

June, 2008

Lafayette Paralegal Association
Post Office Box 2775
Lafayette, LA 70502-2775



Since 1984

We're on the web:
www.LPA-LA.org

Lafayette Paralegal Association

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LAFAYETTE PARALEGAL ASSOCIATION: 20+ YEARS STRONG AND PROUD by Kaye Pooler

The Lafayette Paralegal Association (LPA) was organized in 1984 to identify common goals and objectives in the paralegal profession. The number of paralegals in the workforce has more than doubled in recent years, and so has the LPA membership. LPA members live and work in Lafayette and the surrounding Parishes. Open to all paralegals, the Association has categories for persons who are actively working as paralegals under an attorney's supervision and for those who are not actively working (associate members) as paralegals. There are also categories for students and sustaining members.

LPA strives to promote the paralegal profession through con-

tinuing education, fellowship, and networking within the legal community, and by encouraging professional ethics. LPA maintains a job bank for its members and encourages law firms and other employers to contact LPA when looking to employ a paralegal. LPA works closely and coordinates with local Bar Associations. In the last few years, we have made great strides in promoting continuing education by encouraging certification and by providing guest speakers at monthly meetings who present varied topics of interest to members. Continuing Legal Education (CLE) credits have been approved by NALA (National Association of

Legal Assistants) for most of our presentations.

LPA offers attorneys, law firms, and other interested parties, an opportunity to lend support to the organization through "Sustaining Memberships". As sustaining members, they not only support the group's efforts financially, but more importantly, professionally. Sustaining members are acknowledged on the LPA website and newsletter, and they have access to our job bank. As an added bonus, representatives of those firms are given admission to all of our seminars without charge.

For more information about the Lafayette Paralegal Association, please visit our website at <http://lpa-la.org>, or contact LPA President, Molly Davenport.

Wednesday, May 28, 2008
Initiating and Handling Plaintiff's Cases
Presented by Jonathan Mayeux and Debbie Billiot

UPCOMING EVENTS

Tuesday, June 24, 2008
Bankruptcy Panel
Keith Rodriguez - Chapter 13 Trustee
Paul Debailon - Chapter 7 Trustee
Lupe Acosta, Paralegal

Tuesday, July 29, 2008
Family Law Update and LVL Pro Se Divorce Clinics
presented by Rebekah Huggins and Marianna Broussard

Tuesday, August 19, 2008
Workers Compensation Update
presented by Mark L. Riley

September
Paralegal Week Social
Date and Location to be determined

Wednesday, October 28, 2008
Contract Law
presented by Bart Hebert

November 18, 2008
Elder Law
Presented by Franchesca Hamilton-Acker

December - **Christmas Luncheon**
Date and Location to be determined

Tuesday, January 27, 2009
Wrongful Death Litigation and Grief Counseling
Presented by Heather Blanchard of The Healing House and the law offices of Dawn Johnson

Tuesday, February 17, 2009
Annual Meeting and Elections of Officers

Officers and Committee Chairs 2008-2009

President	Molly Davenport, CLA	593-5000	molly_davenport@lawd.uscourts.gov
Vice President/Membership	Debbie Billiot	593-9062	dcb@joneslaw.com
Secretary	Dawn Johnson	237-8500	dawnj@plddo.com
Treasurer	Anne Ewing	237-8500	annee@plddo.com
Corresponding Secretary	Savannah Stephan, CLA	291-1212	savannahstephan@allengooch.com
Parliamentarian	Kaye Pooler	266-1190	poolerk@onebane.com
Education/Survey	Sandy Pourciaux, CP	266-1118	smp@onebane.com
Historian/Photographer/Newsletter	Deborah Fontenot, CLA	314-0700	deborah.fontenot@leedpetroleum.com
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LSPA Liaison	Vacant		
LVL Liaison	Savannah Stephan, CLA	291-1212	savannahstephan@allengooch.com
NALA Liaison	Lupe Acosta	237-7135	gmlupei@aol.com
Program/Social/Public Relations	Kaye Pooler	266-1190	poolerk@onebane.com
Website/Technical	Cheri-lea T. McDonald	266-1166	mcdonaldc@onebane.com

"What LPA means to me."

I see LPA as a powerful venue for the advancement of the individual paralegal as well as the paralegal profession, providing exposure to the many different facets of the legal profession through education, community service, and networking with other legal professionals to ask questions, seek assistance, or simply (but importantly) to renew (or create) contacts with friends and members. Thanks LPA! — *Kaye Pooler*

LPA has given me the insight and courage to accomplish goals that I never thought I could. Being a member of LPA has given me opportunities, education, and knowledge which has soared beyond belief. The professionalism, fellowship, and friendship of its members was paramount to every career decision I've made over the years. Thanks LPA for all you do! — *Sandy Pourciaux, CP*

LPA has been in my life as long as that certificate stating I am a paralegal has been hanging on my wall. I went to paralegal school in Denver and moved to Lafayette not knowing anyone. Luckily, I was hired by a firm that promoted professional development and I was quickly introduced to LPA. The members of LPA taught me the practical "hands on" skills of being a paralegal and encouraged me to pursue my national certification and for that I am grateful. The contacts that I have made through LPA are invaluable, but the friends I have made are irreplaceable.—*Molly Davenport, CLA*

After moving from Burbank, Ca. and then from Baton Rouge, as a Paralegal for nearly 20 years, Lafayette was new and local court rules were new. LPA provided the networking and assistance to

traverse this exciting profession, and allowed me to be a part of the development and encouragement to all Paralegals. Due to the endeavors of LPA and their commendable sense of purpose for the Paralegal profession, I have become a better paralegal. Merci' LPA, Merci' — *Debbie Billiot*

LPA has played an important role in giving me a sense of being a professional, as opposed to just having a job. LPA members encouraged me to seek national certification, a few studied with me to help me achieve it, and the seminars allow me to maintain it. The Association has afforded me an avenue for community outreach by working with the local bar. But most meaningful is the camaraderie with people who understand a big part of my life, some of whom have become close friends.—*Savannah Stephan, CLA*

President's Note

I would like to take this opportunity to welcome new members to LPA and to thank those who renewed their active, associate, and sustaining memberships, for it is the members that truly make this the great organization that it is. I would also like to thank the hard working board members and committee chairs for giving their time, expertise, and experience in leading the organization forward. It is the dedication and focus of these



LPA President,
Molly Davenport, CLA

individuals that is going to lead to the implementation of several exciting new programs this year.

There are several groups of people that I would like to address. First, to the new paralegal who is uncertain of whether or not to join a professional association, and who may have questions regarding the benefits of doing so, I assure you that LPA has helped advance my career in many ways. I joined for the first time as

a new paralegal, fresh out of "paralegal school" ten years ago. I recently recalled to a group of people how, when I was uncertain of something, which was quite often, I would look on the LPA roster to see who had what specialty, pick up the phone, then call a more experienced colleague seeking the answers. Each paralegal I contacted was extremely patient, professional, and helpful. The networking opportunities are not limited to other paralegals, they include court personnel, attorneys, those who service the legal community, and experts just to name a few.

To the attorney who has a paralegal as an employee, not only does LPA serve its networking function, we focus on education and professionalism. Each month our meeting is a one hour CLE covering topics relevant to all areas of law. For those of you who have Certified Legal Assistants or Certified Paralegals, this does count towards their requirements to maintain such certifications. By encouraging

— Molly Davenport, CLA

your paralegals to join and become active in LPA, you are gaining the benefit of the experience of all of our members. You are encouraging them to take pride in and contribute to their profession, their work, and in turn, their firm.

To the experienced paralegal, your knowledge, wisdom, and experience are invaluable to the future of our profession. I believe in leading by example. If each of us pursues the highest level of professionalism and education then strives to pass that on to others within the profession, we have the opportunity to define our profession. I ask each of you to think about how you would like to see the paralegal profession defined and what you can do as an individual to get us there. It is up to each of us to accept this responsibility and challenge because in doing nothing, we are allowing ourselves to be defined by others.

Federal Court Update—Filing New Suits Online

Presented by Cathy Bacon, Deputy Clerk

Tuesday, April 22, 2008

Effective April 1, 2008, the U. S. District Court, Western District of Louisiana completed implementation of its mandatory electronic filing policy by requiring the filing of new civil actions on-line via their electronic case filing system. To assist in introducing the new procedures, the Lafayette Paralegal Association hosted a Luncheon/Seminar entitled "Federal Court Update: Filing New Suits Online" at the Petroleum Club of Lafayette on Tuesday, April 22, 2008.

U. S. District Court, Western District of Louisiana Deputy Clerk-in-Charge, Cathy Bacon, gave a presentation discussing requirements and guidelines for online filing and demonstrated the steps necessary to electronically open and file a new suit in Federal Court via the internet. The training provided by Ms. Bacon was the first live training in opening cases and filing new suits via CM/ECF (Case Management/Electronic Case Filing).

If you are assigned the task of opening a new civil case and filing the initiating documents there are two key pieces of beneficial information. The first is to

begin with a review of the Notice of Removal (Case Opening) computer based training (CBT) module on the Western District home page located at www.lawd.uscourts.gov. This CBT is found under Court Operations and, although it is focused specifically on removal from state to federal court, it covers all aspects of opening a new case including filling out the statistical information (jurisdiction, cause of action, nature of suit, etc.), entering parties, and payment of the court costs. Payment can be made online with a credit card at the time you open your case, by mailing or delivering a check to the Clerk of Court, or by going to the Clerk's office to pay by credit card.

The CBT also covers filing the initiating documents which include the Complaint, Civil Cover Sheet, Proposed Summons, etc.). If you are already familiar with filing other documents in federal court, there is not much difference. Make sure you have your Civil Cover Sheet filled out and that all documents are scanned and/or saved in the .pdf format for uploading. The Complaint (with Verification if called for) should be a separate .pdf file and the first document uploaded. Any exhibits should be the first attachment to the Complaint, then the Civil Cover



Cathy Bacon, Deputy Clerk,
Federal Court

Sheet with the Proposed Summons or Summons filed as the last attachment.

The second key piece of information is the number to the help desk. If you have any questions or get stuck trying to open and/or file a new suit, help is available at 1-866-323-1101.

- Molly Davenport

LPA Members Volunteer at Downtown Alive



LPA members had a great time serving beer and soft drinks in Parc Sans Souci for Downtown Alive Friday, May 9, 2008. The music was provided by VaVaVoom, a New Orleans Gypsy Jazz band. The weather was perfect and everyone

appeared to "Pass a Good Time".

LPA members volunteering for this event were Darlene Conque, Molly Davenport, Al Thomas, Kathy Stanley, Savannah Stephan, Debbie Fontenot, Jackie Landry and Debbie Billiot.



ETHICS: WHAT IS IT?

Presented by James E. Diaz, Sr. March 25, 2008



Left to Right: Kaye Pooler, LPA Program Chair, James E. Diaz, Sr., and LPA President, Molly Davenport, CLA

James E. Diaz, Sr. was the guest speaker at our Luncheon Seminar on March 25, 2008. His presentation entitled *Ethics: What is It?* provided our membership with valuable information. One issue he discussed which our members found of particular interest was conflicts of interest. In an effort to provide further information to our members on this topic, we offer the following article which is reprinted by permission from The National Federation of Paralegal Associations, Inc., www.paralegals.org.

PARALEGALS AND CONFLICT OF INTEREST

WHAT IS A CONFLICT OF INTEREST:

A conflict of interest, in the legal sense, involves information about a client held by a member of the legal team...an attorney, paralegal or legal secretary. That information does not have to be attorney/client privileged information, nor does it have to include actual documented facts about a client's legal matter. It only needs to be information about the client that, were it revealed to other members of the legal team, may cause some harm, injury or prejudice to the client.

A paralegal possesses information about a client's transactions, the attorney's strategies, thought processes, work product, and/or other client privileged information. Conflicts of interest involving paralegals usually result from personal and business relationships outside the legal environment or from legal matters handled at the paralegal's prior employment. If a conflict of interest is not identified and disclosed to the client or supervising attorney, the firm or employer may lose considerable time and money expended in handling the client's legal matter.

HOW DOES A PARALEGAL KNOW WHEN A CONFLICT OF INTEREST EXISTS?

For paralegals who are supervised by or accountable to an attorney, the attorney is obligated to determine whether there is conflict of interest between the paralegal and the client or legal matter. In practice areas where paralegals are not supervised by or accountable to an attorney but deal directly with the

clients, paralegals make those decisions.

Paralegals should abide by the decision made by the attorney. If, however, a paralegal feels uncomfortable continuing to work on a matter with which a conflict was not determined, it should be discussed with the supervising attorney or a conflicts committee within the firm or employer's structure.

Examples of when a paralegal may have a conflict of interest in a legal matter:

- **Changing jobs:** if a paralegal works at one law firm that is handling a legal matter on behalf of a client and then goes to work for another law firm that is handling the same legal matter on behalf of the adversary;
- **Family and personal relationships:** if a paralegal is related to or close friends with a party, a client, or someone involved in the legal matter;
- **Business interests and professional relationships outside the employment:** if a paralegal is involved either within a legal profession organization or in another business entity.

HOW TO IDENTIFY A POSSIBLE CONFLICT OF INTEREST

- On your first day of employment (if it has not been done during the interview process), ask the supervising attorney or other appropriate person for a list of legal cases or matters that the firm or employer is handling. Review that list to identify the names of clients, parties in litigation, acquaintances, friends, or family members that you recognize.
- Compare your list of all legal cases or matters on which you have worked against the new employer's list. If you work in litigation, also review the names of attorneys representing the various parties.
- Advise the employer of any matters in which you suspect you may have a conflict of interest. Provide only enough information about the matter for the employer (or a firm or corporation conflicts committee) to determine whether there is a conflict of interest. Usually, the client or matter name is sufficient to assess this.
- As new clients and legal matters come into the office, or if new parties are added to cases already underway, check their names against your list as described above.
- Despite your best efforts, a matter or client in which you have a possible conflict of interest may slip through. If this happens, bring it to the attorney's attention as soon as you become aware of it.
- Maintain your list of matters on which you work throughout your paralegal career.

WHAT IS AN ETHICAL WALL?

An ethical wall (or Chinese wall, as it used to be called) is an imaginary boundary placed around an individual or individuals with whom a conflict of interest is discovered. This imaginary boundary is supposed to bar any communications, written or verbal, between the members of the legal team handling a matter and the person with whom the conflict of interest exists.

PURPOSE OF ERECTING AN ETHICAL WALL

The primary purpose of erecting an ethical wall is to protect the client's confidences and secrets. Sometimes an ethical wall is erected not because the person with whom the conflict exists would reveal the client's privileged information but simply to "avoid giving any appearance of impropriety." In other words, the ethical wall is erected to ensure that there is absolutely no opportunity for client's confidences and secrets to be revealed to anyone other than those handling the client's legal matter.

A secondary purpose for erecting ethical walls is to avoid limiting legal professionals' job mobility. If it were not possible to erect an ethical wall, members of the legal profession may encounter serious hurdles when changing jobs. If they have a conflict of interest involving too many clients, no employer would want to hire them because the law firm or other employer would be disqualified from handling those cases. In essence, they may be precluded from finding work because of the vast amount of legal matters to which they were exposed.

HOW TO ERECT AN ETHICAL WALL

- Once it is established that a conflict of interest exists, the client's consent for continued representation in the matter must be obtained. If the paralegal is working in a traditional setting, the attorney will obtain that consent. Additionally, if the matter is adversarial (i.e., in litigation), the attorney must obtain the adversary's consent.
- Send a memorandum alerting all firm or corporation employees to the conflict of interest. The memo should advise employees that they are not permitted to communicate any information about the file with, or in front of, the person with whom the conflict of interest exists.
- Maintain in the file a hard copy of that memorandum establishing the ethical wall (a) to remind people about the wall and (b) in case a challenge to the wall is made by an adversary or other individual.
- Place on the file folder a red tag or some other notation that reminds everyone handling the matter that a wall has been erected.
- In some instances, it may be appropriate to physically move the files to another location away from the person with whom the conflict of interest exists.
- Above all, respect the ethical wall once it is erected. Do not talk about, listen to, or read anything about that legal matter once the ethical wall has been erected.

MEMBERSHIP UPDATE

37 Active Members
4 Associate Members
4 Sustaining Members

THANK YOU TO OUR SUSTAINING MEMBERS

Henjum Goucher Reporting Services, L.P.
Pro-Legal Copies
Lori Heaphy & Associates, L.L.C.
The Onebane Law Firm