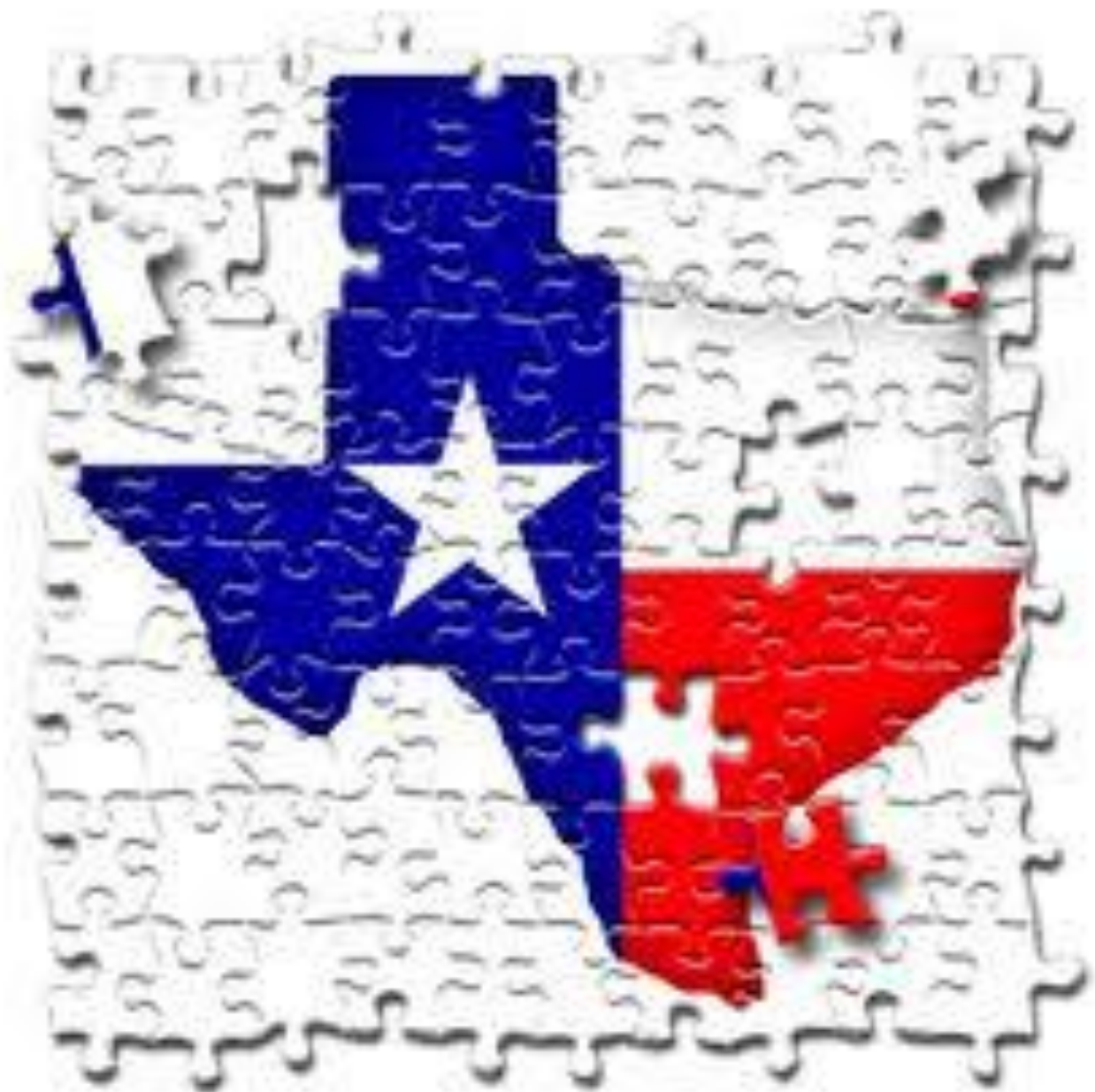




# The Texas Docket

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**Editor**

Andrea D. Griffin Darland  
[drea.griffin75@gmail.com](mailto:drea.griffin75@gmail.com)

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Send address corrections to:

Helene Wood, PP, PLS, TSC,  
Communications Chair  
[communications@talp.org](mailto:communications@talp.org)

*The Texas Docket*

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# President's Message



Patti Heaney, PLS  
Texas ALP 2013-2014 President

I love this time of year—you have a new blank calendar to write on and plan your year. As you know, most everything you do involves planning to achieve a positive outcome. You plan your weekends, you plan vacations, and you plan your list to go to the grocery store. You also plan to take care of and spend time with your family and friends and help make your community and work environment a great place to be.

With the same importance, you need to make time for yourself. At the beginning of every year, we all say we will improve ourselves—whether it's a weight loss, an exercise program or an aim to be on time. How about this year, you make the commitment to improve yourself and your skills? You are already showing great initiative by being a part of Texas ALP and your tri-level association. Take that one step further and visit the NALS website to look at the certification programs. There are also online chats, webinars, and networking opportunities you can check out.

Also, while you are on the NALS website, check out the two upcoming NALS Conferences—the Professional Development Conference in Tulsa held February 27-March 2, 2014. It's not too late to register. NALS 63<sup>rd</sup> Annual Education Conference will be “home” this year as it will be held in Houston October 2-4, 2014 at the Crowne Plaza Houston Reliant-Medical. Last year there was up to 40 hours of CLE available over a three-day period.

Don't forget to send in your registration form for Texas ALP's 59<sup>th</sup> Annual Educational Conference held in Lubbock this year. The Lubbock team has been working hard for months to put together great speakers, good times and a fun President's Reception at which time the fabulous 2014-15 Board will be installed. The conference will be held at the Embassy Suites Lubbock which offers free breakfast and the Manager's Reception.

As always, if you have any ideas, questions or comments on how to better Texas ALP, please let me know. It's YOUR association. Happy New Year!

## West Hose Co. No. 1 - West VFD

P.O. Box 97 • 111 S. Reagan St.  
West, Texas 76691  
254-826-5110



We, the West Volunteer Fire Department, have received so much love, support and concern from the world, that it is imperative that we express our deepest THANKS to each and every individual who assisted during and after the April 17, 2013 West Fertilizer Plant Explosion. There are no words to fully express our gratitude for your care, donations, equipment, food, benefits and volunteerism given to our department throughout this trying event.

Please accept our deepest THANK YOU to each & everyone for your thoughtfulness to our department. Your gifts have provided the financial and moral support needed to continue our mission, while we attempt to find the new normal, in moving forward doing what we do well.

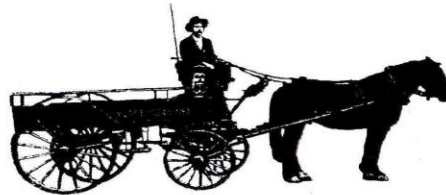
We will never forget our fallen heroes and the individuals who have supported the West Volunteer Fire Department.

Again, many, many thanks for EVERYTHING!

Sincerely,

West Volunteer Fire Department

George Nors, Sr. - Fire Chief



Established 1894

RECEIVED DEC 11 2013



Texas ALP Secretary, Mary Bullard, ACP, TSC-RE delivers Texas ALP donation to Fire Chief Nors.

## ***PRO BONO – IT'S NOT JUST FOR ATTORNEYS***

Part of the reason I got into the legal field was to help others. To understand this, I will go back to where the legal field helped me. This will also give you insight into who I am.

There is always that guy that your parents warn you against; my parents weren't any different. There was that guy, and I met him my freshman year in college. Looking back there were so many things I should have seen. At first, he started monopolizing my time from school and my friends, and then it progressed to time away from my family. Before I knew it, I was pregnant with my oldest child. It didn't get any better from there—it got worse. That is when the physical abuse started and being pregnant didn't stop it. This cycle of abuse went on for about two years.

When I realized he was going to kill me and my unborn son, I was able to find the strength to leave. As soon as I was able to, I went to the legal aid office in Midland, Texas, for the help I needed. Thankfully, they helped get me through the divorce process.

This is where the pro bono clinics come into play. Several months ago, I started helping at the pro bono clinics for Legal Aid of Northwest Texas. At first I started going to the clinics on the second and fourth Tuesday of the month; after that I started going to as many they had in a month as time allowed. While at one of these clinics, I was speaking to the coordinator about why I chose to help. To me, this is my way of giving back to those that helped me. I've been where a lot of these people are that come to us for help.

At one of the recent clinics, I met a young single mother whose story was similar to mine. Not only do these people need legal advice and assistance, they need a sympathetic ear. I told this single mother not to give up and no matter what there was always hope for her to make her life and her children's lives better. I didn't tell her my story but told her she was headed on the right path; getting an education in order to be able to have a career to provide for her children and for her to be able to stand on her own two feet.

On Friday, October 18, 2013, the Legal Aid of Northwest Texas, in conjecture with the Lubbock Area Bar Association, presented awards to several individuals who participate in the pro bono clinics. The "Lay Person" award was given to me. The "Lay Person" helps get the applicants their paperwork and then interviews them to get as much information as possible for the attorney that they meet, which then starts the whole application process.

I would strongly urge all of you, time willing, to look into the areas in which you live to see what you could do to help. It is truly amazing the difference that one person can make. Even just being there to listen to their story and to be able to cry without being embarrassed, makes a huge difference in these people's lives. I continue to do this while working full time, my responsibilities with my local chapter, and raising my family; it's just a matter of prioritizing. I promise you, you will not be disappointed in getting involved.

Andrea D. Darland – October 2013, LLPA



## NALS Code of Ethics & Professional Responsibility

Members of NALS are bound by the objectives of this association and the standards of conduct required of the legal profession.

Every member shall:

- \* Encourage respect for the law and the administration of justice;
- \* Observe rules governing privileged communications and confidential information;
- \* Promote and exemplify high standards of loyalty, cooperation, and courtesy;
- \* Perform all duties of the profession with integrity and competence; and
- \* Pursue a high order of professional attainment.

---

Integrity and high standards of conduct are fundamental to the success of our professional association. This Code is promulgated by NALS and accepted by its members to accomplish these ends.

**Canon 1.** Members of this association shall maintain a high degree of competency and integrity through continuing education to better assist the legal profession in fulfilling its duty to provide quality legal services to the public.

**Canon 2.** Members of this association shall maintain a high standard of ethical conduct and shall contribute to the integrity of the association and the legal profession.

**Canon 3.** Members of this association shall avoid a conflict of interest pertaining to a client matter.

**Canon 4.** Members of this association shall preserve and protect the confidences and privileged communications of a client.

**Canon 5.** Members of this association shall exercise care in using independent professional judgment and in determining the extent to which a client may be assisted without the presence of a lawyer and shall not act in matters involving professional legal judgment.

**Canon 6.** Members of this association shall not solicit legal business on behalf of a lawyer.

**Canon 7.** Members of this association, unless permitted by law, shall not perform paralegal functions except under the direct supervision of a lawyer and shall not advertise or contract with members of the general public for the performance of paralegal functions.

**Canon 8.** Members of this association, unless permitted by law, shall not perform any of the duties restricted to lawyers or do things which lawyers themselves may not do and shall assist in preventing the unauthorized practice of law.

**Canon 9.** Members of this association not licensed to practice law shall not engage in the practice of law as defined by statutes or court decisions.

**Canon 10.** Members of this association shall do all other things incidental, necessary, or expedient to enhance professional responsibility and participation in the administration of justice and public service in cooperation with the legal profession.



*Note from the Editor:* I realize we all know our ethics and canons, but from time to time I like to go back and reread the guidelines that assist us in helping those around us.

# in • spire | in' spīr |

1 fill (someone) with the urge or ability to do or feel something, esp. to do something creative : [trans.] *His passion for justice inspired him to advance his career as a paralegal with NALS.*

- create (a feeling, esp. a positive one) in a person : *Their enthusiasm inspires those around them.*
- (inspire someone with) animate someone with (such a feeling) : *She inspired her co-workers to become certified with NALS.*
- give rise to : *The conference was successful enough to inspire people to register for the next one.*

## More than 80 years of inspiring legal professionals will continue.

- Specialty specific education to broaden your knowledge.
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- Local and state chapters to keep you inspired.
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[www.nals.org](http://www.nals.org)



engage  
inspire  
enhance  
promote



# Texas ALP Website Scavenger Hunt

Have you checked out the Texas ALP website lately? ([www.texasalp.org](http://www.texasalp.org)) It has recently been updated, and there is an area that is password protected. To obtain the login and password, email any officer.

To help you get familiar with the website, here is a quick scavenger hunt. Locate the areas or pages of the website and send an email to [Julie.abernathy@sbcglobal.net](mailto:Julie.abernathy@sbcglobal.net). You could possibly win a \$50 VISA gift card. All correct responses will be placed in a drawing for the \$50 VISA gift card. Deadline to submit your responses are due February 15, 2014.

1. How many “pages” are on the website?
2. Where do you find local chapter information?
3. Who is the membership chairman?
4. Print out and attach to your responsive email the secondary membership application.
5. Scholarship? Texas ALP has a scholarship? Yes we do. How much can a student obtain from Texas ALP by applying for a scholarship?
6. Who is the most recent Legal Professional of the Year?
7. Where are the Texas ALP forms?
8. If a local chapter wants to host a future conference, where does one go to locate the guidelines?
9. Who is the 2014-15 newly elected Secretary for Texas ALP?
10. Where is the next state meeting?

Happy Hunting!



# Domain Name Disputes



By Chris Stewart

Domain names on the Internet are registered on a first-come, first-serve basis. Domain name registration services, or registrars, do not inquire into the motivation of the person who is purchasing a domain name. For example, if you want to buy the domain name [www.applecomputers.com](http://www.applecomputers.com) and the name is available, the registrar is not going to quiz you about whether you are trying to infringe the trademark rights of Apple, the computer giant.

Trafficking in domain names is big business in the United States and around the world. If a domain name pirate can divert just a portion of the website traffic that would normally go to the brand owner, the broker can often confuse consumers and pocket some of the revenue stream that would otherwise go to the brand owner. Sometimes the goal of the pirate is to sell the domain name at a premium to its rightful owner. I see some clients shell out the money for these domain names to avoid a fight. There are other options:

1. Purchase defensive domain names.

I am seeing more and more businesses register additional domain names as a defensive measure. These companies are

registering domain names that could potentially be confused with their business or trademark. Pre-emptive registrations prevent these similar domain names from being registered by someone else. It costs about \$15 to register a domain name for a year. I call these defensive domain name registrations “\$15 insurance policies.”

2. The litigation option.

Litigation is another option for the trademark owner. The Anti-Cybersquatting Consumer Protection Act, or ACPA, is a federal law adopted to address the problems caused by domain name registrants with unsavory motives. Under ACPA, a person or entity can bring suit in federal court against anyone who in bad faith registers or uses a domain name that is identical or confusingly similar to a distinctive trademark.

ACPA gives the court the power to cancel the infringing domain name registration. The court could also transfer the domain name to the injured party. The injured party may be able to recover statutory damages ranging from \$1,000 to \$100,000 per domain name. In some cases, the injured party can recover attorneys’ fees.

### 3. Domain name arbitration.

The most popular option I see in Texas is domain name arbitration. In 1999, the policy-making body that oversees domain name registries adopted a Uniform Domain Name Dispute Resolution Policy (UDRP). Under UDRP, when a registrant purchases a domain name, the registrant warrants that the domain name does not infringe upon or violate the rights of any third party and that the domain name was not registered for an unlawful purpose. All registrants must also agree to submit to an administrative proceeding to determine the status of the domain name if a complaint is filed.

In these domain name arbitration proceedings, the complaining party must prove all of the following:

- the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- the holder of the domain name has no right or legitimate interest in the domain name; and
- the holder of the domain name is using the name in bad faith.

There are no hard and fast rules for determining bad faith. Bad faith is likely to be

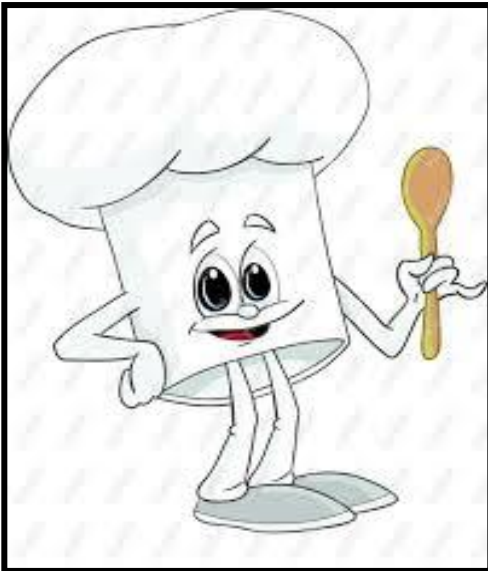
found if the domain name was registered for the sole purpose of selling the domain name to the trademark owner or to prevent the trademark owner from using its trademark in its own domain name. Proof of bad faith can also be demonstrated where the domain name is registered primarily to disrupt a competitor's business or to unfairly divert Internet users from the trademark owner's website.

The holder of the domain name can retain the name by showing rights or a legitimate interest in the name. If the holder was commonly known by the domain name before the dispute, or the holder uses the name for a noncommercial purpose, the holder may prevail.

UDRP provides an exclusive remedy: transfer the domain name to the complainant or to cancel the domain name registration. The domain name arbitrator cannot award costs or attorneys' fees to the prevailing party. UDRP is designed to be a cost-effective and efficient alternative to litigation. Disputes are typically resolved within 45 days after filing the complaint. If the trademark owner seeks a limited remedy in a short amount of time, UDRP can be an effective tool to combat troublesome domain name registrations.

*About the Author: Chris Stewart is a trademark, copyright and computer law attorney. He is a partner in the Burdett, Morgan, Williamson & Boykin LLP law firm with offices in Amarillo and Lubbock. He can be reached at 806.358.8116 or [cstewart@bmwb-law.com](mailto:cstewart@bmwb-law.com)*





## CHEF'S CORNER

### *Spanish Coffee Cake*

*2 1/2 c. sifted flour  
3/4 c. white sugar  
1 c. brown sugar  
1 tsp. cinnamon  
1/2 tsp. salt*

*3/4 c. salad oil  
1 tsp. soda  
1 tsp. baking powder  
1 c. buttermilk \*  
1 egg*

*Mix first 6 ingredients together thoroughly and remove 1 cup of this crumbly mixture to use as the topping and mix it with 1/3 cup nuts (walnuts or pecans, or you can leave them out). Mix soda and baking powder with the crumbly mixture. Mix beaten egg and buttermilk. Add half of this liquid to crumbly mixture and beat at medium speed for 2 minutes. Add the rest of the liquid and beat for 2 minutes longer. Sprinkle the remaining crumbly mixture on top. Bake in two (6 x 10 inch) pans at 350 degrees for 30 minutes.*

*\*I do not use buttermilk but rather make my own with 1 c. milk and 1 Tbsp. vinegar.*

*Kathie Jean Keys, PP, PLS  
Texas ALP Parliamentarian*

*This recipe is being shared at the request of the attendees at the CLE Weekend in Fredericksburg, Texas.*

Ok, members, let's see what you have been baking!  
Have a favorite recipe that you think the other members would like,  
submit it and it might just end up in the next Docket. Ready! Set! Bake! Share!



## **Texas ALP CLE Weekend Recap**

### **By: Scotti Beam, PP**

Approximately 30 members made the trip to Fredericksburg the weekend of November 1-2, 2013, for some CLE and networking as the Executive Committee hosted a “Free Give Back to the Members” weekend of CLE. This was the first CLE conference that was not hosted by a chapter and offered CLE for free to Texas ALP members. In this author’s opinion, the weekend was a grand success. Friday’s CLE offerings included mediation and family law. Beginning at 5 p.m. allowed most members to arrive in time for the first CLE session presented by Debbi McCurdy. Ms. McCurdy offered insight into mediation by sharing with the members a glimpse of how a mediator works both sides of a dispute to come to an amicable settlement for both parties. Jim Chapman was our next speaker who requested a 7 p.m. start time. The break between the two speakers allowed members to visit and catch up a bit before the next session, as well as dine on yummy pizza from the Fredericksburg Pizza Kitchen. Mr. Chapman opined to the attendees on family law, as well as serenaded the group with the “Wreck of the Old 97,” the song that the Nashville Songwriters Foundation has certified as the first million-selling single in country music history.

After our CLE offerings, attendees either relaxed at the quaint Fredericksburg Inn & Suites or headed out to a local venue, Hondo’s, for some excellent music courtesy of Clay McClinton who plays a little bit of Americana and Texas blues with a touch of country mixed in.

Saturday’s 10 a.m. start time for our next CLE session was perfect! Alicia Lackey interacted with the attendees during her presentation on Criminal Law: No Refusal Weekends. Ms. Lackey was generous with her time and shared information that was useful and new to the members. After a short break, the attendees began a NALS WebEd session on Social Media. Wanting to keep the live speakers on their time schedule, we took a break to learn about the anatomy of a real estate transaction from our next speaker, Pat McGowan. Ms. McGowan is Fredericksburg’s City Attorney but practices mainly in real estate law. She gave a thorough outline for a typical real estate closing. Her assistant, Mariah, was helpful in passing out Pat’s outline, which was on a long scroll typed document, which made it easy to follow along. After Pat finished, we concluded our NALS WebEd session at about 1:30 p.m. Since the next session was not scheduled until 6 p.m., the break gave attendees time to explore the quaint and cozy shops and restaurants of Fredericksburg. Or take a nap!

Our last session of the weekend kicked off with excellent BBQ from Cranky Franks. Charlie Cain was the last speaker of the weekend. Charlie outlined the contents of a Trial Notebook from the attorney’s perspective. He gave invaluable information to those in the litigation field.

After our CLE was finished, some members enjoyed s’mores and fellowship around the fireplace at the hotel.

The feedback from those members who attended Texas ALP’s Free Give Back to the Members CLE weekend was extremely positive. For those who chose not to travel to Fredericksburg, be on the lookout for a similar session to be offered in the Spring!

## **Fifth Circuit Expands Workplace Discrimination Protections for Women under Title VII and the Pregnancy Discrimination Act**

V&E Employment, Labor and OSHA Update E-communication, June 6, 2013

In *EEOC v. Houston Funding II, Ltd.*, the Fifth Circuit ruled that discriminating against an employee “who is lactating or expressing breast milk” violates Title VII of the Civil Rights Act of 1964, as amended (Title VII), and the Pregnancy Discrimination Act of 1976 (PDA). The case will now be remanded to the trial court for a jury trial.

By holding employers covered by Title VII and the PDA liable for harassment, termination of employment, or other adverse employment actions taken against an employee because she is lactating or expressing breast milk, the decision complements — but does not adopt — the requirements of the Affordable Care Act to provide reasonable break times for an employee to express breast milk and a private place, other than a bathroom, to do so.

The Houston Funding decision is significant because it provides greater protections to new moms returning to work and could bring an uptick in discrimination claims when women express breast milk at work. The EEOC is also likely to look more closely at charges of discrimination brought by women alleging discrimination related to lactation or expressing breast milk.

The Fifth Circuit’s decision is grounded in its determination that lactation, “the physiological process of secreting milk from mammary glands and ... directly caused by hormonal changes associated with pregnancy and childbirth,” is a related medical condition of pregnancy for purposes of Title VII and the PDA. However, the court articulated no separate analysis for applying Title VII or the PDA to expressing breast milk, which is not in itself a physiological condition. Whether other circuit courts will address this distinction remains to be seen.

If you have questions about discrimination or how to respond to alleged violations of employment discrimination laws, please contact [Greg Dillard](#) or [Grace Ho](#) at Vinson & Elkins. To learn more about V&E’s [Employment, Labor and OSHA](#) practice, visit our website.

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# Texas Vaccine Requirements

## **To Vaccinate or Not to Vaccinate...**

The debate as to whether or not vaccines are safe has burned on for years. Some believe vaccines should be mandatory, while some believe it should be their choice.

However, are you aware that Texas has laws that require vaccinations? Did you know that there are exemptions to these mandatory vaccination laws? How about the exemptions to the exemptions?

Regardless of which side of the fence you're on when it comes to vaccines, or perhaps you're sitting on the fence, there is no debate that it is in your best interest to know the vaccine laws.

## **Routine Vaccinations**

Texas requires that all children receive certain vaccines before they are allowed to attend school. "Each student shall be fully immunized against diphtheria, rubeola, rubella, mumps, tetanus, and poliomyelitis."

—See [Tex. Educ. Code § 38.001\(a\)](#)

Hold on though, this isn't an exhaustive list because the law also says that "the Department of State Health Services may modify or delete any of the immunizations...or may require immunizations against additional diseases as a requirement for admission to any elementary or secondary school."

—See [Tex. Educ. Code § 38.001\(b-1\)](#)

This is the list of [required vaccines for 2013-2014](#), but each year DSHS issues a new list with new vaccines that are required for attendance. Also, if you want to view schedules of how vaccines will be implemented in the near future, see [25 Tex. Admin. Code § 97.63](#).

—See [DSHS School and Child-Care Facility Website](#)

Additionally, institutions of higher education may require students to receive these same vaccinations, may designate additional vaccines for students studying animal or human sciences, and may even mandate additional vaccines for any students during times of emergency or epidemic.

—See [Tex. Educ. Code § 51.933\(a\)-\(b\)](#)

## **Bacterial Meningitis Vaccine**

For new and transfer students, colleges now have a mandatory vaccine.

If you're age 22 or above (the cutoff was age 30), or if you are only enrolling in online or distance courses, then this vaccination requirement does not apply to you. For the rest of you new or transfer students, then you must show proof that you have "received a bacterial meningitis vaccination dose or booster during the five-year period proceeding..." the compliance date.

—See [Tex. Educ. Code § 51.9192](#)

Also, students in 7th grade and up are required to receive this vaccine; however, there it is referred to as a "meningococcal" vaccine.

—See [25 Tex. Admin. Code § 97.63](#)

## **Exemptions from Vaccinations**

### **—Risk**

For school-aged children, if a licensed medical doctor signs an affidavit or certificate stating that the "immunization required poses a significant risk to the health and well-being of the applicant or any member of the applicant's family or household," then the student will be exempted from having to receive the vaccination.

—See [Tex. Educ. Code § 38.001\(c\)\(1\)\(A\)](#)

For college students, if a licensed medical doctor signs an affidavit or certificate stating that “in the physician's opinion, the vaccination required would be injurious to the health and well-being of the student,” then the student will be exempted from having to receive the vaccination.

—See [Tex. Educ. Code § 51.9192\(d\)\(1\)](#)

### —Conscientious or Religious

For school-aged children and college students, the method for achieving this exemption is the same. Unfortunately, it appears that the only way to achieve this is through making a formal application through DSHS and registering the name of the individual requesting the exemption, along with their address and birth date.

—See [Request for Affidavit for Exemption of Immunization](#)

—See [Tex. Health & Safety Code § 161.0041](#)

This method takes several weeks to accomplish as the request has to be sent to Austin, TX, and then Austin must return this unique form to the applicant. This form may not be duplicated as it is printed on specialized paper and contains unique identification numbers and security devices to prevent it from being photocopied.

Once the applicant receives this form from Austin, then it must be signed in front of a Notary Public, which includes a statement that the applicant understands and filed with the school or college of the student no later than 90 days after being notarized.

—See [Tex. Educ. Code § 51.9192\(d-1\)](#)

## **The Fallout from Conscientious or Religious Exemptions**

For students that are exempted from receiving vaccines based on conscientious or religious reasons are subject to additional limitations.

Elementary and Secondary students who have not received vaccinations “for reasons of conscience, including because of the person's religious beliefs, may be excluded from school in times of emergency or epidemic declared by the commissioner of public health.”

—See [Tex. Educ. Code § 38.001\(f\)](#)

Now for the scary part. For college students who receive an exemption from the bacterial meningitis vaccine for a conscientious or religious reason, this exemption “does not apply during a disaster or public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency declared by an appropriate official or other authority and in effect for the location of the institution the student attends.”

—See [Tex. Educ. Code § 51.9192\(d\)\(2\)](#)

--**Authored by Matthew L. Harris, Esq.,**

***Matthew Harris Law, PLLC - Civil Litigation Division***

1001 Main Street, Suite 200, Lubbock, Texas, 79401-3309

Tel: (806) 702-4852 | Fax: (800) 985-9479

[FrontDesk@MatthewHarrisLaw.com](mailto:FrontDesk@MatthewHarrisLaw.com)



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# Change of Contact Information

*Do you have a new employer?  
Did you change your name?  
Have you moved?  
Did you pass a certification exam?  
Did you change your preferred e-mail?  
Want to receive e-mail from Texas ALP?  
Please provide changes to:  
Helene Wood, PP, PLS, TSC at  
[communications@talp.org](mailto:communications@talp.org)*

# Chapter Anniversaries

Houston ALP received its charter on January 25, 1956.  
Lubbock LPA received its charter on March 1, 1958.  
NALS of Amarillo received its charter March 1957.



# What is Networking?

By Patti Heaney, PLS

**Net'work'ing** *n* 1 the developing of contacts or exchanging of information, as to further a career (Webster's New World Dictionary).

If you asked ten people what networking was, you might get ten different answers. A person's definition of networking depends on their use of this personal and professional activity. Whether you network to make new friends, find a new job, find a soccer team for your child or find the name of a great dentist, it is important to focus on networking as an exchange of information, contacts or experience.

Any connections that you make through networking can help build relationships of support and respect and can cause you to discover and create mutual benefits. This is a skill that no serious professional should be without. Here are some simple networking guidelines:

- Start with a purpose. You must define your objectives to know what you are looking for.
- Name tags are placed on your **right shoulder** to provide an easy sight-line when shaking hands with someone.
- Have an effective handshake. There is no "man's" handshake or a "woman's" handshake! You have probably been on the receiving end of a "limp fish" or a "bone-crusher" handshake. Practice your handshake to avoid giving one of these yourself.
- Be sure to introduce yourself.
  - ☆ State your name clearly: "Hello, my name is Patti Heaney. It's a pleasure to meet you."
  - ☆ Shake hands.
  - ☆ In ten seconds or less, state what firm you're with or what you do.
  - ☆ If appropriate, offer a business card and ask the other person for their card.

Networking can be a fun and easy way to enhance your career. It helps to know people in the same profession as you. If you don't know the local rules of a particular court or need to know whether the federal court still requires pleadings to be two-hole-punched, it's your tri-level connection that can help answer those questions. Don't be shy about emailing someone in Texas ALP or NALS and ask if they can help answer the question.

Networking isn't about the **quantity** of contacts – it's about the **quality** of contacts. It takes a personal investment to network. One crucial tip to your success is to remember to treat networking as simply an exchange of ideas, information and experience. Be generous in sharing **your** talents, experiences and ideas with others and always be respectful of those around you. Try to give before you expect to get, and you will develop a good network of friends who will always be glad to help you because you're one of them.

Good Luck!





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	Quarter = \$50	Quarter = \$20



### Note from the Editor:

Have you read an article that you think other members might be interested in reading? Submit it for the Texas Docket.

My email is [drea.griffin75@gmail.com](mailto:drea.griffin75@gmail.com).

Thank you, Andrea



# Leadership

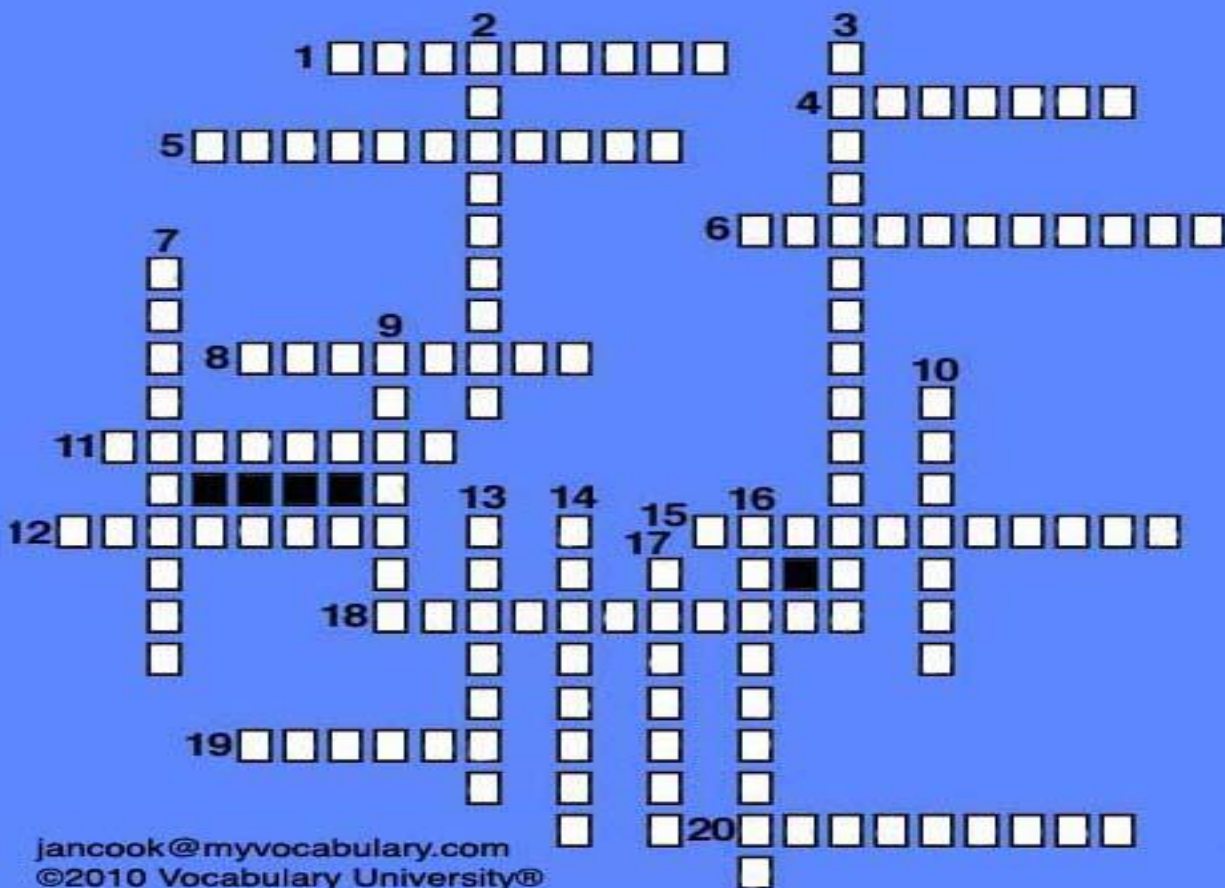
By Trudy Rush

I just attended my 40<sup>th</sup> Class Reunion (no, I'm not that old, am I?) and when I think of leadership, I think of the kids I grew up with who were the natural leaders on the playground. There seemed to be comparatively little doubt as to who they were. It's also clear that they cared about and sought to serve those they led. After attending the class reunion and visiting with those same kids, I still see them as leaders today, maybe not to the degree that they want to be, but leaders just the same. But what of the rest of us? What qualities might we possess that qualify us as leaders?

In former New York's Mayor Giuliani's book *Leadership*, Giuliani listed his principles of great leadership: "Surround yourself with great people. Have beliefs and communicate them. See things for yourself. Set an example. Stand up to bullies. Deal with first things first. Loyalty is the vital virtue. Prepare relentlessly. Underpromise and overdeliver...." Certainly a recipe for a successful leader and the vision of a leader who truly cares about the people he leads. The concept of leadership can encompass leaders who serve the organization and key members of the organization. The point is that caring about the good of all, and striving for better outcomes are far more important than just wanting to be the leader.

We are all leaders if we truly care about the people around us, have beliefs and communicate them, see things for ourselves and set an example, and embrace all the other virtues of true leaders. So often we sit on the sidelines, watch others try to lead, and blame them when the results that we all need are not achieved. So often a handful of people are the only ones out there trying to find a better course. The challenge is for all of us to be part of the puzzle, get involved, contribute and learn to be leaders. Where are you as a leader?

Character Education & Leadership Crossword  
www.myvocabulary.com



jancook@myvocabulary.com  
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**ACROSS:**

- 1 - Process of developing knowledge by formal schooling or study
- 4 - Identification with the feelings, thoughts etc. of someone; sympathy
- 5 - Arriving, acting or happening at the time(s) appointed; promptness
- 6 - Demonstrating a willingness to work or act together for a common purpose
- 8 - Freedom from bias, dishonesty or injustice; marked by even conditions
- 11 - Friendly feeling; state of being considerate or helpful
- 12 - Confident or trustful dependence
- 15 - The character of an individual viewed as a member of society
- 18 - Deserving of confidence or reliance on the strength of a person; reliable
- 19 - Taking serious attention to; devoting; protecting; having concern for
- 20 - Freedom from bigotry

**DOWN:**

- 2 - Moral strength; essential quality
- 3 - State or instance of being accountable (something within someone's power)
- 7 - Behavior in accord with rules of conduct; prescribed habit
- 9 - To care or show consideration for
- 10 - Truthfulness, sincerity or frankness; freedom from deceit
- 13 - Bravery; quality of mind that enables a person to face difficulty or pain without fear
- 14 - Ability or willingness to suppress restlessness or annoyance when confronted with delay; perseverance
- 16 - Uncompromising adherence to right moral and ethical conduct or principles; honesty
- 17 - Feeling of faithfulness or allegiance to one's friend, oath obligation

*\*\*Answers on page 34.\*\**

## Legal Word Search

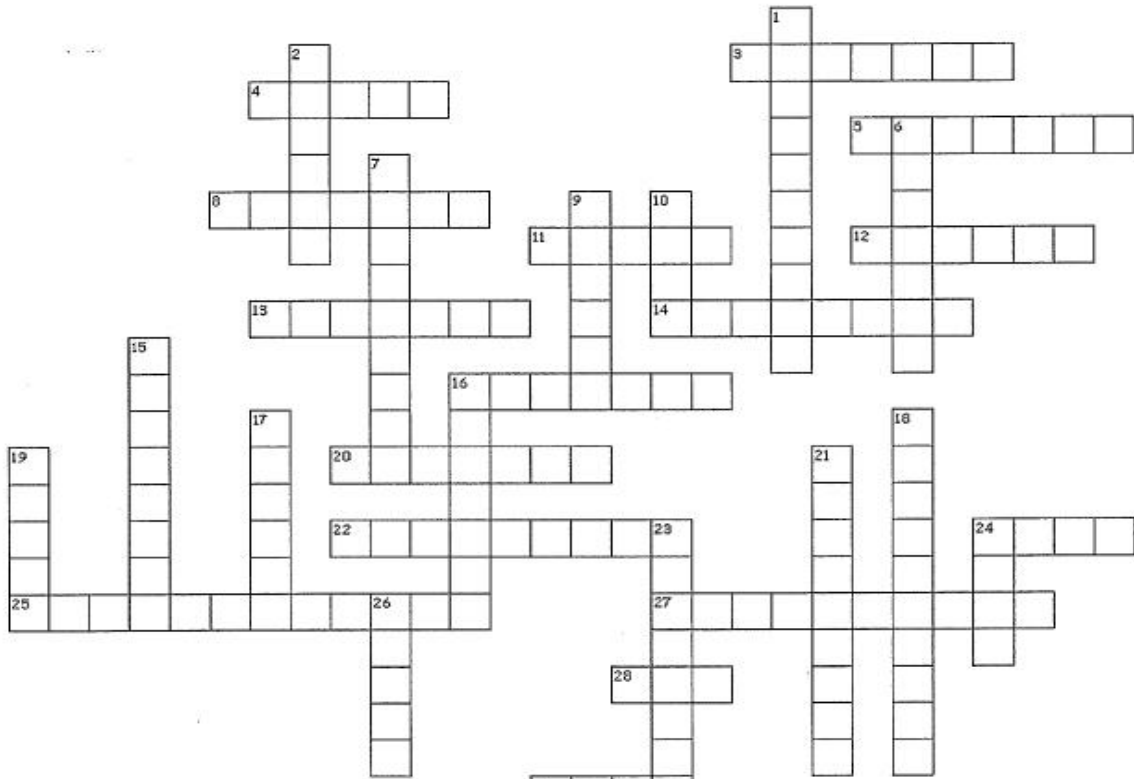
T H Y A P F F A Q E O U C W D N X T R J  
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I E I C Q E Y R U J W D T A I N E R O G  
Y R S O E L E V I D E N C E E L U R I G  
B J T L U A F E D K P M A T N H X J O A  
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A C Q U I T T A L X V M U E F E U V P R

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DAMAGES  
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JUDGE  
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INJUNCTION  
LIEN  
OPINION  
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SEQUESTER  
VENUE

## Legal Terms



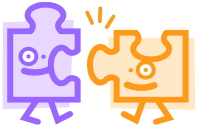
**Across**

- 3. to receive a money judgment in a lawsuit
- 4. to annul or set aside
- 5. a person who testifies under oath
- 8. the determination of a factual question
- 11. the person who signs a check or promissory note
- 12. convinced of the truth of a statement or allegation
- 13. referring to acts which are intentional
- 14. evidence introduced to counter, disprove or contradict
- 16. any proceeding before a judge or other magistrate
- 20. failure to respond to a summons and complaint served
- 22. a family living together
- 24. to help someone commit a crime
- 25. pertaining to a will
- 27. unpredictable and subject to whim
- 28. collectively all attorneys
- 29. a sum of money due to another
- 30. the final step in the sale and purchase of real estate

**Down**

- 1. a brief writing, note, summary or outline
- 2. court decision on a case or any legal question
- 6. in violation of statute, regulation or ordinance
- 7. someone who takes the law into his/her own hands
- 9. the intentional and voluntary giving up of something
- 10. one who acquires property upon the death of another
- 15. having some reasonable connection with
- 16. second-hand evidence
- 17. for a judge to set aside or annul an order or judgment
- 18. loss of property due to a violation of law
- 19. Latin for "been sworn,"
- 21. oral evidence given under oath
- 23. any statement made, particularly in writing
- 24. when two parcels of real property touch each other
- 26. to attach something to real estate in a permanent way
- 30. an item of personal property which is movable
- 31. any permanent structure on real property

\*\*Answers on Page 35.\*\*



## More Words – Not My Own By Anne Hoover, PLS

Sometimes obstacles can be puzzling to us, at the very least, but thankfully not to the point where we can't overcome them.

Here are some thoughts of others on the subject. I found them enlightening and hope you do as well.

If you're trying to achieve, there will be roadblocks. I've had them; everybody has had them. But obstacles don't have to stop you. If you run into a wall, don't turn around and give up. Figure out how to climb it, go through it, or work around it.

- *Michael Jordan*

Success is to be measured not so much by the position that one has reached in life as by the obstacles which he has overcome.

- *Booker T. Washington*

Obstacles are those frightful things you see when you take your eyes off your goal.

- *Henry Ford*

Stand up to your obstacles and do something about them. You will find that they haven't half the strength you think they have.

- *Norman Vincent Peale*

One who gains strength by overcoming obstacles possesses the only strength which can overcome adversity.

- *Albert Schweitzer*

Crystallize your goals. Make a plan for achieving them and set yourself a deadline. Then, with supreme confidence, determination and disregard for obstacles and other people's criticisms, carry out your plan.

- *Paul J. Meyer*

Patience and perseverance have a magical effect before which difficulties disappear and obstacles vanish.

- *John Quincy Adams*

History has demonstrated that the most notable winners usually encountered heartbreaking obstacles before they triumphed. They won because they refused to become discouraged by their defeats.

- *B. C. Forbes*

Most of our obstacles would melt away if, instead of cowering before them, we should make up our minds to walk boldly through them.

- *Orison Swett Marden*

I think a hero is an ordinary individual who finds strength to persevere and endure in spite of overwhelming obstacles.

- *Christopher Reeve*



# Do You Want to Be Facebook Friends or Do You Want to Serve Me?

Marlisse Silver Sweeney

2013-10-25 16:17:16.0

In Reed Smith's Global Regulatory Blog [this week](#), Cynthia O'Donoghue breaks down a [Michigan state court decision](#) earlier this year where the judge permitted service via Facebook message.

O'Donoghue tells us that in this case, the foreign defendant, a website operator, did not have a valid registered address listed on their website. The plaintiffs filed a motion for substituted service and demonstrated to the judge that the email address listed on the defendant's domain registration was accepting emails and that this email address was listed as the contact information on the website's Facebook account. Service was deemed complete by the court when the plaintiffs filed a return of service that indicated both the email and Facebook message had been sent, O'Donoghue says.

She goes on to note that service by alternative means is permitted by U.S. law under the right circumstances and is also permitted by the [Hague Service Convention Article](#) in situations where the signatory state of the party being served does not object.

*Attorney Marlisse Silver Sweeney is a freelance writer based in Vancouver. MarlisseSilverSweeney@gmail.com.  
Twitter: @MarlisseSS LTN: @lawtechnews.*

<http://www.law.com/jsp/lawtechnologynews/jsp/lawtechnologynews/PubArticleLTN.jsp?id=1382624067327>





## *Texas Association of Legal Professionals Nomination for the Quarterly "Spotlight Piece"*



*President Patti Heaney's theme this year is puzzles and how **you** fit into the puzzle that is Texas ALP. The Texas ALP puzzle is made up of lots of "pieces" that do a tremendous job, not only at work, but also for our tri-level association. Texas ALP would like to recognize outstanding members throughout this year. We will have a quarterly "Spotlight Piece." So - nominate away. If you have a member you believe is deserving to be featured for the Spotlight Piece, please complete the following nomination form and return it to this year's Membership Chair, Rita Alesi, PP, PLS, TSC by the deadlines listed below. The Spotlight Piece will be published in the issues of The Texas Docket.*

*Nomination Deadlines are: January 1, 2014 and April 1, 2014.*

*Nominations need to be emailed to Rita at [rita\\_membership@talp.org](mailto:rita_membership@talp.org) and must be received by the deadline.*

*Winners will be announced January 15 and April 15, 2014.*

*Nominee's Name:* \_\_\_\_\_

*Chapter Affiliation:* \_\_\_\_\_

*Address:* \_\_\_\_\_

*Phone Number:* \_\_\_\_\_ *Email:* \_\_\_\_\_

*Employer:* \_\_\_\_\_

*Title:* \_\_\_\_\_

*Boss(es)Name:* \_\_\_\_\_

*Employer Address:* \_\_\_\_\_

*Nominated By:* \_\_\_\_\_

*Chapter Affiliation:* \_\_\_\_\_

*Address:* \_\_\_\_\_

*Phone Number:* \_\_\_\_\_ *Email:* \_\_\_\_\_

I believe the above person should be the Texas Association of Legal Professionals Quarterly "Spotlight Piece" for the following reasons (250 words or less – please do not use nominee's name in paragraph):

“Spotlight Piece” Questionnaire for *The Texas Docket* feature:

1. What is it you like best about working in the legal field?
2. What do you enjoy most about being a “Piece” of your local chapter?
3. What do you enjoy most about being a “Piece” of the Texas ALP Puzzle?
4. What have you gained from being a “Piece” of the Puzzle?
5. Tell us anything you would like us to know about your family/personal life so that your Texas ALP friends will know you a little better? (Optional)

Please submit photo to be placed in *The Texas Docket*.



# We are **ALL** pieces of the Texas ALP **Puzzle!!!**

The 2013-14 Membership Campaign is underway.

As of June 1, 2013, the Texas ALP **Puzzle** was 464 pieces strong.

Let's strengthen our **puzzle** to at least 500 pieces.

## Member Campaign

**2 points**

for each new "Piece" you sponsor

**15 points**

for every 5 new "Pieces" you sponsor

**50 points**

to the winner of the  
Texas ALP "Spotlight Piece"

**20 points**

for sponsoring the 500<sup>th</sup> "Piece"



### Member Campaign Prizes

1<sup>st</sup> Place — \$100 • 2<sup>nd</sup> Place — \$50

### Chapter Campaign Prizes

1<sup>st</sup> Place — \$200 • 2<sup>nd</sup> Place — \$100

## Chapter Campaign

**50 points**

for holding a membership drive between  
August and October 2013

**2 points**

for each new "Piece" added as a result of  
a membership drive

**50 points**

for most new "Pieces" added as a result of  
a membership drive

**20 points**

for having a "Piece" of your local puzzle  
win the Texas ALP "Spotlight Piece"

**1 point**

for every "Piece" your local puzzle adds  
from May 1, 2013, through March 31,  
2014

**20 points**

for securing the 500<sup>th</sup> "Piece"

### CHAPTER BONUS:

**100 points**

for 100% retention of your "Pieces" as of  
May 1, 2013

---

**Submit information to:**  
Rita C. Alesi, PP, PLS, TSC  
Texas ALP Membership Chair  
[rita\\_membership@talp.org](mailto:rita_membership@talp.org)

# TEXAS ALP 2013-2014 ROSTER OF OFFICERS AND COMMITTEE CHAIRMEN

## Elected Officers

**PRESIDENT**  
 Patti Heaney, PLS  
 (Austin LPA)  
 Van Osselaer & Buchanan LLP  
 9600 Great Hills Trail, #300West  
 Austin, TX 78759  
 (H) 512.282.3672  
 (O) 512.225.2841  
 (C) 512.659.5811  
 (E) [patitalp@gmail.com](mailto:patitalp@gmail.com)  
 (BD) 4/16

**PRESIDENT-ELECT**  
 Samantha L. Tandy, PLS  
 (Midland ALP)  
 5651 Passage Drive  
 Fort Worth, Texas 76135  
 (H) 432.413.6534  
 (E) [tandytalp@gmail.com](mailto:tandytalp@gmail.com)  
 (BD) 8/12

**TREASURER**  
 Marty S. Olson, PP, PLS, TSC-RE  
 (Houston ALP)  
 Crain, Caton & James  
 1401 McKinney, Suite 1700  
 Houston, TX 77010  
 (O) 713.752.8631  
 (C) 713.557.4502  
 (H) 713.771.5348  
 (E) [molson@craincaton.com](mailto:molson@craincaton.com)  
 (BD) 11/07

**SECRETARY**  
 Mary Bullard, ACP, TSC-RE  
 (Waco LPA)  
 Deaver & Deaver  
 200 W. Highway 6, Suite 501  
 Waco, TX 76712  
 (O) 254.761.5970  
 (E) [marybtalp@gmail.com](mailto:marybtalp@gmail.com)  
 (BD) 9/19

## Appointed Officer

**PARLIAMENTARIAN**  
 Kathie Jean Keys, PP, PLS  
 (Corpus Christi ALP)  
 Wood, Boykin & Wolter, P.C.  
 615 N. Upper Broadway, Suite  
 1100  
 Corpus Christi, Texas 78401  
 (O) 361.888.9201, ext. 138  
 (C) 361.813.9015  
 (E) [kathietalp@gmail.com](mailto:kathietalp@gmail.com)  
 (BD) 10/31

## Committee Chairmen

**ANNUAL CONFERENCE 2014**  
 Daniele Mitchell, PP, PLS  
 (Lubbock LPA)  
 14910 CR 3500  
 Slaton, TX 79364  
 (H) 806.828.6456  
 (C) 806.252.5104  
 (O) 806.775.1313  
 (E) [danielemitchell1020@yahoo.com](mailto:danielemitchell1020@yahoo.com)  
 (BD) 10/20

**AWARDS**  
 Cheryl Wenzel, PP, PLS  
 (San Antonio LSA)  
 Cox Smith Matthews Incorporated  
 112 E. Pecan Street, Suite 1800  
 San Antonio, TX 78205  
 (H) 210.967.8526  
 (O) 210.554.5359  
 (C) 210.912.4274  
 (E) [cheryltalp@gmail.com](mailto:cheryltalp@gmail.com)  
 (BD) 11/3

**BYLAWS/STANDING RULES**  
 Meri Nelson, PP, PLS, TSC  
 (Austin LPA)  
 3205 Amber Oak Drive  
 Austin, TX 78748  
 (H) 512.292.7882  
 (E) [mnelson37@austin.rr.com](mailto:mnelson37@austin.rr.com)  
 (BD) 3/11

**CERTIFICATION**  
 Tina Hurley, PP, PLS  
 (Dallas ALP)  
 Haynes and Boone, LLP  
 2323 Victory Avenue, Suite 700  
 Dallas, TX 75219  
 (H) 972.427.6865  
 (C) 214.912.8058  
 (O) 214.651.5299  
 (E) [tina.hurley@haynesboone.com](mailto:tina.hurley@haynesboone.com)  
 (BD) 6/30

**COMMUNICATIONS**  
 Helene Wood, PP, PLS, TSC  
 (Houston ALP)  
 Norton Rose Fulbright  
 1301 McKinney, Suite 5100  
 Houston, TX 77010  
 (O) 713.651.3713  
 (C) 713.858.3009  
 (E) [communications@talp.org](mailto:communications@talp.org)  
 (BD) 04/22

**EDUCATION**  
 Scotti Beam, PP  
 (Austin LPA)  
 Cain & Skarnulis LLP  
 400 West 15th Street, Suite 900  
 Austin, TX 78701  
 (O) 512.477.5008  
 (C) 512.300.7876  
 (E) [sbeam@cstrial.com](mailto:sbeam@cstrial.com)  
 (BD) 5/27

**FUNDRAISING**  
 Janet Brown  
 (San Antonio LSA)  
 8806 Rustling Meadows  
 San Antonio, TX 78254  
 (H) 210.383.4329  
 (O) 210.738.8788  
 (C) 210.738.8750  
 (E) [jbrown8806@hotmail.com](mailto:jbrown8806@hotmail.com)  
 (BD) 10/03

**FINANCIAL REVIEW**  
 Rory Cavazos, PLS, CLA, CPS  
 (San Antonio LSA)  
 21135 Pacific Grove  
 San Antonio, TX 78259  
 (H) 210.497.7739  
 (O) 210.228.3758  
 (E) [rcavazos@saafd.org](mailto:rcavazos@saafd.org)  
 (BD) 2/5

**MARKETING**  
 Carol Gutierrez, PLS  
 (El Paso County LSA)  
 5001 Becknell Lane  
 El Paso, TX 79924  
 (O) 915.533.2493  
 (C) 915.355.5509  
 (E) [caroltalp@gmail.com](mailto:caroltalp@gmail.com)  
 (BD) 07/28

**MEETINGS COORDINATOR**  
 Rhonda Price Rogers  
 (NALS of Amarillo)  
 Sprouse Shrader Smith P.C.  
 P.O. Box 15008  
 Amarillo, TX 79105  
 (H) 806.367.6985  
 (C) 806.236.4772  
 (O) 806.468.3369  
 (E) [rhonda.rogers@sprouselaw.com](mailto:rhonda.rogers@sprouselaw.com)  
 (BD) 9/27

**MEMBERSHIP**  
 Rita C. Alesi, PP, PLS, TSC  
 (Houston ALP)  
 301 25th Street  
 San Leon, TX 77539  
 (C) 713.875.8676  
 (E) [rita\\_membership@talp.org](mailto:rita_membership@talp.org)  
 (BD) 10/22

**NOMINATIONS AND ELECTIONS**  
 Faynell Poe, PP, PLS  
 (El Paso County LSA)  
 5205 Nome Avenue  
 El Paso, Texas 79924  
 (H) 915.751.9070  
 (C) 915.217.7324  
 (O) 915.532.7500  
 (E) [chattelone@yahoo.com](mailto:chattelone@yahoo.com)  
[fpoe@f-law.com](mailto:fpoe@f-law.com) (for  
 immediate response only)  
 (BD) 08/19

**PROFESSIONAL DEVELOPMENT**  
 Trudy Rush  
 (Austin LPA)  
 Thompson, Coe, Cousins & Irons  
 701 Brazos Street, Suite 1500  
 Austin TX 78401  
 (H) 512.321.9569  
 (O) 512.708.8200  
 (C) 512.300.7878  
 (E) [trush@thompsoncoe.com](mailto:trush@thompsoncoe.com)  
 (BD) 5/12

**STRATEGIC PLANNING**  
 Donna Dendy, PP, PLS, CLA, TSC  
 (Waco LPA)  
 P.O. Box 58  
 Waco, TX 76703-0058  
 (O) 254.297.7300  
 (E) [dkd@pakislaw.com](mailto:dkd@pakislaw.com)  
 (BD) 7/31

**THE TEXAS DOCKET**  
 Andrea Griffin Darland  
 (Lubbock LPA)  
 P.O. Box 452  
 New Deal, TX 79350  
 (O) 806-687-8111  
 (C) 806-438-1621  
 (E) [drea.griffin75@gmail.com](mailto:drea.griffin75@gmail.com)  
 (BD) 10/18

**WEBMASTER**  
 Julie Abernathy, PP, PLS  
 (Austin LPA)  
 Haynes and Boone, LLP  
 600 Congress Avenue, Suite 1300  
 Austin, TX 78701  
 (H) 512.288.6219  
 (O) 512.867.8409  
 (C) 512.507.7982  
 (E) [julie.abernathy@haynesboone.com](mailto:julie.abernathy@haynesboone.com)  
 (BD) 01/04

# TEXAS ALP 2014-15 LEADERSHIP TEAM

Would you like to be a part of the Texas ALP leadership team for 2014-15? Will you join me in taking our state association to the next level of superstardom? Do you have leadership talents that you have been waiting to showcase? Do you have strengths you have been waiting to exercise? I know that life is pretty full with working a full-time job, family commitments, and other passions that you have. Please make room in your life to invest in the future of our association. YOU have something to contribute. What will be your investment to Texas ALP?

If you would like to be a part of the Texas ALP leadership team, here are the committees you can choose to work on. If you are not comfortable being a Chairman, I can help you decide which committee you would like to join.

**YES! I want to be on the 2014-15 Texas ALP Leadership Team!!**

Name: \_\_\_\_\_  
 Chapter: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

I would like to serve on the following committee and have designated my choices:

Committee	1, 2, or 3	Committee	1, 2, or 3
2015 Annual Conference		Marketing	
Awards		Meetings Coordinator	
Bylaws/Standing Rules		Membership	
Certification		Nominations & Elections	
Communications		Planning Council	
Education		Professional Development	
Financial Review		<i>The Texas Docket</i>	
Fundraising		Webmaster	

If you would like to be a part of any of the committees listed above, or just have questions about a committee, please contact Samantha Tandy, Texas ALP President-Elect at [tandytalp@gmail.com](mailto:tandytalp@gmail.com) or 432-413-6534.

*Lubbock Legal Professionals Association*

*cordially invites you to the*



**59<sup>th</sup> Annual Texas Association of Legal  
Professionals Educational Conference**

**May 1-3, 2014**

**at the Embassy Suites Lubbock.**

*We look forward to hosting the conference  
and having you all as guests in our city.*

# TEXAS ALP 59<sup>TH</sup> ANNUAL EDUCATIONAL CONFERENCE

Lubbock, Texas ♦ May 1-3, 2014

Registration Deadline March 31, 2014

## REGISTRATION FORM

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_  
Daytime Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

### Certifications

- ALP                       PLS                       PP  
 CLA/CP                 ACP                       RP  
 TSC                       Other \_\_\_\_\_

Local Chapter \_\_\_\_\_

Current Texas ALP Position Held \_\_\_\_\_

Current Local Position Held \_\_\_\_\_

- NALS Life Member  
 Texas ALP Past President  
 This is my first Texas ALP meeting  
 I want to be a Texas ALP PAL  
 Special Dietary request

## SCHEDULE OF EVENTS

**Mark Each Event You Will Attend**

### Thursday, May 1, 2014

- 4:00 pm – 7:00 pm            Registration  
 6:30 pm – 7:00 pm            Credentials Check-in  
 7:00 pm – 9:00 pm            Business Meeting

### Friday, May 2, 2014

- 8:00 am – 10:45 am          Registration  
 9:00 am – 9:30 am            Texas ALP Committee Meetings  
 9:45 am – 10:30 am          Open Forum/PYI Workshop  
 10:45 am – 11:45 am          CLE - Immigration  
 12:00 pm – 1:30 pm            Professional Development Luncheon  
 1:45 pm – 2:45 pm            CLE - Bankruptcy  
 3:00 pm – 4:00 pm            Strategic Planning Session  
 4:15 pm – 5:15 pm            CLE - Collaborative Law

### Saturday, May 3, 2014

- 9:00 am – 10:00 am          CLE - Contested Divorce  
 10:15 am – 11:15 am          CLE - Paralegal Ethics  
 11:30 am – 1:00 pm            Recognition Luncheon  
 1:15 pm – 2:15 pm            CLE - Legal Writing  
 2:30 pm – 3:30 pm            CLE - Human Trafficking  
 3:30 pm – 4:00 pm            Raffle  
 7:00 pm – 10:00 pm          President's Reception/Dinner

## FULL REGISTRATION FEES

- Texas ALP Member .....\$135  
 Texas ALP Chair.....\$ 85  
 Non-member .....\$150  
 Student .....\$ 85

## INDIVIDUAL EVENT REGISTRATION FEES

- Education Only – Member .....\$ 55  
 Education Only – Non-Member .....\$ 80  
 Education Only – Student.....\$ 55  
 Professional Development Luncheon – Members or Non-Members.\$ 25  
 Recognition Luncheon – Member or Non-Members.....\$ 25  
 President's Reception/Dinner – Member or Non-Member.....\$ 35  
 Open Forum/PYI Workshop – Member or Non-Member .....\$ 0  
 Business Meeting Only – Member or Non-Member .....\$ 0

Late Fee (Postmarked after March 31, 2014).....\$ 25

## MEMBER'S GUEST REGISTRATION

- Professional Development Luncheon.....\$ 25  
 Recognition Luncheon .....\$ 25  
 President's Reception/Dinner.....\$ 35

Guest Name \_\_\_\_\_

## PAYMENT INFORMATION

Total Amount Due: \$\_\_\_\_\_ (due with registration form)

### Please make check payable to:

Lubbock LPA Special Meeting Account  
Federal Tax ID No: 75-6044048

**Notice:** A \$30 fee will be assessed for returned checks. Refunds requested and confirmed in writing (less a \$25 fee) will be made until March 31, 2014.

### For questions about the conference, contact meeting chair:

Daniele Mitchell, PP, PLS      [danielemitchell1020@yahoo.com](mailto:danielemitchell1020@yahoo.com)

### Mail registration form to:

Barbara Sucsy, PLS  
c/o Lubbock Legal Professionals Association  
P.O. Box 65434  
Lubbock, Texas 79464

### For questions about registration:

E-mail Barb Sucsy, PLS: [bsucsy@suddenlink.net](mailto:bsucsy@suddenlink.net)

or

E-mail: Cindy Martinez, PP, PLS: [cjmartinez2000@hotmail.com](mailto:cjmartinez2000@hotmail.com)

## HOTEL INFORMATION

Reservations should be made directly to the Embassy Suites, 5215 S. Loop 289, Lubbock, Texas 79424  
Phone: (806) 771-7000 ♦ Fax: (806) 771-7100 ♦ [www.embassysuites3.hilton.com](http://www.embassysuites3.hilton.com)

\*Enroll for Hilton Honors to get perks\*

Please identify yourself as a member of Texas Association of Legal Professionals to receive discounted room rates of \$129 single/double; \$139 triple/quad (Quoted room rates available until April 10, 2014)

*Contributions or gifts to Texas ALP are not deductible as charitable contributions for income tax purposes.*



# Texas ALP 59<sup>th</sup> Annual Educational Conference

## Lubbock, Texas • May 1-3, 2014

### Thursday, May 1, 2014

4:00 pm – 7:00 pm	Registration
6:30 pm – 7:00 pm	Credentials Check-in
7:00 pm – 9:00 pm	Business Meeting

### Friday, May 2, 2014

\* Complimentary hot buffet/made-to-order breakfast each morning in the atrium.

8:00 am – 10:45 am	Registration
9:00 am – 9:30 am	Texas ALP Committee Meetings
9:45 am – 10:30 am	Open Forum/PYI Workshop
10:45 am – 11:45 am	CLE – Immigration
12:00 pm – 1:30 pm	Professional Development Lunch
1:45 pm – 2:45 pm	CLE – Bankruptcy
3:00 pm – 4:00 pm	Strategic Planning Session
4:15 pm – 5:15 pm	CLE – Collaborative Review

\* Hotel Manager's Reception in the Atrium Lounge – Free drinks & hor d' oeuvres from 5-7 nightly

### Saturday, May 3, 2014

9:00 am – 10:00 am	CLE – Contested Divorce
10:15 am – 11:15 am	CLE – Paralegal Ethics
11:30 am – 1:00 pm	Recognition Lunch
1:15 pm – 2:15 pm	CLE – Legal Writing
2:30 pm – 3:30 pm	CLE – Human Trafficking
3:30 pm – 4:00 pm	Raffle

**7:00 pm – 10:00 pm**      **President's Dinner/Reception at McPherson Cellar**  
(Transportation will be provided for those who require it.)

# Character Education & Leadership Crossword

www.myvocabulary.com

1 education  
2 character  
3 respect  
4 empathy  
5 punctuality  
6 cooperative  
7 dignity  
8 fairness  
9 respect  
10 behavior  
11 kindness  
12 reliance  
13 civic  
14 participation  
15 citizenship  
16 citizenship  
17 citizenship  
18 trustworthy  
19 caring  
20 tolerance

jancook@myvocabulary.com  
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# Legal Terms Crossword Puzzle

## Across

- 3. Recover
- 4. Quash
- 5. Witness
- 8. Finding
- 11. Maker
- 12. Belief
- 13. Willful
- 14. Rebuttal
- 16. Hearing
- 20. Default
- 22. Household
- 24. Abet
- 25. Testamentary
- 27. Capricious
- 28. Bar
- 29. Debt
- 30. Closing

## Down

- 1. Memorandum
- 2. Ruling
- 6. Illegal
- 7. Vigilante
- 9. Waiver
- 10. Heir
- 15. Relevant
- 16. Hearsay
- 17. Vacate
- 18. Forfeiture
- 19. Jurat
- 21. Testimony
- 23. Declaration
- 24. Abut
- 26. Affix
- 30. Chattel
- 31. Improvement