



## AUSTIN LSA, INC.

... the association for legal professionals

# The Verdict!

## President's Message

By Alexis Montgomery & Patti Heaney

### **Austin LSA Members: Meet Your New Board and Chairmen!**

Summer is officially here and Austin LSA is in full swing with its new year. We have a brand new set of officers and chairmen and want to tell you a little more about them. When you read about them, even though you'll notice a wealth of legal experience among them, they all still want to hear from *you* about *your ideas and suggestions* for another year of top-notch education and speakers, community service, membership drives, and conferences. Just think of all the people you can network with and contact — just see below!

Patti Heaney and Alexis Montgomery are serving as your co-presidents. They have both served in a variety of positions, including the office of President for several years. This year they are teaming up as your co-presidents. Patti is with the law firm of Van Osselaer Buchanan LLP. Alexis is with the law firm of Strasburger & Price LLP. Both Patti and Alexis have been in the legal field for over 25 years.

Laura McCarty is serving as your President-Elect and is with the law firm of Thompson Coe Cousins & Irons LLP. Laura has worked in the legal field for over 20 years. Austin LSA is fortunate to have three members serving as officers from the law firm of Lloyd Gosselink LLP. They are Marlena Johnson who is your Vice President, Gail Johle who is your Treasurer, and Mary Bernal who is your Recording Secretary. Marlena, Gail, and Mary have been all been in the legal field for over 20 years. Our relatively newcomer to Austin LSA is Reed Bates who is serving as your Corresponding Secretary. Reed is with the law firm of Mitchell Williams Selig and has worked in the legal field for over 20 years. Scotti Beam is serving as your Director and is with the law firm of Cain & Skarnulis LLP. Sylvia Vela is serving as your Parliamentarian and is with the law firm of Baron & Budd P.C. Both Scotti and Sylvia have served in a variety of positions within Austin LSA and have been in the legal field for over 20 years.

Our chairmen are Meri Nelson (Bylaws and Standing Rules), Fay Jordan (Certification), Angela Dunn (Corporate Sponsor Liaison and Scholarship), Holly Crone (Financial Review), Melissa Newkirk (Member of the Year), Marlena Johnson (Membership), Theresa Ann Alba (Nominations & Elections), Mary Bernal (Local Career Opportunities), Sue Davis (The Verdict!), Betty Wells (Technology), and Roster/Communications (Patti Heaney). Many of these names you may recognize; and some you may not. We've listed their names and e-mail addresses again for you within this issue. If you would like to join any of them as a committee member, or just offer them assistances or ideas when you can, they would all love to hear from you. Or if you would like to find out what exactly their committee does — be sure and contact them!

Even though we do not see all of you at our business meetings or our continuing legal education luncheons, we would love to hear from you. Our business meetings are always on the first Thursday of the month at the law firm of Strasburger & Price, 600 Congress Avenue, Suite 1600, at noon. The meeting is brown bag and we are always finished within an hour. All members are invited and encouraged to attend. This is where the "business" of our organization is conducted — your vote is always recorded and your ideas can always be heard. Our continuing legal education meetings are now always on the second Tuesday of the month at the Austin Bar Association, 816 Congress Avenue on the 7<sup>th</sup> floor. Some of our upcoming sessions will include Juvenile Law (Guardianships and Termination of Parental Rights), Search & Seizure, Criminal Law, Employment Law, Notary Law, and Bankruptcy Law — to name a few. October is our Court Observance month and February is our special recognition event where we name our scholarship winner and member of the year winner. The scholarship winner is where you will see the high school individual who will be the recipient of all your scholarship donations during our monthly scholarship raffles. Austin LSA has been fortunate to also have many of our winners receive further awards from Texas ALP.

You now have an overview of our officers, chairman, and upcoming programs. So be sure you stop one of us in the future, and give us *your ideas* for Austin LSA!

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# 2009-2010

## Incoming Officers and Committee Chairs

### Officers

#### Co-Presidents

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## Committee Chairmen

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DO WHAT YOU CAN, WITH WHAT YOU  
HAVE, WHERE YOU ARE.

~THEODORE ROOSEVELT

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## Why Tweet?

By Vicki Voisin, ACP

**Do you wonder why anyone would bother with social networking sites, such as Twitter, Facebook and LinkedIn?** Do you think social networking is a waste of time? Do you think that time spent on social networks has no value?

Perhaps it's the word 'social' that bothers you? 'Social' conjures up thoughts of fun and parties...of spending time on nonsense when there are too many other things to do. Social networking sites can be a lot of fun but what is incredibly valuable to all of the social networking platforms is the **social learning** that takes place.

**While I participate in FaceBook and LinkedIn, Twitter is hands down my favorite. Here are a few tips that will help you understand Twitter and get on the road to social learning:**

**What is Twitter?** Twitter is a social networking service that allows users to send messages (called 'tweets') that are 140 characters in length to their friends (called 'followers'). This 140 word format is unique to Twitter and allows for quick, informal sharing of information with people you wouldn't normally include in emails or instant messages. This expands your circle of contacts to a community of like-minded people. That community is growing by leaps and bounds...Twitter has well over 5 million users.

**What does Twitter offer?** Twitter can be used for both business and personal purposes. It's a great way to keep in touch with your friends and broadcast information about what you're doing. You can always share that you're eating a PB&J at your desk (I do enjoy those posts) but I think the BEST use of twitter is for business purposes. Companies will broadcast their latest news and blogposts. Individuals will post links to their blogposts or ask for help. For instance:

@CathieCummings sent this message: I just christened my new laptop by getting peanut butter on the keyboard. Any suggestions on cleaning it?

Here's another post from an attorney: Today, I found out that a paralegal had redacted ORIGINAL documents with a sharpie. (OOPS!).

There are posts and links about employment opportunities: @alisondoyle posted Who's hiring <http://bit.ly/tXeaO>.

**Tips for Twitter set-up.** The first step is to go to [www.Twitter.com](http://www.Twitter.com) and create your Twitter account. I have four important recommendations for this process:

**1) Select your username** (you can have up to 15 alphanumeric characters in your user name). Sign up using your given name with no spaces or underlines, as in VickiVoisin. Unless you have a brand that will identify you (such as @ExpertParalegal or @legaltypist), you must use your name or no one will be able to find you. How many people would know to look for me as @vvacp94? (Please note that @ is before every name on Twitter) Twitter will automatically check to see if the user name you've chosen is available.

2) **Be sure to load a picture, too.** If you don't, your avatar will be something that looks like a brown paper bag with eyes.

3) **Give careful thought to your profile.** Mind your manners and post a profile that will attract followers.

4) **You may also set up your Twitter account so your Tweets automatically link to Facebook...this will save you lots of time.**

**How to post Tweets.** Because your tweets are limited to 140 characters (that includes spaces and punctuation) you have to be brief and concise. There are all sorts of shortcuts you can take to get more bang for your tweet...but that could be an entire article in itself. For now, we'll stick with the basics. (Except for one tip: you can shorten any links you are using by going to [www.snipurl.com](http://www.snipurl.com) or [www.tinyurl.com](http://www.tinyurl.com) where <http://www.paralegalmentor.com/ethical-technical-05-14-09.html> would become <http://snipurl.com/han90>)

Your first tweet or two will feel strange but you'll quickly get the hang of it. Just type in 'Am a paralegal new to Twitter and wondering why I'm here.' Hit send and there goes your tweet...the response will surprise you. Once you get the hang of it, tweet about an article, an idea, or share a link of professional interest to your targeted followers. Many tweets will offer tips or links to articles or blog posts. Watch these carefully as this is where the social learning comes into play. For instance:

@alisondoyle posts several employment-related links every day. Some tweets will ask questions and this is your opportunity to demonstrate your expertise and share information in quick bursts of wisdom.

Looking for a job? Tell your Twitter friends! A story was posted about an account manager who was laid off from her job. Within minutes of the layoff, she pulled out her cell phone and sent a tweet that said 'Needs a job.' She did this even before she told her family. Before social media, victims of layoffs would share this news with just a few close friends and their family. Thanks to social media, the newly unemployed are coming out of the dark. This can be a great way to jump-start a job search. There will be support...either emotional support or suggestions for a new job. I might add here that there are lots of job postings on Twitter...I won't vouch for them but they're there.

**What about followers?** You can search for people to follow in the Find People link at the top of the Twitter page. Type in a name and then select 'follow.' The person may or may not follow you. This is a terrific option with Twitter because if someone chooses to follow you, you do not have to reciprocate. I frequently ignore anyone whose profile is questionable or who isn't writing about anything I'm interested in reading.

You can follow topics, too. There is a search box in the right sidebar on the Twitter page. Type in 'paralegal' and all posts about paralegals will pop up. Type in 'job search' and you'll see all those tweets. From those tweets, you can select people to follow.

Here are a few suggestions for you to follow:

@VickiVoisin (of course!)

@legaltypist (virtual assistant) (who also has a great free ebook Twitter 101 at <http://www.legaltypist.com/twitter>)

@DebbieLynnAVA (virtual assistant)

@ExpertParalegal (Lynne Devenny...great information and humorous posts)

@alisondoyle (terrific employment information)

@sallyannekane (with Legal Assistant Today)

@kevinhouchin (an attorney)

@breakthruguy and @mike\_wesely (motivational quotes)

@NALStweet (yes, NALS is tweeting)  
@lillyhill (paralegal who posts links of interest to the profession)  
@Goddess\_Bless (Lisa Devlin) @MargaretAgius @CathyRibble, @CathyCummings  
(all Strategies subscribers...I love their posts)  
@charlsye (Charlsye Smith-Diaz  
@rsylvester (a reporter who tweets from the courtroom)  
@Paragate (Paralegal Gateway)  
@Oprah Winfrey (do I have to tell you who that is?)  
@aplusk (you get a gold star if you can figure that out ... it's Ashton Kutcher)

**What does the # sign mean?** The # you see before some topics is called a hashtag. Hashtags are channels that allow you to tune in to whatever signal will make Twitter useful at a given time. If you like the Food Network, you will follow #foodie or #cooking or #recipe. If you're a sports fan from San Diego, you can follow #padres. You will see all the tweets about that topic. The topics are endless.

**Take a simple giant step.** Now that you're all set up to tweet, you just HAVE to download Tweetdeck...until I did this, Twitter was difficult to use because tweets stream in real time. There was no way I could just sit at my desk and watch the tweets go by. Tweetdeck (a free download at [www.tweetdeck.com](http://www.tweetdeck.com)) allows you to set up ten columns and then customize those columns to fit your interests. I have a column for 'paralegal' and another for 'probate' and another for 'law firm'...these change frequently. You can also organize your followers into groups.

**My usual warning.** Everything you post can be located with a simple Google search so remember that people may read every tweet you send. An inappropriate tweet (or post on any networking site for that matter) could hurt your career, cost you the job you have or take you out of the running for a new job. Don't say anything about anyone (especially your boss) that you would not say to them if they were standing in front of you.

**Your Challenge.** If you haven't already, it's time to see what the social media rage is all about. The key to your success is to use social media as a learning tool. Create your Twitter account...be sure to use your name correctly, upload a picture, write a positive profile...then ask yourself what you want to learn from Twitter and search for that information. This will get you off to a great start. Let me know if you have questions!

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Vicki Voisin, "The Paralegal Mentor", delivers simple strategies for paralegals and other professionals to create success and satisfaction by achieving goals and determining the direction they will take their careers. Vicki spotlights resources, organizational tips, ethics issues, and other areas of continuing education to help paralegals and others reach their full potential. She publishes a bi-weekly ezine titled **Strategies for Paralegals Seeking Excellence**. More information is available at [www.paralegalmentor.com](http://www.paralegalmentor.com)



*"Knowledge Speaks, but Wisdom Listens"*

- Jimi Hendrix

# Upcoming Events



## July

- 1 NALS – Early Bird Registration DEADLINE - Educational Conference & National Forum – Irvine, CA
- 2 Austin LSA – Business Meeting (Strasburger & Price)
- 14 Austin LSA – Luncheon @ Austin Bar Association @ Noon – Juvenile Law
- 17-19 Region 6 Conference – Little Rock, AR
- 29 Austin LSA – Officer / Chairmen Reports due to President

## August

- 1 NALS – Regular Registration DEADLINE - Educational Conference & National Forum – Irvine, CA
- 1 NALS – Postmark Deadline for September exams
- 1 NALS – Board of Directors Nominations Deadline
- 6 Austin LSA – Business Meeting (Strasburger & Price)
- 9 Austin LSA – Luncheon @ Austin Bar Association @ Noon – Search & Seizure
- 26 Austin LSA – Officer/Chairmen Reports due to President



# TRIAL TIPS

## Clue the Jury in Early: A Pitch for Substantive Preliminary Jury Instructions

by Christopher A. Kenney

Traditionally, jury trials have had the peculiar characteristic that jurors are not instructed on the substantive law they must apply in a case until the end of the trial, after the presentation of all the evidence and the arguments of counsel. This practice has been criticized for decades as being out of touch with the natural way in which jurors process information. These criticisms have led to an increased use of preliminary instructions to jurors at the onset of trial on the substantive principles of law they will be asked to apply at the end of trial.

Most states now allow, and a few states even require by court rule, that judges instruct the jury on the substantive legal principles of the case before the final instructions at the end of trial. These preliminary instructions typically include matters such as the nature of the plaintiff's claims, the elements of those claims, the burden of proof on the issues in the case, and the defendant's affirmative defenses. Numerous jury reform commissions have endorsed this practice. Moreover, increased experimentation with the technique has led to increased use of preliminary instructions at trial.

Instructing jurors early improves understanding and recall of both the legal principles jurors must apply and the facts of the case. Human information processing studies confirm that providing a prior cognitive structure, or "schema," for the evidence influences the selection of evidence entered into memory and how it is recalled. Outlining the legal issues and applicable law up front focuses juror attention on legally relevant evidence and facilitates juror recollection of probative facts and statements. This helps the jurors to make credibility assessments and to draw reasonable inferences during trial.

Providing early substantive instruction, rather than after weeks of testimony, capitalizes on the jury's freshness and attentiveness early in the trial. Communicating the governing law at both the beginning and the end helps jurors retain and process the law as they begin deliberations. It also helps them resist biases they may bring to the courtroom by grounding them, from the onset, in a legal framework for the case rather than leaving them to rely on their gut reactions until the end of trial.

Preliminary instructions provide a host of benefits for trial counsel. If the judge instructs the jury on legal principles before opening statements, attorneys can incorporate those principles into their opening statements in a way favorable to their clients. From the onset, counsel can advocate a view of how the facts of the case will be shown to fit within the legal framework set forth. The instructions also create a natural outline for the trial itself that attorneys can use as an organizational tool for effectively and efficiently presenting their arguments and evidence.

One difficulty that arises with preliminary instructions is that, as a trial progresses, instructions given at the beginning may need to be changed or supplemented based on the evidence presented. This difficulty can be mitigated through an early instruction from the judge stressing that the jury should deliberate based on the *final* instructions at the close of the evidence. Moreover, to the extent instructions may change as a result of rulings by the judge on legal issues in the case, these issues can frequently be resolved through more active pretrial activity addressing instructions. Addressing proposed instructions earlier in the trial process may create a slight additional burden on attorneys, but it also helps them to focus on a legal outline of the case early on and to streamline their case presentation.

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## Advanced Career Enhancement Seminar/NALS Certifications

Watch your emails for the announcement and registration form for Austin LSA's Advanced Career Enhancement Seminar scheduled for August and September 2009!! This is especially true if you are planning to sit for any of the three NALS Certifications or need CLE for recertification.

If you are new to Austin LSA you may not be familiar with NALS Certification. I am sure that you have heard NALS certifications mentioned at the monthly CLE luncheons, articles in THE VERDICT!, and mass emails from the Certification Committee. You have seen members wearing pins and have seen that when members with NALS certifications sign their name or are introduced there are letters after their names. You know there are tests you have to take to get the pins and the "letters" after your name. Perhaps you have thought, "Do I want to take a test to have a pin and letters?" Have you looked at the NALS website to see what certification is all about?? That is the best place to go other than speaking to those members who have one or more of the NALS certifications.

Sometimes we get too busy (nature of the legal industry and our fast-paced lives) to visit and view entire websites. We go directly to the information we are looking for. So, I am going to recap here, taking my information directly from the website, each of the three NALS certifications. As you read about the ALS, PLS, and Certified PP designations/certifications, I am sure that you will recognize that you already possess many if not all of these skills, abilities and knowledge.

After you have read through the summaries below think about these two questions:

- How are other people going to know that I have these skills and knowledge?
- Do I have a job or a career?

Someone once said that if you are not growing in your work you just have job. If you are growing in your work, you have a career. Obtaining a NALS certification is growth in your work—a career commitment. Showing the personal pride of knowing that you are doing all that you can do to improve yourself in your career choice is the reason for the "pin and letters." Having those letters lets others (co-workers and current and future employers) know that you have made the commitment to have a career and not just a job. This is even truer in today's job market.

Now, please take the time to review the following summaries and then go to the NALS website ([www.nals.org](http://www.nals.org)) to find out for each certification the qualifications, the test dates, costs, the application, etc. and then make the decision to make a career commitment and sit for a NALS certification.

### **"ALS. . . the basic certification for legal professionals – a Career Goal"**

This designation is awarded after passing a four-hour, three-part examination. The exam parts are: Written Communications; Office Procedures and Legal Knowledge; and Ethics, Human Relations and Judgment.

Passing this examination and being awarded the ALS certification indicates to others that you:

- Have the ability to perform business communication tasks.
- Have the ability to maintain office records and calendars, and prioritize multiple tasks when given real-life scenarios.
- Have an understanding of office equipment and related procedures.
- Have an aptitude for understanding legal terminology, legal complexities, and supporting documents.
- Have recognition of accounting terms in order to solve accounting problems.

- Have knowledge of law office protocol as prescribed by ethical codes.

### **“PLS . . . the advanced certification for legal professionals – A Career Goal”**

PLS® is the designation for lawyer's assistants who want to be identified as exceptional. Certification is received after passing a one-day, four-part examination that demonstrates not only dedication to professionalism but acceptance of the challenge to be exceptional. Personal motivation is necessary to attain such a goal.

The one-day, four-part examination consists of:

- PART 1: Written Communications
- PART 2: Office Procedures and Technology
- PART 3: Ethics and Judgment
- PART 4: Legal Knowledge and Skills

Passing this examination and being awarded the PLS certification certifies that you as a lawyer's assistant possess:

- A mastery of office skills.
- The ability to interact on a professional level with attorneys, clients, and other support staff.
- The discipline to assume responsibility and exercise initiative and judgment.
- A working knowledge of procedural law, the law library, and how to prepare legal documents.

### **“Professional Paralegal – Certified PP”**

Certified PP designation is an attainable goal for paralegals who wish to be identified as exceptional in all areas of law. The certificate is received after passing a one-day, four-part examination consisting of:

- PART 1: Written Communications
- PART 2: Legal Knowledge and Skills
- PART 3: Ethics and Judgment Skills
- PART 4: Substantive Law

Successful completion of the PP examination demonstrates that you have:

- A mastery of procedural skills and communication skills.
- An advanced knowledge of procedural law, the law library, and the preparation of legal documents.
- A working knowledge of substantive law and the ability to perform specifically delegated substantive legal work under an attorney’s supervision.
- The ability to interact on a professional level with attorneys, clients, and other staff.
- The discipline to assume responsibility and exercise initiative and judgment while adhering to legal ethical standards at all times.
- A mastery of procedural skills and communication skills.

- An advanced knowledge of procedural law, the law library, and the preparation of legal documents.
- A working knowledge of substantive law and the ability to perform specifically delegated substantive legal work under an attorney's supervision.
- The ability to interact on a professional level with attorneys, clients, and other staff.
- The discipline to assume responsibility and exercise initiative and judgment while adhering to legal ethical standards at all times.

Working under the supervision of a practicing lawyer or a judge, you as a Certified PP are expected to possess:

- The same high standard of ethical conduct imposed upon members of the Bar.
- Excellent written and verbal communication skills.
- Knowledge and understanding of legal terminology and procedures, as well as procedural and substantive law.
- The ability to assume responsibility, exercise initiative and judgment, and prepare substantive legal documents within the scope of assigned authority.
- Attaining this goal demonstrates dedication to professionalism and acceptance of the challenge to be exceptional. Personal motivation is necessary to attain such a goal.

If you are interested in sitting for a NALS Exam please note that the next exam date is September 26, 2009 and the deadline for application and paying the fee is August 1, 2009.

To prepare for the exams you can attend Online Study Group Sessions ([www.nals.org](http://www.nals.org)) and register for the Advance Career Enhancement Seminar to be announced soon.

I hope that you make a career commitment to attain the NALS designation/certification of your choice. I am always willing to answer any questions you might have. I can be reached at (512) 495-1426 or [fjordan@georgeandbrothers.com](mailto:fjordan@georgeandbrothers.com).

Fay M. Jordan, PP, PLS, TSC-CL

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Wherever the same may be seen.

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