



Key Note



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

May 2014

President's Message

I currently work as a Litigation Paralegal in one of the most highly respected firms in the East Texas area. Our firm's founder, Vance Freeman, has earned high praise in his field as an oil & gas trial lawyer. He is a fierce and dedicated advocate for the injured party and has garnered himself a reputation as a witty, "tell it like it is" attorney. He is a formidable foe and is quite impressive in the courtroom. He has assembled a team of brilliant legal minds to work alongside him and he considers the litigation department his "team". Everything we do is as a team, with each member of the team knowing exactly what's going on with each case at all times.



I find myself in a nice big office, staring at my huge flat screen monitor, at a job I love – and I cannot help but wonder – how did I get here? I can tell you it was certainly not by chance or coincidence. Rather, it was through the creation of my own personal tapestry; one woven tightly together by threads of luck, fate and a culmination of strategic, professional choices which I made as I navigated the paralegal waters of my career. But why? Why did I become a paralegal?

Whew. This is a tough question and one that has taken me some time to ponder. The reason I initially began in this field is not the same as the reason that I choose to remain a paralegal. I started out answering phones and wanted a "professional" job, so I sought a position at only law firms and medical offices. As luck (or fate) would have it, I was hired by a small family law firm. My role grew into that of a paralegal over the six years that followed at that firm. From there, I branched out to another firm where I

remained for several years, honed my skills and learned some additional areas of law. It didn't take me long to realize that I was doing what I want to do for the rest of my life.

There are so many reasons I love being a paralegal. Yes, it remains true that I love having a "professional" job and one that comes with a one-word title that conveys exactly what I do when I utter the word "paralegal." It is certainly a respectable position and one that is earned over time with advanced knowledge, skills and expertise. Then there is always that memorable moment where the verdict is being read and you go into a bit of a "fog" and your hearing somewhat "goes out" and renders you unable to fully comprehend what is being said – when in reality, you know your hearing is just fine, you just care so much about the outcome that it fogs your listening abilities.

The job has so much to offer. There is so much to learn and every day is different, as is every case. Sure, there are some mundane tasks (there always are), but there is so much diversity that boredom is difficult to come by. It is a job that involves daily sprints and weekly or monthly marathons. When it comes down to it ... there is nothing more satisfying than standing up for a client whose adversary is a big company, police department or some other Goliath in the legal arena.

There's satisfaction in knowing that in that courtroom on that day at that time, you and your firm left it all "on the floor." There was nothing you could have done any better. You executed everything that came your way like a tactical legal assault ninja. It is truly the highest level of personal satisfaction and gratification I have ever known as a human being.

Granted, these glory days which I speak of so fondly are sparse. They are few in number and far between. On most days, I am doing the "real"

paralegal work that needs to be done: pushing paper, organizing files, speaking with clients, potential clients, attorneys and court staff, creating pleadings, medical chronologies, demand letters and discovery, all while attempting to navigate a minefield of deadlines and managing to keep my boss organized and sane (i.e., looking for the keys to his BMW when he loses them, locating “missing” documents, and for all practical purposes – making sure he is where he is supposed to be when he needs to be there). It’s a tall order and one not always associated with a lot of glory.

No one ever won an award for finding the keys to a Beamer. Yet, these tasks remain of the utmost importance. Cases are won, in large part, by what we, as paralegals, do each day. We do the work. We are in the trenches. We lay the foundation that great cases are built upon.

I guess, when it comes down to it – I stand ready and willing to do what I must do for the 352 days per year that are required to earn my proverbial golden ticket to the 10-16 days that I will likely spend at trial in any given calendar year.

Some of the greatest moments of my professional career have occurred in the courtroom. It is a grandiose place; a place where one can truly engage in the pursuit of excellence. Put simply: it is where I was meant to be.

Once you have had an opportunity to fully participate and partake in the final fruits of your labor as a paralegal and reaped the personal satisfaction and rewards that come along with it, there is no going back (even on days when your job may mirror what is portrayed on “The Devil Wears Prada”). Being a paralegal is in the fabric of who I am as a person ... and a paralegal I will remain.

Sandi Clarke, CP
NTAP President, 2014

2014 Committee Chairs

Parliamentarian – Javan Johnson, ACP, TBLS-BCP

Auditor – Andrea Brunson, CP

PR/Historian – Patricia Aguillar

Key Note Editor – Mona H. Tucker, ACP



A Painful Lesson in the Pitfalls of E-Filing and E-Docketing

As mandatory e-filing (and the accompanying switch to e-service, e-dockets, and e-notices) spreads across Texas, we need to ensure that we stay abreast of what is happening on the court's docket, especially if filings reach us through email. An appeal pending in the Federal Circuit provides a cautionary tale.

After a federal district judge in San Antonio signed a \$40 million judgment against AT&T in *Two-Way Media, LLC v. AT&T Operations, Inc., et al.*, defense counsel at Sidley & Austin filed several post-judgment motions and several motions to seal those motions. The district court granted the motions for leave to file under seal and denied the post-judgment motions on November 22, 2013. The denial of the post-judgment motions started the 30-day clock for the defendants to file their notice of appeal under Federal Rule of Appellate Procedure 4(a)(4).

The court's ECF system sent notices to all counsel of record. But apparently, defense counsel read the docket text in the ECF e-mail but did not read the orders. As a result, more than 30 days passed before counsel realized that the post-judgment motions had been denied. As soon as they realized their mistake, they filed a motion to extend the time to file the notice of appeal under Rule 4(a)(5), and argued that they had not received proper notice of the orders denying their post-judgment motions because of the language of the ECF e-mail.

In an 8-page order issued in February, the district judge denied the motion. (Download the District Court's order at

<http://texasappellatewatch.typepad.com/files/the-district-courts-order.pdf>.) The court found



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that the defendants failed to show either good cause or excusable neglect, as required by Rule 4(a)(5). The court expressly found that it was not sufficient for the attorneys to rely on the text of the e-mail without actually reading the orders. The Court further stated that it

finds it very troublesome that: for almost 52 days after the entry of the orders, none of the at least eighteen counsel that received the [ECF emails] on behalf of Defendants, even after admittedly having their assistants download and file such orders, bothered to read the orders issued by the Court, check the docket for activity, or check on the status of the case.

AT&T has appealed the district court's order to the Federal Circuit. The case number in the Federal Circuit is 14-1302. Two-Way Media has moved to dismiss the appeal and AT&T's response was filed last week.

What can Texas lawyers learn from AT&T's experience? Under the new electronic filing system, the e-notice from the court has very little information about a filing or order. Instead, it includes a link to download the document. Downloading and reading the document is the electronic equivalent of opening the envelope from the clerk with a hard copy of the order. Attorneys should ensure that their workflow includes review of these downloaded documents.

- Rich Phillips is a partner in Thompson & Knight, LLP, and is Board Certified in Civil Appellate Law by the Texas Board of Legal Specialization.

This article first appeared at www.TexasAppellateWatch.com.



Northeast Texas Association of Paralegals, Inc.
Minutes of the Membership Meeting
April 16, 2014

The monthly membership meeting of the Northeast Texas Association of Paralegals was held at the Summit Club on Wednesday, April 16, 2014.

Members in attendance were: Pat Aguilar, Shannon Bjork, Andrea Brunson, Stacy Bunt, Elisha Calhoon, Debra Carney, Sandi Clarke, Estrella Guzman, Nadriette Hardeman, Javan Johnson, Randa McCarty, Mona Tucker, Cindy VanBlaricom, Delany Costello, Ken Smith, Diane

Smith, Stacie Sartors, and Janice Eidd.

Attending guests were: Michael Smith (Speaker), Lori Campbell, Donna Lowery, BeBe Jones, Stephanie Castillo, Rebecca Bewley, Greg Neeley and his assistant Sherry, Ashley Holmgren, Gina Neuse, Naomi Tapp, Diane McFarland, and Curry Crowson.

President Sandi Clarke welcomed members and guests to NTAP's membership meeting and called the meeting to order.

Reports:

Secretary - The Minutes from the March 2014 Membership Meeting were printed in the *Key Note*. Cindy VanBlaricom made a motion to approve. Nadriette Hardeman seconded the motion and the Minutes were approved as printed.

Treasurer - Shannon Bjork presented the Treasurer's Report for March 2014. Shannon Bjork made a motion to approve the Treasurers Report. Elisha Calhoon seconded the motion and the Treasurer's Report was approved pending audit.

1st VP/Education - Andrea Brunson announced Jonathan Wharton will be the speaker for May, 2014. Andrea also announced the seminar is scheduled for July 12, 2014 at The Summit Club. Fees will be \$75.00 for members and \$85.00 for non-members. For \$100.00 you can attend the seminar and become a NTAP member for the rest of the year. Registration will start at 8:00 a.m. Mr. Smith will start at 9:00 a.m. and we will conclude at 3:00 p.m. In October NTAP is looking to hold "Bowling for Domestic Violence Awareness" event for Domestic Awareness month.

2nd Membership - Nadriette Hardeman presented Estrella Guzman to the membership for approval. Nadriette Hardeman made a motion to approve. Javan Johnson seconded the motion and Estrella Guzman was approved as a member. Nadriette Hardeman announced that Lori Campbell submitted her renewal application.

Other News - On May 9, 2014, the Gregg County Bar Association will be dedicating a portrait in honor of Judge Sage

With no further business, the meeting was adjourned.

Cindy VanBlaricom
NTAP Secretary

NALA News

APC Board Releases New Course for Family Law Paralegals. This course concentrates on practice and procedure in the area of marriage dissolution case management. This is the third in a series of four advanced courses for Family Law Paralegals. Certified Paralegals who successfully complete this course will receive an Advanced Paralegal Certification in Family Law - Dissolution Case Management.

Now available - Certified Paralegal Practice Tests. Since introduction of the computer-based testing for the Certified Paralegal exam, examinees requested the experience of taking the exam. Examinees have also requested more practice tests for the CP examination.

NALA put the two requests together and announces the availability of practice tests for the Certified Paralegal examination on the same testing environment as the CP examination itself.

The practice tests have been developed from the web-based Certified Paralegal review programs on NALA Campus.

Features:

- Practice tests may be accessed through <https://app.testrac.com/nalap/delivery>. The practice tests are delivered on exactly the same platform as the actual Certified Paralegal examination.
- Participants will receive instructive feedback on most questions. The feedback describes why the answer is correct or incorrect. Upon completion of a test, participants will have an opportunity to download the question item feedback.
- Participants also receive feedback describing how they scored on the exam based on the subject category of the question.
- The Judgment & Analytical Ability practice test includes a bonus handout - an assignment and sample memo for self-grading.
- The practice tests are about 1/2 of the entire Certified Paralegal examination.

To Purchase:

- Individual sections: \$30 each for Communications, Ethics and Legal Research; \$40 each for Substantive Law and Judgment & Analytical Ability.
- Purchase of all five sections: \$85 (50% discount if all five sections purchased).

Speaker Lineup

Andrea Brunson, our Education Chair, has provided the following schedule. Please make an effort to attend our meetings and hear these excellent speakers:

June 18 - Ralph Pelaia, Pelaia Law Center, "Do's and Don'ts of Setting up a Personal Injury Case"

July 16 - Hon. Tim Womack, District Judge, Gregg County 307th Judicial District, "Legal Professionalism"

Aug. 20 - Sara Jenkins (interactive virtual speaker), Associate Director with Citrix ShareFile for Legal, "File Transfer; Managing Case Documents in a Secure Manner"

Sept 17 - Javan Johnson, ACP, TBLS-BCP, "Civil Trial Law"

Oct 15 - Tom Mighell (interactive virtual speaker) Attorney and Senior Consultant, best-selling author of "iPad in 1 Hour for Lawyers", "iPad in 1 Hour for Litigators", and iPad Apps in 1 Hour for Lawyers", speaking on "iPad for Legal Professionals"

Nov. 19 - Kelly Heitkamp, Law Office of Kelly M. Heitkamp, "Legislative Updates: Animal Rights and Welfare"

May Meeting

The membership meeting will be at noon on May 21st at the Summit Club, 3700 Judson Road in Longview.

Jonathan Wharton will speak on " Criminal Defendant: From Arrest to Trial." Please make every effort to attend.

The lunch price is \$12 (includes tax and gratuity), and soup may be added for an extra \$3. The entree this month is chicken quesadillas.

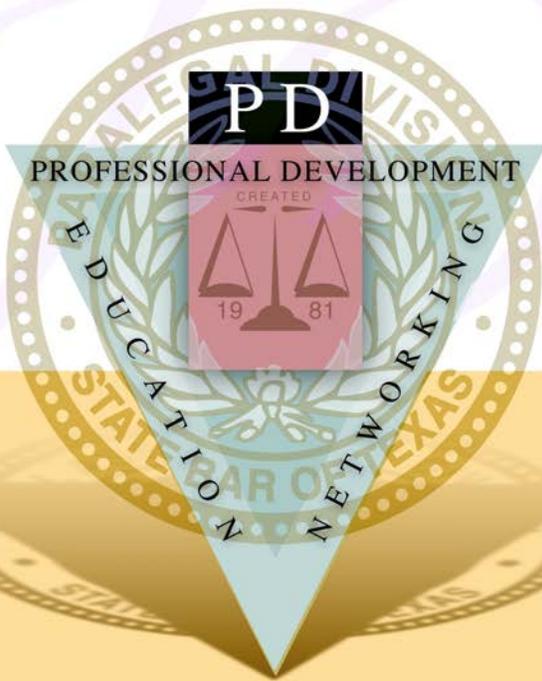
RSVP's must be received by Friday, May 16. No exceptions! Please respond to the e-vite you received, or RSVP directly to Andrea Brunson at andreab@nixlawfirm.com.

If an emergency occurs, please let Andrea know of your cancellation 24 hours in advance. Please

note that, if you RSVP and don't show, or cancel at the last minute, you will be responsible for reimbursing NTAP for your meal.



 	<h1>ACCREDITED</h1> <h2>Certified Paralegal Program Receives Accreditation from the National Commission for Certifying Agencies (NCCA)</h2> <p>On April 30, 2014, The National Commission for Certifying Agencies (NCCA) granted accreditation to the NALA Certified Paralegal program for demonstrating compliance with the NCCA Standards for the Accreditation of Certification Programs.</p> <p>NCCA is the accrediting body of the Institute for Credentialing Excellence. The NCCA Standards were created to ensure certification programs adhere to modern standards of practice for the certification industry.</p> <p>The NALA Certified Paralegal program joins an elite group of more than 120 organizations representing over 270 certification programs that have received and maintained NCCA accreditation.</p> <p>More information on the NCCA is available online at www.credentialingexcellence.org/NCCA.</p> <p>Information describing the Certified Paralegal program is available at www.nala.org/certification.aspx.</p>  <p>THE ASSOCIATION OF LEGAL ASSISTANTS • PARALEGALS</p>
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*Be a step above the rest –
Join the Paralegal Division
of the State Bar of Texas*

PD provides many benefits for career growth:

- Networking with paralegals across the state
- Powerful CLE opportunities such as Texas Advanced Paralegal Seminar (TAPS)
- Professional Development
- Professional magazine with substantive articles and updates from across the nation

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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 seminars. TexasBarCLE offers a complimentary half hour of participatory MCLE credit for Paralegal Division members. You will find a new topic available every other month. The current topic is "Damages and Remedies in Fiduciary Litigation" (online class/mp3). www.texasbarcle.com.

(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 is now in session. More information is available at www.nala.org.

(Fort Worth) PD Annual Meeting, June 27, 11:30 - 1:30. The Paralegal Express, your Train for Success. Join the Paralegal Division at its 2014 Annual Meeting and Luncheon at the Forth Worth Club. New Officers and Directors will be sworn in. Registration includes lunch and one hour of CLE (speaker is Lyn Robbins, Senior General Attorney, BNSF Railways). Cost is \$35 on or before May 31; \$40 June 1-7. www.txpd.org/annual-meetng.

(Austin) TAPS 2014, Oct. 1-3. The Paralegal Division is sponsoring the 2014 Texas Advanced Paralegal Seminar (TAPS) in Austin at the DoubleTree Hotel. Over 60 substantive legal topics; vendor exhibit hall, welcome social, networking social, attendee luncheon, and bus trip to Austin's 6th Street. And door prizes galore! Thursday night entertainment: The Bar & Grill Singers of Austin, Texas. Details at www.txpd.org/taps. Two scholarships are available. Check the website, <http://txpd.org>, for an application.

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, send a current resume and contact information to:

Andrea Brunson, CP
AndreaB@NixLawFirm.com
NTAP, P.O. Box 2284, Longview, Texas 75601