



The Texas Docket

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*Like branches on a tree, we grow in different directions,
yet our roots remain as one.*

Editor

Lola J. Smith-Gentry, ACP
lgentry@hkwwlaw.com

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Send address corrections to:

Helene Wood, PP, PLS, TSC
Communications Chair
communications@talp.org

The Texas Docket

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President's Message

Mary H. Bullard, ACP, TSC-RE
Texas ALP President 2016-2017



On July 20, 1956, the National Association of Legal Secretaries issued a charter to the Texas Association of Legal Secretaries. That was 60 years ago, and this year we observe our Diamond Anniversary.

During the Annual Educational Conference in Waco, I shared my theme for this year: "Our Roots Remain As One." The theme comes from a genealogy quote about family: "*Like branches on a tree, we grow in different directions, yet our roots remain as one.*" The roots of this association were planted 60 years ago, and today they still sustain the Texas Association of Legal Professionals.

Whether we work in different branches of the legal profession or we specialize in different branches of law, our roots are one. We are rooted in the Constitution of the United States. Whether we are members in Amarillo, Corpus Christi, or Wichita County, our roots are one. We are rooted in the belief we should perform the duties of the legal profession with integrity and competence, pursue a high order of professional attainment, and thereby encourage respect for the law and the administration of justice.

Just as an arborist keeps a tree healthy by feeding its roots, our committees and officers have been hard at work planning educational and professional events to feed our members.

Texas ALP's motto states our association promotes a high standard of competence for legal support professionals. Providing quality educational events is part of promoting a high standard of competence. Education Chair Marty Olson is developing ways to best utilize technology as an educational tool. If you have technology skills, or just ideas for using technology in educational sessions and webinars, please contact Marty. She wants to hear from you.

In addition to providing quality CLE, this year we will be holding a camping event, Texas Firecamp (Fan the Fires of Leadership), made possible in part by a grant from the NALS Foundation. The camp will focus on leadership skills and the different aspects of leadership, including topics such as organizational skills, delegation, and team building. Patti Heaney, Firecamp Chair, will be sending out information as camp details are finalized. I hope you are able to take advantage of the leadership-building opportunities provided during the Firecamp. It promises to be a great event.

Texas ALP is also a resource for legal professionals pursuing NALS certifications. Certification Chair Cynthia Huffman holds both the PP and PLS certification designations and is available to assist both individual members and local chapters seeking information about achieving certification.

An area which is important to me is strategic planning. Planning Committee Chair Anne Hoover and her committee members are reviewing the current strategic plan. We need to ensure its stated goals meet the needs of today's legal professionals. I ask all members to please take a moment to look at our plan and provide your input. Your ideas and suggestions help Texas ALP focus on goals that best utilize our available resources. The Strategic Plan is located on the Members Access page of our Website at texasalp.org.

Texas ALP has a great team this year, and I am excited about our programs and events. I encourage you to participate! It is an honor for me to serve as your president for 2016-17, and I look forward to seeing you in San Antonio at the Fall Educational Conference.

Incoming President's Speech—Presidents' Banquet

“Our Roots Remain As One”
Mary H. Bullard, ACP, TSC-RE
Texas ALP President 2016-2017

Fifteen years ago, my husband Andy retired for the second time, and we relocated back to Texas. I went to work at the Law Firm of Deaver & Deaver, where I am still employed as “The Staff.” Because I had no legal support co-workers, and am a people person, I looked around for a way to interact with other Waco/McLennan County legal support professionals. I found the Waco Legal Professionals Association; and in Waco LPA, I found an association whose motto is

Professionalism + Education = Excellence

In addition to quality legal education and networking, I found friends; friends who encouraged me to branch out and to grow in a different direction. Thank you to Olivia Johnson for carpooling with me to the Waco LPA lunch meetings, and thank you to Texas ALP Past Presidents Donna Dendy, Mary Teague, and Kristy Turner for allowing me to ride with you to the Texas ALP conferences. Listening to the three of you interact inspired me to run for office in our state association; and in Texas ALP, I found an association whose motto is

Texas ALP promotes a high standard of competence for legal support professionals

Of course, our family members are also important in our professional careers. My mother, Edna Henry Harwood, was secretary for the Chamber of Commerce in Warren County, Virginia; sold war bonds during World War II; and was my Girl Scout Troop Leader. She was the person who suggested I attend Executive Secretarial School in Dallas, which put me on the path to becoming a legal support professional. In my Mother, I found a support staff professional whose motto was

Always leave things better than you found them.

As many of you are aware, I am a genealogist. Some of you are painfully aware I am a genealogist. My theme for this year comes from a genealogy quote about family:

*Like branches on a tree, we grow in different directions,
yet our roots remain as one.*

Our tri-level association is comprised of our professional family members. Whether we work in different branches of the legal profession or specialize in different branches of law, our roots are one. We are rooted in the Constitution of the United States of America.

Whether we are members of a local chapter in Amarillo, a local chapter in Corpus Christi, or are a member-at-large, our roots are one. We are rooted in the belief we should perform all duties of the legal profession with integrity and competence, pursue a high order of professional attainment, and thereby encourage respect for the law and the administration of justice.

Our roots are what keep us together. Our roots are what make us strong and allow us to combine *Professionalism* and *Education* to achieve *Excellence*, enable us to *promote a high standard of competence for legal support professionals*, and make it possible for us to *leave things better than we found them*.

Thank you for allowing me to serve you, the members of this association, as your president for 2016-17.



El Paso ALP received its charter
September 19, 1968.

Waco LPA received its charter
September 22, 1956.



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PROFESSIONAL DEVELOPMENT

Submitted by: Mary Teague, PP, PLS
Chair, Professional Development

When President Mary asked me to serve as chair of the professional development committee, my thoughts turned to “What is a professional?”

Is a professional someone who dresses and acts in an appropriate manner on a personal as well as a professional level? Is it someone who knows what her goals are and is effective in sharing those goals with her peers and encouraging them to join her? Is it someone who has obtained, or is in the process of obtaining, the necessary education and skills to succeed in her chosen career?

Yes, all of the above attributes describe a professional. Those of us who work in the legal field recognize certain individuals who excel in the daily grind of their jobs, in their professional lives, and in their personal interactions with others. Without seeking to promote themselves, they just naturally advance to the top of their profession.

So, what defines a professional?

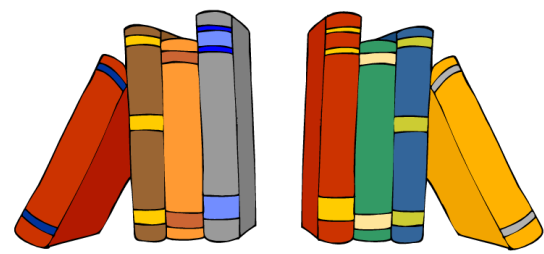
A professional -

- is a mentor who seeks out those desiring to learn and shares her knowledge and expertise, whether at the office or through a professional organization. And, she allows herself to be mentored as well—she recognizes that no one has all the answers. Her goal is to pay it forward.
- has a thirst for knowledge and seeks out the best avenues for learning. Those of us who are members of a multi-level association are fortunate to have many opportunities for advancement. NALS... *the association for legal professionals* offers many resources, such as online education, certification exams, and membership forums. State and local conferences also offer continuing legal education seminars and networking opportunities.
- has a firm commitment to excellence and desires to be the best that she can be. Although she is diligent in performing her job, she goes beyond the day-to-day duties assigned to her position. In addition to education, she studies for and obtains the certifications available in her field.
- is a leader, whether in her office, her professional association, volunteer positions, or her personal life. In order to nurture future leaders and encourage learning and professional development, Texas ALP is offering a Texas Firecamp this year. Stay tuned for further details about this exciting event!
- exhibits the following traits—she is:

- innovative—she sees each problem as a challenge and is motivated to find a creative solution.
- flexible—she does not react to circumstances but instead acts in a positive manner by taking charge of the situation.
- positive—she faces her fears and moves forward in spite of them.
- decisive—she makes an informed decision based upon the knowledge she has and does not second guess herself.
- organized—she has a plan (and usually a Plan B). As Melinda Gates tweeted: Goals are only wishes unless you have a plan.

In thinking about the above definition of a professional and the defining traits, I know I am a long way from achieving my goal. However, I do agree with Philip Humbert, who stated: “. . . really successful people work on their personality, their leadership skills, management skills, and every other detail of life. . . . Successful people don't tolerate flaws; they fix them!”

As one of William Shakespeare’s characters stated in Hamlet: “We know what we are but know not what we may be.” I challenge you to join me as I ask, “Who will I be this time next year?” Let us continually reinvent ourselves to become the professionals we desire to be. Life is not a race, but a journey to be savored each step of the way. How will you grow in your journey this year?



CERTIFICATION NEWS

Submitted by: Cynthia Huffman, PP, PLS

Congratulations to **Amanda Ring, ALP**, from Houston, Texas, and **Gena Olney, PLS**, from El Paso, Texas, newly certified as of March 2016. As of the date of their certifications, these ladies were not members of Texas ALP; so if you know them, please be sure to give them a high 5!

The deadline to register for the September 2016 ALP, PLS/CLP, or PP exams is August 1, 2016. For more information, check out the following link:

<https://www.nals.org/?page=certification>,

or feel free to contact Cynthia Huffman at chuffman@bf-law.com if you have additional questions.



Got CLE?



The
Texas Association of Legal Professionals
Does!



**SAVE
THE
DATE**

2/25/17 - 9:00 a.m. to 5:00 p.m.

Come learn and earn 7.0 hours of CLE credit

Topics

Coming soon!

Live in Houston at—

The Law Offices of Norton Rose Fulbright US LLP
1301 McKinney, Suite 5000 • Houston, Texas 77010

Check with your local association for additional locations

(Visit www.texasalp.org for registration form and more information)

TEXAS ALP 2016-2017 ROSTER OF OFFICERS AND CHAIRMEN

(06/07/2016)

Elected Officers

PRESIDENT

Mary Bullard, ACP, TSC-RE
(Waco LPA)
Deaver & Deaver, Attorneys at Law
215 Mary Ave., Suite 308
Waco, TX 76701-2253
(W) 254.761.5970
(C) 254.214.1128
(E) marybtalp@gmail.com
(BD) 9/19

PRESIDENT-ELECT

Carol R. Gutierrez, PLS
(El Paso ALP)
ScottHulse PC
201 E. Main Drive, Ste. 1100
El Paso, TX 79901
(W) 915.546.8340
(C) 915.355.5509
(E) cgut@scotthulse.com
(BD) 7/28

TREASURER

Rita C. Alesi, PP, PLS, TSC-CL
(Houston ALP)
301 25th Street
San Leon, TX 77539
(C) 713.875.8676
(E) ritatalp@gmail.com
(BD) 10/22

SECRETARY

Andrea Griffin Darland, PP, PLS
(Lubbock LPA)
P.O. Box 452
New Deal, TX 79350
(W) 806.762.0214
(C) 806.438.1621
(E) andrea.talp@gmail.com
(BD) 10/18

Appointed Officer

PARLIAMENTARIAN

Samantha L. Tandy, PLS
(Member at Large)
2400 Lavender Lane
Arlington, TX 76013
(W) 817.322.7788
(C) 432.413.6534
(E) tandytalp@gmail.com
(BD) 8/12

Committee Chairs

ANNUAL CONFERENCE 2017

Monica Acuna
(El Paso ALP)
11876 Sal Berroteran Dr.
El Paso, TX 79936
(W) 915.532.2000
(H) 915.856.8154
(E) macu@mgmsg.com
(BD) 1/23

AWARDS

Linda Rodriguez
(Austin LPA)
Fitzgerald & Meissner PC
812 San Antonio St., Ste. 400
Austin, TX 78701
(W) 512.474.4700
(C) 512.669.8915
(E) msrod@austin.rr.com
(BD) 8/7

BYLAWS/STANDING RULES

Theresa Ann Alba, PLS
(Austin LPA)
Shackelford, Bowen, McKinley &
Norton, LLP
400 West 15th St., Ste. 404
Austin, TX 78701
(W) 512.542.5105
(C) 512.385.5185
(E) taalba@shackelfordlaw.net
(BD) 8/3

CERTIFICATION

Cynthia J. Huffman, PP, PLS,
TSC-CL
(NALS of Amarillo)
Brown & Fortunato PC
905 S. Fillmore St., Ste. 400
Amarillo, TX 79101
(W) 806.345.6313
(H) 806.352.4736
(E) chuffman@bf-law.com
(BD) 7/27

COMMUNICATIONS

Helene L. Wood, PP, PLS-SC, TSC-RE
(Houston ALP)
Norton Rose Fulbright US LLP
1301 McKinney, Ste. 5100
Houston, TX 77010
(W) 713.651.3713
(C) 713.858.3009
(E) helene.wood@nortonrosefulbright.com
(BD) 4/22

EDUCATION

Marty S. Olson, PP, PLS, TSC-RE
(Houston ALP)
Crain, Caton & James
1401 McKinney, Ste. 1700
Houston, TX 77010
(W) 713.752.8631
(C) 713.557.4502
(E) molson@craincaton.com
(BD) 11/7

FALL EDUC. CONFERENCE

Cheryl A. Wenzel, PP, PLS
(SALSA)
Dykema Cox Smith
112 E. Pecan, Ste. 1800
San Antonio, TX 78205
(W) 210.554.5559
(C) 210.912.4274
(E) cheryltalp@gmail.com
(BD) 11/3

FINANCIAL REVIEW

Rory Cavazos, PLS, CLA, CPS
(San Antonio LSA)
21135 Pacific Grove
San Antonio, TX 78259
(W) 210.228.3758
(C) 210.325.5677
(E) rcavazos@saafdn.org
(BD) 2/5

FUNDRAISING

Scotti Beam, PP
(Austin LPA)
Cain & Skamulis PLLC
400 W. 15th St., Ste. 900
Austin, TX 78701
(W) 512.477.5008
(C) 512.300.7876
(E) sbeam@cstrial.com
(BD) 5/27

Marlena P. Johnson, PLS
(Austin LPA, Inc.)
Lloyd GosseLink Rochelle & Townsend
816 Congress, Ste. 1900
Austin, TX 78701
(W) 512.322.5882
(C) 512.799.6184
(E) mjohnson@lglawfirm.com
(BD) 5/3

MARKETING

Emily D. Walterscheid, PP, PLS
(Lubbock LPA)
P.O. Box 806
Shallowater, TX 79363
(W) 806.702.4852
(C) 806.281.3551
(E) ewalterscheid@gmail.com
(BD) 10/4

MEETINGS COORDINATOR

Kathie Jean Keys, PP, PLS
(Corpus Christi ALP)
Wood, Boykin & Wolter, P.C.
615 N. Upper Broadway, Ste. 1100
Corpus Christi, TX 78401
(W) 361.888.9201
(C) 361.813.9015
(E) kathietalp@gmail.com
(BD) 10/31

MEMBERSHIP

Rhonda R. Price-Rogers
(NALS of Amarillo)
Burdett Morgan Williamson and
Boykin, LLP
701 S. Taylor, Ste. 440
Amarillo, TX 79101
(W) 806.350.5658
(C) 806.236.4772
(E) rrogers@bmwb-law.com
(BD) 10/18



NOMINATIONS & ELECTIONS

Patricia T. Heaney, PLS
(Austin LPA)
Cain & Skamulis PLLC
400 W. 15th Street, Ste. 900
Austin, TX 78701
(W) 512.477.5000, ext. 235
(C) 512.659.5811
(E) pattitalp@gmail.com
(BD) 4/16

PLANNING

Anne Hoover, PP, PLS
(San Antonio LSA)
139 Idell
San Antonio, TX 78223
(W) 210.734.7092
(C) 210.241.4622
(E) ahoover@pg-law.com
(BD) 8/23

PROFESSIONAL DEV.

Mary D. Teague, PP, PLS
(Waco LPA)
Naman Howell Smith & Lee, PLLC
P.O. Box 1470
Waco, TX 76702
(W) 254.755.4327
(C) 254.733.8024
(E) mary@namanhowell.com
(BD) 7/13

THE TEXAS DOCKET

Lola J. Smith-Gentry, ACP
(Lubbock LPA)
Hurd Krier Wilkerson & Wright PC
P.O. Box 54390
Lubbock, TX 79453
(W) 806.783.8700
(C) 806.632.7464
(E) dldjgen355@aol.com
(BD) 10/21

WEBMASTER

Julie Abernathy, PP, PLS
(Waco LPA)
1921 Trinity Drive
Waco, TX 76710
(C) 512.507.7982
(E) julie.abernathy@sbcbglobal.net
(BD) 1/4

Special Committee Chair

TEXAS FIRECAMP

Patricia T. Heaney, PLS
(Austin LPA)
Cain & Skamulis PLLC
400 W. 15th Street, Ste. 900
Austin, TX 78701
(W) 512.477.5000, ext. 235
(C) 512.659.5811
(E) pattitalp@gmail.com
(BD) 4/16

Like branches on a tree, we grow in different directions, yet our roots remain as one.

TEXAS ASSOCIATION OF LEGAL PROFESSIONALS 2015-2016 LEGAL PROFESSIONAL OF THE YEAR

By Kip Hall, PLS, 2015-2016 Awards Chair



2015-2016 Legal Professional of the Year Patricia M. Nuhn, PLS

Patricia has been a member of Austin LPA, Inc. (Austin LPA) since 2009. Throughout her years as a member, Patricia has grown to become an exceptional legal professional. From the beginning, Patricia took steps to become an active member. She started attending our monthly CLE luncheons to increase her legal knowledge on various types of law. In addition, she volunteered her time and talent on one of the many committees Austin LPA has that offers resources to its members, as well as to others in the Austin area. Each year she has become more interested in the workings of Austin LPA and has begun to take on additional tasks. Patricia attended monthly Business Meetings, voicing her ideas and opinions, and agreed to co-chair the Programs/CLE Committee. In 2014, Patricia enrolled in Austin LPA's Certification Program, and in October 2015 she became a Certified Professional Legal Secretary (PLS). She is always willing to help when needed and performs all tasks with confidence, accuracy, and efficiency. You can always count on Patricia to get the job done. Patricia is not only a member of Austin LPA, but also a friend who cares for others. She strives to put Austin LPA on top of the legal community. The knowledge and confidence she has gained throughout her years with Austin LPA have helped her become an asset to our Association, as well as to her firm.

Patricia is the oldest of five children. She grew up and has lived in Austin since 1968 (with a few years away living in Bryan and San Antonio). She attended Pflugerville schools when it was a tiny, sleepy farm town. There were 56 students in her high school graduating class in 1976. Patricia met her husband, David, when she was 17, while working at J.C. Penney's after school and weekends. They married in 1978 and have been married for 38 years. Patricia and David have two children, Lauren and Ben, both of whom still live in Austin. Lauren is married and works in commercial property management, and Ben is a barista and artist working with textiles and photography. For fun, Patricia loves to cook, sew, make jewelry, do all sorts of crafting, work in

the yard, and shop for bargains. She especially enjoys going to Antiques Week in Round Top, Wimberley, and Fredericksburg.

Patricia began working in the legal field in 1982, as a receptionist/secretary at a two-attorney firm. In 1983, she moved into a larger firm, Kendall, Randle, Finch & Osborn, as a receptionist, and quickly moved to a secretarial position. KRF&O, later becoming Kendall & Osborn, was her home for 25 years, until June 2008, when the last practicing attorney passed away. In October 2008, Patricia accepted a job with Strasburger & Price LLP. She loves the challenge of working in a large firm and taking in every learning opportunity that comes her way. Patricia supports six attorneys at her law firm and handles many duties, from the mundane to the complex. She finds her work as a legal administrative assistant to be rewarding and challenging, and she enjoys the team-oriented atmosphere.

The Office Manager at Patricia's firm had this to say: "Patricia is a true example of what we refer to as the 'Strasburger Way.' She demonstrates a positive can-do attitude on a daily basis in the office. She has become a leader of her secretarial team and promotes teamwork within. Her role in the office has expanded over the last few years, and due to her strong work ethic, she has been able to meet her new challenges and surpass them. Patricia has worked diligently to increase her litigation skills to make her a better-rounded and valuable assistant for the office and the Firm. Her persistence in improving her litigation skills and attending training has paid off—she can now perform her role as a Reserve Secretary for all assignments with confidence. I believe her increasing participation in the Austin LPA has been an asset to her as well. Patricia is focused on her legal career and excelling in her profession. She is a full package—what she brings to the office each day goes above and beyond her job description and expectations. Patricia is truly a Legal Professional in every way."

Patricia, congratulations on being named Texas ALP's 2015-2016 Legal Professional of the Year!



CODE OF ETHICS

Each member of Texas ALP is required to subscribe to the Code of Ethics of NALS, the association for legal professionals, as follows:

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

Every member shall:

w

- Encourage respect for the law and the administration of justice;
- Observe the 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.



As you know as members of Texas ALP, we vote for our officers via electronic ballot with BallotBox. All members receive the ballot via email. Working together with Helene Wood, Communications Chair, I will provide each member’s email to BallotBox. Our electronic voting will begin on October 1 and will close on October 15.

Please make sure that your email address is correct with Helene Wood (Helene.wood@nortonrosefulbright.com). If you don’t wish to receive your election email at work, please provide your home email address and don’t forget to check it! Thank you.

If you want to run for office – let’s talk!

- Patti Heaney, PLS
- Nominations & Elections Chair

ROMAN AND ARABIC NUMERALS

TABLE 9.1 Roman and arabic numerals

Arabic	Roman	Arabic	Roman	Arabic	Roman
1	I	17	XVII	200	CC
2	II	18	XVIII	300	CCC
3	III	19	XIX	400	CD
4	IV	20	XX	500	D
5	V	21	XXI	600	DC
6	VI	22	XXII	700	DCC
7	VII	23	XXIII	800	DCCC
8	VIII	24	XXIV	900	CM
9	IX	30	XXX	1,000	M
10	X	40	XL	2,000	MM
11	XI	50	L	3,000	MMM
12	XII	60	LX	4,000	M \bar{V}
13	XIII	70	LXX	5,000	\bar{V}
14	XIV	80	LXXX	10,000	\bar{X}
15	XV	90	XC	100,000	\bar{C}
16	XVI	100	C	1,000,000	\bar{M}

The Chicago Manual of Style Online

REACH OUT AND TOUCH SOMEONE

By: Rhonda Rogers, Texas ALP Membership Chair

How do you view membership? Do you view it as a hardship or a blessing? In reality, membership is a blessing, for without membership this organization would not exist.

While the goal of obtaining new members is a daunting task, members are the life blood of our organization. Think of all the potential members in your city. Think of all the people who are eligible to be members. How many do you know? How many do you talk to on a regular basis?

HERE ARE THREE WAYS TO ATTRACT MEMBERS TO YOUR ASSOCIATION

1. Recruit personally

Call prospective members personally and invite them to an event or talk to them to see if they have special expertise to contribute to content or training of your chapter. Each time you talk to someone in the legal field (remember, that includes clerks, constables, attorneys, etc.), talk to them about Texas ALP or NALS. Mention that you're having a meeting on "such and such" date. Invite them to come as your guest. No charge. Who doesn't like a free lunch, dinner, or hors d'oeuvres at the end of the day?

2. Demonstrate how the association can help them

Don't just tell them about the association's value. Show them. Are they coming to an event? Pair them with a connected member who can introduce them to other members. Make sure they get the opportunity to enjoy a favorite member benefit like taking part in specialized training, accessing member-only research, or the chance to browse the Texas ALP and/or NALS membership-side of the websites. Membership has so many perks to it. We all know about the networking, the local meetings, and the charitable endeavors our chapters are involved in within our communities, but be sure to remind prospective members of the other benefits of being a member. For me, three of my favorite perks are life-long friends, the CLE, and a source for finding service providers throughout the United States. With the CLE, it is always available; and if you are a member, you can find free CLE at the national level any hour of the day or night.

3. Nurture the early experiences

Once members start joining, keep learning from them and enable them to learn from you. Don't "get them and forget them." Initiate a continuous dialogue to learn how the association can help these members. As they encounter new professional challenges, direct them to resources and other members who have successfully maneuvered through the same problem. Helping new members meet each other, connect with experienced members, excel in their careers, and contribute to the association now will prove beneficial to everyone in the future. Soon, you will have new members who are involved and will help move your association forward.

By bringing in members, you are not only growing your numbers, you are growing your circle of resources and friends. Being a part of your local chapter, Texas ALP, and NALS is an exciting and rewarding partnership. Reach out and touch someone with the message and benefits of Texas ALP and NALS!

Happy Birthday!



Oh? That isn't your birthday? I got it out of your member information on the NALS Website!

Be sure to check the birthday shown as yours on your NALS member page. If you didn't have it filled in when NALS converted to the new program, the computer inserted a birthday for you using the date of the conversion; most likely July 9.

Remember!

Only **you** can ~~prevent forest fires~~. .uh, change your member information on the NALS Website.

Helene L. Wood, PP, PLS-SC, TSC-RE
Texas ALP Communications Chair



Come Join
Texas Association of Legal Professionals
and Members of San Antonio LSA for a weekend of CLE
September 16, 2016 - September 18, 2016

Registrations are due August 16, 2016

HOTEL INFORMATION - Reservations should be made
directly with Hilton San Antonio Airport, 611 N.W. Loop 410,
San Antonio, Texas 78216 (888-728-3031)
or online at

[http://www.hilton.com/en/hi/groups/personalized/S/SATAPH F-
LEGAL-20160912/index.jhtml?WT.mc_id=POG](http://www.hilton.com/en/hi/groups/personalized/S/SATAPH F-LEGAL-20160912/index.jhtml?WT.mc_id=POG)

Please identify yourself as a member of the Texas Association of
Legal Professionals.

Room rate is \$110 (single/double/triple/quad).

QUOTED ROOM RATE IS AVAILABLE
UNTIL AUGUST 17, 2016

TEXAS ALP 2016 FALL EDUCATIONAL CONFERENCE

San Antonio, Texas ■ September 16-17, 2016
REGISTRATION DEADLINE – August 16, 2016

REGISTRATION FORM

Name _____

Address _____

City/State/ZIP _____

Daytime Phone _____

E-mail _____

Certifications

- ALP PLS PP
 CLA CP ACP
 TSC RP 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 (contact Registration Chair)

SCHEDULE OF EVENTS

Mark Each Event You Will Attend

Friday, September 16, 2016

- 9:00 a.m. – 10 a.m. Texas ALP Committee Meetings
 10:15 a.m. – 11:15 a.m. Seminar
 11:30 a.m. – 12:45 p.m. Welcome Luncheon
 1:00 p.m. – 2:00 p.m. Seminar
 2:15 p.m. – 3:15 p.m. Seminar
 3:30 p.m. – 4:30 p.m. Seminar
 4:45 p.m. – 5:30 p.m. Open Forum / PYI Workshop

Saturday, September 17, 2016

- 8:15 a.m. – 9:15 a.m. Seminar
 9:45 a.m. – 10:45 a.m. Seminar
 11:00 a.m. – 12:00 p.m. Seminar
 12:15 p.m. – 1:45 p.m. Professional Development Luncheon
 2:00 p.m. – 2:30 p.m. Credentials Check-In
 2:30 p.m. – 5:30 p.m. Business Meeting
 7:00 p.m. – 9:30 p.m. Optional Event – Painting with a Twist

FULL REGISTRATION FEES

- Texas ALP Member\$125
 Texas ALP Chairman\$75
 Nonmember\$135
 Student\$75
 Optional Event – Painting with a Twist\$40

INDIVIDUAL EVENT REGISTRATION FEES

- Education Only – Member (no meals)\$60
 Education Only – Nonmember (no meals)\$85
 Education Only – Student (no meals)\$25
 Professional Development Luncheon – Member/Nonmember...\$35
 Welcome Luncheon – Member/Nonmember\$35
 Optional Event – Painting with a Twist\$40

Late Fee (postmarked after August 16, 2016).....\$25

MEMBER'S GUEST REGISTRATION

- Professional Development Luncheon\$35
 Welcome Luncheon\$35
 Optional Event – Painting with a Twist\$40

Guest name _____

PAYMENT INFORMATION

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

Please make check payable to:
SALSA Special Meeting Account
(Federal Tax ID No.: 74-6062778)

Notice: A \$25 fee will be assessed for returned checks. Refunds requested and confirmed in writing (less a \$25 fee) will be made until August 16, 2016.

Meeting Chair:

Cheryl A. Wenzel, PP, PLS ♦ cheryltalp@gmail.com

Mail Registration Form to:

Judith Smith, PLS
900 CR 302
Floresville, TX 78114
Home: (830) 216-7007
Cell: (210) 710-8232
judithsmith900@gmail.com

HOTEL INFORMATION - Reservations should be made directly with **Hilton San Antonio Airport**, 611 N.W. Loop 410, San Antonio, TX 78216, (888-728-3031) or online at http://www.hilton.com/en/hi/groups/personalized/S/SATAPH-F-LEGAL-20160912/index.jhtml?WT.mc_id=POG.

Please identify yourself as a member of the **Texas Association of Legal Professionals**.

Room rate is \$110 (single/double/triple/quad). **QUOTED ROOM RATE IS AVAILABLE UNTIL AUGUST 17, 2016.**

Contributions or gifts to the Texas Association of Legal Professionals are not deductible as charitable contributions for federal income tax purposes.

TEXAS ALP 2016 FALL EDUCATIONAL CONFERENCE

September 16-17, 2016
Hilton San Antonio Airport
SCHEDULE OF EVENTS

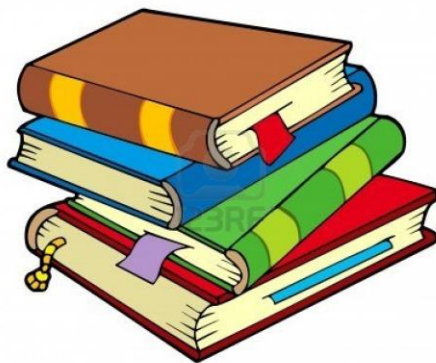
Friday, September 16, 2016	
9 a.m. – 10 a.m.	Texas ALP Committee Meetings
10 a.m. – 10:15 a.m.	Break
10:15 a.m. – 11:15 a.m.	<i>Narcotics—on the streets and getting them off the streets—Sgt. Williamson, SAPD</i>
11:15 a.m. – 11:30 a.m.	Break
11:30 a.m. – 12:45 p.m.	Welcome Luncheon
12:45 p.m. – 1 p.m.	Break
1 p.m. – 2 p.m.	<i>Picking a Supreme Court Justice—Selection to Confirmation—Judge Renee Yanta</i>
2 p.m. – 2:15 p.m.	Break
2:15 p.m. – 3:15 p.m.	<i>Entertainment Law—Andrew Borrego</i>
3:15 p.m. – 3:30 p.m.	Break
3:30 p.m. – 4:30 p.m.	<i>Mobile Devices Discovery and Security—David Gallant</i>
4:30 p.m. – 4:45 p.m.	Break
4:45 p.m. – 5:30 p.m.	Open Forum/PYI Workshop
Saturday, September 17, 2016	
8:15 a.m. – 9:15 a.m.	<i>How safe is The Cloud for law firms—Brian Hartfield</i>
9:15 a.m. – 9:45 a.m.	Break
9:45 a.m. – 10:45 a.m.	<i>Seminar</i>
10:45 a.m. – 11 a.m.	Break
11 a.m. – 12 p.m.	<i>Guardianship Laws Update—Charles Weisinger</i>
12:15 p.m. – 1:45 p.m.	Professional Development Luncheon
1:45 p.m. – 2 p.m.	Break
2 p.m. – 2:30 p.m.	Credential Check In
2:30 p.m. – 5:30 p.m.	Business Meeting
7 p.m. – 9:30 p.m.	Optional Event—Painting with a Twist

TEXAS ASSOCIATION OF LEGAL PROFESSIONALS
WINNER 2015-2016 SCHOLARSHIP
By Kip Hall, PLS, 2015-2016 Awards Chair

Performing all duties of the legal profession with integrity and competence is one of the objectives of our association. Texas ALP reinforces this objective by providing an eligible student with a \$1,500 scholarship at our annual conference. This year Texas ALP's awards chairperson received three scholarship applications. These applications were submitted to three judges for review and rating. All of the applicants were hardworking, dedicated students from different cities in Texas. The student who received the highest rating was Lino Diaz. His application was submitted by Tracey Roberts, the scholarship chair for Corpus Christi Association of Legal Professionals.

Lino Diaz is a 22-year-old young man who attends Del Mar College in Corpus Christi, and his major is Paralegal Studies. In high school, Lino's interest in the legal profession was sparked when he had an opportunity to go to the Third Court of Appeals in Austin and participate in a mock trial. Lino plans to work as a paralegal and save his money to pay for law school. His determination to become a legal professional became even stronger after he lost his father to an aggressive type of lung cancer. Lino's father had worked in oil refineries for most of his life, and attorneys advised Lino's family to sue the oil refineries for a mesothelioma death caused by inhalation of asbestos. The case was dismissed because the refineries claimed that it could not be proven that mesothelioma was the exact diagnosis of Lino's father's illness. Going through that experience has motivated Lino to learn about the law.

In addition to helping his mother with her financial needs, Lino attends college full time. He is a very good student and dedicated to his paralegal studies. According to the supporting letters submitted with Lino's application, he is a leader and always available to help other students. He is active in the college's Legal Professions Association club and is the Business Department's math tutor. Texas ALP's scholarship will help Lino achieve his goal of graduating from Del Mar College and becoming a successful paralegal. He is definitely deserving of this scholarship!





Note from the Editor:

Have you read an article you think other members might be interested in reading? If so, you can share it for others to read in *The Texas Docket*.

Feel free to e-mail the article to me at lgentry@hkwwlaw.com

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Child Custody Myths (Blog dated Monday, May 19, 2014)

Myth Busters—Custody Battle

Clients always have preconceived notions of what the laws are when it comes to child custody disputes. Unfortunately, some of their notions are nothing more than common myths.

This week we will take the time to dispel a few of the most common “myths” we encounter in our law practice.



I Want “Full Custody” of My Kids

There is always some confusion when custody of children is involved. There is no such thing in Texas as “full custody.” Under Texas law, we use the terms “conservatorship” and “possession and access,” which concern a parent’s rights, duties, and visitation time with the children.

Conservatorship deals solely with the rights and duties of each parent in regard to the child; for example, the duty to pay child support, the right to make decisions concerning the child’s education and healthcare, etc. A parent may be appointed as a sole managing conservator, a joint managing conservator, or a possessory conservator.

—See [Tex. Fam. Code §§ 153.073-153.076](#)

A sole managing conservator is granted the right to make key decisions concerning the child without consulting the other parent first. Joint managing conservators must make decisions together and consult with the other parent, to the extent possible, before making any major decisions concerning the child. Both are entitled to possession of and access to the child as ordered by the court.

—See [Appointment of Sole or Joint Managing Conservator - Tex. Fam. Code § 153.005](#)

—See [Rights and Duties of Parent Appointed Sole Managing Conservator—Tex. Fam. Code § 153.132](#)

Possession and access, on the other hand, concern a parent’s right to spend time with their child. It is the public policy of Texas to ensure that all parents who have shown that they can act in the best interest of the children have continuing contact with their child. There is a rebuttable presumption under Texas law that it is in the best interest of the child that the parents be appointed managing conservators of the child. If it is determined by a court that a parent should not be appointed as managing conservator, it is then presumed they should be appointed as a possessory conservator.

—See [Public Policy—Tex. Fam. Code § 153.001](#)

—See [Presumption that Parent to be Appointed Managing Conservator—Tex. Fam. Code §153.131](#)

—See [Presumption that Parent to be Appointed Possessory Conservator–Tex. Fam. Code § 153.191](#)

In most instances, a person who is seeking “full custody” is seeking the right to make decisions for the child and to spend the most time with the child. Therefore, they are seeking primary conservatorship as well as the right to have the child live with them.

No Child Support, No Visitation

We often get calls from individuals who have been denied visitation because they didn’t pay their child support or who want to withhold child support because their ex won’t let them see their children. In Texas, child support and visitation are two separate beasts and are in no way dependent on each other.

—See [Public Policy–Tex. Fam. Code § 153.001](#)

Any violations of a court order regarding child support or visitation may be enforced against the parent at fault. If a parent is withholding visitation, the other parent can seek criminal and civil contempt against that parent and request jail time, probation, and/or fines (including attorney’s fees). Similarly, if a parent is not paying child support, the other parent’s remedy is to seek enforcement and punishment such as contempt, fines, and jail time.

—See [Motion for Enforcement—Tex. Fam. Code § 157.001](#)

It is important to note that if a court finds that a parent has failed to make child support payments as ordered or has prohibited visitation with the child, the court SHALL (must) order the person in violation to pay the reasonable attorney’s fees of the other parent, as well as court costs. A separate child support payment will be ordered, in addition to the current support payment, to allow that parent to make up any child support arrears they now owe.

—See [Respondent to Pay Attorney’s Fees and Costs–Tex. Fam. Code § 157.167](#)

—See [Confirmation of Arrearages–Tex. Fam. Code § 157.263](#)

A parent should not take matters into his or her own hands and withhold visitation or child support based on the behavior of the other parent. Always remember that the best interest of the child is at stake and withholding support or visitation is rarely in the child’s best interest.

If I Get Married, Will that Help My Case?

There is a myth that single parents are not as stable as those who are married. Occasionally we get a client in our office who is engaged and wonders whether getting married quickly will make them look better in the eyes of the judge/jury.

The Texas Family Code, however, specifically states that a court may not consider marital status or sex of the party or child in determining who to appoint as sole or joint managing conservator and any terms and conditions of conservatorship and possession of, and access to, the child.

—See [No Discrimination Based on Sex or Marital Status–Tex. Fam. Code § 153.003](#)

This thought often leads into another myth, that mothers always get the children in Texas. While it is true that more mothers than fathers are given the right to designate the primary residence, it is untrue that it is impossible for a father to get primary custody or be granted sole managing conservatorship.

As stated above, the court must make any and all determinations concerning conservatorship and possession and access based only on what is in the child’s best interest.

—See [Best Interest of Child–Tex. Fam. Code § 153.002](#)

Myths: Debunked

No one can ever be 100% prepared for what is to come during a custody dispute. However, the myths above should never hinder parents from fighting for their parental rights. If these fears have been holding you back, contact your family law attorney today and talk to him or her about your situation.

If you have other fears not mentioned here, again, contact your family law attorney, who may be able to dispel them as myths and help you move forward with your custody case.

Authored by [Kayla R. Wimberley, Esq.](#),
Matthew Harris Law, PLLC - Family Law Division
 1001 Main Street, Suite 200, Lubbock, Texas, 79401-3309
 Tel: (806) 702-4852 | Fax: (800) 985-9479
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“But It’s FREE!” Gauging the Reliability of Online Legal Resources

By Matt Cordon, Professor of Law and Director of the Legal Writing Center,
Baylor Law School

The past decade has seen not only the introduction of modern versions of Westlaw and Lexis, but also the development of less expensive alternatives.

In 2009, Google announced that a large amount of federal and state case law would be available at no cost through Google Scholar. Other sites, such as Justia, also provide access to cases and statutes from both the federal and state levels. These were not the first efforts to provide free Internet access to legal authority, but sites launched in the 1990s or earlier in the 2000s did not provide the wealth of information available through Google Scholar and other sites.

The launch of Google Scholar occurred during the period of time when law firms were feeling the effects of the Great Recession. Firms needed to find ways to cut costs, and legal research tools can be very costly. I was asked at one time whether I would recommend Google Scholar as a free alternative to Westlaw, Lexis, or Bloomberg Law, especially for solo practitioners or smaller firms.

I had a difficult time saying yes. Reputable legal publishers have developed their credibility over the course of decades, and lawyers can trust that the materials they access will have few, if any, errors. These publishers also provide valuable tools for finding information and updating the authorities, and these tools would be absent if a lawyer were using a site such as Google Scholar as a principal source for legal research.

The response was, I suppose, inevitable: “But It’s FREE!”

This response led me to question what kind of sacrifices a lawyer would make by using a free or low-cost alternative to the major legal research databases. Some sacrifices are more obvious. For example, most free sites such as Google or Justia do not provide a tool analogous to *Shepard’s* (Lexis) or KeyCite (Westlaw), so a legal researcher would have to find some other means to update cases to make sure those cases are still good law. Other concerns are less obvious, such as whether the text of the law available online is truly authentic.

I generally ask three basic question when determining whether a source of legal information is reliable. First, is the information I will retrieve authentic? Second, is the information I retrieve as current as possible? And third, is the information I retrieve valid, meaning it is good law?

The best example of a website that ensures authenticity of the legal resources available is the U.S. Government Printing Office website known as FDSys. The information on that site not only comes directly from a government database, but the documents on that site have watermarks showing that the documents are authenticated U.S. government publications.

Not all legal research databases that are reliable have indicia of authenticity such as the GPO watermarks, but some sites provide no reliable means of ensuring authenticity. For example, a case available on Google Scholar or Justia may contain a typographical error. It is possible that the error could have appeared in the original opinion, but without any indication of authenticity

from Google or Justia, it becomes easier to accept that the company providing the information was responsible for the error.

Ensuring that information is current is also vital, especially when reviewing statutes. The full text of Texas codes is available through the Texas Legislature's website, and access to the Texas codes is free. However, the researcher needs to pay close attention to how current the information is. For example, the site containing the statutes was not updated to include legislation from the regular session of the 84th Legislature until December 2015. Amendments to statutes generally became effective on September 1, 2015, but the site did not contain the text of any amendments until more than three months later.

Lastly, well-trained legal researchers know that they need to ensure that they only rely on good law. This means that the researcher must determine, for instance, whether a case has been reversed, overruled, abrogated, or superseded by statute. Likewise, a researcher must check to see if a case has ruled whether a statute is constitutional. Updating authority is more than just a matter of good practice. A lawyer who relies on bad case law in a brief or other court document may have committed malpractice.

Free websites usually do not have tools that allow researchers to update the authorities. If a researcher uses a premium database to retrieve a case that has been overruled, the database provides clear indications that the case is bad law. For example, the display on Westlaw will show a red flag, while the display on Lexis will show a red stop sign. Even without these visual displays, both systems have sophisticated tools that allow the researcher to update any authority in a matter of a couple of clicks. A site such as Google Scholar provides no reliable means of determining whether a case has negative history.

Some attorneys undoubtedly use Google Scholar as a legal research tool, but better alternatives exist. In 2014, the State Bar of Texas announced that it had entered into an agreement with two companies, Fastcase and Casemaker, to provide free access for Texas lawyers as a benefit of membership in the State Bar. These resources provide access to several types of primary authority, and both databases incorporate tools that allow users to update authorities quickly.

The downside to relying on these alternatives is that a user cannot expect the same types of premium content that users of Westlaw or Lexis can access. Nevertheless, attorneys who have used those systems have found them to be reliable, and the sites have continually introduced features that, while not rising to the level of the premium systems, improve the overall quality of the experience of using them.

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