



Key Note



Volume 114

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

June 2014

President's Message

Let's face it, today's job market is scary at best. The economy is shaky and employers are trying desperately to save every penny and cut every corner that they possibly can. The thought of looking for another job is not one that any of us relishes, and this thought made me start to ponder the things we should be doing/not doing every day to secure our present positions. So, after working in the legal industry for over 20 years, below are several tips that I believe will help us stand out amongst our peers in the workplace and separate us from the average employees.



#1: Dress for success – If you want to be a success you must dress for the part. It doesn't matter if your workplace is business casual or business formal, it's imperative that you dress like you mean business. Even if you have little to no client contact, you should always be prepared to be "the face of the firm," as one partner told me years ago. Even on the firm's "jeans day", I will wear a nice blouse with jeans rather than a t-shirt and holey jeans (no matter how "in style" they are at the moment).

#2: Invest in your career – In the past, I worked for firms that didn't provide cell phone services for Paralegals although many of the cases that I worked on required that I be accessible after hours and on weekends. For five years I paid out of pocket to have cell service so that I could respond to attorney emails when I was out of the office. It wasn't long before I developed the reputation of being available and responsive when others were not. That investment of less than \$40 per month has paid lasting dividends that continue to pay off for years to come. I also paid for my college courses and for a few extra

classes that would help me prepare for the certification exam to validate my skill set and knowledge. Certification will boost your confidence in your current position and make you even more marketable to potential employers and higher paying jobs.

#3: Be active within the office – Let me be clear, being active in the office does not mean office hopping or chatting it up for 20 minutes at a time at the water cooler. It's important to visually engage and speak to everyone you come across (this includes everyone from the file clerks to the partner with the corner office). Learn your co-workers' names and make sure they know your name. Greet everyone with a simple "good morning" or "hello, how are you." Also be sure to participate in office events not directly associated with your current position. Whether it is group lunches, dinners or cocktail parties, make an appearance, then meet and greet. Volunteer for leadership roles on non-billable or pro-bono projects that your firm participates in.

#4: Continue to learn – Do not get caught in the complacent cage. We are in the information age and the legal field is ever evolving at record speed. From online research and court filings to digesting depositions and electronic discovery, you must hone your craft and stay as current as possible on all aspects of your field. The great thing about this information age is that there is so much available online for next to nothing.

#5: Never turn down assignments – Turning down work in a law office is like a death sentence. You want to be known as that person that takes on all challenges and sees them through to the end. Remember, the attorneys that you work for do not turn down work, so neither should you, if possible. Of course there will be times when you just can't fit any more on your plate. In those instances, be prepared to fully

explain your workload and offer the attorney an alternative resource.

#6: Be active in the industry – **Join your local paralegal organization** and volunteer your time and services to assist those organizations. Paralegal associations are the perfect platform for networking and staying current with industry trends, legislation and resources. As an active member of your local paralegal association, you will be privy to a wealth of information based on the diverse background and experiences the other group members bring to the table. Another way to stay current and network in your field is to maximize your LinkedIn network. Update your profile, comment on group postings, add relevant content to your network. Whatever you do, do not be that person who sets up a LinkedIn profile and does not log back in for months at a time.

#7: Take pride and ownership in your work product - A good way to stand out and make a difference is to take pride and do each project the best way it can be done. Sounds simple but trust me, if you consistently bring your “A” game to assignments, it will get noticed. Attorneys will come to you with projects that are important to them and soon you will be that “go to” person they can count on to get the job done.

This recipe for success does not guarantee you will get the promotion or the corner office you’ve been eyeing. However, I will guarantee that if you put this plan into action you will not only be a better paralegal but you’ll be a better person over all. Remember, some people dream of success, while others wake up and work hard at it!

Sandi Clarke, CP
NTAP President, 2014

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**2014 Executive Committee**

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

**2014 Committee Chairs**

Parliamentarian – Javan Johnson, ACP, TBLS-BCP  
Auditor – Andrea Brunson, CP  
PR/Historian – Patricia Aguillar  
Key Note Editor – Mona H. Tucker, ACP



**New Members**

NTAP has two new Active Members: Kena Ridge and Maria Sturdy. Welcome, ladies!

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**Helpful Information
From SBOT on LinkedIn**

Attorney Bruce Bain posted this helpful info on the State Bar’s LinkedIn page:

“Have you ever wanted to get online access to the Harris County Civil Records Division of Stan Stanart, similar to those with Chris Daniels? If so, please read this.

“I had a great conversation with Stan Stanart [Harris County Clerk] last night and I brought up the continued gripe about not being able to see civil court cases, probate records, real estate documents, etc. online. The undisclosed secret, until now, is that there has been an unpublished site that does just that up and running. The only caveat is you have to register. Here is the site:

<http://www.cclerk.hctx.net/applications/v2/RP.aspx>”

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**New Texas Rule of Evidence 902(10)  
Self-Authentication of Business Records**

The Texas Supreme Court has adopted an amendment to Texas Rule of Evidence 902, effective **September 1, 2014**.

Rule 902, subsection (10), Texas Rules of Evidence, effective September 1, 2014, self-authentication of business records.

Brief summary:

TRE 902(10) Business Records Accompanied by

Affidavit – For good cause shown, the court may order that a business record be treated as presumptively authentic even if the proponent fails to comply with subparagraph (A) [requirement of service on all parties 30 days before trial].

TRE 902(10)(A) ALL business records and accompanying affidavit are to be served on opposing counsel at least **30 days before trial**. (Currently, the time frame is 14-days before trial.)

TRE 902(10)(B) New form of business record affidavit is designated in the rule, although the form is not exclusive.

Comments to 2014 Change:

1. The word "affidavit" in this rule includes an unsworn declaration made under penalty of perjury.
2. Service can be by email.

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Clarification Regarding Conflicting Information in Initial Filings in Family Law

Ron Riojas, with the Houston Bar Association – Family Law Section, shared the following email from Judge Judy Warne to Judge Douglas R. Woodburn:

As you will recall several weeks I had a long conversation with Martha Newton, the staff "rules" attorney for the Supreme Court concerning the conflict between the Family Code and the amendment to TRCP 21c dealing with sensitive information, which prompted my earlier email regarding the Supreme Court's requirement. Apparently the Court has received considerable input on the issue because today she called the District Clerk back with a "clarification."

The Court's current interpretation is that the Family Code requirement that children's names and identifying information shall be included in a filing trumps the redaction requirement. Her statement was that this new interpretation follows the language Rule 21c which states: "Unless the inclusion of sensitive data is specifically required by statute...." Since names of children and social security numbers of each party including children are required in petitions and orders in FC 102.008 and FC 105.106, they should be included in the petition and order. She also stated

that the attorney should place the notice to the clerk that "THIS DOCUMENT CONTAINS SENSITIVE DATA" and the clerk should not put it on the internet.

Judge Warne presides over the 257th District Court (Family) in Harris County. Judge Woodburn is former chair of the SBOT Family Law Section and judge of the 108th District Court in Potter County.

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**Mastering the Basics of the State's New e-Filing System**

Harris County District Clerk, Chris Daniel, has announced a link to the Clerk's Office webpage, where you can view a 51-page document detailing steps and how to avoid errors when using the state's new e-filing system. Although some of the information is specific to Harris County, it is a good reference for anyone trying to use the new system.

[http://www.hcdistrictclerk.com/Common/for ms/pdf/MasteringTheBasicsOfTheNewEfilingSystem20140610.pdf](http://www.hcdistrictclerk.com/Common/for%20ms/pdf/MasteringTheBasicsOfTheNewEfilingSystem20140610.pdf)

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NALA News

APC Board Releases E-Discovery Course.

Electronic discovery is the process of identifying and producing relevant, electronically stored information (ESI) in litigation. Advances in technology and exponential growth of reliance on ESI over traditional paper documents are continually increasing the scope, expense, and prominence of e-discovery. As the volume of ESI continues to expand, the costs to preserve, collect, review and produce it will only increase in the future. Developments in ESI technology and discovery have created a dynamic field posing significant challenges to courts, legal professionals, IT professionals, and litigants.

In this course, you'll learn all the essential concepts of e-discovery and the obligations imposed on litigants to preserve, collect, review, and produce ESI in the discovery process. You'll examine the types and characteristics of ESI, along with methods and systems for complying with each step in the e-discovery process. Building on what you've learned, you'll research developing issues and trends in rules and case

law and apply them to fact-based exercise scenarios and case studies.

Course modules are:

- Electronically Stored Information (ESI)
- Preservation Obligations
- Discovery of ESI
- Collection and Processing of ESI
- Review of ESI
- Production of ESI
- Records Management
- Spoliation
- Admissibility of ESI at Trial
- E-discovery in Criminal Cases
- Electronic Discovery Ethics

See "Role of the Paralegal" in e-discovery, which is the basis for this advanced course: www.NALA.org/Upload/file/PDF_Files/APC/EDRole.pdf.

June 25 Deadline for Filing Proxy Forms for Voting at the Annual Meeting.

Voting members who cannot attend the NALA Annual Meeting in Charleston, South Carolina on July 25 may designate other members to cast their votes. To do this, voting members must file a "Designation of Proxy" form with the NALA Secretary so that election officials know who will be voting on their behalf.

The designation of proxy form must be filed by June 25, 2014. The form is available online on the NALA website, www.NALA.org, under the Members Area/2014 Annual Meeting News, and a copy of the form was included in a recent issue of *Facts & Findings*.



**Northeast Texas Association of Paralegals, Inc.
Minutes of the Membership Meeting
May 21, 2014**

The monthly membership meeting of the Northeast Texas Association of Paralegals was held at the Summit Club on Wednesday, May 21, 2014.

Members in attendance were: Stacey Bunt, Nadriette Hardeman, Randa McCarty, Pat Aguilar, Elisha Calhoon, Mona Tucker, Cindy VanBlaricom, Estrella Guzman, Lori Campbell, Stacie Sartors, Janice Eidd, and Sandi Clarke.

Attending guests were: Ashley Holmgren, Gina Neuse, Maria Sturdy, Balivia Andrews, and

Jonathan Wharton (speaker).

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

Reports:

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

Treasurer - Sandi Clarke presented the Treasurer's Report for April 2014. Sandi Clarke made a motion to approve the Treasurer's Report. Mona Tucker seconded the motion. The Treasurer's Report was approved pending audit.

1st VP/Education - Sandi Clarke announced that the speaker for June 2014 is Ralph Pelaia.

2nd Membership - Nadriette Hardeman presented Kena Ridge and Maria Sturdy to the membership for approval. Nadriette made a motion to approve the applications of Kena Ridge and Maria Sturdy. Cindy VanBlaricom seconded the motion. Kena Ridge and Maria Sturdy were approved as members.

Miscellaneous - Sunbelt Reporting & Litigation Services provided two door prizes. Maria Sturdy and Elisha Calhoon each won a \$25.00 gift card and a bag of coffee.

With no further business, the meeting was adjourned.

Cindy VanBlaricom
NTAP Secretary



UPL Services Discovered and Prosecuted

The Texas Attorney General charged the owners of four El Paso firms with violating multiple provisions of the Texas Deceptive Trade Practices Act (DTPA) and the Texas Government Code.

All four of the State's enforcement actions charge the respective defendants with unlawfully offering immigration-related services despite the fact that they are not licensed as attorneys. Under federal law, only licensed attorneys and organizations accredited by the U.S. Department of Justice's Board of Immigration Appeals may

offer immigration consulting services.

Law360 reported another matter in Houston, where the Unauthorized Practice of Law Committee (UPLC) of the State of Texas filed suit against Da Vincente Lombardi & Joubert LLP for allegedly portraying itself as a law firm even though none of its employees have Texas bar cards. The firm is based in France, and apparently has been operating without authority in Texas.

In April, the UPLC entered into a Cease and Desist Agreement with Gigi Ocasio/Legal Aid Alternatives in Dallas.

The practice of law by persons who are not authorized to do so frequently results in the loss of money, property or liberty.

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:

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"



CP
CERTIFIED PARALEGAL

ACCREDITED

Certified Paralegal Program Receives Accreditation from the National Commission for Certifying Agencies (NCCA)

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.

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.

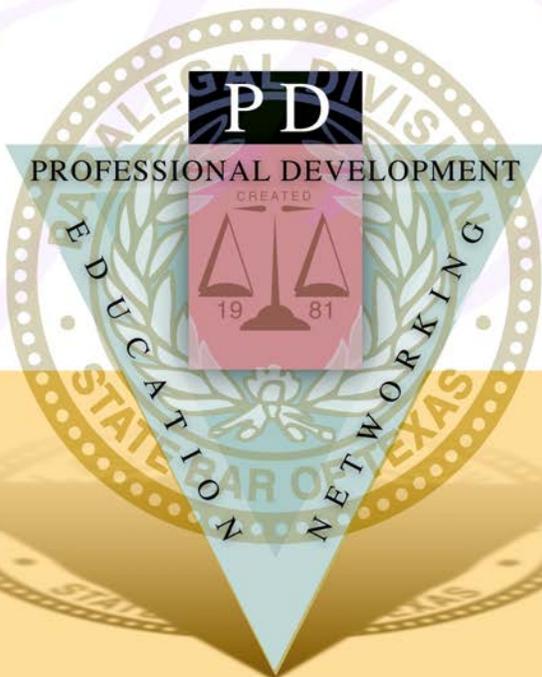
The NALA Certified Paralegal program joins an elite group of more than 120 organizations representing over 270 certification programs that have received and maintained NCCA accreditation.

More information on the NCCA is available online at www.credentialingexcellence.org/NCCA.

Information describing the Certified Paralegal program is available at www.nala.org/certification.aspx.



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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 lawyers and Paralegal Division members. You will find a new topic available every other month. The current topic is "The Honest Document" (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 Fort 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 1-16. 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 are found 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