

Lafayette Paralegal Association  
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**THANK YOU TO OUR SUSTAINING MEMBERS**  
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# Lafayette Paralegal Association

## CHRISTMAS SOCIAL 2008



Erin Spisak, Natalie Landry, Martha Lejeune, Kaye Pooler, & Molly Davenport

On Thursday, December 11, 2008, nearly forty members and guests of LPA came together at the City Club at River Ranch for our annual Christmas luncheon and to deliver the gifts that our members and friends so graciously donated for *Acadiana Youth*. Thanks to Martha Lejeune for coordinating the *Acadiana Youth* "Wish Lists" and donations! We collected over \$700 in cash donations plus wrapped gifts and were able to fill the "wishes" of all of the residents at *Maison de Mere*, *The Children's Shelter* and *Stepping*



Al Thomas and City Club's Special Bread Pudding

*Stones*. Thank you everyone for your very kind donations. To make any donation in these tough economic times truly shows what LPA members and friends are made of, your generosity is truly appreciated and helped to make a difference in the lives of some of the neediest of our Acadiana Youths.

Feasting on a delicious meal of a Mixed Green Salad w/Raspberry Vinaigrette Dressing, Tasso Stuffed Roasted Chicken Roulade, Tasso Flavored Green Beans, Smoked Gouda Cheese & Artichoke Smashed Potatoes and Warm White Chocolate Bread Pudding w/Warm White Chocolate Sauce, attendees enjoyed a rare chance to visit and network with each other. *Acadiana Youth's* new Development Director, Erin Spisak, and the Director of *Maison de Mere*, Natalie Landry, filled us in on the continued good works being done at *The Children's Shelter*, *Maison de Mere*, and *Stepping Stones*.

Adding to the fun were door prize drawings, including American Express Gift Cards generously donated by our sustaining members, Kari Jacob-Behan and Lisa Goucher of HG Litigation Services; a \$25 Gift Certificate to Prejean 's Restaurant courtesy of Al Thomas; a Gift Certificate for two dinners courtesy of The City Club; and Mary Kay goodies donated by Debbie Fontenot; as well as beautiful live poinsettias provided by LPA. Goody Bags were also provided for everyone by sustaining members Pro-Legal Copies and HG Litigation Services.

Summing up, I would like to share a comment made by an attorney (who also made a donation to our cause and who will remain anonymous) when he learned of LPA's efforts: "My congratulations to all those under-paid, over-worked paralegals who made this happen. And to their leader -- you should take a moment later today -- when you are alone -- to reflect on the wonderful thing you did for those kids -- it doesn't get any better." I share his sentiments.

February 17, 2009

Annual Meeting and Election of Officers

Special Guests:

Robert H. Shemwell,  
 Retiring Clerk &  
 Magistrate Judge  
 USDC, Western District  
 and Tony R. Moore,  
 Incoming Clerk  
 USDC, Western District

12:00-1:30 pm  
 Petroleum Club  
 111 Heymann Blvd.

**MEMBERSHIP UPDATE**

46 Active Members  
 11 Associate Members  
 7 Sustaining Members



Stephanie Hendrix, Savannah Stephan, Al Thomas and Kathy Stanley



Becky Plummer and Debbie Billiot



Debbie Burke, Darlene Conque and Jesse Cormier



Kelly Laborde, Kari Jacob-Behan, Tammy Price, Dale Behan and Lori Heaphy



Molly Davenport, Natalie Landry and Erin Spisak

**LPA MEMBERS VOLUNTEER AT DOWNTOWN ALIVE**

OCTOBER 24, 2008



Left to Right: Darlene Conque, Molly Davenport, Debbie Fontenot, Al Thomas, and Kim Plonsky

On October 24, 2008 LPA members once again donated their time and energy to serve beer and soft drinks at Downtown Alive. The weather could not have been more perfect to enjoy an evening of blues in Park San Souci. Music was provided by Kenny Neal who

was born in New Orleans and raised in Baton Rouge. Neal is an acclaimed blues musician with a full catalog of recordings.

The perfect weather and excellent band resulted in a large crowd to drink beer and soft drinks. We were busy, but as always, we all had a great time.



Debbie Billiot and Bethany D'Augereau in the Coke Booth

### PRESIDENT'S NOTE

Molly Davenport, CLA



I would once again 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 and their contributions that shape our organization. I would also like to thank the hard working board members and committee chairs for giving of their time and valuable experience in building and maintaining this organization. A special thank you to everyone who participated in and donated to Acadiana Youth. I am very proud of the donation that was made on behalf of the Lafayette Paralegal Association, it was truly impressive.

I would also like to take this opportunity to reflect on the past year as president of the Lafayette Para-

legal Association. At the beginning of my term as president, I set several goals. My first goal was to increase membership and I believe that goal has been achieved with the help of such amazing people as Kaye Pooler and Darlene Conque. Over this year, I began to believe each of Kaye's sentences ended with, "and by the way, here is a membership application." Darlene went door to door handing out newsletters to prospective members and firms. They are not the only ones who worked hard contacting old members and finding new ones, I just wish I had enough room here to thank each of you individually. Thank you also to each of the board members and committee chairpersons who "cold called" several pages of past members to invite them to meetings. Ultimately, promotion of the organization is up to each member in order for that organization to grow and move forward. I think we

have the ability to be even more incredible with unlimited networking opportunity if each of us takes an active role.

My second goal was to stress the importance of and perhaps create a scholarship for continued education and certification. I had hoped to be able to have a raffle with proceeds going to assist those interested in taking the CLA exam. Unfortunately, there is very large stack of paperwork standing in my way. In order to have a raffle, we as an organization must fill out a very lengthy application and get approval from the state to have a non-profit raffle. If there is anyone with experience in this area or information to share, please let me know. I would welcome any suggestions in this area because I am not giving up on this.

### LEGAL ISSUES RELATING TO CAPACITY PRESENTED BY FRANCESCA L. HAMILTON-ACKER

On November 18, Francesca L. Hamilton-Acker of the Acadiana Legal Service Corporation provided our members and guests with information concerning Legal Issues Related to Capacity. Whether or not this information relates to our areas of practice, we all found her presentation to be helpful and interesting. She discussed several issues most of us have or will encounter at some point in our lives.

She explained what constitutes legal capacity and the alternatives available when legal capacity is lacking. Interdiction may become necessary when an individual cannot handle their affairs or cannot take care of themselves. We learned that an Interdiction can be total or limited. If the Interdict can take care of his personal needs

but not his financial affairs or other non-routine matters, the Interdiction can be limited to only those matters he cannot handle. In an Interdiction, the Court appoints a curator to handle those matters.

She discussed why you would want to execute a Power of Attorney, Medical Power of Attorney, and/or Living Will, as well as the need to execute these documents while you have legal capacity so that you can appoint the person or persons you choose to handle your affairs if and when you are unable to do so.

Time did not permit full discussion of Wills and Successions, so she promised to come back next year. You will want to make plans to attend; this will be useful information for everyone.



Francesca L. Hamilton-Acker, Esq.

### CONTRACT LAW

PRESENTED BY BART J. HEBERT

OCTOBER 28, 2008



Bart J. Hebert, Esq.

In October Bart Hebert of the Boyer & Hebert law firm in Breaux Bridge shared with us some basics regarding Contracts and Contract Law.

Contracts are agreements between two or more parties by which obligations are created, modified or extinguished. Contracts can be oral or written. All Contracts must contain four basic elements: (1) capacity, (2) consent, (3) lawful cause, and (4) lawful object.

All persons have capacity except unemancipated minors, interdicts and persons 'deprived of reason'. A contract can be rescinded by a party lacking capacity after showing that the other party knew or should have known of the lack of capacity.

Consent to a contract is evidenced by offer and acceptance which may be oral, written, or by action or inaction. Offers are generally revocable unless specified in the contract. Acceptance may be effected by commencement of performance or completion of performance, depending on the agreement between the parties.

Cause is the reason why the person obligated himself under the contract, such as receipt of money in exchange for the object of the contract. The Object is goods or services which are lawful, possible and determined or determinable.

Of course, not all contracts are valid even if they contain these basic elements. There are vices of consent—error, fraud and duress. And recourse for contracts entered into fraudulently which include damages, specific performance and/or dissolution of the contract.

Mr. Hebert discussed several different types of common contracts such as Powers of Attor-

ney, Sales, Donations, Leases, and more complex contracts such as contracts forming business entities, Purchase and Sale Agreements, and complex contracts that you need to have reviewed by a qualified contract attorney.

In general, make sure everybody to the contract knows and understands the terms of the contract, it's too easy to have misunderstandings. Decide on the appropriate form of the contract, often a letter agreement between the parties is sufficient. Don't overkill, not all contracts need to be notarized and recorded in the public records. Don't include irrelevant provisions just because you are using a form—leave out anything that does not pertain to your situation. Be clear and concise and make sure all parties have legal capacity.

The members agreed Mr. Hebert did a fabulous job; everyone enjoyed the presentation and gained valuable information.

## LAFAYETTE PARALEGAL ASSOCIATION: Getting to Know Your LPA Officers (Part 2)

**Corresponding Secretary: Savannah Stephan, CLA**

Employer: Allen & Gooch Law Firm

Years at current job: 17 years  
 Specialty: Insurance Defense Litigation  
 Years worked as a paralegal: 17 years  
 Years in LPA: 15 years (?)

Offices/chairs held: President, Vice-President, Secretary, Corresponding Secretary, Job Survey Chair, and LVL Liaison

Where were you born: Shreveport, La.  
 How many places have you lived: 5

What do you like to do in your spare time: Read, Cook, Visit with Friends  
 What is the most interesting place you have visited: Paris

Where would you like to visit: I would love to go on a camera safari  
 Who would you most like to have dinner with: Don't know about dinner, but I would most like to talk with Elizabeth I

"Ultimately, promotion of the organization is up to each member for that organization to grow and move forward."

- Molly Davenport

**Treasurer: Anne Ewing**

Employer: Perrin, Landry, deLaunay, Dartez & Ouellet

Years at current job: 7 years  
 Specialty: Personal Injury  
 Years worked as a paralegal: 7 years  
 Years in LPA: 6 years  
 Offices/chairs held: Treasurer—2008

Where were you born: Lafayette, La.

How many places have you lived: Duson and Lafayette

What do you like to do in your spare time: Scrapbooking  
 What are the most interesting places you have visited: Puerto Vallarta, Mexico and 29 Palms, California

Where would you like to visit: Paris, France  
 Who would you most like to have dinner with: Angelina Jolie

**Secretary: Dawn Johnson**

Employer: Perrin, Landry, deLaunay, Dartez & Ouellet

Years at current job: 13 years  
 Specialty: Personal Injury & Social Security Representation  
 Prior employment: Michael Thompson

Years worked as a paralegal: 13 years  
 Years in LPA: 6 yrs.

Offices/chairs held: Secretary

Where were you born: Breaux Bridge

How many places have you lived: 1

What do you like to do in your spare time: Camping, Hunting & Fishing  
 What is the most interesting place you have visited: Mexico

Where would you like to visit: Italy  
 Who would you most like to have dinner with: Emeril Lagasse

**2008—2009 LPA Officers**  
 Kaye Pooler, Parliamentarian, Debbie Billiot, Vice President, Molly Davenport, CLA, President, Savannah Stephen, CLA, Corresponding Secretary, Dawn Johnson, Secretary (Anne Ewing, Treasurer not pictured)



### LPA ANNUAL SOCIAL & MEMBERSHIP DRIVE OCTOBER 2, 2008

The annual LPA Social and Membership Drive was held at A La Carté Restaurant from 5:00 to 7:30 on Thursday, October 2. This annual event is traditionally held to celebrate Paralegal Week which was the week of September 15, 2008 and was originally scheduled for September 18. Due to Hurricanes Gustav and Ike, the event was postponed.

Members of LPA and their guests, including former luncheon seminar speakers, had a great time spending a couple of hours enjoying each other's company as well as the delicious hors d'oeuvres and beverages provided by A La Carté. Door prizes including a wine basket, gift certificates to local restaurants and a spa, and an I-Pod; together with "goodie-bags" for all attendees, were donated by our sustaining members and friends of LPA, Pro-Legal Copies, Scan Solutions, Henjum Gouocher Reporting Services, Legal Reporting, and Keais Records Service.

As always, our Social Chair, Kaye Pooler, did an outstanding job in organizing a relaxing event that was enjoyed by everyone. Thanks Kaye!



Kim Plonsky, Cheri-lea McDonald, Molly Davenport, Kaye Pooler, Shelley Denton, Savannah Stephan



Lescee Anne Mills, Debbie Billiot, Mary Margaret Comeaux, Renatti Dupont, Jesse Cornier



Molly Davenport and Kaye Pooler have fun drawing for door prizes



Al Thomas, Nancy Hartwell, Kathy Stanley and friends