



LAFAYETTE PARALEGAL ASSOCIATION, INC.

SPRING 2015

THE NEWSLETTER IS BACK!

RESULTS OF NALA'S 2015 SURVEY

You may recall from LPA's November 2014 seminar that NALA (National Association of Legal Assistants) began a survey of members, non-members and affiliated associations—hopefully you were one of the paralegals that participated.

The results of the survey are now available and are summarized below. To read the full report, visit <http://www.nala.org/survey.aspx>

Number of Respondents: 1,069

Males: 5%

Females: 94%

Average Age: 48

Geographical:

Paralegals from 47 states, the Virgin Islands and the District of Columbia responded. According to the survey, 8 paralegals responded from Louisiana.

37% of respondents were located in the southeast U.S. and 22% were located in the southwest U.S.

The average city population was 584,865.

Education:

Paralegals who have general education degrees (i.e., not degrees in paralegal studies) are as follows:

High School Diploma 13%

Associate's Degree 30%

Bachelor's Degree 48%

Master's Degree 8%

PhD 1%

Employment:

The average paralegal has 20 years of experience, 10 years with the same employer.

61% of respondents work for a private law firm and 16% work for a corporation. Of those who work in a law firm, 70% work in small firms of 1-15 attorneys.

49% of Paralegals work in Civil Litigation, 32% in Corporate and 32% in Contracts.

Job Title and Duties:

82% of respondents hold the title "Paralegal" and 12% "Legal Assistant."

35% never or rarely work in excess of normal working hours and 23% work in excess of normal working hours at least once weekly.

Billing Rate:

The average billing rate nationally is \$125 per hour.

Compensation:

The national average salary for a paralegal is \$58,410. Paralegals holding a CP* (Certified Paralegal) had an average salary of \$62,233 and those holding an ACP** (Advanced Certified Paralegal) had an average salary of \$71,260.

**For more information on the CP, see page 3 of this Newsletter*

***For more information on the ACP, see page 4 of this Newsletter.*



UPCOMING LPA SEMINARS:

- May 28, 2015
Understanding Your Attorney General's Office
Steven M. Bucher,
Assistant Attorney General
- June 25, 2015
Seal the Deal: Recent Notary Updates
Luke Morris, J.D.
- July 23, 2015
Prosecuting Homicide Cases
Keith Stutes,
District Attorney

UPCOMING EVENTS:

- May 15-16, 2015
LCP Review Course
Holiday Inn Express
Shreveport, LA
- July 22-24, 2015
NALA Convention
Tulsa, OK
- September TBA
Paralegal Week Social and Membership Drive

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AND COMMITTEE
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PRESIDENT'S MESSAGE

I am honored and excited to serve as your President this upcoming year.

My "theme" for 2015 is getting outside of my comfort zone. I encourage you to join me, whether you choose to take one of the certification exams or get your Notary commission or maybe volunteer on a committee or write an article for this newsletter. We welcome and support you.

I once heard that you should not hesitate to do something in the present that your past self has wanted and your future self will thank you for.

I look forward to getting to know each of you better and to see LPA become all that it can be.

Please do not hesitate to contact me with ideas you may have for speakers, topics, things you would like to see in this newsletter, or things you would like to see this association get involved in.

"Life begins at the end of your comfort zone."
Neale Donald Walsch



Emma Guidry, CP, LCP

NALA'S CERTIFIED PARALEGAL EXAM

Exam Modifications

The CP Exam was modified as follows as of the September, 2013 testing window:

1. Elimination of several subjects tested in the Substantive Law Section

Subjects no longer tested, as of 09/2013:

- a. Administrative Law
- b. Bankruptcy Law
- c. Criminal Law
- d. Estate Planning and Probate
- e. Family Law
- f. Real Estate Law

2. All examinees will be tested on the same subjects

Examinees testing previous to the September, 2013 testing window were able to select four of the nine possible practice areas to test on. As of September, 2013, all examinees will test on the same practice areas, as follows:

- a. American Legal System
- b. Civil Litigation
- c. Business Organizations
- d. Contracts
- e. Substantive Law

NCCA Accreditation

On April 30, 2014, NALA's Certified Paralegal Program received accreditation from the National Commission for Certifying Agencies. NCCA accreditation is granted to programs demonstrating compliance with NCCA Standards, which were created to ensure certification programs adhere to modern standards of practice for the certification industry.

Test One Section At A Time

Have you been putting off taking the CP Exam because you are overwhelmed by the idea of taking 5 exams in a two-day period? Now you can take only one section per testing window if you feel so inclined, as long as all examination sections are completed within a two-year time frame. You can take the exam sections in any order you wish.

Test in Lafayette

Previous examinees had to test each section separately in Baton Rouge. As of January, 2015, Lafayette testing locations are available.

Join a Study Group!

Interested in joining a study group, but not sure where to start? Contact our Education Chair, Debbie Fontenot, for information: debbiefontenot@bellsouth.net



Exam Sections:

- Communications
- Ethics
- Judgment & Analytical Ability
- Legal Research
- Substantive Law
 - American Legal System
 - Civil Litigation
 - Contracts
 - Business Organizations

For more information, see <http://www.nala.org/examdesc.aspx>

LPA MEMBER ACHIEVES CP DESIGNATION

Congratulations to LPA Member and Photography Chair, Cheryl Dubois, who recently earned her Certified Paralegal (CP) designation following successful completion of NALA's Certified Paralegal Exam.

Cheryl began sitting for the exam in September of 2014, beginning with the Legal Research Portion. She has now successfully completed all five portions of the exam, which entitles her to use the CP designation.

For more information on NALA's exam, including the recent changes made to the format of the exam, see above.



Cheryl Dubois, CP

RAPIDES PARISH D.A. ON PROBATION FOR FAILING TO PROPERLY SUPERVISE HIS SECRETARY

Rapides Parish District Attorney Phillip Terrell Jr. has been placed on five years' probation by the Louisiana Supreme Court following an investigation by the Office of Disciplinary Counsel after it was discovered that his secretary paid personal bills out of a client's account totaling over \$1,100 and wrote \$3,350 in checks for cash.

The allegations brought against the D.A. were for failure to properly supervise a non-lawyer employee, allowing an employee to commingle and convert client funds. Rule 5.3 of the ABA Model Rules of Professional Conduct States:

"With respect to a nonlawyer employed or retained by or associated with a lawyer:

- b. A lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer."

For the full article, see

<http://klfy.com/2015/05/05/rapides-da-disciplined-by-la-supreme-court/>

ACP CREDENTIAL OPPORTUNITY FOR CPs

Are you a NALA Certified Paralegal with at least five years' experience in a practice area? Have you been thinking about getting your ACP (Advanced Certified Paralegal), but haven't wanted to incur the expense?

NALA is accepting applications to be selected as a reviewer for Advanced Certified Paralegal Courses, at the conclusion of which you may be awarded the ACP Credential and be eligible to receive up to 20 hours of CLE credit towards the maintenance of the CP Credential.

The requirements are:

- The ACP course review must be completed within four months from start to finish and must be completed and submitted to the ACP Certification Board;
- Your CP Credential must be current
- All course requirements must be met, including completion of the learning contract, course exercises, module tests, and the statement of completion

If you already have an ACP in the practice area of the course you wish to review, you are still eligible to receive the 20 hours of CLE credit.

See <http://www.nala.org/FORMS/APC-Reviewers-Form.htm> to apply.

ACP Programs are offered in such practice areas as:

- Alternative Dispute Resolution
- Business Organizations:
Incorporated Entities /
Noncorporate Entities
- Commercial Bankruptcy
- Contracts Management/
Contracts Administration
- Criminal Litigation
- Discovery
- E-Discovery
- Family Law
- Personal Injury
- Real Estate
- Social Security Disability
- Trademarks
- Trial Practice

SOFTWARE TIPS

Quick Calendar Entry in Outlook:

Drag an email message, contact, task, or note to the "Calendar" button



Duplicate a Calendar Event:

Ctrl + Right click the event, then drag

Keyboard Shortcuts in Word You Might Not Know About:

Ctrl + Z = Undo
Ctrl + Y = Redo



Similar Shortcuts in WordPerfect:

Ctrl + Z = Undo
Ctrl + Shift + Z = Redo



LOUISIANA LEGISLATIVE ALERT

Legislation introduced to permanently put into law a different class of Notary

Representative Rob Shadoin, acting on behalf of the Louisiana Bankers Association, has introduced legislation which would repeal R.S. 35:191(W)(9), the “sunset provision” which terminates the commissions of provisional notaries existing on August 1, 2016.

The current law provides for a “provisional notary” allowing persons who have not yet passed the performance assessment component of the rigorous Notary exam, to be provisionally appointed to the office of notary public, upon meeting all other qualifications necessary to be appointed.

The current law provides that this law providing for a “provisional notary” shall expire on August 1, 2015 and any commission granted pursuant to present law shall also expire, except if the notary has subsequently passed the performance assessment component of the exam.

The proposed law would repeal the August 1, 2016 sunset provision.

As of May 8, 2015 the Bill passed 95-1 in the House and is pending in Senate Judiciary A.

For more information, see HLS 15RS-803, [House Bill No. 120](#), introduced in the 2015 Regular Session.



LONGSHORE UPDATE

OWCP Electronic Filing Now Available

A Secure Electronic Access Portal (SEAPortal) has been created for the purpose of submitting documents electronically to the OWCP.

All you need to e-file is the OWCP case number, injured worker's last name, date of birth and date of injury.

No need to register or enroll

Documents eligible for e-filing include 8(i) settlements, 8(f) applications, medical reports,

requests for informal conferences, Form LS-18, requests for copies, select LS forms, correspondence.

File formats eligible for upload are .pdf and .tif

Documents to be submitted to the OALJ or BRB cannot be uploaded to the SEAPortal.

Access the Portal at:

<https://seaportal.dol-esa.gov/portal/>



Industry Notice:

http://content.govdelivery.com/attachments/USDOL/2014/10/30/file_attachments/337029/industrynotice148.pdf



ETHICS CORNER

LPA Code of Ethics

Canon 9: “A legal assistant shall work continually to maintain integrity and a high degree of competency throughout the legal profession.”

Merriam-Webster defines integrity as “firm adherence to a code of especially moral or artistic values: Incorruptibility” and competency as “an ability or skill.” It is vital that paralegals apply a program of self-education and reeducation to ensure compliance with up-to-date procedures and changes in the law.

One way to accomplish this is by attending our monthly luncheon seminars which are held on a variety of substantive topics and serve to keep us informed. For more information on our upcoming seminars, please contact our Program Chair, Kaye Pooler, poolerk@bellsouth.net.



Lafayette Paralegal Association

Invites you to a
Dutch-Treat Luncheon and Seminar



Understanding Your Attorney General's Office

presented by

Steven M. Bucher

Assistant Attorney General
the Louisiana Department of Justice

Thursday, May 28, 2015

12:00 Noon to 1:30 p.m.

Petroleum Club of Lafayette
111 Heymann Boulevard

ALL INTERESTED PARTIES ARE INVITED TO ATTEND

*Meal Choices: \$14.75 for Plated Served Meal
Main Line Buffet Downstairs (including Salad Bar) \$18.00
Beverage only \$3.00 • Non-Members \$5.00 Seminar Fee*

*Please RSVP before 11:00 a.m. on Wednesday, May 27th
to poolerk@bellsouth.net or (337) 247-4540*

Check out our website at <http://lpa-la.org>

OBTAINING FACEBOOK RECORDS

A subpoena duces tecum issued to Facebook, Inc. elicits the following response:

"Federal law specifically prohibits service providers such as Facebook from disclosing the contents of a user's account (for example, messages, Wall posts, photos, etc.) in response to legal process issued on behalf of private parties..."

Second, the most Facebook can provide in response to subpoenas issued on behalf of private parties is non-content information."

The response then lists a myriad of objections, including overly broad, unduly burdensome, vague requests, requests seeking privileged communications or other protected information, improper requests for testimony and/or declarations, etc. etc.

An authorization signed by the individual elicits a similar response:

"Facebook does not disclose the content of a user's Facebook account in response to signed releases, consent forms, or other paper authorizations. Under the Stored Communications Act, users are the proper recipient of requests for their Facebook account content and, by logging in to their account or using Facebook's Download Your Information, Expanded Archive, and Activity Log tools, users can easily preserve, collect, produce, and authenticate the content of their accounts. See www.facebook.com/help/326826564067688."

So how should we go about obtaining Facebook records for evidence?

Save the Current Account

Click on the "Highlights" button in the upper right-hand corner of the Facebook page and select "All Stories" to ensure you are viewing all posts. Click "View More" on each comment strain to ensure you are viewing all comments. Make sure you scroll all the way to the bottom of the Facebook page. Facebook will only print what you have reviewed.

Select "File—Print"

Requests for Production of Documents

Request the records in your discovery requests. You can use the same language Facebook provides by requesting that the individual produce a copy of the complete contents of his/her Facebook account by using Facebook's "Download Your Information" tool, accessible through the "Account Settings" drop down menu of his/her account.

Compare the account you saved to the account produced

Make sure the records produced are comparable to the records you previously saved and printed.



GEORGIA'S ENTERTAINING LEGAL HISTORY

In 1734, the only three formal laws ever enacted during the 21-year trust period were laws against:

1. The Importation and Use of Rum and Brandy. Oglethorpe tried to curb strong spirits, but permitted ale, beer and wine.
2. The Importation and use of Black Slaves or Negroes. Oglethorpe believed slavery would create an idle upper class, "destroy all industry among the White inhabitants" and would create a potential for violent uprisings. Many of

the colonists believe that slaves were necessary for the cultivation of Georgia and the work too difficult. Still the ban was upheld until 1750.

3. A Statute requiring compliance with the Law for Maintaining Peace with the Indians.

Lawyers were also banned from 1733 to 1755. Georgia was to be "free from that pest and scourge of mankind called lawyers." Oglethorpe and the Trustees detested them, believing each colonist was capable of pleading his own case.

"GEORGIA WAS
TO BE 'FREE
FROM THAT PEST
AND SCOURGE
OF MANKIND
CALLED
LAWYERS.'"

RECENT SEMINARS

April 23, 2015

Landlord/Tenant Law—

Greg Landry



Greg Landry



Greg Landry, Senior Attorney in the Litigation Law Unit at Acadiana Legal Services, gave a presentation on Landlord/Tenant Law.

The presentation included information on contracts, rights of tenants, rights of landlords, leases and evictions.

Acadiana Legal Service Corporation is a private, non-profit law firm that offers free legal help in non-criminal cases for low-income persons, those 60 years and older, those facing loss of housing.

Mr. Landry's outline on Residential Leases prepared for the Lafayette Bar Association and a copy of the Attorney General's Landlord Tenant Guide is available at tinyurl.com/LFT-LPA-LA.

March 26, 2015

Professionalism and Ethics—Gregory K. Moroux

Greg Moroux, Attorney at Onebane Law Firm, gave a presentation on Professionalism and Ethics.

Gregory K. Moroux is Of Counsel in the Lafayette, Louisiana office of Onebane Law Firm, where he practices primarily in the areas of Labor and Employment and Medical Malpractice. Mr. Moroux is an experienced litigator and has been litigating various issues for over 34 years.



Gregory K. Moreaux



February 25, 2015

Election and Installation of Officers—Cathy Bacon

The 2015-16 Officers were elected and installed at the Annual Meeting held on February 25, 2015.

Cathy Bacon, Division Manager with the United States District Court, gave a short presentation on the electronic filing of documents.

The officers elected for the 2015-16 fiscal year were Emma Guidry, President; Michelle Domas, Vice-President; Barbara Williams, Secretary; Heidi Marceaux, Treasurer.



Cathy Bacon



Cathy Bacon swears in the 2015-16 officers

For more information on the 2015-16 Elected and Appointed Officers, see pages 8 and 9 of this Newsletter.

HELP WANTED! SUGGEST A TOPIC OR SPEAKER

Do you have a hot topic or want to recommend a great speaker for a future LPA Seminar? We'd love to hear your ideas!

Topics? When considering a Topic, preferably it should be one that will qualify for CLE Credits from NALA, with substantive information relevant to law practices and useful to paralegals in their pursuit of same. Remember that it should be educational in nature and appeal to the professional development needs of LPA members.

Speakers? When selecting speakers, attorneys, paralegals, or legal entities are considered to be first in order for members to obtain continuing education credits (CLEs). Speakers should not promote their services, products, or companies in the course of their presentations.

So, who would you like to hear, and what would you like to see covered? Send your ideas to our Program Chair, Kaye Pooler (poolerk@bellsouth.net) or to any Board Member (<http://lpa-la.org/officerscommittees.html>) so we can start working on your suggestions.

RECENT EVENTS

May 1, 2015

LPA at Downtown Alive!

Twice a year, LPA volunteers to beertend, ceketend and "quality control" at Downtown Alive! It's a great way to get our organization's name out in the community and have fun in the process.

This year, the band was Lil Nate & the Zydeco Big Timers.

We'd love to have you join us in the fall. If you're interested in volunteering, contact Savannah Stephan at sps@trhaplc.com



WELCOME NEW MEMBERS!

- Julie Carlross
- Jodi Webb
- Jennifer Long
- Eugenia Jenkins
- Miranda Pillsbury
- Amanda Baker
- Tareasa Carter
- Marian R. Frye
- Samantha Thevis

BENEFITS OF LPA MEMBERSHIP

1. Low Membership Dues (Only \$35/year)
2. Monthly luncheon seminars on a variety of aspects of the law with CLE credit
3. Scholarship opportunities for Paralegal Certification and Notary Exams
4. Access to online job bank
5. Networking with other paralegals
6. This Newsletter!
7. Membership Database



LPA Members Jessie Cormier and Mary Margaret Comeaux at the 2014 Paralegal Week Social

MEET YOUR 2015-16 OFFICERS

EMMA GUIDRY, CP, LCP, PRESIDENT



Emma is a Litigation Paralegal at Allen & Gooch, APLC. She works primarily in workers' compensation defense and Longshore.

While employed at Allen & Gooch, Emma has obtained her Louisiana Notary Commission, and passed the Louisiana Certified Paralegal Exam and NALA's Certified Paralegal Exam.

Prior to joining the firm, she was employed at a small husband-wife firm in Baton Rouge and assisted with the plaintiff side of personal injury, medical malpractice and legal malpractice claims as well as family law, successions, interdictions, wills, trusts and the formation of business organizations and other entities.

Emma holds a bachelor's degree in music performance from Louisiana State University and performs in the cello sections of the Acadiana Symphony and Baton Rouge Symphony. She is also an active chamber musician around south Louisiana.

Emma is originally from Laramie, Wyoming.

MICHELLE DOMAS, VICE-PRESIDENT



LPA Vice President, Michelle Domas, is a self-proclaimed Air Force "brat," who was born in Tampa, Florida. The family also lived in Anchorage, Alaska and Bossier City, Louisiana, before settling in Arnaudville following her father's retirement in 1976.

Michelle's career in the legal field began 1986, when she was hired with no prior legal

experience, to work for Bob Tracy of Domengeaux & Wright, a firm specializing in personal injury litigation. In 1993, Michelle left the firm to be a stay-at-home mom, but over the years she continued to work for various personal injury attorneys in the Lafayette area.

Seven years ago, Michelle left the personal injury realm and

began working at Ottinger Hebert, L.L.C. Since then, she has often pondered why it took so long for her to jump the fence and leave personal injury!!! Michelle now works for two attorneys at the firm: one specializing in environmental/oil and gas litigation and the other in contracts and successions.

BARBARA WILLIAMS, SECRETARY



Mother of 6 children ("empty nest"). A business woman at heart. Owner/Operator of Barbara's Secretarial Services. Duties include: Personal and Business Income tax preparer, a Notary Public and secretarial services. Full time Paralegal for Acadiana Legal Services, Child In Need of Care Unit (CINC). Also involved in the community through of my

church outreach program. My motto, "whatever my hands find to do, do it now!" Colin Powel said it best, "A dream doesn't become reality through magic; it takes sweat, determination and hard work." A busy schedule, yes, but never too busy for the joys of my life----my six children bundles of PURE JOY,: Lakeitha, Anthony, Zipporah,

Elijah, Robert Jr and Jessica.

So grateful to be a part of the Lafayette Paralegal Association!

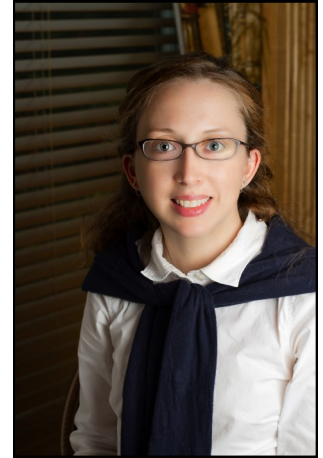
HEIDI MARCEAUX, TREASURER

I have worked as a paralegal for 10 years, working personal injury, workers' comp, Social Security disability, insurance defense, testate law and successions. I have been a notary for 5 years and have an active notarial practice running around the area closing refinances and the like. I have a B.S. in Psychology with a minor in English and went to graduate school for

counseling. I have been with my partner for 10 years and I have two sons, ages 20 and 8.

Along with my legal work, I am also an artist, working mostly in digital media. I am acting Art Director for Metroworlds.com and sell copies of a division of my artwork through them. When time permits, I also work on digital paintings and dabble in

photography. I am absolutely never bored as there is never enough time in a day to do all the things I want to do.



LESLEY SIMON, PARLIAMENTARIAN

Lesley obtained an Associate's Degree in Paralegal Studies from McNeese State University in 1994 and obtained her notary commission in 1995. She was born and raised in Kaplan, La., but began her career Lake Charles in the plaintiff/general practice area. In 2001, she transitioned to Lafayette and the defense side. She is currently

employed by the Vermilion Parish School Board as paralegal to their in-house counsel and risk manager.

Lesley has been an active member in LPA since 2002 and has served as President, Secretary and now Parliamentarian. Lesley is also a member of the Louisiana Association of School Business Officials. She is the proud

mother of three boys, Connor, Will and Eli, and she holds the office of Treasurer in their school's PTA.



MEAGAN ORTEGO, CORRESPONDING SECRETARY

Meagan holds a Bachelor of Science degree in Paralegal Studies, which she obtained at Husson University in Bangor, Maine.

She moved to Louisiana upon graduating in 2008 and has been a paralegal to Michael Corry, with the Law Firm of Briney Foret Corry, for the last five years.

She primarily handles insurance defense personal injury cases, as well as, civil service employee appeals for the City of Lafayette.

She has been an active member of the Lafayette Paralegal Association since 2012 and is currently serving her second term as Corresponding Secretary.





LAFAYETTE PARALEGAL ASSOCIATION, INC.

P.O. Box 2775
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WE'RE ON THE WEB!
WWW.LPA-LA.ORG

PROFESSIONALISM FIRST . . .

The Lafayette Paralegal Association (LPA) was organized in 1984 by a group of paralegals attempting to identify goals and objectives common to the paralegal profession. Bylaws were formulated and, in 1985, the first officers were elected and committees formed in order to implement the goals and objectives of the association.

In 1999, LPA became a not-for-profit corporation.

The number of paralegals in the workforce has more than doubled in recent years, and so has LPA membership. Four classifications of membership are available:

Active [voting]
Student [non-voting]
Associate [non-voting] and
Sustaining [sponsor, non-voting]

LPA continues to pursue the goals identified by its charter members by:

- Offering continuing education through its monthly luncheon seminars;
- Participating in activities with other organizations in the legal community
 - Encouraging national certification

Want to learn more?

Contact our President, Emma Guidry, at emmaguidry@allengooch.com

Or visit us on the web at www.lpa-la.org

THANKS TO OUR SUSTAINING MEMBERS!

BRINEY FORET CORRY
ATTORNEYS AT LAW



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Bayou
Investigations, Inc.

OTTINGER HEBERT, L.L.C.

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David S. Cook, Mediator

