



# LAFAYETTE PARALEGAL ASSOCIATION, INC.

WINTER 2015

THE NEWSLETTER IS BACK!

## RENEW YOUR MEMBERSHIP WITH LPA

### IT'S THAT TIME OF YEAR!

*LPA offers great benefits to its members. Don't forget to renew your membership on March 1*

Membership Renewal Applications and Dues for the 2016-17 Membership Year are due **March 1, 2016**.

#### *Why Renew Your Membership?*

#### 1. Access To Monthly Luncheon Seminars for Only the Cost of Your Meal

Attend LPA Luncheons at the Petroleum Club once a month from 12 p.m. to 1:30 p.m. for the cost of your meal and hear speakers on a variety of topics. CLE credit is available!

*This is really a huge benefit that LPA offers to its members. Comparing with other paralegal associations, you will notice that most other associations charge a significant fee for lectures that provide CLE credit. You will be able to keep up with NALA's continuing education requirements just by attending our luncheons once a month. And you get a delicious meal out of it!*

#### 2. Access to This Newsletter!

Keep up with developments in our legal community and with LPA Activities by receiving free access to this newsletter. Newsletters are published seasonally.

*Do you have a story to share with LPA Members? Need to obtain some more CLE Credit? Have some tips that would help us out in our every day jobs? We would love to hear from you. Please contact our Newsletter Chair, Emma Guidry, at [emmaguidry@allengooch.com](mailto:emmaguidry@allengooch.com) for more information*



#### 3. Eligibility for LPA's Scholarship

If you have been thinking of taking NALA's CP or ACP or becoming a Louisiana Notary but decided it was too expensive, think again. LPA offers a scholarship to eligible active members up to \$500 to cover the cost of testing fees, books, etc. For more information contact our Education/Scholarship Chair, Deborah Fontenot, at [debbiefontenot@bellsouth.net](mailto:debbiefontenot@bellsouth.net) or visit our website at [lpa-la.org](http://lpa-la.org).

#### 4. Networking and Social Events

LPA provides an annual Paralegal Social and an annual Christmas Luncheon. We also offer opportunities twice a year to volunteer to beertend at Downtown Alive! (which is the most fun you will ever have as a paralegal!) Get to know other paralegals in the community!

#### 5. Access to LPA's Job Bank

Looking for a new job? For LPA members only, a job bank is provided on our website at [www.lpa-la.org](http://www.lpa-la.org). You might just meet your next dream job!

Click [here](#) to fill out a membership application for LPA. We look forward to seeing you!

#### UPCOMING LPA SEMINARS:

- February 25, 2016  
*Annual Meeting & Election of Officers*

#### CANDIDATES FOR THE 2016-17 EXECUTIVE BOARD:

##### **PRESIDENT:**

*Cheryl Dubois, CP*

##### **VICE PRESIDENT:**

*Heather Vice*

##### **SECRETARY:**

*Marilyn Lopez*

##### **TREASURER:**

*Savannah Stephan, CLA*

- March 24, 2016  
*Wage & Hour Cases*  
*Ken St. Pe, Attorney*

*Even if you completed an application in previous years, we need a new one with all of the blanks filled in since we do not retain applications from year to year*

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## PRESIDENT'S MESSAGE



*Emma Guidry, CP, LCP*

I think my favorite time of the year is the beginning. You have the entire year ahead of you, you don't feel bogged down by the events of the previous year. It's a time for reflection, plans, dreams, and inspiration.

As the 2015-16 season of LPA comes to a close, I have the same feelings of renewal, reflection and peace. 2015 was a great year for LPA. Our membership grew 48%. We had a variety of interesting topics and speakers, good times at Downtown Alive, a successful Paralegal Week Social and a

lovely Christmas luncheon (even if Christmas was 80 degrees this year). The teddy bear drive was such a joyous way to end the year.

While I will no longer be serving LPA as President for the 2016-17 season, I'm confident that LPA will continue to grow and serve the Paralegal community in such a useful way.

Thanks for a great year, LPA!



## Lafayette Paralegal Association

# ANNUAL MEETING

and

## Election of 2016-17 Officers

With Guest Presenter



### *Cathy Bacon*

Divisional Manager, Lafayette Division  
U.S. District Court, Western District of Louisiana

Thursday, February 25, 2016  
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*

*Please RSVP before 11:00 A.M. on Wednesday, February 24<sup>th</sup>  
poolerk@bellsouth.net or (337) 247-4540*

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

## CHANGES TO THE RULES FOR MSJS

Effective January 1, 2016

*Be aware of the recent changes to [La. C.C.P. Art. 966](#) governing Motions for Summary Judgment*

### TIME

- A Motion for Summary Judgment and all documents in support shall be filed and served on all parties not less than **65 days prior to trial**
- Oppositions to MSJ are now due **15 days from the hearing** (previously 8)
- Reply to Oppositions are now due **5 days from the hearing** (previously 1)
- No additional evidence can be included in the Reply Memorandum
- If the date for filing the motion, opposition or reply memorandum falls on a legal holiday, the party has until the next day that is not a legal holiday to file the pleading and supporting documents
- The contradictory hearing on the MSJ shall be set not less than **30 days** after filing and not less than **30 days** prior to trial

### OBJECTIONS

- Any objection to a document shall be raised in a timely filed opposition or reply memorandum

- Motion to Strike no longer valid means of raising on objection
- Oral objections cannot be raised at the hearing

### EVIDENCE

- The Court may consider only those documents filed in support of or in opposition to the MSJ
- The Court shall consider any document to which no objection is made
- The only documents that may be filed in support of or in opposition to the MSJ are:
  - ⇒ Pleadings
  - ⇒ Memoranda
  - ⇒ Affidavits
  - ⇒ Depositions
  - ⇒ Answers to Interrogatories
  - ⇒ Certified Medical Records
  - ⇒ Written Stipulations
  - ⇒ Admissions

Read more about House Bill No. 696 (Act No. 422 [here](#)).



## NEW ETHICS OPINION ON SUBPOENAS

The American Bar Association issued a new opinion relating to the subpoena of client documents. Read the full opinion [here](#).

Have you ever issued or received a subpoena for documents relating to a previous client? Here is some guidance from the ABA:

- Attorney must notify the client of the demand;
- Attorney must consult with client about how to respond;
- Attorney should challenge the demand on any reasonable ground, if the client wishes;
- Attorney should consult with the client regarding whether a fee will be charged for responding to the subpoena, but may still be required to challenge the initial demand even if no fee arrangement is agreed upon with the client;
- If the client can't be found, the attorney must "assert all reasonable objections and claims" when the initial demand is received.

Louisiana's [Rule 1.6 for Confidentiality of Information](#) follows the ABA Model.

## TEDDY BEARS FOR HEARTS OF HOPE



*Thanks to everyone who donated teddy bears for Hearts of Hope in December! As you can see, it was a huge success!*





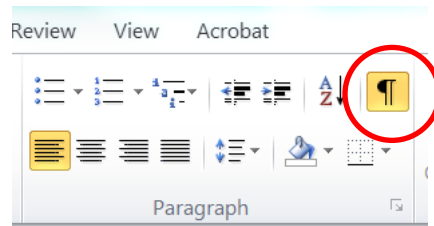
## FORMATTING APPELLATE BRIEFS USING MICROSOFT WORD

### PART 2—TABLE OF AUTHORITIES

The *References* Tab of the ribbon is your best friend when it comes to marking all the citations for the Table of Authorities section of your brief.

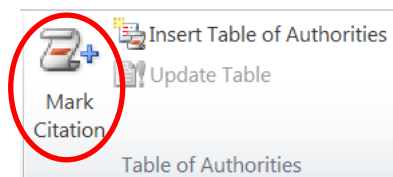
#### 1. Make sure “Show Formatting” is turned on

From the “Home” Tab, make sure the Paragraph symbol is selected. This allows you to view all paragraph and formatting marks and is necessary to view the citations you are marking along the way



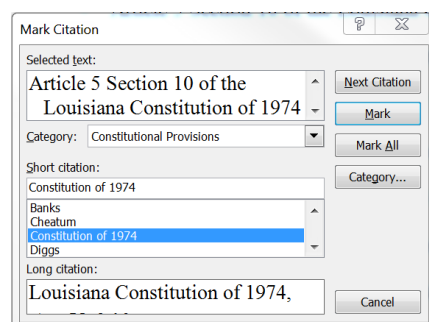
#### 2. As you work your way through the brief, mark the citations

To mark a citation, select it and click “Mark Citation” on the *References* Tab



#### 3. A dialogue box will pop up to allow you to select the type of citation

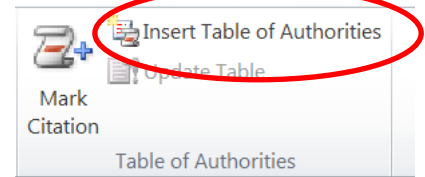
Select the correct category from the dialogue box—Cases, Statutes, Rules, etc.



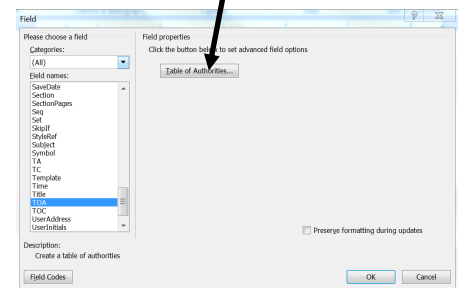
The way the text appears in this box is the way it will appear in your Table of Authorities, so change it if necessary

#### 4. Create the Table of Authorities

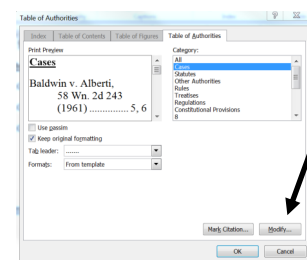
From the *References* Tab, insert the Table of Authorities



To format the TOA, right click and select “Edit Field”, then click the “Table of Authorities” button



Then click the “Modify” button to change the font, spacing, etc.



To update the page numbers on the Table of Authorities, right click and select “Update Field”. It will automatically update your page numbers.

Click these links for great resources on the [Table of Contents](#) and [Table of Authorities](#)

## JUDGE TRICKED BY DISBARRED ATTORNEY

Federal Judge James Carr of the Northern District of Ohio issued an Order to Show Cause why he hadn't committed fraud on the Court. The disbarred attorney, Stan Chesley, allegedly failed to comply with a state court order to return cash to plaintiffs who had over-paid attorney's fees to him.

Some of the highlights of the opinion include:

*"Most simply put: had I known but a fraction of what I did not know before dismissal I would have acted differently. Under no circumstances would I have accepted a settlement that enabled Chesley...to evade the obligation to pay over the settlement proceeds..."*

*"[I]n a word, at this point, I feel tricked, and complicit, albeit unwittingly so, in chicanery, duplicity, and mendacity. No judge should ever find himself in that situation."*

Read the entire opinion [here](#).



## GRAMMAR REVIEW

### A refresher to avoid common grammar errors

**Subject-Verb Agreement:** When using "either...or" or "neither...nor", the verb agrees in number with the subject closest to it

**Neither the paralegals nor their boss was available to talk to the client.**

**Who vs. Which vs. That:** Use "who" for all clauses related to people, "which" for all nonrestrictive clauses related to things, and "that" for all restrictive clauses related to things

**The person who helped me with my homework was nice.**

**The keys, which I couldn't find, open the door to the shed.**

**The keys that open the shed are lost.**

**What the heck is a gerund?:** A verb form ending in "-ing" that acts as a noun.

**Your snoring woke me up last night.**



## ETHICS CORNER

### A lawyer can ethically "BCC" a client in corresponding with opposing counsel

The New York State Bar Association Committee on Professional Ethics recently encountered this very issue when an attorney "BCC'd" his client in an email to opposing counsel over the opposing counsel's objection to such practices. The Committee opined that a lawyer does not owe the same duties of loyalty and confidentiality to opposing counsel as he does to his client. They further opined that this is not a "false, misleading or deceptive" practice and in fact the lawyer has an obligation to keep the client reasonably informed, so opposing counsel should expect that the attorney would share correspondence relating to the representation of his client. Read the entire opinion [here](#).

However, be careful that the "reply all" issue might rear its ugly head if the client accidentally hits the button.

### WELCOME NEW MEMBERS!

- Lorna Sennet
- Shannon Randall
- Jaleesa Randle
- Melissa Boyher
- Nikki Cerossie



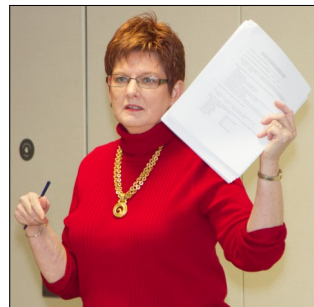
## RECENT SEMINARS

January 28, 2016

### *IRS Tax Resolution: Real Life Cases—Jessica Thibodeaux*

Jessica Thibodeaux, attorney with The Bryson Law Firm gave a short lecture on tax law. She discussed IRS problem solving tactics (collection alternatives), unfiled tax returns, levies & garnishments, currently non-collectable status, liens, innocent spouse, offer in compromise, installment agreements, and penalty abatements.

She also handed out a “Cheat Sheet” of IRS Notices and what they refer to.

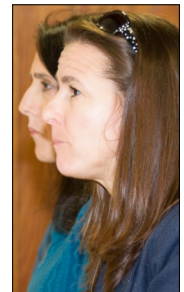


November 19, 2015

### *Immigration Law: The Fundamentals—Greg Mier*

Greg Mier, J.D., Attorney with the Onebane Law Firm, gave a presentation on the fundamentals of U.S. Immigration Law.

Mr. Mier is a registered patent attorney specializing in Intellectual Property Law and Immigration Law.





## 2015 CHRISTMAS LUNCHEON

This year's Christmas Luncheon at the City Club in River Ranch was also a tremendous success, despite it being close to 80 degrees outside! We had a fabulous meal, learned about Hearts of Hope and also gave out door prizes.





## NEWS FROM LSPA (LOUISIANA STATE PARALEGAL ASSOCIATION)

By: **Debbie Fontenot, LSPA President 2015-2016**

The LOUISIANA STATE PARALEGAL ASSOCIATION (LSPA) LSPA will be holding its annual Spring Seminar in Natchitoches, Louisiana on April 8, 2016. The *Elder Law and Estate Planning* seminar will include topics such as Elder Law, Powers of Attorneys, Wills, Trusts, Estate Planning, Community and Separate Property, and Successions. It will be held at the historic Church Street Inn and has been approved by NALA for 6.0 hours of CLE Credit. More information will be available soon on the LSPA website [la-paralegals.org](http://la-paralegals.org).

LSPA is establishing a *Mentorship Program* for paralegal students and new paralegals. The application for paralegals interested in becoming a mentor is on the LSPA Membership page of the LSPA website. More information, as well as Mentee applications, will be available on the website soon.

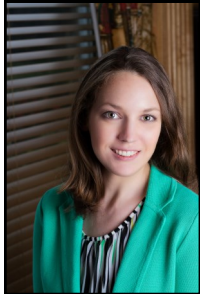
**WHAT CAN LSPA DO FOR YOU?** LSPA is celebrating its 30th year! Those of us that have been paralegals for 30 years have seen many changes in the paralegal profession during that time. We want to make sure LSPA is keeping up with the needs of paralegals in Louisiana. This year LSPA will reach out to paralegals throughout the state to find out what LSPA can do for you. Our plan is to have a series of 'Meet and Greet' events in different areas in the state to visit with paralegals and get suggestions on how we can better serve them and all paralegals in their area.

The goals of local associations are aligned with those of the state association – to promote paralegals and the paralegal profession, particularly in their membership area. Therefore, in areas that have local associations, we want to meet with the officers and members of the local associations to see how we can work with local associations to help with their projects and promote their organizations. LSPA is currently offering each local association the opportunity to provide an article for the LSPA quarterly newsletter, *The Advocate*. LPA has included an article in the past two issues of *The Advocate* promoting past and upcoming events.

LPA is an awesome association and is well represented in the state association. For five consecutive terms, the President of LSPA has been a member of LPA. What a great compliment this is to LPA! During their terms, Jessie Cormier and Sandy Pourciaux have promoted LPA on the state level and brought the LSPA Fall Seminar and annual meeting to Lafayette. LPA graciously invited LSPA members to its Paralegal Week Social and the LSPA members attending have not only had a great time, they were extremely impressed with LPA's members, organization, monthly seminars, social events, and scholarship program. During Jessie's term, the state association adopted the Jimmie Murvin Certification Scholarship which was inspired by the LPA Scholarship (and, of course, by Jimmie Murvin who many of us know from the Ethics seminars she has presented for LPA).

Shortly after I obtained my CLA (now CP) certification, I was introduced to LPA. I was the only paralegal in my office and I knew I had found a home! I may be President of LSPA, but you know me because I am an active member of LPA; LPA members are my friends, and LPA is where I come from, and who I am and have been for over 20 years. We will schedule a Meet and Greet here, but don't wait if you have ideas or suggestions. My email address is [debbiefontenot@bellsouth.net](mailto:debbiefontenot@bellsouth.net). Please let me know what LSPA can do for LPA and for YOU, whether or not you are a member of LSPA. I'm looking forward to hearing from you!!

## 2015-16 OFFICERS



**EMMA GUIDRY, CP, LCP,**  
PRESIDENT

Allen & Gooch, APLC  
P.O. Box 81129  
Lafayette, LA 70598-1129  
(337) 291-1402  
[emmaguidry@allengooch.com](mailto:emmaguidry@allengooch.com)

**SAVANNAH STEPHAN, CLA**  
TREASURER

Law Offices of Thomas R. Hightower, Jr.  
1019 Lafayette Street  
Lafayette, LA 70505  
(337) 233-0555  
[sps@trhaplc.com](mailto:sps@trhaplc.com)



**MICHELLE DOMAS,**  
VICE-PRESIDENT

Ottinger Hebert, LLC  
1313 W. Pinhook Road  
Lafayette, LA 70503  
(337) 232-2606  
[mmdomas@ohllc.com](mailto:mmdomas@ohllc.com)

**LESLEY SIMON,**  
PARLIAMENTARIAN

Vermilion Parish School Board  
220 S. Jefferson Street  
Abbeville, LA 70510  
(337) 898-5777  
[lesley.simon@vpsb.net](mailto:lesley.simon@vpsb.net)



**MEAGAN SPENCER,**  
SECRETARY

Briney Foret Corry  
413 Travis Street  
Lafayette, LA 70502  
(337) 237-4070  
[mospencer@brineyforet.com](mailto:mospencer@brineyforet.com)

**MARANDA PILLSBURY,**  
CORRESPONDING SECRETARY

110 Bacon Lane  
Carencro, LA 70520  
(337) 654-9759  
[maranda.pillsbury@yahoo.com](mailto:maranda.pillsbury@yahoo.com)



## 2015-16 COMMITTEE CHAIRS

**Education/Scholarship:**

Deborah Fontenot  
[debbiefontenot@bellsouth.net](mailto:debbiefontenot@bellsouth.net)

**Technical/Web Page:**

Maranda Pillsbury  
[maranda.pillsbury@yahoo.com](mailto:maranda.pillsbury@yahoo.com)

**Public Relations:**

Savannah Stephan  
[savannahs@cox.net](mailto:savannahs@cox.net)

**Membership:**

Michelle Domas  
[mmdomas@ohllc.com](mailto:mmdomas@ohllc.com)

**Social:**

Nancy McMillan  
[nmcmillan@mandllaw.com](mailto:nmcmillan@mandllaw.com)

**Program/LBA Liaison:**

Kaye Pooler  
[poolerk@bellsouth.net](mailto:poolerk@bellsouth.net)

**Finance:**

Savannah Stephan  
[sps@trhaplc.com](mailto:sps@trhaplc.com)

**Photography:**

Cheryl Dubois  
[cdubois917@gmail.com](mailto:cdubois917@gmail.com)

**Newsletter:**

Emma Guidry  
[emmaguidry@allengooch.com](mailto:emmaguidry@allengooch.com)



LAFAYETTE PARALEGAL ASSOCIATION, INC.

P.O. Box 2775  
Lafayette, LA 70502-2775

PROFESSIONALISM FIRST . . .

WE'RE ON THE WEB!  
[WWW.LPA-LA.ORG](http://WWW.LPA-LA.ORG)

LinkedIn



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](mailto:emmaguidry@allengooch.com)

Or visit us on the web at [www.lpa-la.org](http://www.lpa-la.org)

## THANKS TO OUR SUSTAINING MEMBERS!

BRINEY FORET CORRY  
ATTORNEYS AT LAW



David S. Cook, Mediator



OTTINGER HEBERT, L.L.C.

ATTORNEYS AT LAW  
1313 WEST PINHOOK ROAD (70503)  
P.O. DRAWER 52608  
LAFAYETTE, LOUISIANA 70505-2808  
TELEPHONE (337) 232-2808  
FAX (337) 232-9887  
WWW.OTTINGERHEBERT.COM

