, the court may strike the document and prohibit the party from filing further documents of the same kind.

For the complete text of the order, go to <http://www.supreme.courts.state.tx.us/MiscDocket/12/12912900.pdf>.



CLE Hours in Ethics

Don't get caught short when it's time to renew your NALA certification. If you need ethics CLE hours (and who doesn't?) check out www.lexvid.com. There are several to choose from, and they're all *free*.



Wills for Heroes

NTAP and the Paralegal Division joined forces to hold their second annual Wills for Heroes on Saturday, Nov. 17, at the Law Office of Joe Newsom in Gilmer.

We served 10 veterans and spouses. Although the response was down from last year, we came away thankful that we were able to help as many as we did.

The Sloan firm provided paper and envelopes for the event. Attorneys were Joe Newsom, John Hull, and Trey Duck. Paralegals and other support workers were: Andrea Brunson, Mona Tucker, Debbie Kinney, Gina Neuse, Gloria Gibbons, Crystal Roberts, and Doug Conn. Mr. Newsom's parents and Andrea Brunson provided a delicious lunch for the workers. Thank you all for your help and support.

Next year's will clinic will be in Daingerfield (Morris County), and we already have the courthouse annex reserved. Make plans now to be a part of this effort!



Officer Elections

Nominees have been contacted and we will elect officers at the December 19th membership meeting. The installation ceremony will be conducted on January 16th.



Did You Miss NTAP's CP Review Course?

If you missed NTAP's CP Review Course, shame on you. But you have a chance to redeem yourself because TAALP is in the planning stages for their own review course to be held April 26th and 27th in Tyler.



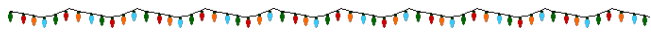
At this point, TAALP is still assessing interest (through December 21st), so if you think you'd like to attend, please send an email before the 21st to Catherine Clayton, co-chair for the event, at jdcmediations@suddenlinkmail.com. There is no commitment, but they would like to know there are enough folks interested to make the course work.



Family Law ACP Course

A new Advanced Paralegal Certification (ACP) course in Family Law - Child Custody, Support and Visitation is now available to paralegals seeking advanced certification in this specialty area.

This new offering brings the total APC program to 20 courses. Further information may be found at <http://www.nala.org/apc-Family-child.aspx>.



News from the NALA Certifying Board

Effective with the January 2013 testing session, a passing score of 73% of the total points on a section is required to pass the section. The point allocation is as follows:

- Communications - 100 points; Passing score 73
- Ethics - 100 points; Passing score 73
- Judgment and Analytical Ability - 150 points; Passing score 109.5
- Legal Research - 100 points; Passing score 73
- Substantive Law - 500 points; Passing score 365

In addition, the Certifying Board will be using objective questions exclusively on the Communications section of the examination. The board has utilized an essay question for this section, but an essay question is not scheduled for the Communications exam in January. Keep in mind that the subjects tested in each examination section are as published on the NALA web site. The form of question—true/false, multiple choice, matching, and essay—may vary from testing session to testing session. The Certifying Board will change questions used for any testing session.

Finally, the entire Certification section of the NALA web site has been reorganized, and a

good deal of information has been added. This includes:

- detailed information on subjects covered by the examination and performance statistics;
- examinee information from qualifying for the program to scheduling testing sessions;
- detailed information about the requirements for recertification; and
- certifying Board policies on disciplinary proceedings.

Each of the major sections may be downloaded in pdf format for future reference; however, rely on the web site for the most current information. Any policy changes will be posted on the web site first.



December

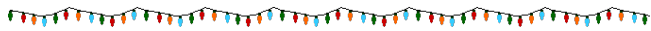


The membership meeting will be at noon on December 19th at the Summit Club. We will elect officers and the Paralegal of the Year, so you will want to be present. Please remember to bring a stuffed animal for the children at the Rainbow Room.



NTAP will provide lunch for members who RSVP by Dec. 14 to sandi.clarke@boonlaw.com.





Now We're
Cookin'



This is a Christmas tradition at the Love household.

Christmas Morning Rolls

Gail Love

- 24 uncooked frozen yeast dinner rolls
- 1 3-3/4 oz. pkg. butterscotch pudding (do not use instant)
- 1/2 c. butter
- 3/4 c. brown sugar
- 3/4 tsp. cinnamon
- 1/2 c. chopped walnuts

Arrange frozen rolls in tube or Bundt pan. Sprinkle dry pudding over rolls. Cook butter and remaining ingredients over low heat until sugar dissolves and mixture starts bubbling. Pour hot mixture over rolls. Cover tightly with foil. Let stand overnight on counter. Next morning, bake at 350 degrees for 30 - 40 minutes. Let stand for 5 minutes and invert pan on plate. Serve warm.



COOKBOOKS - \$10.00

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*BOARD CERTIFIED - ESTATE PLANNING AND PROBATE LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

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.

(Montgomery) February 1, 2013. Paralegal Division District 10 will sponsor its 6th annual "Important Skills for Today's Paralegal" at the Walden Yacht Club. Topics include Case Investigation through Discovery, Immigration, e-Discovery, and Legal Research. Cost is \$40 for Paralegal Division members, \$55 for non-members. Contact Cheryl Bryan, cbryan@obt.com, for details and to register.

(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 "Ethics of Advocacy". www.texasbarcle.com. Please note: *NALA will not accept courses under 50 minutes in length*, but the Paralegal Division does accept these 30-minute online classes.

(Online) Ethics. If you need ethics CLE hours check out www.lexvid.com. All the courses all *free*.

(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 runs through December 7th. More information is available at www.nala.org.

(Online) Transition from School to Work Place. January 17, 2013, 3:00 pm. This free webinar is for paralegal students or newly-graduated ones who are ready to begin their interviewing process. The webinar will include instruction to enhance interviewing skills and resume writing. To register, go to <http://nala.org/freeweb.aspx>.

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
NTAP, P.O. Box 2284, Longview, Texas 75601

**ANNUAL DUES RENEWAL
NORTHEAST TEXAS ASSOCIATION OF PARALEGALS, INC.**

(An Affiliate of the National Association of Legal Assistants, Inc.)

Classification:

ACTIVE	<input type="checkbox"/> Voting	<input type="checkbox"/> Non-voting	\$35.00
ASSOCIATE	<input type="checkbox"/> Voting	<input type="checkbox"/> Non-voting	\$35.00
STUDENT	<input type="checkbox"/> Voting	<input type="checkbox"/> Non-voting	\$25.00
SUSTAINING			\$100.00

Name: _____ Home Telephone #: _____

Home Address: _____

City: _____ State: Texas Zip Code: _____

Employer: _____

Business Address: _____

City: _____ State: Texas Zip Code: _____

Business Telephone: _____ Business Facsimile: _____

Office e-mail: _____ Home e-mail: _____

Date of Birth: _____ Preferred Mailing Address: _____ Home _____ Business

Area(s) of specialization, if any: _____

NALA Member CLA/CP ACP SBOT/PD

TBLS/Specialty _____

Please list first year you became a member of NTAP _____

Optional for Directory:

Education: _____

Other Memberships: _____

NTAP Background (offices held, committees served on, etc.) _____

Spouse's Name _____ Children's Names and Ages: _____

Hobbies, Goals, and/or Other personal Information: _____

FOR SUSTAINING MEMBERS ONLY:

Check one: Attorney Law Firm Corporation School Educator

Be Completed by Applicant for ACTIVE Membership:

I hereby apply for active membership in the Northeast Texas Association of Paralegals, Inc. I hereby certify that I am a resident of the State of Texas; that I am employed as a Paralegal; and that I qualify as a member under the category or categories checked below. I hereby give consent to the Association to contact my present and/or former supervising attorney(s) for verification or clarification of my qualifications for membership.

Please check the appropriate category or categories:

_____ a. The experienced individual who (i) is presently employed as a paralegal; (ii) possesses a minimum of five (5) years of law-related experience; (iii) possesses a minimum of six (6) months paralegal experience; (iv) for whom the employer-attorney will attest to that individual's qualifications as a Paralegal; and (v) can attest that they have not been convicted or given probation (whether deferred or not) of a felony or misdemeanor involving moral turpitude or any other felony; or

_____ b. The paralegal who (i) has successfully completed the CP examination, and/or a specialty certification examination administered by the Texas Board of Legal Specialization; (ii) possesses a minimum of six (6) months paralegal experience; (iii) possess a minimum of two (2) years law-related experience; (iv) for whom the employer-attorney will attest to that individual's qualifications as a paralegal; and (v) can attest that they have not been convicted or given probation (whether deferred or not) of a felony or misdemeanor involving moral turpitude or any other felony; or

_____ c. The paralegal who (i) has successfully completed a course of study for paralegals; (ii) possesses a minimum of six (6) months paralegal experience; (iii) possess a minimum of two (2) years law-related experience; (iv) for whom the employer-attorney will attest to that individual's qualifications as a paralegal; and (v) can attest that they have not been convicted or given probation (whether deferred or not) of a felony or misdemeanor involving moral turpitude or any other felony; or

_____ d. The paralegal who fulfills the criteria for Active membership in the Paralegal Division of the State Bar of Texas.

To Be Completed by Applicant for ASSOCIATE Membership:

I hereby apply for associate membership in the Northeast Texas Association of Paralegals, Inc. I hereby certify that I am a resident of the State of Texas; and that I qualify as a member under the category or categories checked below. I hereby give consent to the Association to contact my present and/or former supervising attorney(s) for verification or clarification of my qualifications for membership.

Please check the appropriate category or categories:

_____ a. The experienced individual who (i) is presently employed as a paralegal; (ii) possesses a minimum of five (5) years of law-related experience but does not possess the minimum six (6) months paralegal experience; (iii) for whom the employer-attorney will attest to that individuals' qualifications as a paralegal; and (vi) can attest that they have not been convicted or given probation (whether deferred or not) of a felony or misdemeanor involving moral turpitude or any other felony; or

_____ b. The paralegal who fulfills the criteria for Associate membership in the Paralegal Division of the State Bar of Texas; or

_____ c. If you were OR are currently an ACTIVE Member and you have retired, taking a leave of absence, or changing careers you may renew as an ASSOCIATE Member without an attorney verification signature. For this category, you must enclose a letter (with your application) describing your situation.

To Be Completed by Applicant for STUDENT Membership:

I hereby apply for Student Membership in the Northeast Texas Association of Paralegals, Inc. I certify that:

_____ a. I am a student in good standing enrolled in a university, college, junior college, or other program of study for paralegals and can attest that I have not been convicted or given probation (whether deferred or not) of a felony or misdemeanor involving moral turpitude or any other felony.

Name of institution and location: _____

_____ b. The individual who (i) has completed any university, college, junior college or other program of study for paralegals; (ii) is presently employed as a paralegal, but does not possess a minimum of five (5) years of law related experience and does not possess the minimum six (6) months paralegal experience; but for whom the employer-attorney will attest to that individuals' qualifications as a paralegal; and (iii) can attest that they have not been convicted or given probation (whether deferred or not) of a felony or misdemeanor involving moral turpitude or any other felony.

To be Completed by All Applicants:

I have read the definition of a paralegal as stated below, and have read and agree to be bound by the Code of Ethics and Professional Responsibility of the National Association of Paralegals, Inc., and agree to be bound by the Disciplinary Procedures established by the Northeast Texas Association of Paralegals, Inc. I further understand that this application is subject to approval by the National Association of Legal Assistants, Inc.

Date: _____ Renewing Member's Signature: _____

DEFINITION OF A PARALEGAL

A Paralegal is a person, qualified through education, training, or work experience, who is employed or retained by a lawyer, law office, governmental agency, or other entity in a capacity or function which involves the performance, under the direct supervision of an attorney, of specifically delegated substantive legal work, which work, for the most part requires a sufficient knowledge of legal concepts that, absent such assistant, the attorney would perform the task.

PLEASE HAVE YOUR SUPERVISING ATTORNEY SIGN THE VERIFICATION BELOW:

(Not required for Sustaining Members)

Supervising Attorney Verification:

I have read the definition of a paralegal stated above and I hereby verify that _____ Applicant herein works under my direct supervision as a paralegal and that I remain responsible for the Applicant's work product.

Name of Supervising Attorney: _____

Attorney's Signature
State Bar Card Number: _____

Date: _____

Please return completed application and check to:
NTAP, Inc., Membership Chairperson, P. O. Box 2284, Longview, Texas 75606