

Lafayette Paralegal Association

September, 2010
Newsletter

Post Office Box 2775
Lafayette, LA 70502-2775
www.lpa-la.org



LPA Scholarship Program Applications are Accepted Nov. 15 – Dec. 31

There are numerous benefits that go along with membership in LPA such as networking opportunities, social events, and affordable CLE credits for paralegals with their CLA/CP certification. We are excited to announce our newest benefit, the scholarship program. This program is intended to financially assist our members who strive to achieve additional certifications in the pursuit of further professional development. This scholarship is not need based; it is designed to assist all member paralegals regardless of their income level.

To qualify, applicants must be an active member of LPA for two complete years prior to application. Additionally, the applicant must meet all of the requirements of the certification exam they are applying to take. The LPA scholarship is to be used for the various NALA certifications, the CWCP, the Notary Public Exam for the State of Louisiana, and the LCP. Additional certifications will be considered by the Executive Committee of LPA. It also covers applicable preparation guides, texts, and classes.

Scholarship applications will be accepted between November 15th and December 31st and are considered in the order in which they are received. The application process includes a letter of intent and a current resume. Funds are to be distributed in the maximum amount of \$250.00 per scholarship and will be distributed as reimbursement.

If you are a paralegal considering certification or interested in becoming a Notary, or if you employ a paralegal and would like to encourage certification, we hope this program gives you that extra incentive. Additional certification benefits paralegals as an individual, as well as benefiting their firm and the paralegal profession in general. For more information please contact Molly at [Molly Davenport@lawd.uscourts.gov](mailto:Molly.Davenport@lawd.uscourts.gov).

-Molly Davenport, CLA

City Parish President Joey Durel Proclaims September 13 – 19, 2010 Paralegal Week in Lafayette



Cheri-lea McDonald, LPA Treasurer
Mae Ewing, LPA President
Joey Durel, City-Parish President
Kathy D. Stanley, CLA, LPA Secretary

President's Note

Although it is still hot outside, summer is over and another school year has begun. Even if you don't have children in school, you probably know someone who does. As we begin the routine of a new school year, let this be the beginning of your increased involvement with LPA. A great way to start is to join us at our annual Paralegal Week Social on Tuesday, September 14, 2010 at A La Carte. Please come from work and treat yourself to great food and company. Many of our sustaining members will be in attendance as well.

Please continue to invite other Paralegals to become a member of LPA, and encourage your vendors to join as sustaining members. I would also like to encourage each of our members to renew or join Louisiana State Paralegal Association, Inc. (LSPA). LSPA is sponsoring a great educational opportunity in connection with Paralegal Week which will be held in Alexandria on Friday, September 17, 2010 on the topic of E-Discovery. If you have not been taking advantage of the great educational luncheon seminars LPA has sponsored plan to start attending as we will continue to have great topics with informative speakers.

Our next edition of the newsletter is in the works, so please forward articles to our Chair, Rachael A. Miller-Oliver at ramiller-oliver@ohllc.com. As you will note, our newsletter has a

UPCOMING EVENTS

September 28, 2010
J. Keith Gates: The La. Supreme Court

October 19, 2010
Mark Riley: Workers Comp Update

November 16, 2010
Johnette Hassell: "E-Discovery"

December 7, 2010
Christmas Luncheon @ City Club

- Regular monthly meetings are held at the Petroleum Club of Lafayette. The cost of the buffet or soup/salad bar is still only \$15 per person, and a beverage fee of \$3.00 for anyone not eating (all prices are inclusive of tax and gratuity).
- Seminars are free to members; non-members are asked to pay a \$5 seminar fee.

President's Note (Cont'd)

new feature, articles written by members entailing their jobs and area of law. Please consider submitting articles and forwarding updates pertaining to law changes to be included in our newsletter. This benefits our membership, as we all need to stay current on changes.

I want to thank all of the executive board, committee chairs and committee members for doing such a great job. As we begin this school year, remember that we want all of our members to be more active in their participation.



For those able to attend the Third Circuit Judicial Candidate Forum held on August 10 at the Petroleum Club, we gained valuable insight about the four candidates running for the Third Circuit Judge position. Thank you to the Bar Association for including us.

- Mae Ewing, LPA President

Part 2 of our Series: What Does a Paralegal Do?

Real Estate Paralegals

In the area of real estate law, a paralegal can greatly assist the attorney by facilitating smooth transfers of real estate for all parties involved. Real estate closings may be for immovable or movable property and for residential or commercial property. As this may be the first time the buyer or seller has been to your law firm or to any attorney's office, the paralegal must always be courteous, professional and follow the ethics code. A real estate paralegal should have knowledge of documents required for a transaction as well as being able to work with minimal supervision.

A real estate paralegal's job description and duties vary greatly depending on the law firm or title company they work for. In a one attorney office, the duties will include a wide range as you will handle the file from start to finish, while in a larger office, the duties tend to be specialized to one area of the entire transaction.

The paralegal's duties may include file management from initial order through completion, including tracking and calendaring of deadlines, contact with the clients to gather information, assisting with purchase agreements, ordering of abstracts, surveys, tax information, and lender packets, research at the courthouse as well as legal research, and preparation of closing documents, including the Settlement Statement. You will work with attorneys, abstractors, surveyors, lenders, realtors, builders, inspection companies, insurance agents and clients to obtain information needed to complete the transaction. You may do the initial review of the abstract, probate, and suit files for your attorney. If needed to complete the real estate transaction, you may also need to draft corporate documents, including articles and resolutions, succession documents required for the heirs to have ownership, or other curative documents that may be needed before the closing can be completed. In drafting these documents for the attorney to review, the paralegal keeps the file moving forward to meet the closing deadline.

In some offices the paralegal may attend the closing to review the closing documents for proper execution or meet with the clients to notarize the documents. With regard to title insurance, you may prepare the title insurance commitments, policies and monthly reports. You may also be responsible for preparation of closing

checks for disbursement and balancing of escrow funds, which the attorney will review. After the closing, the paralegal will be sure that the executed documents are sent for recording at the proper courthouse. The paralegal must also be sure that all mortgages, liens, judgments and other items to be paid from closing proceeds are paid and canceled at the courthouse. In many offices the paralegal must also be sure that the 1099 reporting is done. Experienced real estate paralegals may also supervise other closing staff and do marketing for their firm.

While Louisiana requires an attorney to be involved in closings, several states now use title companies with paralegals having a greater role in the closing process. The paralegal's work can be challenging and you learn to expect the unexpected. Even veteran paralegals have items appear while preparing for a closing that they have never seen before. Having worked in this area for close to thirty years, I have found it to be a very rewarding area to work in. Clients leave excited to have completed their purchase or sale, many having bought or sold their dream home or company.

-Mae Ewing

LPA 2010 – 2011 Officers and Committee Chairs

President:	Mae Ewing
Vice-President:	Deborah P. Fontenot, CLA
Treasurer:	Cheri-lea T. McDonald
Parliamentarian:	Kaye Pooler, CWCP
Secretary:	Kathy D. Stanley, CLA
Corresponding Secretary:	Rachel Martin
Education /Scholarship:	Molly Davenport, CLA
Finance:	Cheri-lea McDonald
Job Bank:	Darlene A. Conque
LSPA Liaison:	Jessie Cormier, CP
LBA Liaison:	Savannah Stephan
Membership:	Deborah Fontenot, CLA
Newsletter:	Rachael A. Miller-Oliver
Nominations/Elections:	Kaye Pooler, CWCP
Photographer/Historian:	Lisa Broussard
Program:	Rachel Martin
Public Relations:	Renatti Dupont
Social:	Debbie Billiot
Survey:	Savannah Stephan
Technical/Web Page	Kim Plonsky

NALA 35th Annual Conference

LPA members, Deborah Fontenot, CLA and Jessie Cormier, CP traveled to Jacksonville, Florida in July to attend NALA's 35th Annual Conference. All meetings, continuing education, exhibits and other activities were held at the Hyatt Regency Riverfront Hotel on the St. Johns River on July 14 - 17, 2010. Nearly 300 paralegals from 41 states attended the nation's largest gathering of paralegals. There were continuing education sessions on Bankruptcy, Elder Law and Veterans Law, Essential Skills, Mergers & Acquisitions, Intellectual Property, Medical Records, Managing Corporate Records, E-discovery and more. Debbie Fontenot attended continuing education sessions on corporate law topics courtesy of her employer.

Jessie Cormier, CP, as the NALA Liaison officer for the Louisiana State Paralegal Association (LSPA), attended various meetings. The membership forum included introductions to NALA Officer candidates and continued with announcements from NALA headquarters staff members. There was a live demonstration of a new search feature on NALA's website that allows searching the *Facts and Findings* article archive by author, article title, article description or key words back to 2000. This is a member benefit.



The convention featured exhibits by affiliated associations including LSPA. Jessie Cormier, as LSPA's representative, set up an exhibit with a display of photographs taken over the years, one of LSPA's photo albums – the one in which Karen McGee, ACP (at that time was NALA President-Elect) served as LSPA President and lots and lots of Mardi Gras beads! Visitors to the booth left with beads for themselves as well as children, grandchildren, co-workers and board members.

There were also exhibits by many vendors ranging from registered agents, process servers, legal research, litigation support services, and several

others. Many of these vendors also provided great door prizes.



Karen Greer McGee, ACP of Shreveport, LA, was elected NALA President and officially took office along with the rest of the new officers and directors at installation ceremonies on Friday evening. NALA Past President, Pamela J. Bailey, ACP did the honors as she had been a mentor to Karen in becoming involved with NALA committees and offices. (Pictured above)

The opening night reception featured a 1970s theme to celebrate the spirit of the decade of NALA's founding in 1975. Many attendees came in period attire including bell bottoms, peace signs, afro wigs, go-go boots and tie-dye. A mirrored disco ball and DJ kept the atmosphere lively with 70's music and even a Soul Train-style dance line. The refreshments and activities provided additional opportunities for attendees to get to know each other. NALA President Linda J. Wolf and President-Elect Karen McGee came dressed as Mary Tyler Moore and Rhoda.

During the NALA Annual Conference, there was a presentation regarding changes in testing for the CP/CLA examination. Previously, there were approximately 62 test locations throughout the U.S., which required some certification candidates to incur travel and lodging expenses. Although the exam itself has not changed, it will now be taken via computer which will speed up the grading process. NALA has made arrangements with ACT testing centers at colleges and universities throughout the country for the CP/CLA exam to be taken. This increases test sites to approximately 250 locations. Fees are charged by the testing center depending on the amount of time required (for example, an exam section of 1.5 hrs. will incur a fee of \$34.50 due to the testing center). This exciting change will allow even more paralegals the opportunity to obtain certification. An examinee will be allowed to choose from several dates and times throughout the month, possibly including Saturdays and

evenings, from which to schedule so that it may be possible to schedule around work and other activities. The deadline for application for the January, 2011 administration of the CP exam is December 1, 2010. The CP exam will be administered annually in January, May (application deadline of April 1) and September (application deadline of August 1). For more information please visit the following website: www.nala.org/examinee.aspx.

Attending the NALA Annual Meeting and Convention was a stimulating and motivating experience. I hope that everyone reading this article will consider attending a NALA Annual Conference in the future. Next year will be in Omaha, Nebraska.

-Jessie Cormier, CP

IMPORTANT CHANGES IN THE LAW:

LA CCP Article 3431, et seq.

In the area of small successions, LA CCP Article 3431, et seq., includes several major changes regarding Small Successions and the requirements of when they do not have to be opened judicially. While these changes were effective June 2009, they are now being utilized and create another option for those having a small estate.

La. Act #740

When requesting Medical Records on behalf of clients, a wide range of costs can be the result. Act 740 establishes limits on the amounts which can be charged for paper and digital reproductions of records. Of particular interest, in the event medical records are maintained in digital format, copies may be requested in digital format and the charge shall not exceed \$100.00. Also, if a certification setting forth the extent of the completeness of the record is requested, it shall be provided at no charge.



Debbie Fontenot & Vicki Voisin,
The Paralegal Mentor.
Check out her website at
www.paralegalmentor.com.

And sign up for her weekly newsletter.
It is absolutely wonderful. - Debbie

What Have You Missed?

Haven't been able to attend the LPA Monthly Luncheon Seminars? Here's a look at what you've missed.



Legal Aspects and Insurance Implications of Risk Allocation of Oil & Gas Service Contracts

Presented by

Andre Comeaux, CPCU,
Regions Insurance, Inc.

August 2010



CONSTRUCTION LAW

Presented by

Emile Joseph, Jr.
Attorney at Law

Allen and Gooch Law Firm
July 2010



Mediation 101: A Primer in Alternative Dispute Resolution

Presented by

E. Gregory Voorhies

(pictured above with Savannah Stephan)
Attorney at Law
June 2010

**LAFAYETTE PARALEGAL ASSOCIATION
THANKS ITS SUSTAINING MEMBERS:**

Benjamin J. Pooler II
Pooler Consultants Ltd.
Safety Expert



Legal Reporting, LLC



**PERRIN, LANDRY, deLAUNAY,
DARTEZ & OUELLET**
PERSONAL INJURY & MARITIME LAW



To contact Sustaining Members please visit www.lpa-la.org and click on their logo.