



SUMMER 1995

## **ARTHUR D. MOUTON SPEAKS AT LPA MEETING**

*by: Michelle Moran*

Arthur D. Mouton, Outside Counsel for Lafayette General Medical Center, spoke to the Lafayette Paralegal Association on "Living Wills in Louisiana." Mr. Mouton informed LPA members that there is a common belief today that living wills permit patients to retain control over their health care, even while incapacitated and that such documents require "doctors and families" to execute a patient's pre-stated desires regarding his own care. But, according to Wesley J. Smith, consumer advocate, lawyer, and author, the truth is that living wills permit doctors to decide issues of life and death for their patients but do not permit families to exercise any power at all.

Our health care delivery system operates under the premise of informed patient consent. The law allows patients, not doctors, to make health care decisions. It also charges doctors with fully advising the patient of the pros and cons of treatment or nontreatment, testing, etc., as well as making recommendations regarding care. The patient is then free to accept or refuse recommendations or treatment, seek a second opinion, or even a different doctor. This provides a valuable fail-safe system of protection against physician error.

Mr. Mouton recommended the use of a Durable Power of Attorney For Health Care (DPOAHC), in conjunction with the living will, to preserve informed consent. By use of a DPOAHC, which is an advanced medical directive, the patient is still allowed to decide, in advance of a medical crisis, the level of care he desires while retaining the important protection of informed consent.

In a DPOAHC, the patient appoints a designated agent as his health care decision maker. The agent holds the patient's medical power of attorney. Generally, the agent is a family member or close friend who knows the patient intimately and understands the patient's attitudes. Lengthy discussions between patient and his agent can ensure an

understanding of the patient's wishes. With the DPOAHC the physician can be required to justify to the patient's agent his recommendations to provide or withhold care. Second opinions can be sought by the patient's agent. Chances are greatly reduced for a tragic misapplication of an advanced directive of a living will.

The DPOAHC is valid even in the three states (New York, Massachusetts and Michigan) which do not recognize living wills by statute. Living wills empower the doctors. DPOAHC empowers "real people" and better protects patients who can't make decisions for themselves

## **ATTORNEY JEAN HILL SPEAKS ON DISCRIMINATION ISSUES**

*by: Nita Piccione*

Jean Hill was the guest speaker at the May 22 meeting of the Lafayette Paralegal Association. Her presentation centered on the issues involving AIDS Discrimination Law.

Ms. Hill is an attorney in the Family Law Division at the Acadiana Legal Services Corp. in Lafayette. Many of ALSC's clients are terminally ill patients. This presents a unique problem regarding the time required to obtain rulings. Ms. Hill and other professionals have been successful in shortening the time involved in litigation and have obtained rulings for some clients within 90 days. Ms. Hill also discussed extensive living wills and the designation of authority for disposition of remains, pursuant to La.R.S. 8:655.

This area of law has created the need for education in the legal community. A recent seminar has produced a booklet entitled AIDS LAW-Examining the Legal Complications, Tulane Law School. This booklet can be reviewed at Acadiana Legal Services.

If you have any questions or need any further information, Ms. Hill will be happy to speak with you. Her phone number is 237-4320.



# EDITOR'S CORNER

Mary Margaret Comeaux



If you missed receiving the Spring newsletter, you are not alone. Mea culpa! Therefore, we have a wealth of information to present.

LPA has been very active. The speakers at our monthly meetings have been extremely informative, and we thank them for giving of their time and expertise. A recap of each speaker's presentation has been included in the newsletter. Please remember, you may obtain CLE credit by attending certain meetings. Check the Calendar of Events for more information. We urge you to attend. If you would like to have a particular topic presented, please call our Program/Social Chairman.

Watch for the Fall newsletter which will be mailed to you shortly. Hope to see you at the Paralegal Week Social on September 14.

# PRESIDENT'S MESSAGE



Tracey Carnahan

Gail Dubois-Broussard was elected President of LPA for the 1995-1996 term. After her son was injured in an automobile accident, Gail felt it was necessary to resign her position. Prior to her resignation, she drafted the following message to LPA members:

I would like to take this opportunity to welcome any new members joining our association. To the "old" members, thank you for your continued support. I am delighted to be your president and hope to serve you in any way I possibly can and to the best of my ability.

This year begins our twelfth year in existence as a professional organization and I see only great things in the future. Last year was our biggest and best year ever and hopefully we will surpass this by far.

I encourage each and every one of you to take an active role in the participation of our organization. As you know the paralegal profession is one of the fastest growing professions in the country and it is essential that we join together to aid in shaping the development and promoting the highest standards of our profession. Please encourage others to join our association so that with their participation we may become even better and stronger.

If I may be of any assistance, please feel free to contact me. I will always be available for this association.

We send Gail and her family every good wish and hope that her son will have a swift and complete recovery.

# WELCOME NEW MEMBERS

We would like to extend our welcome to the following new members:

### Active

- Nicole Blazek
- Suzanne C. Miller
- Lisa Oser
- Wendy M. Wilson
- Gary Lavelle

### Associate

- Cindy P. Guidry
- Kim Kilchrist
- Charles R. King
- Rose Marie Latiolais
- Michelle E. Neef, CLA
- Karen T. Romero
- Camelia Princella Trahan
- Margaret Elizabeth Connick
- Viola F. Courville

Thank you!!! to our sustaining members for continued support of LPA:

### Sustaining Members

- Southwest Paralegal College, Inc.
- Saloom & Saloom
- Piccione & Piccione
- Kyle L. Gideon, Esquire
- Land & Title Consultants, Inc.

### Membership

Active	41
Associate	34
Sustaining	5
Total Membership:	80

# LPA 1995 MEMBERSHIP DRIVE

Don's Seafood & Steakhouse was the setting for the 1995 LPA Membership Drive held July 26 from 5:30 to 7:30 p.m. Complimentary hors d'oeuvres, wine, and soft drinks were provided by LPA.

The event was hailed a success, with approximately 20 LPA members attending and many attorneys stopping by to show their support for LPA.



Al Thomas and Stephanie Landry enjoy themselves at LPA social.

## PARALEGAL PROFILE

### Shannon Herpin Turnley



Upon graduating from Kaplan High School in 1981, I truly had no idea what career I would pursue. Although I had always been interested in the field of law, the idea of spending so much time in school was not very appealing. I was quite anxious to get out into the work force.

I had heard bits and pieces about the paralegal profession, but it was not until my second semester at LSU that I became aware that USL offered a paralegal program. This was very exciting news for me. Although I had every intention of obtaining a degree from LSU, I transferred to USL and obtained my associate degree in General Studies, thereby allowing me to enter the paralegal program.

I took my time working through USL's program. After several semesters, I was very anxious to find work in a law firm. I recognized that the practical experience would probably aid in my education. In 1985, I was hired as a runner, training for the receptionist position with Sonnier & Hebert, a law firm in Abbeville. Since that time, I have held a variety of positions, including receptionist, secretary, abstractor, and finally, paralegal, not to mention firm photographer, scrapbook chairmen, and birthday and special event coordinator, etc.

In 1993, Paul Hebert left the firm (then known as Sonnier, Hebert and Hebert) and asked that I move with him to begin the firm of Paul J. Hebert, Ltd., on the southside of Lafayette, where we remain today.

It has been a very busy 10 years! Having worked primarily with Mr. Hebert, whose practice is very diverse, I have had the opportunity to work in many areas of the law, enjoying them all, with a few exceptions. Capability, professionalism and enthusiasm, together with continuing education are extremely important to Mr. Hebert and to me. We make a concerted effort to be available for our clients and we are both conscious that the results of our work are paramount to our success.

I have been a member of LPA for several years, and have recently assumed the office of Corresponding Secretary. I am very pleased to be affiliated with the organization, as I believe it provides an avenue for its members to experience a camaraderie with their peers, to learn and grow individually, and to aid in the growth and development of the paralegal profession in Lafayette and the surrounding areas.

## Lafayette Parish Bar Association Legal Expo

by: Michelle Moran

On Thursday, May 4, 1995, the Lafayette Parish Bar Association's annual Legal Expo was held at the Best Western Hotel Acadiana. The Expo was held in conjunction with a seminar on demonstrative evidence. A luncheon with Louisiana's gubernatorial candidates was also part of the Expo.

Lafayette Paralegal Association was well represented, as always. LPA shared a booth with the Louisiana State Paralegal Association in a consolidated attempt to present to the legal community as much information as possible about the paralegal profession.

Jamie Lynch, Executive Director of the Lafayette Parish Bar Association, sent LPA a letter of thanks, and also informed us that LPA will be recognized in the Bar newsletter, *The Promulgator*, as an Expo vendor.

If you are interested in attending next year's Expo or working with the Expo committee, please contact Michelle Moore Moran at (318) 981-3858.



*Al Thomas, Gail Dubois-Broussard, Jessie Cormier, and Lupe Acosta participate in the Lafayette Parish Bar Association's Legal Expo.*

### CHANGE OF ADDRESS

If your home address or place of employment has changed, please complete the following form and mail to:  
**LPA, c/o Kathy Dempsey, Post Office Box 2775, Lafayette, LA 70502**

Name \_\_\_\_\_ Telephone: Home \_\_\_\_\_ Office \_\_\_\_\_

New Address \_\_\_\_\_

New Employer: \_\_\_\_\_

## KIRK PICCIONE SPEAKS TO LPA ON SEXUAL HARASSMENT

Kirk Piccione was the guest speaker at the April 24 meeting of the Lafayette Paralegal Association. The topic of his presentation was sexual harassment. Mr. Piccione informed LPA members that recently passed laws have given victims of sexual harassment more power in bringing their claims to the courts. According to the law, there are two types of sexual harassment: quid pro quo (sexual favors in exchange for tangible job benefits) and hostile work environment. In certain cases, the damages awarded can include punitive damages, in addition to compensatory damages.

Mr. Piccione stated that claims can be brought under Federal statute Title VII of the Civil Rights Act of 1964 (as amended) or under La.R.S. 23:1006. In addition to claims brought against an individual defendant, a plaintiff can also bring a claim against the employer for conduct of its supervisory employees who had authority over hiring, firing, promotion and discipline of the plaintiff.

In determining the illegality of the actions of the defendant, the courts look at these factors: (1) whether the defendant was engaging in a discriminatory practice with

malice and reckless indifference to the rights of the plaintiff, (2) whether a plaintiff was discharged from employment in retaliation for refusing to submit to sexual advances, and (3) whether the sexual conduct was unwelcome from the standpoint of the plaintiff.

If you would like more information regarding this subject, Mr. Piccione would be happy to answer your questions. His office phone number is (318) 233-9030.

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## SEMINAR ON FRENCH LANGUAGE

by: *Theresa Fuselier*

On Friday, September 15, local attorneys and judges interested in preserving the French language in the courts of Louisiana will sponsor a French legal seminar.

Speakers from Canada and France will discuss the similarities between the laws of Canada and France and the laws of Louisiana, including the origin of many legal terms, etc.

The seminar is being offered in conjunction with Festival Acadienne and will be held at the Jean Lafitte Center. The cost of the seminar is \$40 and is eligible for a full day of CLE. Reservations may be made by contacting John Hernandez, seminar chairperson, at (318) 896-3836.

**Nita Piccione,**  
Program/  
Social  
Chairman of  
Lafayette  
Paralegal  
Association,  
and her father  
and brother  
appeared on  
the front page  
of the  
Business  
Section of the  
Sunday, June  
18, 1995,  
edition of The  
Advertiser.  
The Picciones  
were featured  
in an article  
in conjunction  
with Father's  
Day.



*From left, Nita Piccione; her brother, Kirk Piccione; and their father, Joseph Piccione, who compose the law firm Piccione & Piccione in Lafayette. Nita is a paralegal, and the two men are attorneys.*

**DR. CHARLES ATTWOOD:  
Author, Runner, Educator**

*by: Nita Piccione*

Dr. Charles Attwood was the guest speaker at the June 26 meeting of the Lafayette Paralegal Association. Dr. Attwood, a pediatrician who has been practicing in Crowley, Louisiana, for the past 22 years, is the author of *Dr. Attwood's Low-Fat Prescription for Kids*, a nutritional book for the benefit of the whole family. He is currently on the staff at American Legion Hospital and has a thriving private practice.

Dr. Attwood's extensive research has revealed some interesting and thought-provoking facts: (1) nearly 70% of kids who consume a typical American diet have fatty deposits in their coronary arteries by the age of 12; (2) coronary heart disease accounts for more than half of their premature deaths as adults; (3) there is proof that a low-fat diet for kids protects them from serious illnesses later in life.

Dr. Attwood offered this proof in a realistic four-stage switch from a fat filled diet to a meatless, complex-carbohydrate-based diet, after which the "fat taste" virtually disappears. He also included tips on getting started and food shopping. The members were even treated to a sample recipe taken from the menus listed in his book.

Dr. Attwood's refreshing presentation on preventive medicine for good health was enthusiastically received by the LPA members.

**LOCAL & STATE PARALEGAL  
ASSOCIATIONS SOCIALIZE**

*by: Kathy Dempsey*

On Friday, March 17, 1995, the Lafayette Paralegal Association hosted a social for those members of the Louisiana State Paralegal Association who were in the Hub City to attend the Medical Malpractice Seminar held that weekend at the Hotel Acadiana.

The social was held at Prejean's where members and guests were treated to hors d'oeuvres, wine, and music by Blackie Forrestier. It proved to be a very pleasant evening where local members met with paralegals from all over the state in a casual and personal environment.



*Cheryl Myers, Tracey Carnahan, and Kathy Dempsey at LPA social.*

**Become a Member of the  
Louisiana State Paralegal  
Association**

The Louisiana State Paralegal Association invites you to join with other paralegals throughout the state for the opportunity to network and keep up-to-date on current statewide news of interest to our profession.

Among the reasons for joining LSPA are: continuing legal education through seminars and workshops, quarterly newsletter, statewide job bank, scholarships, legislative lobbying committee, and professional enhancement.

For further information on LSPA, a membership application, and the latest copy of the LSPA newsletter contact: Ruth J. Veillon, LSPA District II Director, c/o Robert L. Cole, 321 W. Main Street, Lafayette, LA 70501 (318) 232-6096.

**PARALEGAL JOB BANK**

The Lafayette Paralegal Association maintains a job bank service available to all LPA members seeking part time, temporary, or contract paralegal positions. Each year LPA sends a letter to every attorney/firm in the Lafayette area informing them of this service.

The job bank is confidential! LPA members may obtain information regarding available positions by contacting the Job Bank Chairperson. An employer seeking a paralegal may not be given the names of job bank applicants. As positions become available, the Job Bank Chairperson will contact applicants meeting an employer's job qualifications.

LPA would like to assist its members and the legal community in filling available paralegal positions. We encourage all members seeking a position to fill out the application and return it along with a resume' to: **Cheryl Myers, Job Bank Chairperson, Lafayette Paralegal Association, Post Office Drawer 2908, Lafayette, Louisiana 70502.**

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

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

Home Phone \_\_\_\_\_

Work Phone \_\_\_\_\_

Paralegal Certificate: Yes \_\_\_ No \_\_\_

ABA approved: Yes \_\_\_ No \_\_\_

Institution: \_\_\_\_\_

Paralegal Experience: \_\_\_\_\_

Years: \_\_\_\_\_

Area(s) of Specialty: \_\_\_\_\_

College Degree: \_\_\_\_\_

Major \_\_\_\_\_

Institution: \_\_\_\_\_

Special Skills: \_\_\_\_\_

## CALENDAR OF EVENTS

- Sept. 14** Paralegal Week Social  
Lafayette City Club  
5:30 - 7 p.m.
- Oct. 30** Meeting \*\*  
David Benoit, Speaker  
Topic: Personal Injury - No Reform
- Nov. 27** Meeting  
Yvette Hanks, Speaker  
Topic: Sun Wellness
- Dec.** Christmas Social  
(Time and place undetermined.)
- Jan. 29** Meeting \*\*  
Cynthia LeBourgeois, Speaker  
Topic: Family Law

All meetings begin at 5:30 p.m. and are held at Lafayette City Hall, City Council Board Room.

\*\* Contact Nita Piccione for CLE credit forms.

## UPCOMING SEMINARS

### French Language in Courts of Louisiana

September 15  
Jean Lafitte Center  
Lafayette, Louisiana  
In conjunction with Festival Acadienne  
John Hernandez, Chairperson  
318/896-3836  
\$40 - 8 hrs CLE

### Environmental Law in Louisiana

September 15 & 16  
LSPA Annual Seminar  
Co-sponsored by 4th JDC Bar Association  
Holiday Inn Atrium  
Monroe, Louisiana  
Karen T. Guidry Chairperson  
PO Box 2850, Lafayette, LA  
318/235-4576  
\$125 (\$110 for members)  
8 hrs. CLE

### Successful Judgment Collections in Louisiana

November 7 Hotel Acadiana Lafayette, LA 715/835-7909 or	November 8 Holiday Inn Financial Plaza Shreveport, LA 715/835-1405
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National Business Institute, Inc.  
\$149 (\$139 - 3 or more)  
7.2 hrs CLE - 1.0 ethics

### Introduction to Title Searches

December 2 & 3  
Louisiana State University  
Bishop Robert E. Tracy Center  
Paralegal Studies Program  
LSU, Baton Rouge, Louisiana  
800/256-1530

### LPA OFFICERS AND COMMITTEE CHAIRPERSONS FOR 1995-1996

Tracey Carnahan, President	237-1660
Kathy Dempsey, Vice President/Membership	233-0300
Michelle Moran, Secretary	981-3858
Stephanie Landry, Treasurer	232-7424
Shannon Turnley, Corresponding Secretary	988-3838
Nita Piccione, Program/Social Chairman	233-9030
Cheryl E. Meyers, Public Relations/Job Bank	237-1660
Mary Margaret Comeaux, Newsletter	233-5056
Lupe Acosta, Parliamentarian	237-7135

## Lafayette Paralegal Association

P. O. Box 2775  
Lafayette, LA 70502