



LAFAYETTE PARALEGAL ASSOCIATION, INC.

SUMMER 2015

THE NEWSLETTER IS BACK!

2015 LEGISLATIVE SESSION HIGHLIGHTS

Luke Morris' presentation in June described some of the changes proposed to Louisiana's Notary laws. Here are some of the other laws that passed in the 2015 Legislative Session.

Act No. 12 (SB No. 218)

Establishes a program to attract major events to the state and dedicates funds therefor. (Effective July 1, 2015)

<https://www.legis.la.gov/legis/ViewDocument.aspx?d=952279>

Act No. 22 (HB 304)

Prescription monitoring information is not available by subpoena from the board.

Prescription monitoring information can be exchanged with other states as long as the security is consistent with the requirements of existing law.

<https://www.legis.la.gov/legis/ViewDocument.aspx?d=953772>

Act No. 23 (HB 381)

Establishes an exemption to the behavioral health services provider licensure requirement for providers operating for the sole purpose of furnishing substance abuse or mental health treatment services to specialty courts certified by the La. Supreme Court.

<https://www.legis.la.gov/legis/ViewDocument.aspx?d=953773>

Act No. 40 (HB 18)

Establishes the Friday of the Black Bear Festival as a legal holiday in the parish of St. Mary for purposes of authorizing the 16th JDC clerk's office to close offices in observance of the holiday.

<https://www.legis.la.gov/legis/>

[ViewDocument.aspx?d=957410](https://www.legis.la.gov/legis/ViewDocument.aspx?d=957410)

Act No. 45 (HB 79)

Provides an exception to those offering raw honey for sale from affixing a label indicating that the food was not produced in a licensed or regulated facility, if the honey is not pasteurized, filtered, or otherwise processed in such a way as to remove its natural pollen.

<https://www.legis.la.gov/legis/ViewDocument.aspx?d=957424>

Act No. 261 (SB 143)

Provides for prescribed marijuana for therapeutic uses and development of rules and regulations by LA Board of Pharmacy and State Board of Medical Examiners.

<https://www.legis.la.gov/legis/ViewDocument.aspx?d=959139>

Act No. 67 (HB 298)

Changes the dates for allowance of the sale of fireworks: June 16 through July 5 (changed from June 25 through July 5).

<https://www.legis.la.gov/legis/ViewDocument.aspx?d=957477>

Act No. 71 (HB 350)

Persons already serving or already elected to serve as constable or justice of the peace on August 15, 2006 are exempt from all age requirements (70 and under) to serve or run for their offices in the future

<https://www.legis.la.gov/legis/ViewDocument.aspx?d=957484>



UPCOMING LPA SEMINARS:

- August 27, 2015
Ensuring Justice for Americans with Disabilities
Neil Hahn, Director of Litigation & Systems Advocacy at the Advocacy Center
- October 22, 2015
Hot Topics in E-Discovery, Complex Litigation and Tech ...
Tommy A. Thomassie, IV, Attorney, Domengeaux, Wright, Roy, Edwards & Colomb
- November 19, 2015
Nursing Home Abuse & Neglect
Kenneth D. St. Pe', Attorney

UPCOMING EVENTS:

- September 17, 2015
Paralegal Week Social and Membership Drive
- September 18, 2015
LSPA Fall Seminar LSPA 30th Year Celebration

See all 473 acts passed this session at <https://www.legis.la.gov/legis/ActNumbers.aspx?sid=last>

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PRESIDENT'S MESSAGE



Emma Guidry, CP, LCP

I realized this year just how great it is to have an association like LPA in Lafayette. The opportunity to meet people who work in other aspects of the law gives us different perspective. It's sometimes easy to get bogged down in our daily routine, but the association provides insight into other worlds.

Keith Stutes' recent seminar on prosecuting homicide cases for instance - how interesting! It's so refreshing to see other aspects of such a diverse field.

My challenge to you this fall is to introduce yourself to someone new, maybe someone you've seen at LPA meetings but haven't talked to yet. Take the opportunity at our upcoming social in September to connect with at least one new person and to introduce at least one person to LPA. Invite a friend, coworker - or even your husband! Maybe a new friendship will blossom, maybe a new career opportunity will present itself. You never know!

RED LIGHT DRAMA

Article By Michelle Domas

Recently, my daughter and I were involved in an automobile accident when a young woman, talking on her cell phone, ran a red light and struck my vehicle. Thankfully, none of us were seriously injured in the accident.

Having worked for several personal injury attorneys over the years you would think I would know what to do following an accident. For instance, to take pictures before moving the vehicles! However, immediately after the impact, everything I knew went out the window! I guess that was the adrenaline kicking in and preventing me from thinking clearly.

After the fact, even though the young woman was ticketed for running the red light, her insurance company is denying liability. Are you kidding me???

When I found out the claim was being denied, I began thinking (obsessing, really) about how I would be able to prove that I didn't run the red light. There were no passengers in the other car, but my daughter was in my vehicle at the time of the accident. She could serve as a witness to what transpired on the day of the accident. If we went to court though, would she be considered an impartial witness?

There were no other witnesses to the accident. Well, actually, there were witnesses to the accident: the driver that was directly behind me, who quickly got into the right lane and sped away, and the other drivers in the lane next to the young woman, who were able to get around our vehicles and leave the scene. It's just the world we live in these days -- no

one wants to stick his neck out to help others or get involved.

What I did notice was that there was a camera at the intersection where the accident occurred, and there was also a red-light camera at the intersection located in the block before the area where the accident occurred. I started thinking that perhaps video footage could be obtained from Lafayette Consolidated Government to help prove my case.

I began researching online about the different types of cameras used at intersections. Some cameras are specifically for traffic detection. These cameras are used to assess the flow of traffic and the timing of traffic lights, or for other traffic control issues. You may have gotten a glimpse of the flow of traffic on the morning or evening news. The footage you are seeing is real-time footage from one of these types of cameras. These cameras are generally not programmed to record, although they have the capability to do so.

Red-light cameras are used to detect drivers running red lights. These cameras record data that may be used by law enforcement to prosecute drivers for disobeying a traffic signal and in some cases for causing a traffic accident as a result of running the red light. These cameras are used to inhibit drivers from running red lights. Personally, I believe they do slow down drivers at those particular intersections where the cameras are installed, but they do little to nothing to inhibit the drivers from running red lights at the other intersections that aren't being monitored.

Other types of cameras being used at intersections are called HALO cameras. HALO is an acronym for High Activity Location Observation. These cameras may be found in areas with a high rate of crime, such as malls, parks, etc. The cameras are able to record, but may not catch all events due to weather conditions and other complications.

From everything I have read, the problem is neither determining what type of camera is nearby, nor whether the camera was recording the information you may be seeking. The real problem is getting your hands on any video footage. Everything that I read said that the acquisition of video footage from these cameras is next to impossible to obtain.

That being said, I will have to come up with a different tactic to prove my case. In the next newsletter, I'll share information regarding the use of black boxes in vehicles. This new technology is expanding and will undoubtedly have an impact on the legal field in the very near future.





Microsoft® Outlook® TIPS FOR MICROSOFT OUTLOOK USERS

Thanks to Mary Margaret Comeaux for these great Outlook tips!

If You Wish to Calendar a Reminder:

1. Start a task window;
2. Go to the date field;
3. Type "today+30 days" in the field

MOST USEFUL FEATURES OF MICROSOFT OUTLOOK FOR PARALEGALS:

Microsoft Outlook can be a great tool for paralegals. Some of the best features are as follows:

- Color Coding in the Calendar Feature

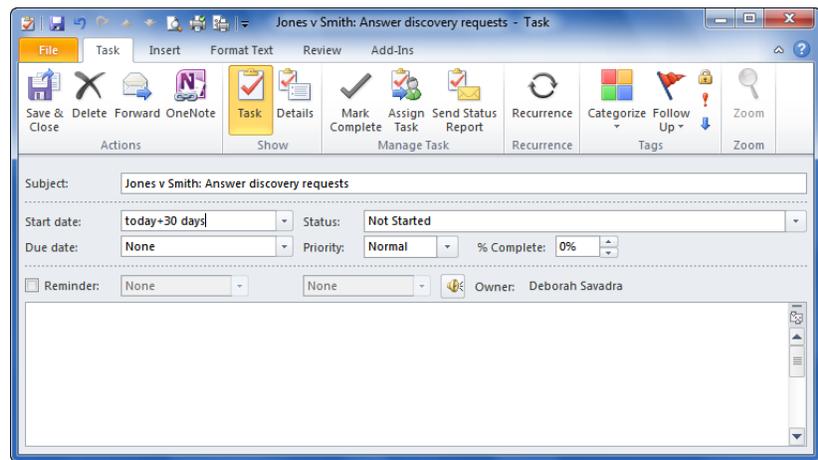
Assign separate colors for depositions, hearings, trials, deadlines, meetings, etc.

- Tagging items for Follow-Up

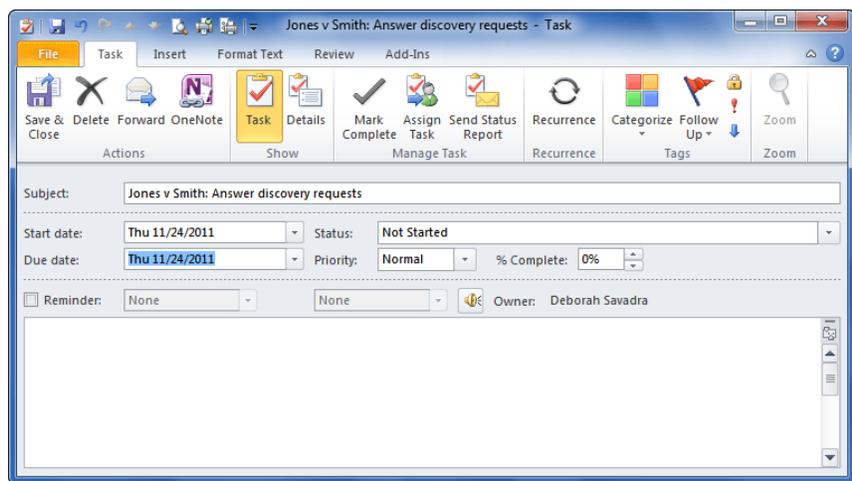
When sending an email you want to remember to follow up on, right click the flag icon and click "reminder" to have a reminder pop up for you at a specified date and time.

- Contact Groups

Have several people you often send group emails to? Create a contact group to send group emails with one click

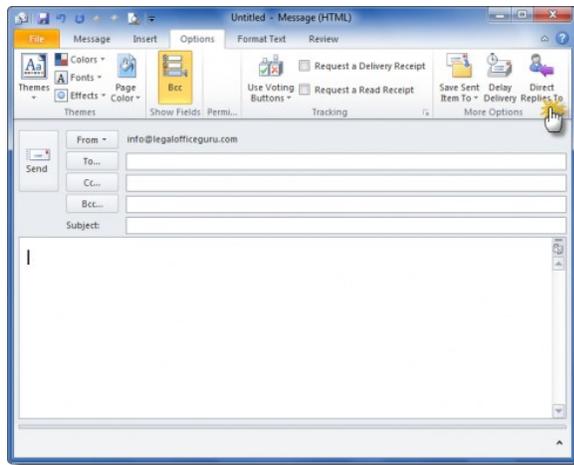


Once you do that and hit the enter key, the date calculates automatically

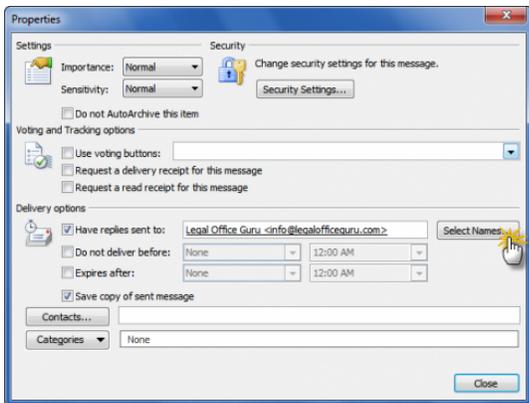


If you are sending an email but you want someone else to receive the response(s):

On the Options tab of the New Message window, click the Direct Replies To button.

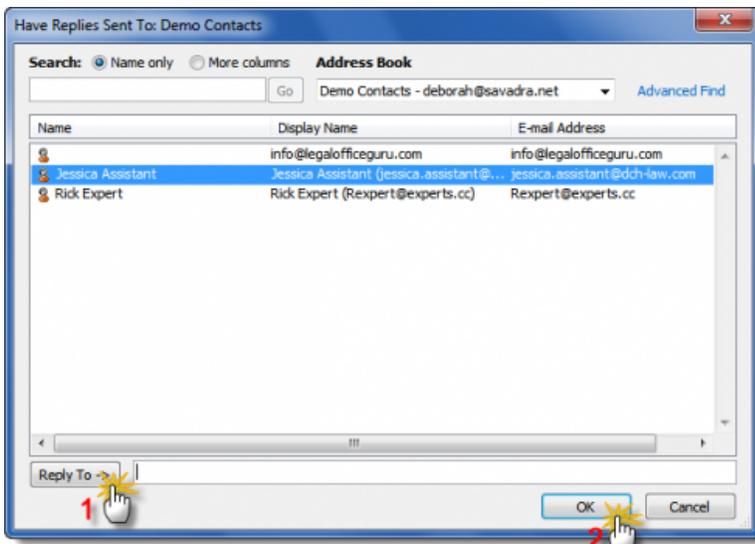


In the middle of the Properties dialog box, under Delivery options, click the Select Names button



You may select the person who will receive the email replies:

Click OK to save the change, then click OK again to exit the Properties dialog.



DO YOU HAVE SOME SOFTWARE TIPS TO SHARE WITH LPA MEMBERS?

Anything to make our lives easier! Please share your software tips by email to:

Emma Guidry,
emmaguidry@allengouch.com

for publication in the next newsletter.

Deadline November 6, 2015

LPA'S NEW MEMBERSHIP QUALIFICATIONS

Membership qualifications are more encompassing

Just a reminder of LPA's new membership qualifications effective this year:

CURRENT MEMBERSHIP CLASSIFICATIONS:

Active/Voting Members:

- A. Attainment of a certificate upon successful completion of a national certification exam;
- B. Bachelor's degree and 1 year of experience (attorney attestation or evidence of 5 hours CLE)
- C. Graduation of paralegal study program meeting specific requirements and 1 year of experience (attorney attestation or evidence of 5 hours CLE)
- D. High school diploma and 7 years of experience (attorney attestation or evidence of 5 hours CLE)
- E. Meritorius membership

Associate Members (non-voting):

- A. 2 years law-related experience (attorney attestation required)
- B. Successful completion of paralegal studies course not meeting requirements of 4.1(C) and attainment of paralegal certificate

Student Members (non-voting):

Student actively pursuing course in paralegal studies

Sustaining Members (non-voting):

Corporate Membership
Individual Membership

- **Active members are no longer required to be currently employed as a paralegal.**

Proof of 5 hours of CLE credit within the previous year now qualifies in lieu of an attorney attestation for prospective members with:

- A bachelor's degree in any field plus one year paralegal experience; or
- A graduate of a paralegal program which required at least 60 semester hours of study and 15 hours of substantive legal courses (please note that the ULL Paralegal Certificate Program does not qualify); or
- A high school graduate plus seven years' experience as a paralegal
- **Legal secretaries/other legal support staff now qualify to become an associate member** with two years of law-related experience under the supervision of an attorney.

Want to apply to become a member of LPA? Fill out the application at http://lpa-la.org/images/LPA_Membership_App_Revised_8-2014_-_interactive.pdf and mail to the P.O. Box listed on the top of the application.

DID YOU KNOW???

- Edward Douglass White, a Louisiana Supreme Court justice, was appointed by President William Howard Taft to be the chief justice of the U.S. Supreme Court. He served 27 years in this position, from 1894-1921.
- Andrew Jackson's famous Battle of New Orleans took place two weeks after the end of the War of 1812. The news hadn't reached Louisiana yet and wouldn't for over a month.
- Baton Rouge's capitol building is the tallest capitol building in the U.S. (450 feet, 34 floors)
 - Some of the giant redwood trees in California are just as tall
- Louisiana's state drink is milk. (The unofficial state drink is the hurricane.)
- The first opera performed in America was in 1796 in New Orleans (Ernest Gretry's *Sylvian*).

REFRESHER ON LOUISIANA CITATIONS

Have you been citing Louisiana Appellate Decisions correctly?

Section 8 of the Rules of the Supreme Court of Louisiana provide for citation of Louisiana appellate decisions.

Just in case you've forgotten:

- **Opinions after 12/31/1993:**
Smith v. Jones, 93-2345 (La. 7/15/94); 650 So.2d 500, or
Smith v. Jones, 93-2345 (La. App. 1 Cir. 7/15/94); 660 So.2d 400
Pinpoint citation: *Smith v. Jones*, 94-2345, p. 7 (La. 7/15/94); 650 So.2d 500, 504
- **Supreme Court Opinions between 12/31/1972 and 01/01/1994, and Courts of Appeal Opinions from the 1928 to 01/01/1994:**
Smith v. Jones, 645 So.2d 321 (La. 1990)
 (A parallel public domain citation may be added after the Southern Reporter citation, but is not required.)
- **Supreme Court Opinions prior to 1972 and Courts of Appeal Opinions prior to 1928:**
 Refer to part (3) <http://www.lasc.org/rules/supreme/PartGSection8.asp>



SPICE UP YOUR LEGAL VOCABULARY

Here are a few great words to add to your legal vocabulary

Nadir: *n.*

The lowest point in the fortunes of a person or organization.

Doyenne: *n.*

A woman who is the most respected or prominent person in a particular field.

Insurmountable: *adj.*

(of a difficulty or obstacle) impossible to overcome.

Nescience: *n.*

Lack of knowledge or awareness: ignorance

A great way to keep up with your vocabulary is by subscribing to Merriam-Webster's "Word of the Day".

Check it out at

<http://www.merriam-webster.com/word-of-the-day/>



ETHICS CORNER

LPA Code of Ethics

Canon 8: "It is the obligation of the legal assistant to avoid conduct which would cause the lawyer to be unethical or even appear to be unethical, and loyalty to the employer is incumbent upon the legal assistant."

Don't discount the phrase "or even appear to be unethical". If you find yourself in a situation that appears to be a gray area, remember that your conduct may provide the appearance of impropriety which may be grounds for disqualification of your attorney and might mean the loss of your job.

The Kentucky Supreme Court recently revoked this Model Rule stating that "disqualification based on an appearance of impropriety is inappropriate under the existing Rules of Professional Conduct."

Read more at <http://www.thelawforlawyerstoday.com/2015/04/appearance-of-impropriety-dead-or-alive/>



WORK HARD. PLAY HARD!

**YOU ARE INVITED TO JOIN US AT THE
LAFAYETTE PARALEGAL ASSOCIATION'S ANNUAL**

PARALEGAL WEEK SOCIAL and Membership Drive

**Thursday, September 17
5:00 - 7:00 p.m.**

The Lafayette Petroleum Club, Lounge Area
111 Heymann Blvd. in the Oil Center

Please plan to join us and bring a guest or two!

Other paralegals, a friend, your boss, co-workers, students, associates,
Business partners, or anyone interested in joining or learning about LPA,
Or who just wants to "pass a good time"!

Reservations Requested before Tuesday, September 15
poolerk@bellsouth.net or 337-247-4540

Check out our Website at www.lpa-la.org

PARALEGAL WEEK 2015

Reap the benefits of networking by attending this year's Paralegal Week Social (see flyer previous page). There will be drinks, food, door prizes and plenty of opportunities to meet other paralegals in the Lafayette area.

The social is the perfect opportunity to:

- Introduce a coworker to LPA;
- Get to know a paralegal from a different firm;
- Get to know a paralegal in a different practice area;
- Meet some of our sustaining members and learn about the services they provide;
- Enjoy the delicious food prepared by the Petroleum Club;
- Relax and kick back with your friends, coworkers and colleagues;
- Possibly win a door prize!

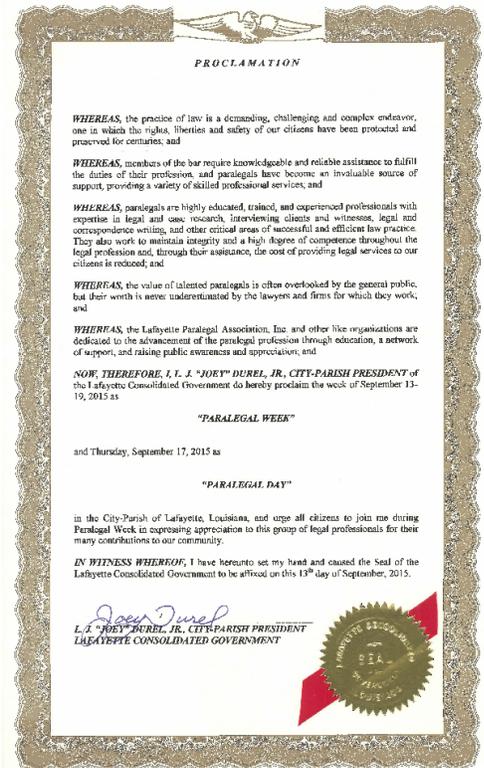
Be sure to tune in to KATC the morning of September 15, 2015 to see Emma Guidry and Michelle Domas promote LPA's Paralegal Social!



LPA Board Members Michelle Domas, Emma Guidry and Barbara Williams receive the Proclamation of Paralegal Week from Lafayette City-Parish President, Joey Durel

BOOST YOUR CAREER THIS FALL

1. **Study for and take one section of NALA's CP Examination**
NALA offers 3 testing windows for the CP Exam: January, May and September. Study for one section of the exam this fall and take the test in January.
2. **Make a connection**
Introduce yourself to one fellow member at an LPA event this fall.
3. **Subscribe to a blog or podcast**
There are many great paralegal blogs out there that provide great information. Do a simple Google search. I highly recommend the podcast "The Paralegal Voice."
4. **Mentor a new paralegal**
Firms hire new employees all the time. The next time your firm does, be the one to reach out and show her the ropes.



DISNEY WINS IN X-WING LAWSUIT



A lawsuit filed by Joseph Alfred, *pro se*, in the Court of the Chancery of the State of Delaware alleged that "Two executives of the Disney Company are stalling the evolution of human transportation on this planet."

Alfred claims he had an implied contract with Disney to build and market a real-life version of Luke Skywalker's X-Wing.

Disney did have a telephone conference with Mr. Alfred to discuss his idea, but

declined to give Mr. Alfred the rights to build the X-Wing.

Vice Chancellor Sam Glasscock, III ruled on this matter and wrote one of the most entertaining court opinions I've ever seen: "That Complaint is remarkable. It is in my experience a unique example of the pleader's art..."

Read the entire opinion at <http://courts.delaware.gov/opinions/download.aspx?ID=217650>

RECENT SEMINARS

July 23, 2015

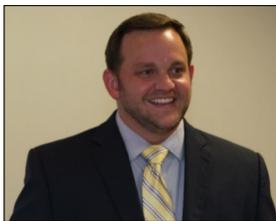
Prosecuting Homicide Cases— Hon. Keith A. Stutes



Hon. Keith A. Stutes,
District Attorney

Keith Stutes, Lafayette Parish District Attorney, spoke about prosecuting homicide cases, including the difference between first degree murder (death penalty eligible), second degree murder, manslaughter, feticide, negligent homicide, vehicular homicide.

He ended by presenting his view on the death penalty and explaining how expensive it is to try first degree murder, death penalty cases compared to sending the accused to prison for life.



Luke Morris, J.D.

June 25, 2015

Seal the Deal...Recent Notary Updates —Luke Morris

Luke Morris, Revenue Tax Assistant Director, Field Audit Income Tax Division of the LA Department of Revenue, and Louisiana Notary Association member, presented us with the recent legislative changes affecting Louisiana Notaries.

There were several changes to the law, especially the Trust Code, Marriage License Application and Provisional Custody by Mandate Forms.

For more, see the members only section of our website at www.lpa-la.org



May 28, 2015

Understanding Your Attorney General's Office —Steven M. Bucher

Assistant Attorney General Steven Bucher gave an informative presentation on the multiple divisions and duties of the Louisiana Attorney General's office.

Mr. Bucher works in the Risk Litigation Department in the Lafayette satellite office Attorney General's office.

View the detailed version of Mr. Bucher's slides on the members only section of our website www.lpa-la.org.



Steven M. Bucher



WRITE AN ARTICLE FOR THIS NEWSLETTER!

One way to revitalize your career and passion for the paralegal profession is by sharing your knowledge. If any of the following apply (or even if they don't), please consider writing an article for publication in this newsletter!

- ◆ You work in an unusual practice area and others could benefit from your knowledge/experience;
- ◆ You work in a standard practice area and have tips or tricks that may help your colleagues;
- ◆ You have experience with Microsoft Office or other software and have tips to share;
- ◆ Your experience with a recent case;
- ◆ Your experience in applying for/interviewing for/obtaining or not obtaining a job;
- ◆ Your experience in studying for or taking a certification exam;
- ◆ You have a good story to tell!
- ◆ You have an idea of a topic you would like to see issued in the newsletter, even if you prefer someone else write about it



Please contact our Newsletter Chair, Emma Guidry, emmaguidry@allengooch.com to provide your articles and ideas.

Deadline for Fall Newsletter submissions is November 6, 2015.

THE BENEFITS OF NETWORKING

Come Network at LPA's 2015 Social, September 17, 2015

Maybe you are a member of LPA only to attend the monthly luncheon seminars so you can keep up with your CLEs. And that's a great reason to be a member! But think about taking your membership to the next level: try to reach out and meet someone new the next time you are sitting next to someone you don't know.

Support

Other paralegals can be a great support system. Someone to discuss difficult work situations with, someone to give career advice. Maybe you just don't understand something and need to talk it through with someone who has more experience.

Mentorship

Are you a new paralegal who is looking for career advice or just have questions relating to the practice area you work in? Many of LPA's members have extensive experience and are happy to give pointers and guidance. If you are one of the more seasoned paralegals, reach out to a newbie and let her know you are there to show her the ropes.

Inspiration/Motivation

I probably wouldn't have decided to take a certification exam if I hadn't seen other members of the association so determined to do so.

Assistance

Ever have a situation come up at work that you've never dealt with before? Chances are one of LPA's members has. Maybe you are having to do something you've never done before in a new practice area and you need guidance. A solid network will mean the difference between trying to figure it out on your own and having someone who's done it a million times walk you through it.

Friendship

Some of the best friendships blossom from professional relationships.

Confidence

The more you practice networking, the more confident you become. Just knowing you will survive a potentially awkward situation makes it easier the next time it comes around.

WELCOME NEW MEMBERS!

- Lisa Golly
- Theresa Hurston
- Marilyn Lopez
- Kerri Michael
- Nell M. Stephens
- Crisann Surrena
- Heather Vice
- Brock Dugas



Lafayette Paralegal Association

Invites you to a
Dutch-Treat Luncheon and Seminar



Ensuring Justice for Americans with Disabilities

presented by

Nell Hahn JD

Director of Litigation and Systems Advocacy
at the Advocacy Center in Lafayette

**The Advocacy Center provides legal representation, information and referral,
outreach, and training to Louisiana citizens with mental and physical disabilities**

**Thursday, August 27, 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: \$15.00 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, August 26
to poolerk@bellsouth.net or (337) 247-4540

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

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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



OTTINGER HEBERT, L.L.C.

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David S. Cook, Mediator

