



# The Texas Docket

[www.texasalp.org](http://www.texasalp.org)

October 2010  
Volume 8, Issue 2



***IMAGINE \* BELIEVE \* ACHIEVE \* SUCCEED***

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*The Texas Docket* is published electronically four times a year by the Texas Association of Legal Professionals. Publication dates are July, October, January, and April, with submission deadlines being June 1, September 1, December 1, and March 1. One copy of each issue is furnished to members as part of their membership dues. The subscription rate for nonmembers is \$20 per year; subscription requests should be directed to the Editor.

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*President, Betty Wells, PP, PLS, TSC-RC*



## Keep Moving Forward, Open New Doors, Do New Things

In May I encouraged each of you to form a mental image of what you wanted Texas ALP to be in six months, five years, and ten years. I encouraged you to believe in the abilities of the officers, chairmen, and committee members and to help them successfully carry out their responsibilities.

**I**MAGINE: The first step in achieving success is to imagine success. Sometimes easier said than done, I bet most of you are probably wondering how you do that. Visualize what you want to achieve, see yourself on the doorstep of success. Now, imagine the roadblocks you may encounter along the way. Do you see your stumbling blocks in your mind? Instead of seeing them as obstacles to reaching success, see them as a detour on your journey. Envision how you overcome each obstacle. Let your mind walk through all the possibilities. Imagining is the first step.

**B**ELIEVE: The biggest obstacle most people have when it comes to achieving success is to believe in their abilities. There were chairmen I asked to chair committees this year who said “I’m not sure I can do it.” Maybe fear was getting in the way, blocking their road to success. How many times have we asked ourselves “What if I fail?” and instead of failing, worked harder so that we didn’t. And if in our mind we failed, what did we learn along the way? Did anyone else know that we had failed? Maybe we never volunteer to chair a committee or serve on a committee because we do not believe we are worthy of success. Believing is the second step.

**A**CHIEVE: We need to get rid of negative thoughts, develop a positive self-image, and be prepared to work hard because achievements are not handed to us on a silver platter. Being sure of ourselves and knowing our fears and weaknesses, as well as our strengths, are necessary if we are going to remove the obstacles preventing us from achieving success. If you feel the responsibilities of a committee are too small and easy and believe you and your committee can accomplish more, ask for the flexibility to do more. If you and your committee are not challenged, everyone may lose motivation, and nothing is achieved from that. If, on the other hand, the goals for the committee are found to be too difficult, ask for more help or more training before you lose confidence, burn out, and give up. Allow yourself to feel the pride that comes with believing in yourself and the contributions of your committee.

**S**UCCEED: The road to success requires developing a plan. For Texas ALP to be successful and vibrant in the future, we need to keep the vision alive by constantly revisiting our strategic plan, evaluating new information that we can assess, evaluate and measure our outcomes. We need to be receptive to new programs and trying new things. We need to continue moving toward the future. In the words of Walt Disney, “We keep moving forward, opening new doors, and doing new things because we’re curious, and curiosity keeps leading us down new paths.”

I encourage each of you to imagine what the future of Texas ALP can be, and I thank each of you for working together moving closer to achieving that shared vision.

# EVOLUTION OF DEBIT

By Karen M. Neeley, Of Counsel



In 1978, Congress enacted the Electronic Funds Transfer Act (“EFTA”), and the death of paper payments was fearlessly predicted. Twenty-six years later, the Federal Reserve reported that indeed noncheck payments now exceed paper items! And the pace of use of plastic rather than checks appears now to be speeding up exponentially. Television commercials extol the use of the debit card while disgruntled consumers fume in line behind the “dinosaur” writing a paper check.

As we explore the evolving world of plastic payments, it is critical to note that the types of debit cards now available have changed significantly. In addition to ATM/check cards, there are also one-time use and reloadable stored value cards, such as gift cards, loyalty, award and promotional cards, travel cards, cards to access FSA (Flexible Spending Accounts), and payroll cards. While ultimately the funds to back such cards are held in a deposit account at the card-issuing bank, the cards themselves are often sold directly to card purchasers by a variety of distributors who enter into agreements for distribution with card-issuing banks. Grocery and drug stores now feature gift card malls with a variety of “open loop” cards (cards which can be used anywhere, Visa/MasterCard/American Express/Discover, etc., are accepted) and “closed loop” cards for use solely at specific stores, restaurants, and other vendors. Check cashers and tax refund lenders offer stored value cards as a safe way to receive proceeds instead of cash. Universities offer stored value cards that are good on campus and at participating affiliated merchants. Local and federal government welfare payments are now often delivered via plastic as well.

The pace of regulatory change has also sped up. Regulation E (Reg E), which fleshes out rules for the EFTA, has been amended several times within the last two years. The recently enacted federal Credit Card Act not only changed the playing field for credit cards but also added new rules for gift cards and loyalty/award/promotional cards. Most recently, Congress has enacted the Dodd-Frank Act, which sets up a new Bureau of Consumer Financial Protection (“BCFP”) with authority to implement certain specified laws. Regulators have become enamored of the Unfair or Deceptive Acts and Practices (“UDAP”) provision of the FTC Act and are citing it in support of further crackdowns on advertising and marketing practices.

The starting point for the regulatory framework begins with Reg E. This rule mandates certain disclosures (initial disclosures and certain periodic statements) and provides a framework for disputing unauthorized transactions. However, Reg E does not presently apply to *reloadable* stored value cards, FSA cards, or travel cards. Reg E also includes slightly different rules for periodic statements and dispute resolution for payroll cards, perhaps acknowledgement that the card user (payroll recipient) is different from the person funding the payroll card payments (employer).

For financial institutions, the dispute resolution process can be a minefield. If a transaction is unauthorized, the cardholder is generally not liable for it if they report the unauthorized transaction within timeframes laid out in Reg E. Also, although there is possible exposure for the consumer who does not report in a timely fashion, the Visa and MasterCard system rules provide for zero liability on top of the Reg E liability provisions, in essence shifting exposure to

the financial institution issuing the card. Unlike credit card transaction disputes, the merchant does not face a chargeback. Thus, the financial incentive for merchants to cooperate in investigating the dispute/alleged unauthorized activity is missing.

Effective August 14, 2010, for existing accounts (July 1, 2010, for new accounts), financial institutions may not automatically enroll customers in overdraft protection for electronic transactions. Rather, customers must opt-in after receiving specific disclosures from their bank. Regulators are also rigorously enforcing “best practices” for overdraft protection programs.

Effective August 22, 2010, nonreloadable gift cards are subject to new Reg E requirements. Certain disclosures must be on the gift card itself. New rules apply to expiration of the gift cards and the underlying funds. Basically, the card or the funds must be good for at least five years from issuance. This conflicts with the Texas escheat law, which provides that inactive gift cards escheat in three years! No inactivity, dormancy, or service fee may be imposed unless there has been a one-year period of inactivity. However, a one-time card issuance fee is still allowed.

Loyalty, award, or promotional cards were excluded from the new regulations, but the regulations do require such cards to include certain disclosures in order to qualify for the exclusion. The card or certificate must include a statement that it is for loyalty, award, or promotional purposes. The expiration date for the funds must be on the card, along with the amount of any fees that may be imposed. Finally, a toll-free telephone number (and Web site, if

any) must be listed where a consumer may obtain fee information.

The Dodd-Frank Act grants the Federal Reserve Board the authority to set interchange rates for debit-card issuing banks with more than \$10 billion in assets. Merchants will be allowed to discriminate in card acceptance, or discount on price, based on payment type, and can set minimum payment amounts for acceptance of debit and credit cards.

So, what’s ahead? First, the Fed and the new BCFP have their work cut out in writing and finalizing new rules. With the ease of filing comments electronically, there are likely to be thousands of comments to digest and incorporate. The result will be increased regulatory requirements, costs, and restrictions on various practices for financial institutions. Such changes are likely to translate to higher costs for consumers. Merchants are likely to see a reduction in their processing costs, but there may also be fewer card issuers. Bottom line: there will be winners and losers, but plastic will continue its expansion and use in everyday life—until the next big payment revolution takes over.

*Karen Neeley has over 30 years of experience and is widely recognized throughout the Texas financial institution community in the areas of regulatory and compliance law. Located in the Austin office of Cox Smith Matthews Incorporated, Karen is a highly regarded participant at the Texas Capitol and Texas Finance Commission, where she has represented the banking industry for over 20 years.*



You are a shining star!  
Happy Anniversary to the following TALP members:

<u>50 Years</u> Barbara Akins, PLS (Member At Large) Druann Wiley, PLS (Member At Large)	<u>40 Years</u> Sondra Heugatter, PP, PLS, TSC (Houston ALP) Beth Walker, PLS, CLA (NALS of Amarillo)
<u>35 Years</u> Julie Abernathy, PP, PLS (Austin LSA, Inc.) Virginia Cobb (Waco LPA)	<u>25 Years</u> Myra Miles, PLS (Houston ALP) Karen Moss, PP, PLS (Corpus Christi ALP) Rosalee Roach, PLS (Lubbock LPA) Debbie Wheeler, PLS, CLA, TSC (NALS of Amarillo)
<u>20 Years</u> Theresa Ann Alba, PLS (Austin LSA, Inc.) Reynetta DeVeau, PP, PLS (Austin LSA, Inc.) Betty Hanson (San Antonio LSA) Cheryl Moseley, PLS, CLA, TSC (Arlington LPA) Jeri Pearson, PP, PLS (Dallas ALP) Ruth Ann Stallions, PLS (Houston ALP)	<u>15 Years</u> Candyss Churchwell, PLS, TSC (Houston ALP) Cheri Garcia, PLS (Houston ALP) Pat Phelps, PLS (Houston ALP)
<u>10 Years</u> Vicki Abshier, PLS (Austin LSA, Inc.) Brenda Atteberry (Waco LPA) Cynthia Barrett, PP, PLS, TSC (Houston ALP) Mary Bernal (Austin LSA, Inc.) Vanessa Brock, PLS, CLA (Midland ALP) Vicki Caldwell (Dallas ALP) Dolores Chavez (El Paso County LSA) Jayne Clark (Waco LPA) Frieda Davis, PLS (Corpus Christi ALP) Maria Galindo (El Paso County LSA) Jane Harrison, PLS (San Antonio LSA) Marlena Johnson, PLS (Austin LSA, Inc.) Dannie Mason (Dallas ALP) Laura McCarty, PP, PLS (Austin LSA, Inc.) Page McCoy, PLS (NALS of Amarillo) Diana Menchaca Martinez (Corpus Christi ALP) Ione Mixon (NALS of Amarillo) Jeri Morgan (Midland ALP) Cynthia Navarro, PLS, TSC (San Antonio LSA) Rhonda Rogers (NALS of Amarillo) Sharmai Rucker, PP, PLS, TSC (Austin LSA, Inc.) Connie Sanchez (Corpus Christi ALP) Betty Stapleton, PLS (Waco LPA) Sandra Warhol (Houston ALP) Melissa Whitaker, PLS, CPS, CAP (Houston ALP)	<u>5 Years</u> Karen Branigan, PLS (San Antonio LSA) Laurie Brantley, PLS (Houston ALP) Kim Busch (San Antonio LSA) Cindy Buzan (Austin LSA, Inc.) Rory Cavazos, PLS, CLA, CPS (San Antonio LSA) Christy Dement (NALS of Amarillo) Christine Dick, ALS (Dallas ALP) Terry Gallegos (San Antonio LSA) Krystyn Garcia (Lubbock LPA) Laquetta Graves, PLS (Dallas ALP) Kip Hall, ALS (Houston ALP) Merrilee Johansen, PLS (Houston ALP) Gail Johle (Austin LSA, Inc.) Holly Keiser, CPS, ALS (Houston ALP) Susan Krusleski, PLS (Houston ALP) Elisa Martinez (El Paso County LSA) Suzanne Polk (Austin LSA, Inc.) Iris Rios (Corpus Christi ALP) Deborah Schick, PP (Austin LSA, Inc.) Lola Smith-Gentry (Lubbock LPA) Sharon Todd, PLS (San Antonio LSA) Sylvia Vela, PLS, TSC (Austin LSA, Inc.) Luisa Vigil (NALS of Amarillo)

Thank you for your commitment to the Association!!!



## CHOICE OF ENTITY UNDER TEXAS LAW

Dana F. Murphy, Esq.  
Crain, Caton & James, P.C.

In May 2006 the Texas Legislature passed HB 3, a piece of legislation that revamped the Texas franchise tax system. The new Texas franchise tax, sometimes referred to as the “margin tax,” generally imposes a one percent (1%) tax on the lesser of (i) seventy percent (70%) of a company’s total revenue, (ii) total revenue minus cost of goods sold, or (iii) total revenue minus compensation. The tax rate is reduced to one-half of a percent (0.5%) for businesses classified as wholesalers or retailers.

Although HB 3 lowered the franchise tax rate, the legislation broadened the franchise tax base. Prior to HB 3, limited partnerships were not subject to the franchise tax. Under the new margin tax regime, there are very few exempt entities, which include sole proprietorships, general partnerships, grantor trusts, and estates. For more information regarding the specifics of the new Texas franchise tax, consult Chapter 171 of the Texas Tax Code.

The new margin tax will impact the ways in which legal professionals determine which entity to form on behalf of a client seeking to form a new business. Because the margin tax is now applicable to the most commonly formed Texas entities, characteristics of these entities other than state tax liability become more important. This article is designed to provide a summary of the general characteristics of three main types of limited liability entities: corporations, limited partnerships, and limited liability companies.

### Corporations

A corporation is a legal entity in which the owners (shareholders) are issued ownership interests in the entity (shares) in return for a capital contribution (of cash, property, or other services) to the entity. Corporations are generally controlled by a board of directors that is elected by the shareholders (TBOC § 21.359). The board of directors then elects officers to run the day-to-day operations of the corporation.

Bylaws of a corporation can be adopted by the board of directors (subject to changes by the shareholders) to govern the internal affairs of the corporation (TBOC § 21.057).

Corporations provide limited liability to their shareholders, meaning that a shareholder of a corporation is only liable to third parties for the debts of the corporation up to the amount of that shareholder’s capital investment in the corporation. In addition, Chapter 8 of the Texas Business Organizations Code (the Texas state law which governs all filing entities formed after January 1, 2006, and govern all Texas filing entities as of January 1, 2010, the “TBOC”) provides indemnification standards for governing persons (including directors and officers) in a corporation.

Corporations must pay taxes at both the federal and state level. Corporations were previously subject to the franchise tax and continue to be subject to tax under the margin tax regime. At the federal level, unless a corporation elects to be taxed as a Subchapter S corporation under the Internal Revenue Code (the “IRC”), a corporation must pay taxes on its earnings in the tax year such earnings occur (IRC § 11). When the corporate earnings are distributed to shareholders as dividends, the shareholders must also pay taxes on this money, hence the reason it is said that corporations are subject to “double taxation.”

In order to keep a corporation in good standing under Texas law, the corporation must make yearly informational filings in addition to filing its tax reports. If a corporation neglects to file this yearly “public information report” and other required filings, this failure can result in forfeiture of a corporation’s existence with the Texas Secretary of State. Although corporations can be reinstated, forfeiture prevents the corporation from transacting business in Texas as a limited liability entity and can lead to the loss of the right to use a business name (if another entity forms using this name during the time in which the corporation was not in existence), additional out-of-pocket expenses, and the delay of business deals while the reinstatement is taking place. In addition to state law filing requirements, corporations must hold annual meetings (or execute annual consents in lieu of an annual meeting) of the shareholders (TBOC § 21.351).

### **Limited Partnerships**

Limited partnerships (“LPs”) are entities consisting of one or more general partners and one or more limited partners. The general partner of a limited partnership is responsible for managing the day-to-day operations of the LP, and the limited partners are prohibited from participating in control of the business of the LP. However, there are many activities in which limited partners can engage on behalf of the LP without being considered to have participated in control of the business, including working as an employee of the LP or participating in meetings of the LP (TBOC § 153.103).

Limited partners are prohibited from participating in the control of the LP because limited partners are given limited liability (meaning they are not liable to third parties for debts of the LP except to the extent of their investment in the LP) under Texas law (TBOC § 153.102). General partners are generally liable for the debts and obligations of LPs and are not granted limited liability like the limited partners (TBOC § 153.152). This is the primary

reason why clients seeking to form an LP form a corporation or limited liability company to serve as the general partner rather than having an individual serve as the general partner.

As stated above, limited partnerships are now required to pay franchise tax, whereas they were previously exempt from this requirement. At the federal level, LPs are taxed as “flow-through entities,” meaning no tax is imposed upon the LP when it receives earnings. The partners just pay taxes on their proportional share of the LP’s earnings (IRC § 701). In many cases, the flow-through taxation of LPs (as opposed to the double taxation of corporations) is an important factor when clients are making the decision about which type of entity best fits their needs.

In addition to the annual filings required in connection with payment of the franchise tax, limited partnerships are required to file a periodic report setting forth the name and address of the general partner of the LP, among other things, with the Texas Secretary of State every four years in order to remain in existence (TBOC §§ 153.301 and 153.302). In the same way that a corporation can forfeit its existence by not filing necessary franchise tax forms, an LP will forfeit its corporate existence if it does not file a timely periodic report (TBOC § 153.307). Unlike corporations, limited partnerships are not required to hold annual meetings.

### **Limited Liability Companies**

Limited liability companies (“LLCs”) are fast becoming the most popular form of limited liability entity because they provide greater management flexibility to their owners (called “members”) than corporations or LPs. An LLC can be governed either by the members of the LLC directly or by managers elected by the members (TBOC § 101.251). How an LLC is run is generally left to the discretion of the members or managers acting as the governing authority, and the governing authority of an LLC can draft a company agreement to govern

operations and the internal affairs of the entity (TBOC § 101.052).

As their name implies, limited liability companies limit the liability of members to the extent of their investment in the LLC, and managers are not liable for the debts and obligations of the LLC (TBOC § 101.114). In addition, the company agreement can provide for indemnification of officers of an LLC (TBOC § 8.002).

Limited liability companies are subject to the Texas franchise tax. For federal tax purposes, LLCs are taxed by default as flow-through entities (or disregarded for federal tax purposes if the LLC only has one member) but can elect to be taxed as a corporation (see Treasury Regulations § 301.7701-3).

In order to keep a limited liability company in good standing in the state of Texas, franchise taxes must be paid and a public information report must be filed on an annual basis in the same manner as a corporation. However, there is no requirement under Texas law that

members or managers of an LLC hold annual meetings.

### Conclusion

Because the institution of the margin tax has effectively leveled the playing field for the most common types of entities with regard to state taxes, it is important to understand the other characteristics of these entities when determining which type may best fit a client's needs. By understanding the characteristics of the different types of entities, legal professionals can better advise and serve clients seeking to form a new business and better aid clients in maintaining the existence and legal viability of that business.

*For additional information regarding Texas entities, including filing guidelines, forms, and links to Texas statutes, consult the Texas Secretary of State's Web site ([www.sos.state.tx.us/](http://www.sos.state.tx.us/)) or the Web site of the Comptroller of Public Accounts ([www.window.state.tx.us/](http://www.window.state.tx.us/)).*



**Pay It Forward!**

**GET YOUR NATIONAL DUES WAIVED!!**  
NALS members that sign up five NEW members within a 12 month period will get their national dues waived for the year. This campaign is underway so SPREAD THE WORD ABOUT NALS!

Then Pay It Forward, tell the five members you signed up that they too can get the following year's dues waived if they sign up five new members. Let's get excited about our association and share it with others that can benefit as well!

[www.nals.org/membership](http://www.nals.org/membership)

# Ethics Beyond the Ethical

Karen Branigan, PLS

I recently heard the following quote attributed to J. P. Morgan: “I don’t know as I want a lawyer to tell me what I cannot do. I hire him to tell me how to do what I want to do.”

Most of us as members of NALS and TALP have heard speakers on the issue of ethics in the legal profession. Many of us have studied ethics to achieve certification, and all of us are bound by the Code of Ethics of NALS. The following is taken from the Texas ALP Web site:

Every member shall:

- 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.

These objectives and the ten canons listed on the Web site attest to the high value we place on ethical conduct in our profession.

There are other examples of ethical conduct to which people may ascribe. The ancient Hippocratic Oath contains phrases such as the ones listed below, in addition to the oft quoted “first do no harm” injunction:

- I will respect the hard-won scientific gains of those physicians in whose steps I walk, and gladly share such knowledge as is mine with those who are to follow.
- I will not be ashamed to say “I know not,” nor will I fail to call in my colleagues when the skills of another are needed for a patient’s recovery.
- I will respect the privacy of my patients, for their problems are not disclosed to me that the world may know.
- I will remember that I remain a member of society, with special obligations to my fellow human beings, those of sound mind and body as well as the infirm.

And most of us are at least familiar with the excellent woman described in Proverbs 31, whose worth is far above jewels, who does her husband good and not evil, who works hard with her hands, rises early and works late, who helps the needy, and covers herself in respectful clothing. It even goes on to note that many women have done well, but the excellent woman rises above them all.

To live up to the NALS Code of Ethics is to set our sights on a high standard—a standard of excellence. We would all do well to examine ourselves to see if we are promoting and exemplifying high standards of loyalty, cooperation, and courtesy; performing the duties of our profession with integrity and competence; and continuing to pursue a high order of professional attainment.

We can ask ourselves if our mindset is the same as Morgan’s, or if we are living and serving in our profession from the mindset of doing what is not only legal, not only ethical, but also moral.

Never be content with being and doing only what you can get away with, but always strive to live, learn, and grow beyond what is ethically expected and truly *excellent*.

“You’re A Daisy If You Do!”  
Marketing Chair: Leslie Stokes, PP, PLS, TSC

Although this is one of my favorite lines from the movie *Tombstone*, this article will take that phrase and turn it into a marketing motto, one your chapter can use in preparing its marketing plan that fits within its chapter’s needs.

A simple reminder is that it is **never** too late or too early to begin working on your chapter’s marketing plan. Your chapter’s marketing plan should be an ever changing and evolving plan that fits your chapter’s needs for today, tomorrow, and the future.

**D – Develop a plan.** This is easier said than done, right? But this is a crucial first step for your chapter. Your chapter leaders and members need to sit down, share their thoughts, and figure out what exactly it is that your chapter wants to accomplish. Does your chapter want to be more well-known in the local legal community? Does your chapter want to reach out to students? Does your chapter want to work with legal administrators? The ideal setting for such a brainstorming session would not be in conjunction with a chapter meeting. Why? Because it is easier to devote time to just one topic without concerns that chapter business may not be discussed due to time constraints. If you can’t meet in person, meet by e-mail! Meeting by e-mail is sometimes easier due to everyone’s busy schedules these days. This will also help your chapter keep a written dialogue about the marketing plan. **Remember** it is important to start with a realistic and manageable goal. It is a great idea to shoot for the moon, but if you don’t have the manpower of NASA or the equipment needed, you will fall short of your chapter’s goal.

**A – Actions speak louder than words.** It is fun and energizing to get members together and brainstorm with one another. One idea feeds another idea, and soon you will have figured out a realistic goal for your chapter. It also helps develop relationships between your members to discuss and share their ideas with one another. Having such open discussions between members of all ages, experiences, and backgrounds should present many ideas from varying perspectives. It is also important that once a plan has emerged it is put into action. Look at the actions you will need to take and look at the members to figure out which members would be better suited for each task. One example to illustrate this point is the preparation of a press release. You may have members who are great at creative writing. You may have members who are great at grammar/proofreading. Assign a creative member and a grammar guru to work together on a press release. Combining their talents should make for a remarkable press release. **Remember** it is important to keep an open mind about all ideas and encourage the members to speak up and become involved. It is important for your chapter leaders to be involved to demonstrate to all members the value of teamwork.

**I – Be innovative and creative.** Take a look around at other organizations, not just legal ones, and see what methods they use to market themselves. Sports organizations are good examples of a wide variety of marketing. They utilize radio, print, and television marketing. If your chapter doesn’t have a budget for a television ad (and seriously, who does?), then what about volunteering to man the phones at your local public television station during its membership drives? Your chapter will be recognized plus you could wear matching shirts with your chapter’s logo for a more visual presence. What about radio? In most markets, many radio stations have call-in shows related to legal topics of interest. What if one of your chapter members contacted a station and volunteered to discuss what a potential client could expect when meeting with an attorney for the first time? This is a way for your chapter to show that it offers help to your local community and not to attorneys only. You might ask one of your more experienced members who consistently works with clients to be the volunteer or to assist with tips and answers to potential questions.



**Remember** look outside the box, color outside the lines, or whatever slogan works for your chapter, to seek new, fun, and creative ways to market itself.

**S – Success will be achieved.** A chapter’s marketing plan should be a living and breathing plan that adapts with the growth and needs of your chapter. For example, today you may have only one student member, but in two years you may have 20 student members. Obviously your chapter has been successful in marketing to the students when that happens. This may be a good time to assess your plan and see what needs to be changed, if anything, to improve your marketing techniques. Successful marketing for your chapter does not happen overnight. It is something that your chapter needs to work and build upon, change what does not work, see what you can do to improve the plan, and hone the plan to its full potential to benefit your chapter. It is also beneficial to other chapters for you to share your successful marketing plan. Other chapters could take your plan, adapt it to their needs, and succeed as well. One chapter helping another is always a good thing. As the saying goes, “Success breeds success.” **Remember** working together on a shared goal will not only allow your chapter to achieve success, but it develops a more cohesive and fruitful chapter. It may take some time, but be patient. Success can be reached.

**Y – You can do it!** A chapter’s marketing plan, once discussed and decided upon, needs to be put into play as soon as possible. Lapses of time between members meeting and making decisions may lead to inaction. Do not let the excitement and enthusiasm diminish within your chapter. Continue to encourage all chapter members to become involved whenever they can and however they can. Send a weekly e-mail, or pick up the phone and talk with someone, just do what it takes to keep the marketing momentum going. Yes, it can be challenging to retain your members’ enthusiasm, but it is important to try to maintain it. Do you feel like you are out there alone? Don’t! There is a vast array of members who will offer you encouragement and listen to your concerns about marketing projects and/or your chapter’s marketing goals. These are our leaders, both state level and local chapter leaders. You can also access the NALS Web Site, and there is a wonderful marketing tool kit that is full of useful information to get your chapter started on its way. Also, don’t forget your Texas ALP Marketing Committee is here to assist you as well. We are all in this together to support one another and help each other achieve success. **Remember–You can do it!**



# Does your chapter have I.T.?

This year's membership campaign is all about the chapters and their "I.T." I.T. stands for Illustrious Teamwork. Being a part of NALS, TALP, and your local chapter is being a part of one big team, and the TALP membership committee wants to recognize the local chapters that have displayed the most achievement as a team.

Here's how the I.T. Pathway works:

1. The Pathway is open from June 1, 2010, through April 1, 2011.
2. Local chapters are the teams and will earn points for the activities of their members and their LMC (Local Membership Chairman). See the list of Pathway Milestones below for the point specifics. These points can be earned in combination and during the specified open Pathway. To be eligible for first place, your chapter must be the point leader by the deadline—April 1, 2011.
3. The Executive Committee will receive progress reports, and the winner will be announced at the 2011 Annual Conference meeting in Midland, Texas, during a Pathway Ceremony at the Recognition Luncheon.
4. LMCs must report to the State Membership Chairman a point total for each month and give a record of the point earnings (i.e., copies of letters, e-mails, etc.).
5. Prizes:  
1<sup>st</sup> prize—\$150 cash to chapter  
2<sup>nd</sup> prize—\$100 cash to chapter  
3<sup>rd</sup> prize—\$50 cash to chapter  
Shooting Star Prize for the first chapter to reach 500 points—\$75 cash to chapter
6. The purpose of the I.T. awards is to promote the achievements of the members and their team leaders. It is also for the purpose of showing the members that we all can work together to make our association strong and unite for the greater good of our profession.



Good luck to all the chapters as you display your best in teamwork!!! Ready, set.....WIN!!

# Pathway Milestones

First prize will go to the chapter that has the most points by April 1, 2011. Points must come from this list and can be accumulated in any order.

Send thank you notes/e-mails to renewing members (per month)	25 points each
Acknowledge milestone anniversary dates at local meetings and give the member a “token” (certificate, small gift) for the milestone	25 points
New member for the chapter!!!	50 points
Send a letter to three local employers with NALS application and Code of Ethics (see sample employer letter as a benchmark)	25 points
Host membership event (i.e., open house, meet and greet, etc.)	40 points
Send letter to prospective members	25 points
Create chapter Facebook page and “friend” State Membership Chairman (SMC)	30 points
Post upcoming chapter events on Facebook page (three event minimum)	25 points
Take first timer to 2010 Fall Conference in Houston	25 points/first timer
Take first timer to 2011 Annual Conference in Midland	25 points/first timer
Invite a Member-At-Large (closest to your chapter) to a chapter function	25 points
Have 100% retention rate by April 1, 2011	50 points
Have 75% retention rate by April 1, 2011	30 points



# NEW MEMBERS

## WELCOME TO THE TALP FAMILY!

MONICA ACUNA (EL PASO COUNTY LSA)  
IRENE BERNAL (SAN ANTONIO LSA)  
DANIELLE BONNANO (SAN ANTONIO LSA)  
CELESTE BOWMAN (HOUSTON ALP)  
MONICA FERGUSON (AUSTIN LPA)  
MICHELLE FRIEND (AUSTIN LPA)  
MARCUS FUENTES (AUSTIN LPA)  
LINDA GASSAWAY (WACO LPA)  
CHANDA HAWKINS (WACO LPA)  
SUZANNE HEADLEY (HOUSTON ALP)  
CAYLIE HOLLOWAY (CORPUS CHRISTI ALP)  
ROBERTA LAVANGO (EL PASO COUNTY LSA)  
GRACE LEE (EL PASO COUNTY LSA)  
CHRISTY LEWIS (AUSTIN LPA)  
NATHALY MORALES (AUSTIN LPA)  
STEPHANIE MORRISON (HOUSTON ALP)  
JENNIFER PICKETT (HOUSTON ALP)  
ARACELI RODRIGUEZ (AUSTIN ALP)  
ELIZABETH TETMEYER (AUSTIN LPA)



## Membership.com

By Mark Levin

I'm sure you've seen all of the headlines about those hotsy-totsy Internet companies going out of business. Some of you are probably thinking, "Good. They were never REAL companies anyway. They just created a lot of wealth for some computer geeks and took a bunch of venture capital down the tubes." Others are probably thinking "See. I told you so. This e-commerce thing was just a fad. People still want to do business with real, live people and companies, not a bunch of computers. I'm glad our organization didn't fall into the trap of getting into a bunch of expensive 'portals' and 'hyperlinks.'"

Don't you believe it. As much as some people (yours truly included) would like a lot of this stuff to go away, it isn't. What we're seeing is just the normal shake-out of any new industry or technology. (Don't forget that in the 1920s and 1930s there were hundreds of companies manufacturing automobiles.) Like it or not, we're going to need to deal with this technology revolution from now on. I refer to this as a "revolution" not because technology changes are new but because the *speed* of current technology changes is so hard to deal with.

We're all coping with the challenges of attracting and involving a new generation in our organizations. Maybe we (yours truly included) need to stop fighting and give in to what's going to work with this—and the succeeding—generations of members and prospects. We need to be flexible and we need to be realistic.

**First** of all, if you think the "traditional" methods of communicating with members are going to give you the response you want, think again. Newsletters, "Friday faxes," town meetings at conventions, etc., are techniques that will work with the people they were already working with, not with the new members.

**Second**, if you think people are going to show up in the same numbers as they have in the past, think again. In the era of the 24-hour work day, organizational meetings are starting to get lower and lower on the priority list of our members and prospects. Let's see—our members have three

choices each day after their "normal work day." They can spend some quality time with their family; they can sit down at their home computer and get a two-hour head start on that project or report that's due; or they can go to a meeting of their trade or professional association. Guess who loses.

**Third**, instead of wringing your hands and wondering what to do, get with the program. Things are still in that "shake-out" mode, so you might even be able to have some fun with it. If they want options on how to be a "good member," let's give it to them.

### The New Rules of Engagement

In the "olden days" we considered our "good" members to be those who were "involved" in leadership roles at the national or chapter level. Of course, those people are still good members. But in today's world we can't count on as many people to get involved like that. So instead of concentrating on "involving" members, we need to concentrate on "engaging" members. We need to connect them to our organizations in any way possible, in any way that is comfortable to them—not just to us.

Why not make that mythical "virtual member" we've all talked about a reality? In fact, why not just create a *category* called Virtual Member? Let members sign up to get whatever they want from the organization through electronic communication. They don't want a monthly magazine or a bi-weekly newsletter. Let them read whatever they want to read online. They don't need a publications catalog—they'll get that off your Web site. IF they decide to attend your conference, they'll pay a premium (less than non-members, more than "full" members). Chapter membership? Optional. Do they want help from a staff specialist on a particular issue? Give them a special e-mail address. Do they want access to special interest groups or technical divisions? No problem. Add a small fee to your Virtual Membership fee (full members get it included in their annual dues). Time for renewal? Online, of

course, with special incentives to upgrade to full membership.

Okay, doubters, let's hear it. We'll lose advertising revenue for our publications. We'll have fewer people attending our meetings. Full members will feel that these people are getting membership cheaper than they are. Why shouldn't everyone support the organization equally?

Guess what? They weren't coming to the meetings anyway. They weren't reading the publications and resented having their mailboxes full of things they didn't want. They DO support the organization—they just want to do it in their own way.

Flexibility is going to be the key to survival in this new marketplace. Until everyone is on the same level in terms of communications technology, we need to be able to meet the needs of all types of members. Give it a try.

Membership.com isn't a slogan—it's a reality.

Mark Levin, CAE, CSP, is a professional speaker and association executive. Copyright© 1999-2001, Mark Levin.

All rights reserved. This article is based on information contained in his new book, The Gift of Leadership. For information about Mark's keynote presentations and consulting services, please contact The Frog Pond Group at 800.704.FROG (3764) or e-mail [susie@frogpondgroup.com](mailto:susie@frogpondgroup.com); <http://www.frogpondgroup.com>.



Everyone wants to belong to something valuable and be a part of an organization with respect and professionalism. No problem. NALS...the association for legal professionals has been this outlet for more than 75 years. Take advantage of NALS and all that it has to offer.

With online activities, conferences, education, networking, and certifications, NALS has everything you need to advance your career and become a part of a wonderful organization with history and respect. NALS does not limit its membership by titles...all members of the legal community are welcome to join and add to the vast knowledge base. Whether you are a legal secretary, paralegal, legal administrator, or legal assistant, it does not matter. NALS feels that a more diverse membership will benefit everyone and the profession.

[www.nals.org](http://www.nals.org)



# FINANCE ITEMS AVAILABLE



Clear paperweight



Paperweight in gift box



Lint Brush with Sewing Kit



Super Grabber Luggage Grip



Pad folio—inside



Pad folio—outside



# TEXAS ASSOCIATION OF LEGAL PROFESSIONALS

## FINANCE ITEMS ORDER FORM

	<u>COST</u>	<u>QUANTITY</u>	<u>TOTAL</u>
LAPEL PINS (36 available)	\$ 7.00	_____	\$ _____
SUPER GRABBER LUGGAGE GRIPS (29 available)	\$ 3.00	_____	\$ _____

Now on Blue Light Special!



Padfolios (5 available)	<b>\$15.00</b>	_____	\$ _____
Paperweight (8 available)	<b>\$15.00</b>	_____	\$ _____
Lint Brush w/Sewing Kit (122 available)	<b>\$ 2.00</b>	_____	\$ _____
	<b>Subtotal:</b>		\$ _____
	<b>Shipping &amp; Handling:</b>		\$ <b>5.50</b>
	<b>TOTAL DUE:</b>		\$ _____

Name: \_\_\_\_\_

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

Please make check payable to "Texas Association of Legal Professionals"  
and mail with order form to:

**Kim Culpepper, PLS, TSC**  
4320 Ireland Drive  
The Colony, Texas 75056



# SUPREME COURT OF TEXAS

Misc. Docket No. 10-9062

## ORDER ADOPTING TEXAS RULE OF CIVIL PROCEDURE 78a

### ORDERED that:

1. Pursuant to section 22.004 of the Texas Government Code, the Supreme Court of Texas promulgates Rule 78a of the Texas Rules of Civil Procedure as follows.
2. Rule 78a, with any modifications made after public comments are received, takes effect September 1, 2010. Comments may be submitted to the Supreme Court of Texas in writing on or before August 2, 2010. Comments should be directed to Kennon L. Peterson, Rules Attorney, at P.O. Box 12248, Austin, TX 78711, or [kennon.peterson@courts.state.tx.us](mailto:kennon.peterson@courts.state.tx.us).
3. The Supreme Court of Texas also promulgates the attached civil case information sheet, as approved by the Texas Judicial Council, to be used pursuant to Rule 78a.
4. The Clerk is directed to:
  - a. file a copy of this Order with the Secretary of State;
  - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
  - c. send a copy of this Order to each elected member of the Legislature; and
  - d. submit a copy of this Order for publication in the *Texas Register*.

SIGNED this 3rd day of May, 2010.

Wallace B. Jefferson, *Chief Justice*  
Nathan L. Hecht, *Justice*  
Harriet O'Neill, *Justice*  
Dale Wainwright, *Justice*  
David M. Medina, *Justice*  
Paul W. Green, *Justice*  
Phil Johnson, *Justice*  
Don R. Willett, *Justice*  
Eva M. Guzman, *Justice*

## Rule 78a. Case Information Sheet

- (a) *Requirement.* A civil case information sheet, in the form promulgated by the Supreme Court of Texas, must accompany the filing of:
  - (1) an original petition; and
  - (2) a post-judgment motion for modification or enforcement in a case arising under the Family Code.
- (b) *Signature.* The civil case information sheet must be signed by the attorney for the party filing the pleading or by the party.
- (c) *Enforcement.* The court and clerk must take appropriate measures to enforce this rule. But the clerk may not reject a pleading because the pleading is not accompanied by a civil case information sheet.
- (d) *Limitation on Use.* The civil case information sheet is for data collection for statistical and administrative purposes and does not affect any substantive right.

Comment: Rule 78a is added to require the submission of a civil case information sheet to collect data for statistical and administrative purposes, *see, e.g.*, Tex. Gov't Code §71.035. A civil case information sheet is not a pleading. Rule 78a is placed with other rules regarding pleadings because civil cover sheets must accompany pleadings.

# CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY): \_\_\_\_\_ COURT (FOR CLERK USE ONLY): \_\_\_\_\_

STYLED \_\_\_\_\_

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment motion for modification or enforcement is filed in a family law case. The information should be the best available at the time of filing. This sheet, approved by the Texas Judicial Council, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

<b>1. Contact information for person completing case information sheet:</b>		<b>Names of parties in case:</b>		<b>Person or entity completing sheet is:</b>	
Name: _____	Email: _____	Plaintiff(s)/Petitioner(s): _____ _____		<input type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____	
Address: _____	Telephone: _____	Defendant(s)/Respondent(s): _____ _____		Additional Parties in Child Support Case:  Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____	
City/State/Zip: _____	Fax: _____	[Attach additional page as necessary to list all parties]			
Signature: _____	State Bar No: _____				
<b>2. Indicate case type, or identify the most important issue in the case (select only 1):</b>					
<i>Civil</i>			<i>Family Law</i>		
<b>Contract</b>	<b>Injury or Damage</b>	<b>Real Property</b>	<b>Marriage Relationship</b>	<b>Post-judgment Actions (non-Title IV-D)</b>	
<i>Debt/Contract</i> <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____  <i>Foreclosure</i> <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____	<input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <i>Malpractice</i> <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: _____ <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <i>Product Liability</i> <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input type="checkbox"/> Other Injury or Damage: _____	<input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____  <b>Related to Criminal Matters</b> <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____	<input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <i>Divorce</i> <input type="checkbox"/> With Children <input type="checkbox"/> No Children  <b>Other Family Law</b> <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____	<input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other  <b>Title IV-D</b> <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order  <b>Parent-Child Relationship</b> <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Paternity/Parentage <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____	
<b>Employment</b>	<b>Other Civil</b>				
<input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____	<input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property  <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____				
<b>Tax</b>	<b>Probate &amp; Mental Health</b>				
<input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	<i>Probate/Wills/Intestate Administration</i> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings		<input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____		
<b>3. Indicate procedure or remedy, if applicable (may select more than 1):</b>					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action	<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment	<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover			

## Calendar of Events

**February 19, 2011**

Texas ALP One-Day CLE Seminar  
Austin, Texas

**March 11-13, 2011**

NALS Professional Development & Education  
Conference – Tulsa, OK

**April 29-30, 2011**

Texas ALP Annual Meeting  
Midland, Texas



**Changed jobs?  
Changed your name?  
Moved? New certification?**

**Please provide changes to:**

**Rita Alesi, PP, PLS, TSC  
Ralesi56@yahoo.com**

## Texas Docket Advertising

The *Docket* Advertising Committee is seeking advertisers for each issue of *The Texas Docket*. Do you know of a vendor who would like to establish a statewide network of Texas ALP members for its product or service or enhance its company's name awareness by using this high-profile advertising option to achieve greater exposure to preeminent Texas legal professionals? If so, please provide the below information to the vendor or provide the contact information to the *Docket* editor, Tina Hurley, PP, PLS, at [tina.hurley@haynesboone.com](mailto:tina.hurley@haynesboone.com).

<u>Ad Options</u>	<u>Ad Rates</u>	
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Full Page (9 h x 7 w)		
Half Page Horizontal (4.5 h x 7 w)	Full = \$200 Half = \$150	Full = \$100 Half = \$75
Quarter Page Vertical (4.5 h x 3.25 w)	Quarter = \$75	Quarter = \$35

## TEXAS ALP 56th ANNUAL EDUCATIONAL CONFERENCE

Midland, Texas ■ April 29–30, 2011  
REGISTRATION DEADLINE – April 6, 2011

### REGISTRATION FORM

Name \_\_\_\_\_

Address \_\_\_\_\_

City/State/ZIP \_\_\_\_\_

Daytime Telephone \_\_\_\_\_

E-mail \_\_\_\_\_

**Certifications**

ALS  PLS  PP  CLA/ CP  CLAS/ ACP

RP  TSC  Other \_\_\_\_\_

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

Current Texas ALP Position Held, Current NALS 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, Vanessa Brock)

### FULL REGISTRATION FEES

- Texas ALP Member.....\$130
- Nonmember .....\$145
- Student.....\$85

### INDIVIDUAL EVENT REGISTRATION FEES

- Education Only - Member.....\$50
- Education Only - Nonmember.....\$75
- Education Only – Student.....\$50
- Professional Development Luncheon – ALL .....\$25
- Recognition Luncheon - ALL.....\$25
- President’s Celebration – ALL.....\$25

Late Fee (postmarked after April 6, 2011).....\$25

### MEMBER’S GUEST REGISTRATION

- Professional Development Luncheon.....\$25
- Recognition Luncheon.....\$25
- President’s Celebration .....\$25

Guest name \_\_\_\_\_

### SCHEDULE OF EVENTS/Mark Each Event You Will Attend:

\*\*\*\*There will be a breakfast buffet on Friday & Saturday from 8-9 a.m. This is included in the full registration price.

**Friday, April 29, 2011**

- 10:00 a.m. - 12:00 p.m. Business Meeting
- 12:00 p.m. - 12:30 p.m. Break
- 12:30 p.m. - 2:00 p.m. Welcome/PD Luncheon (CLE)
- 2:00 p.m. - 2:30 p.m. Break
- 2:30 p.m. - 3:15 p.m. TALP Officers/Chairmen Training
- 3:15 p.m. - 4:00 p.m. TALP Committee Meetings
- 4:00 p.m. - 4:30 p.m. Break
- 4:30 p.m. - 5:30 p.m. PYI/Open Forum
- 6:45 p.m. - 8:00 p.m. Rooftop Reception @ Ali Bubba’s
- 8:15 p.m. Transportation to Planetarium
- 9:00 p.m. Star Party at Planetarium

**Saturday, April 30, 2011**

- 9:00 a.m. - 10:00 a.m. CLE—Social Media
- 10:00 a.m. - 10:30 a.m. Break
- 10:30 a.m. - 11:30 a.m. CLE—Oil & Gas 101
- 11:45 a.m. - 1:30 p.m. Recognition Luncheon
- 1:30 p.m. - 2:00 p.m. Break
- 2:00 p.m. - 3:00 p.m. CLE—Ethics Jeopardy
- 3:00 p.m. - 4:00 p.m. CLE—Estate Planning & Probate
- 4:00 p.m. - 4:30 p.m. Break
- 4:30 p.m. - 4:45 p.m. Door Prizes
- 6:30 p.m. - 7:00 p.m. President’s Reception
- 7:00 p.m. - 9:30 p.m. President’s Celebration

### PAYMENT INFORMATION

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

Please make check payable to:

Midland Association of Legal Professionals Special Meeting Account  
(Federal Tax ID No.: 75-6081035)

**Notice:** A \$25 fee will be assessed for returned checks. Refunds requested and confirmed in writing (less a \$25 fee) will be made until April 14, 2011.

**Meeting Co- Chairs:**

Samantha Tandy: 432-687-0011 ♦ sltandy@dgclaw.com  
Vanessa Brock: 432-687-0011 ♦ vmbrock@dgclaw.com

**Mail Registration Form to:**

Rebecca Widner  
Davis, Gerald & Cremer, P.C.  
P.O. Box 2796  
Midland, Texas 79702-2796  
432-687-0011 ♦ rhwidner@dgclaw.com

**HOTEL INFORMATION:**

Reservations should be made directly with the Hilton Midland Plaza, 117 West Wall Street, Midland, Texas 79701 (432) 683-6131. Please identify yourself as a member of the Texas Association of Legal Professionals. Room rates are \$102 (single/double/triple/quad). **QUOTED ROOM RATES ARE AVAILABLE UNTIL April 14, 2011.**

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

## **SCHEDULE OF EVENTS**

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2:30 p.m. - 3:15 p.m.	TALP Officers/Chairmen Training
3:15 p.m. - 4:00 p.m.	TALP Committee Meetings
4:00 p.m. - 4:30 p.m.	Break
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2:00 p.m. - 3:00 p.m.	CLE—Ethics Jeopardy
3:00 p.m. - 4:00 p.m.	CLE—Estate Planning & Probate
4:00 p.m. - 4:30 p.m.	Break
4:30 p.m. - 4:45 p.m.	Door Prizes
6:30 p.m. - 7:00 p.m.	President's Reception
7:00 p.m. - 9:30 p.m.	President's Celebration



## NALS CODE OF ETHICS

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.



# Texas ALP Patron Recognition

IMAGINE * BELIEVE * ACHIEVE * SUCCEED	In honor of all Texas ALP Members
Jane Harrison, PLS	

Would you like to have your name in print as a Patron of Texas ALP? It is possible—the opportunity is now being offered for members who would like to donate \$5 per issue to have their names listed on the Texas ALP Patron Recognition page. If you are interested, please forward your check made payable to the Texas Association of Legal Professionals to the address below and look forward to seeing your name in print next issue. **Deadline for January issue: December 1, 2010.**

**Mailing Address:**  
Tina Hurley, PP, PLS  
307 St. Andrews Court  
Crandall, TX 75114

\*\*\*\*\*

## Upcoming Deadlines and Education Sessions



- November 1st NALS Foundation Jett Awards deadline
- December 1st Early bird registration deadline for NALS Professional Development Conference—Tulsa, OK
- December 2nd Deadline to submit articles to *The Texas Docket* chair for January issue

### NALS Online Learning Center (sessions at 8 p.m. CST) (free to members)

- November 3rd Behind the Scenes of Updating the Manuals (CLE)
- November 17th New Federal Regulations of Debit, Prepaid & Gift Cards (CLE)
- December 1st Current Trends in Regulation (CLE)

### NALS WebEd Webinars (sessions at 8 p.m. CST)

- November 4th Ethics for Paralegals (1 hr. CLE)
- November 11th Summation (1 hr. CLE)
- November 18th Coaching/Mentoring (*free to members!*)
- December 16th Team Building (*free to members!*)

## Texas ALP 2010-11 Leadership Roster

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