



Key Note



Volume 100

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

April 2013

President's Message

So much is happening this year in NTAP and if you aren't involved, you SHOULD be! We have been very fortunate to have such dedicated board members and committee volunteers this year - all of whom are working faithfully to make this the best association possible - for us all. On the agenda for this year is our 25th Anniversary Celebration (to be held in conjunction with our May 15th membership meeting). We have a special speaker for the Anniversary Celebration and lunch will be provided by NTAP. We also have some **interesting surprises** in store. BUT, you will have to be present to experience it all. Trust me, you don't want to miss this celebration!



give back by doing what we do best - paralegaling!

See you all at the Silver Anniversary party!
Don't forget to RSVP!

Sandi Clarke, CP
NTAP President, 2013



2013 Executive Committee

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Social - Andrea Brunson, CP



NTAP's 25th Anniversary

NTAP will also be presenting a celebration later this year (October 16th, to be exact) in conjunction with Texas Paralegal Day. We have arranged for Joncilee M. Davis, ACP, 2012-2013 President of the Paralegal Division of the State Bar of Texas to speak at our Paralegal Day Celebration. Plans are being made for a BIG party! Stay tuned for more info as the plans develop.

As you know, NTAP is also very supportive of our community, and in that regard, we will be sponsoring our Third Annual Wills for Heroes Clinic on November 9th in Daingerfield. There is definitely a way you can help, so please contact one of your NTAP officers. We need everyone to help us provide free legal services to our local veteran heroes. Let's all remember what our veterans have sacrificed for us and

On May 15th, NTAP members and guests will celebrate the 25th anniversary of our association. Our very special guest speaker will be Ruth Conley, CP, who is the NALA Region IV Director (Texas, Oklahoma, Arkansas, and Louisiana).

The meeting will be held at noon at the Summit Club in Longview. The buffet includes chicken piccata, vegetable medley, rosemary garlic roasted potatoes, rolls and butter. NTAP will cover the cost of lunch for those members who RSVP by 3:00 on May 13. Please feel free to invite guests, but be aware that either you or they must pay for their lunches.

Please RSVP by 3:00 on May 13 to Andrea Brunson, andreab@nixlawfirm.com.

Call for photos: If you have photos from NTAP events, please share them with us. Andrea is putting together a production so we can all enjoy the memories.



Summary of New Texas Rules of Civil Procedure

This summary of the new rules was provided by our Houston paralegal friend, Monty Holmes, to the Texas Paralegal Division's e-group.

In case you are not aware, there are revisions to the Texas Rules of Civil Procedure in effect beginning March 1, 2013. Here is a brief summary of some of the important parts. You can obtain a copy of the new rules contained in Tex. Sup. Ct. Order, Misc. Docket No. 13-9022, signed February 22, 2013 at www.supreme.courts.state.tx.us. There will be additional new rules relating to Justice of the Peace Courts that will go into effect May 1, 2013, which can also be viewed at the Texas Supreme Court website.

Also note there is a new rule regarding medical billing records affidavits (see full set of new for more info).

Below is a quick outline of new rules that apply to all civil cases filed on or after March 1, 2013. See attached for Supreme Court Order and full text of new rules.

NEW CIVIL CASE INFORMATION SHEET (contained as last page of the Supreme Court Order). This form is not even available yet on the Harris County District Clerk website but it should be used for all civil cases filed in Texas on or after March 1, 2013.

New Rule 91a, Texas Rules of Civil Procedure: Rule 91a. Dismissal of Baseless Causes of Action

Amendments to Rule 47, Texas Rules of Civil Procedure:

Rule 47. Claims for Relief

An original pleading which sets forth a claim for relief, whether an original petition, counterclaim, cross-claim, or third party claim, shall contain:

(a) a short statement of the cause of action sufficient to give fair notice of the claim involved;

(b) a statement that the damages sought are within the jurisdictional limits of the court;

(c) (except in suits governed by the Family Code) a statement that the party seeks:

(1) only monetary relief of \$100,000 or less, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees; or

(2) monetary relief of \$100,000 or less and non-monetary relief; or

(3) monetary relief over \$100,000 but not more than \$200,000; or

(4) monetary relief over \$200,000 but not more than \$1,000,000; or

(5) monetary relief over \$1,000,000; and

(d) a demand for judgment for all the other relief to which the party deems himself entitled.

Relief in the alternative or of several different types may be demanded; provided, further, that upon special exception the court shall require the pleader to amend so as to specify the maximum amount claimed. **A party who fails to comply with (c) may not conduct discovery until the party's pleading is amended to comply.**

New Rule 169, Texas Rules of Civil Procedure: Rule 169. Expedited Actions (this rule applies to cases seeking only monetary relief aggregating \$100,000 or less. This rule does not

apply to claims governed by the Family Code, the Property Code, the Tax Code or Chapter 74 of the Civil Practice & Remedies Code).

Rule 190, Discovery Limitations. Rule 190.2. Discovery Control Plan (Level 1) Expedited Actions (\$100,000 or less) and divorces involving \$50,000 or less.

Limitations:

(b)(1) Discovery Period will end 180 days after the date the first request for discovery of any kind is served on a party (previously it was 30 days before trial).

(b)(3) Interrogatories are limited to no more than 15 written interrogatories (excluding interrogatories asking a party only to identify or authenticate specific documents). Each discrete subpart of an interrogatory is considered a separate interrogatory.

(b)(4) Requests for Production are limited to no more than 15 written requests. Each discrete subpart of a request for production is considered a separate request.

(b)(5) Requests for Admissions are limited to no more than 15 written requests. Each discrete subpart of a request for production is considered a separate request.

(b)(6) Requests for Disclosure. In addition to the content subject to disclosure under Rule 194.2, a party may request disclosure of all documents, electronic information, and tangible items that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses. A request for disclosure made pursuant to this paragraph is not considered a request for production.

Please review all of the new civil rules as I just summarized the ones I felt will impact us the most.



Don't let this happen to you

Most people – lawyers included – don't think anyone would be motivated to hack into *their* computer, but that misses the point. Many

"hackers" aren't looking for a particular person. They are just looking for a thrill. You become a victim by chance, not by design.

Becoming a victim means losing control of your computer and everything on it. A malicious hacker can access your files, log your keystrokes, and even watch you working.

Let me ask this: Has your webcam light ever come on when you weren't using it?

If it has, you are no longer in control of your computer.

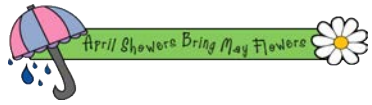
If it has, you are no longer in control of your own computer. Ars Technica ran an extensive report on the world of "RAT hackers" recently. "RAT" stands for Remote Administration Tool, software originally designed to allow remote IT support without the user having to do anything but run a file. If RAT software used by customer support is basically a more-powerful version of GoToMeeting or Back to my Mac, RAT software used by RAT hackers is basically GoToMeeting's evil older brother.

To get a better idea of what RAT software makes possible, Ars ran a video (now removed) of a RAT hacker watching a young mother bottle-feed her baby, by using her webcam, opening websites in her browser, and even sending pop-up messages to her screen. Ars even found a photo of an infected cop car.

As alarming as this sort of intrusion is, it is barely even hacking. The only "hack" required is getting someone to run a file that can be disguised as a free game or free music download.

Which means the fix is fairly simple: *Don't click on strange files.* And, equally important, don't let people near your computer (like your kids) who might run strange files. If you do let other people use your computer, create a *user* account for them, not an administrator account. That way, they will not be able to install software and their ability to damage your computer will be substantially reduced.

This article originally appeared in the Lawyerist Insider, an email newsletter distributed by Lawyerist.com



Ouch!

I greatly appreciate any **incite** you intelligent people can offer.

- from PD e-Group email

Let me **here** from you.

- note from one lawyer to another

... gross negligence and **will-full** and wanton disregard for safety of others ...

- from PD e-Group email

I have also **lead** our litigation teams in ...

- lawyer's application



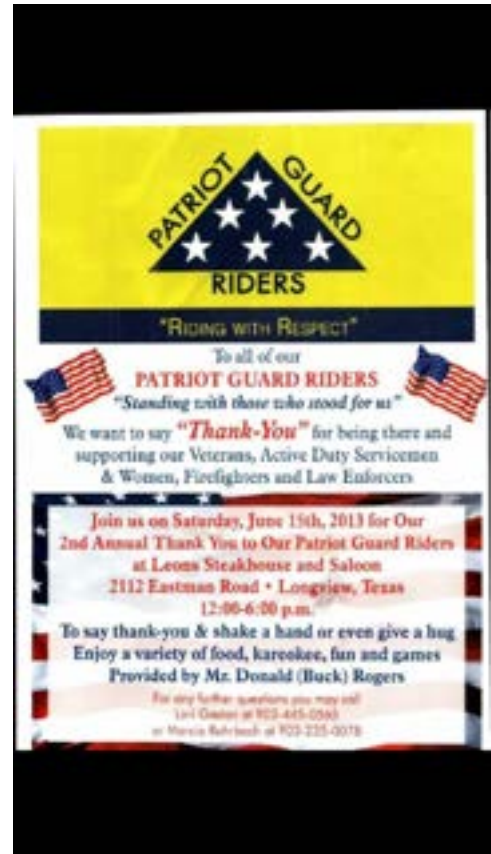
May

The membership meeting will be at noon on May 15 at the Summit Club in Longview. We will be observing NTAP's 25th anniversary, and our very special guest is Ruth Conley, Director for NALA Region IV (Texas, Oklahoma, Arkansas and Louisiana).

Please RSVP your menu selection to Andrea Brunson, AndreaB@NixLawFirm.com, by 3:00 p.m. on Monday, May 13th. NTAP will pick up the tab for lunch *only for members who RSVP by this deadline*.

The buffet menu includes:

- Tossed salad with assorted dressings
- Chicken Picatta
- Vegetable medley
- Rosemary garlic roasted potatoes
- Rolls and butter



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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 Veterans Legal Assistance Project Webinar, Mondays 11:45-1:00 p.m. The Texas Legal Services Center offers a free webinar each Monday on topics related to veterans. All courses have been approved by the State Bar for one hour of participatory credit (no ethics). For upcoming topics, go to www.tlsc.org.

(Online) Texas Bar CLE free online seminars. TexasBarCLE offers a complimentary half hour of participatory MCLE credit. You will find a new topic available every other month. The current topic is "How to Communicate Effectively in Legal Writing: Summaries". 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 are *free*.

(Online) NALA Campus Live! has many topics to choose from, and the Texas Board of Legal Specialization has approved certain courses for certification and re-certification. The spring program runs through May 10th. More information is available at 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
NTAP, P.O. Box 2284, Longview, Texas 75601