



# LAFAYETTE PARALEGAL ASSOCIATION, INC.

SUMMER 2016



## LEGAL UPDATES

*Some recent updates to Louisiana law that may be of interest to you...*

### Executive Order Number JBE 2016-57

#### **Emergency Suspension of Deadlines in Legal, Administrative and Regulatory Proceedings**

- Liberative prescription & preemptive periods suspended throughout the State until Friday, September 9, 2016;
- Deadlines in legal proceedings in parishes affected by floods suspended to September 9, 2016;
- Other deadlines ended August 19, 2016, unless party can show inability to meet deadline, in which case suspended to September 9, 2016

### Legislative Session Summary

- **Discovery Responses in Louisiana State Court cases are now due 30 days after they are served rather than 15.**

[Act No. 132 - H.B. No. 285](#)

Effective August 1, 2016 "The party upon whom the interrogatories have been served shall serve a copy of the answers, and objections if any, within **thirty** days after the service of the interrogatories."

Interrogatories to parties; procedures for use, LSA-C.C.P. Art. 1458.

"The party upon whom the request is served shall serve a written response within **thirty** days after service of the request." Production of documents and things; entry upon land; procedure, LSA-C.C.P. Art. 1462.

"Each matter of which an admission is requested shall be separately set forth. The matter is admitted unless, within **thirty** days after service of the request, or within such shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by his attorney." Requests for admission; answers and objections, LSA-C.C.P. Art. 1467.

- Fax-filings can now be deemed complete even if Court does not transmit a receipt.

[Act No. 109—H.B. No. 331](#)

- Attorney's fees now awarded in addition to penalties to the prevailing party in a contempt of court proceeding.

[Act No. 132—H.B. No. 285](#)

- Public bodies with a custodian of public records must make the contact information of the custodian easily available.

[Act No 654—H.B. 81](#)

- Medical treatment for TMJ associated musculature and neurological conditions now required to be covered by health insurers TMJ.

[Act No. 405—S.B. No. 476](#)

- Fee for notary exam raised to \$100 from \$75.

[Act No. 438—H.B. No. 602](#)

*(Interested in taking the notary exam but don't want to pay the \$100 exam fee? Apply for a scholarship from LPA. Contact our scholarship chair, [Kelly Rhodes](#) or visit our website at [www.lpa-la.org](http://www.lpa-la.org) for more details)*

- You must now stop for a school bus if you are driving on a two-lane road with a designated two-way left-turn lane.

[Act No. 535—S.B. No. 379](#)

- Medical marijuana can now be obtained upon recommendation for a variety of debilitating medical conditions.

[Act 96—S.B. No. 271](#)

- Certain provisions of jury trials deemed unconstitutional and repealed

[Act No. 341—S.B. No. 154](#)

- Insurance commissioner allowed to appoint employees as ex-officio notaries.

[Act No. 363—H.B. No. 709](#)

- Certain parking violations deemed unconstitutional and repealed.

[Act No. 383—S.B. No. 224](#)

## UPCOMING LPA SEMINARS:

- August 25, 2016  
**Ethics: Does it Really Matter?**  
Attorney Paul J. Hebert
- October 20, 2016  
**Jury Selection & Voir Dire**  
Jo Ellen Livingston of New Orleans
- November 17, 2016  
**Medicaid Planning**  
Attorney Steve Jankower

## UPCOMING EVENTS:

- September 22, 2016  
**Paralegal Week Social and Membership Drive**  
Petroleum Club of Lafayette
- September 19-23  
**Paralegal Week**
- October 7, 2015  
**Beertending at Downtown Alive!**  
Parc Lafayette
- December TBA  
**Christmas Social**

## INSIDE THIS ISSUE...

### LPA 2016-17 OFFICERS AND COMMITTEE CHAIRS

**President /**

**Photography Chair:**

Cheryl Dubois, CP, LCP  
[cheryl@jankower.com](mailto:cheryl@jankower.com)

**Vice-President /**

**Membership Chair:**

Heather R. Vice, J.D.  
[hvice@liskow.com](mailto:hvice@liskow.com)

**Secretary:**

Marilyn Lopez

**Treasurer / Finance Chair:**

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

**Parliamentarian /**

**Newsletter Chair:**

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

**Corresponding Secretary:**

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**Education:**

Sandy Pourciaux, ACP  
[smp@onebane.com](mailto:smp@onebane.com)

**Scholarship:**

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[rhodesk@onebane.com](mailto:rhodesk@onebane.com)

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

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**Public Relations:**

Lesley Simon  
[lesleyrenee@gmail.com](mailto:lesleyrenee@gmail.com)

**Job Bank:**

Michelle Neef, ACP  
[michelleneef@allengooch.com](mailto:michelleneef@allengooch.com)

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2016-17 Officers

## PRESIDENT'S MESSAGE

As summer winds down and we enter the time of year where things are picking up speed again with regard to our association, our community and a large part of our state have faced severe flooding. Homes and towns have been inundated with water. For those who managed to escape having water in our homes, we likely know someone who has suffered from this calamity. The aid of our neighbors to others in need has been inspiring. The news and social media coverage of our youth volunteering on such a large scale has been especially heartwarming. If you are looking for an opportunity to help someone who has been impacted by flooding, and you are unable to personally assist with the actual cleanup effort, consider bringing food to the work crew, offer to run errands, offer to do their laundry, or watch their children. On the other hand if you are cleaning up and you need help – reach out – people want to help, they just need to know how.



*Cheryl Dubois, CP*

Turning toward LPA's regular schedule of events, in September we have our Paralegal Week Celebration and Social. On September 22, 2016, we will celebrate with our yearly social at the Petroleum Club. Kaye Pooler will be sending more information as the date approaches. Also we will be beertending at Downtown Alive on Friday, October 7, 2016. Volunteer now to join us in the fun! Hopefully it will be a cool, crisp, fall evening!

I also wanted to remind our members to check out our Job Bank. If you need password access, please get in touch with our Vice President and Membership Chairwoman, Heather Vice at [hvice@liskow.com](mailto:hvice@liskow.com). If your employer has a position to post, please contact our Job Bank chair, Michelle Neef at [michelleneef@allengooch.com](mailto:michelleneef@allengooch.com). A drop in gas prices is never good news for our Louisiana economy and due to the protracted nature of the latest ongoing slump, we likely all know someone who has been negatively impacted with a job loss. If you are a current member of our association you have access to the Job Bank. Please know that we are doing our best to keep the Job Bank up to date and to get job availability notices posted and circulated to our membership as quickly as possible.

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## LPA MEMBER ACHIEVES CP AND LCP DESIGNATION

Congratulations to LPA Member and Corresponding Secretary, Michelle Domas, who recently earned her Certified Paralegal (CP) designation following successful completion of NALA's Certified Paralegal Exam. Michelle is a paralegal at Ottinger Hebert.

For more information on NALA's Certified Paralegal Exam, visit NALA's website at [www.nala.org](http://www.nala.org).

For more information on applying for a scholarship from LPA to take the Certified Paralegal Exam or other paralegal exams, please contact Kelly Rhodes at [rhodesk@onebane.com](mailto:rhodesk@onebane.com).

Take a look at Michelle's article, *Networking* on [page 6](#).





## EVIDENCE REGARDING ANOTHER CLIENT?

The Second Circuit Court of Appeal upheld a Trial Court’s decision to admit evidence of plaintiff’s change to her deposition testimony.

In *Williams-Ball v Brookshire Grocery Co.*, a slip-and-fall case, the plaintiff made changes to her deposition testimony regarding the substance she slipped on. The plaintiff made this change to her testimony due to her being “very nervous and tense.”

Defense counsel attempted to introduce into evidence at trial the changes to deposition testimony of another client of plaintiff’s counsel’s which listed the exact reason for the change (“very nervous and tense”). The trial court admitted this into evidence and the Second Circuit held that the trial court has broad discretion to consider any evidence which bears upon the plaintiff’s credibility. Read the entire opinion at <http://www.la2nd.org/archives/docs/3ba493.pdf>



## SOFTWARE TIPS

### *Stop Using Word and Switch to Excel!*

Do you use Word tables to keep track of information (e.g. contacts)? Maybe you have heard about Excel but have not wanted to try to figure out how to use it. Just a few minutes of your time familiarizing yourself with Excel will save you a lot of time getting around your forms:

- **Any time you need to organize data into rows and columns, do it in Excel.** You can tab around and edit cells so much quicker in Excel than you could in a Word table;



2016 Vacation days		
Start	End	Amount
2/8/2016	2/8/2016	1
3/4/2016	3/4/2016	1/2
3/11/2016	3/11/2016	1/2
3/30/2016	3/30/2016	1/2
4/6/2016	4/6/2016	1
4/22/2016	4/22/2016	1
5/31/2016	6/1/2016	2

Name	Served	Answer Due	Discovery	Deposition
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- **Anytime you have rows of text that need to be repeated, do it in Excel.** You can simply drag the corner of a group of cells and it will automatically copy the text into each following cell.
- **Any time you need to add numbers, do it in Excel.** Excel has a “Sum” feature that will automatically add everything in a row or column. (Also, Excel will add “\$” or decimals for you automatically so you don’t have to type them in.



Date:	Amount:	Balance:
1/1/2016		484.19
2/1/2016	97.00	581.19
2/1/2016	(83.04)	498.15
2/3/2016	(498.10)	0.05
3/1/2016	97.00	97.05
4/1/2016	97.00	194.05
5/1/2016	97.00	291.05
6/1/2016	97.00	388.05
7/1/2016	97.00	485.05
8/1/2016	97.00	582.05
8/3/2016	(541.46)	40.59

# WORK HARD. PLAY HARD!

YOU ARE INVITED TO JOIN THE  
LAFAYETTE PARALEGAL ASSOCIATION  
AT OUR ANNUAL

## **PARALEGAL WEEK SOCIAL** and Membership Drive

**Thursday, September 22**  
**5:00 - 7:00 p.m.**

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

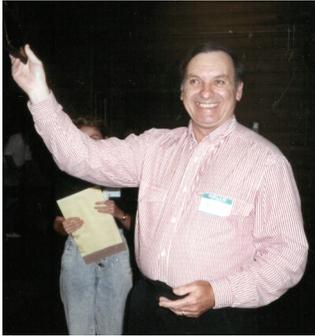
Plan to join us and bring a guest or two: Other paralegals, your boss, co-workers, students, associates, Business partners, a friend, anyone interested in joining or learning about LPA, or who just wants to "pass a good time"!



Reservations are Requested before Tuesday, September 20 to  
[poolerk@bellsouth.net](mailto:poolerk@bellsouth.net) or 337-247-4540

Check us out on our Website at [www.lpa-la.org](http://www.lpa-la.org) and on Facebook and LinkedIn

## NETWORKING BY MICHELLE DOMAS



*Robert Tracy*

Networking -- it means different things to different people. To some it means making new acquaintances in an effort to further business endeavors. For others, like me, networking means cultivating relationships for camaraderie, for communicating ideas and experience, and for providing support and encouragement.

My first legal job was with Domengeaux & Wright. I was hired in 1987 with no prior legal experience. My boss, Robert K. Tracy, hired me despite my lack of exposure to the legal field. In fact, the only reason he hired me was because I was related to Vicki Andrus. Vicki, my third cousin, was well-respected at Domengeaux & Wright (and still is, I might add), where she worked for many years as Anthony "Tony" Moroux's legal assistant.

Once hired, I was quickly taken under the wing of a group of incredible women. Many of the women were members of the Lafayette Parish Legal Secretaries Association (LPLSA). I became a member and eagerly jumped in with both feet. As an active member, I attended seminars and conventions, volunteered to chair various committees, and served as an officer of the association.

After the birth of my first child, I left Domengeaux & Wright. Through the years I worked at many firms and met many wonderful people in the legal field, yet I missed the camaraderie I had experienced while employed at Domengeaux & Wright and as a member of LPLSA.

Eight years ago, I was hired at Ottinger Hebert, LLC. The work atmosphere reminded me of my years at Domengeaux & Wright. Many of the employees have been at the firm for many, many years. One co-worker just celebrated her 42nd anniversary with the firm—that speaks volumes for a law firm! After bouncing around from place to place, I finally felt like I had landed at a great home.

Several women at Ottinger Hebert would attend the monthly luncheon/seminars sponsored by the Lafayette Paralegal Association. After settling in at the firm, I was invited to join them. The seminars were informative and the luncheons were always better than any lunch I ever packed from home! Although not a certificated or certified paralegal, I was able to join LPA based on my years of experience in the legal field and my employment in the role of a paralegal at prior jobs.

One year, I attended the review course for the Louisiana Certified Paralegal Exam sponsored by the Louisiana State Paralegal Association. The course was a two-day event held in Lafayette. Following the review course, I found myself joining a study group with Renatti Dupont, Emma Guidry, and Debbie Fontenot to prepare for the Louisiana Certified Paralegal exam. We studied for several months and eventually we all passed the LCP exam.

Debbie and Renatti were already Certified Paralegals, having passed the exam offered by the National Association of Legal Assistants (NALA), so their LCP designation was attained automatically after successfully passing the LCP exam. For Emma Guidry and me, our studying continued because the LCP designation is dependent upon the successful completion of the Certified Paralegal exam.

Emma, a more diligent student than some (like me!), quickly passed her exam. I, however, was floundering in my studies, that is, until two more women joined forces to study for the CP exam. Cheryl Dubois, Kelly Rhoades, and I studied and offered support to one another, while we labored to stay the course and meet our goal. I am proud to say that we have all passed the CP exam.

*Continued on next page...*



*Vicki Andrus*

...Continued from previous page

For me, LPA is not only an organization that provides educational opportunities for its members, but it also serves as a conduit for personal and professional growth of its members. Members are able to expand their knowledge of the legal field while developing connections with others to allow for the exchange of ideas and information. LPA also challenges its members to strive for national certification, and the association offers an annual scholarship to offset expenses associated with the Certified Paralegal exam.

Thirty years have passed since I began working in the legal field; however, the friends and acquaintances that I have made through the years are still a strong example of what networking is all about. Whether I have a question on how to obtain documents from a government agency, I need a form for a pleading, or even if I just want to hang out and unwind (while venting about things in the legal field), I would not hesitate to contact friends that I worked with at Domengeaux & Wright or those that I have met more recently through LPA. That, to me, is networking at its finest -- encouragement, support, and community.

## A BLAST FROM THE PAST

### Can you identify the LPA Members in this Photograph??

A \$5 CC's Coffeehouse Gift Card will go to the first person that can identify the LPA Members in this photograph. Submit your entry by 5:00 p.m. on September 17, 2016 to Cheryl Dubois, [cheryl@jankower.com](mailto:cheryl@jankower.com).

Congratulations to Savannah Stephan, the winner of the Spring 2016 "Blast From The Past" photo. She was the first to correctly identify all of the members in the Harry Connick Sr. photograph. They were Savannah Stephan, President, Karen Barber, Vice-President, Annette Allen, Secretary and Kathy Dempsey Stanley, Treasurer



## RESOURCES FOR LOUISIANA FLOOD VICTIMS

Our hearts go out to those of you impacted by the recent floods. Here are some of the local resources for flood victims for those still searching for assistance:

- Lafayette Bar Association (has a link for small grants)
- Whitney Bank (offering low-interest loans)
- Louisiana State Bar Association
- Thomson Reuters 800-554-8909 extension 43356
- See other state resources provided by Governor Edwards [here](#)





## Lafayette Paralegal Association

Invites you to a  
Dutch-Treat Luncheon and Seminar



# Jury Selection and Voir Dire

Presented by

## Jo Ellen Livingston Ph.D.

**Trial Consultant**

Founding Partner Livingston & Shepherd Trial Consulting, LLC

### Thursday, October 20, 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: \$14.75 for Plated Served Meal  
Main Line Buffet Downstairs (including Salad Bar) \$18.00  
Beverage only \$2.00 • Non-Members \$5.00 Seminar Fee*

*Please RSVP before 11:00 a.m. on Wednesday, November 16  
to poolerk@bellsouth.net or (337) 247-4540*

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

Find us on Facebook <https://www.facebook.com/lafayetteparalegalassociation/?fref=ts>



**Jo Ellen Livingston Ph.D.**  
*Founding Partner: Livingston & Shepherd Trial Consulting*  
(312) 636-4355|

[joellen@lsjury.com](mailto:joellen@lsjury.com)

Jo Ellen Livingston, Ph.D. has been providing consulting services to litigators on all aspects of the trial process for 26 years. She consults in a variety of litigation areas, including product liability, medical malpractice, environmental and toxic tort, commercial, intellectual property, securities and employment.

Dr. Livingston specializes in consulting on MDL and class action matters. She has been an influential member of numerous trial teams in their defense of complex, serial litigation in venues across the country. Some of the teams she has partnered with include Kaye Scholer for Novartis Consumer Health on the phenylpropanolamine (PPA) litigation, Holland & Knight on the Firestone tire recall litigation, White & Case on the Sandoz AWP litigation, Pepper Hamilton on the GSK Avandia litigation and King & Spalding on the GSK Paxil litigation.

Some of Dr. Livingston's other noteworthy clients include 3D Systems, VISA, Southern Pacific Railroad, Skretting North America, Watson Pharmaceuticals, Shell Oil, Transamerica, Associated Grocers, NRG Energy, Kentucky Farm Bureau and ToysRUs.

As part of the trial team, Dr. Livingston specializes in crafting effective trial themes and case stories, drafting voir dire, participating in jury selection, assisting in witness preparation, shaping opening statements and closing arguments and crafting trial strategy. Dr. Livingston is a frequent speaker at conferences and seminars on her knowledge of the American juror and the trial process.

**Education:**

*Tulane University – New Orleans*  
Doctorate in Industrial/Organizational Psychology  
M.A. in Industrial/Organization Psychology  
*Louisiana State University – Baton Rouge*  
B.A. in Psychology, magna cum laude

**Selected Publications and Speaking Engagements:**

"The Impact of Implicit Bias on Judicial Decisions." National Asian Pacific American Bar Association National Meeting, New Orleans, LA

"Storytelling for Lawyers on IP Cases." New York Intellectual Property Law Association- Women's Committee, New York, NY

"Successful Change of Venue in Civil Cases." For the Defense

"Novel Strategies, Tactics and Ethical Considerations for Selecting the Right Jury." American Conference Institute, New York, NY

"Voir Dire and Jury Selection Workshop." American Conference Institute, New York, NY

"Presenting Relative Risk and Complicated Statistics to a Jury: What Matters to Your Decision Makers." DRI Toxic Torts and Environmental Law Seminar, New Orleans, LA

"The Changing Image of the FDA and How It Affects the Trial." DRI Drug & Medical Device Seminar Course Materials

"The FDA Halo Collapse: Effective Trial Strategies to Address Jurors' Declining Perception of the FDA in Pharmaceutical Product Liability Cases." Rx for the Defense

## RECENT SEMINARS



Shane Milazzo, Ph.D.

July 21 2016

### *Parish Notaries v. Statewide Notaries and Powers Afforded to the Non-Attorney Notary*

Shane Milazzo, Ph.D., iNotaryNow

Shane Milazzo, Ph.D., founder of [iNotaryNow](http://iNotaryNow.com), gave an informative talk about the office of Louisiana Notary and the process of becoming a notary public in Louisiana.



Richard Mere, Attorney

June 23, 2016

### *Domestic Violence Cases: What Are They and How Should We Manage Them?*

Richard Mere, Attorney

Richard Mere, Attorney, gave an informative talk on domestic violence cases and the procedure for dealing with these highly sensitive situations.



Sandy Pourciaux, ACP

May 26 2016

### *Effective Billing Techniques and Time Management*

Sandy Pourciaux, ACP, Onebane Law Firm

One of our own, Sandy Pourciaux, ACP, Paralegal with the Onebane Law Firm, gave a great presentation on billing techniques and time management techniques. This talk was so helpful as it is something we all use nearly every day in our jobs. Thanks, Sandy!



## UPCOMING PARALEGAL WEEK 2016

September 19—23, 2016

We are all looking forward to Paralegal Week this year! Don't forget to stop by the social for a little after-work conversation and drinks and some extremely delicious food! And don't forget the door prizes! Here are some of the festivities planned:

- **September 21, 2016, 5:00 a.m.**

Don't miss LPA's President, Cheryl Dubois, and Vice-President, Heather Vice, JD live on KATC's "Good Morning Acadiana" bright and early! They will be promoting LPA, the paralegal profession and the upcoming LPA Social!

- **September 22, 2016, 5 p.m.—7 p.m.**

LPA Annual Social and Membership Drive  
Lafayette Petroleum Club

Amazing food, great drinks, door prizes, good conversation with your coworkers and fellow LPA members, the chance to network with others in your profession, the chance to introduce the paralegal profession to someone you know who may be interested, a time to unwind in the midst of a crazy workweek...the reasons to attend are endless. And the best part—it's all free!

- **September 23, 2016**

LSPA (Louisiana State Paralegal Association)  
Fall Seminar & Membership Drive  
Lafayette Petroleum Club

Keep the party rolling and see what the Louisiana State Paralegal Association is all about! Contact [Debbie Fontenot](#), LSPA President, for more information!



*Lafayette's Mayor-President, Joel Robideaux, issues the proclamation  
L to R: Michelle Domas, Joel Robideaux, Cheryl Dubois, Kaye Pooler*



## CHANGE TO ATTENDEES' COSTS FOR MEALS AT LPA SEMINARS

The recent change in the law affecting sales taxes for nonprofits has prompted LPA to change the portion cost for seminar meals which it passes on to attendees as follows:

- **Plated meals will be reduced from \$15.00 to \$14.75**
- **Beverage only fee will be reduced from \$3.00 to \$2.00**
- **Buffet meals will remain at \$18.00**

As always, exact change is appreciated.

We hope to see you at this week's seminar on August 25!



SIGN UP FOR FUN WITH LPA  
BEER & COKE-TENDING AT  
**DOWNTOWN ALIVE**

FRIDAY, OCTOBER 7 5:30 - 8:30 pm



Lesley, Mary Margaret and Debbie  
DTA Sept 2014



Savannah, Wycoff McMillan  
Kaye, Al, Jodie, and Cheryl  
DTA April 2016





LAFAYETTE PARALEGAL ASSOCIATION, INC.

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

**WE'RE ON THE WEB!**  
[WWW.LPA-LA.ORG](http://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, Cheryl Dubois, at [cheryl@jankower.com](mailto:cheryl@jankower.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

**OTTINGER HEBERT, L.L.C.**

**JANKOWER**  
Law Firm, LLC | STEVEN M. JANKOWER  
ATTORNEY & COUNSELOR AT LAW

**B** Bryson Law Firm, LLC

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FOR INDIVIDUALS WITH DISABILITIES AND SPECIAL NEEDS

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Lafayette Bar Association

**ONEBANE**  
LAW FIRM  
A Professional Corporation  
Home

**LA**  
**LORI HEAPHY**  
& ASSOCIATES, LLC  
CERTIFIED COURT REPORTERS

**MAHTOOK & LAFLEUR**  
ATTORNEYS AT LAW AND LAND TITLE COMPANY

**JAMIE A. ROY**  
CERTIFIED STENO TYPE REPORTERS

**DAVID S. COOK**  
Mediator

**Bayou**  
Investigations, Inc.

Member of:  
The National Academy of Distinguished Neutrals  
The Louisiana Academy of Mediators & Arbitrator

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and EMBROIDERY