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the roll call

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Tips for Making the First Week of Exams Successful

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Avoid common fallacies in exam preparation.

Do not confuse following the material in class with true understanding of the material and its nuances. You need to know more than the gloss on the law. Go for deeper understanding.

Do not confuse success by your study group on practice questions with your personal ability to succeed on exam questions. You will be taking the exam on your own. Do some practice questions without the assistance of study group members.

Do not confuse being able to do practice questions in general with being able to do exam questions under timed conditions. Complete some practice questions under exam conditions: timed; outlining your answers; and writing the answers.

Do not confuse pure memorization of the law with understanding how to apply the law to new fact scenarios. The first task is necessary for success on exams, but is only a starting point. Practice questions are essential for success in grades.

Do not confuse passive studying with active learning. You need to ask questions, wrestle with the concepts, consider relationships among concepts, and apply the material to learn actively.

Do not avoid learning the hard concepts by focusing on the easy concepts. You need to get out of your comfort zone and attack head on the material you do not understand.

The preceding is an excerpt. For the full article, please visit <http://www.law.ttu.edu/lawWeb/oasp/tips/TipsForMakingTheFirstWeekOfExamsSuccessful.shtm>.

State Bar of Texas Career Center

Visit the State Bar of Texas Career Center online!

Go to www.texasbar.com, click *Other Services* in the left column and select *Career Center*.

Job Seeker Services will help you

- search jobs
- post resumes
- create job agents
- record jobs applied for and
- search by employer.

Legal Resources Center has an entire section dedicated to law students.

You will find

- tips and articles on career advancement, career assistance and networking
- a salary wizard and
- much more.

Get “Plugged-In” With TYLA

Now that you know a bit more about TYLA, you may be asking, “How can I get involved; how can I get ‘plugged-in’?” In addition to working directly with a TYLA project or two (more on that to come in future newsletters), a great way to get “plugged in” is by working with one of the twenty nine TYLA local affiliates across the state:

Abilene Young Lawyers Association
Amarillo Area Young Lawyers Association
Austin Young Lawyers Association
Bell County Young Lawyers Association
Brazos Valley Young Lawyers Association
Cameron County Young Lawyers Association
Collin County Young Lawyers Association
Corpus Christi Young Lawyers Association
Dallas Association of Young Lawyers
East Texas Young Lawyers Association
Ector County Young Lawyers Association
El Paso Young Lawyers Association
Fort Bend County Young Lawyers Association
Forth Worth-Tarrant County Young Lawyers Association
Galveston Young Lawyers Association
Grayson County Young Lawyers Association
Greater Denton County Young Lawyers Association
Hidalgo County Young Lawyers Association
Houston Young Lawyers Association
Jefferson County Young Lawyers Association
Laredo Young Lawyers Association
Lubbock County Young Lawyers Association
Midland County Young Lawyers Association
San Antonio Young Lawyers Association
Smith County Young Lawyers Association
Texarkana Young Lawyers Association
Tom Green County Young Lawyers Association
Waco McLennan County Young Lawyers Association
Walker County Young Lawyers Association

The TYLA affiliates are local bar associations started by young lawyers in a particular city or county to meet the needs of local young lawyers and to serve their local community. Each affiliate is run by young lawyers for young lawyers in that community. In addition to participating in TYLA curriculums and projects, each local affiliate plans and implements its own programs and activities, ranging from community service projects, to CLE lunches, to happy hours, to events with the judiciary, all of which are great opportunities for future lawyers like you to “plug in.”

Many of the TYLA local affiliates also offer associate membership in their organizations for law students. By joining the associations, you not only will have the chance to participate in the projects of the TYLA affiliate, but also to become “plugged in” to all the happenings and goings on in the local bar. Membership and participation at the local level provides you with excellent opportunities to learn and see the law in action as well as invaluable networking opportunities with lawyers in the fields and locations where you may one day practice yourself. Furthermore, TYLA local affiliates have activities and events year round. So, if you are too busy during the semester or quarter with classes to really get involved, consider joining an affiliate to stay “in the know” and participate when you are on a break from the rigors of studying, during the winter or summer breaks.

We encourage you to not only become aware of and involved with the TYLA local affiliate(s) that may be located near you law school, but to also make contacts and get involved with the TYLA affiliates around the state and in the city or county where you are from or where you hope to someday work. There is no better way to learn about practicing in a specific field or location than through those people working there everyday. And there’s no better time than the present to get “plugged in” for your future!

For more information regarding the TYLA local affiliates, check out http://www.tyla.org/local_leader_dir.html where you will find contact information for the leaders of the TYLA local affiliates as well as links to their websites.

To submit an article or suggestions to the roll call, contact the Law Student Division Coordinator, Denny Sheppard at 800.204.2222, ext. 1518 or dsheppard@texasbar.com.

Communication is Key in Keeping Clients Satisfied

by Orlando Lopez, Director of Law Practice Management

Communication is a hallmark of modern civilization and is often what separates humans from almost all other creatures. We are able to communicate our feelings, instructions, past experiences, and much more to one another verbally, physically, electronically, etc. Given the importance of this human ability, it is easy to see and understand its necessity in the legal profession due to the client-driven nature of the profession. An attorney is in the business of serving clients in interpreting the laws to them, counseling them, and acting in their best interests. This is impossible to accomplish without good, clear communication.

It is important to note that most grievances filed against attorneys stem directly from a lack of communication on the part of the attorney with the client. Why is this so? Is it really that difficult to keep a client in the loop about his / her case? Perhaps that is the case, but ultimately, it really gets down to the mindset of the attorney; in most cases, this one client is simply one of several

or many for the attorney. For the client, chances are this THE one and only case, and it's essential for attorneys to remember this. Communication is the key and will no doubt help bring a human element to your client relationships.

The initial meeting with a client is perhaps the most crucial part of the relationship. It is in this meeting that you are introduced to the client and hear their story, which then allows you to determine whether or not their case has merit. That being said, it is imperative that you find out as much information as possible from the prospective client in order to make that determination. Of course, it is important to find out all facts and key players in the case, but also ask for other bits of information such as spouse's / children's names, religious preference, political affiliation, favorite food, favorite restaurant, favorite sport, etc. This will help establish a human bond with your client.

In addition to those bits of information, it is absolutely necessary to

find out what drives the client; what prompted him / her to bring about this case and seek your help. For example, if the client is seeking a divorce, find out what the desired outcome is – do they want custody of the children to ensure that they don't have to move and change schools or do they simply want their spouse to suffer by being without the kids? No doubt, such information would affect your decision to take the case or not.

You also need to make sure that you give the client sufficient information about you and your practice. If you have staff be sure to introduce them to the clients, especially those staff members that will be in regular contact with the client. This will help the client become familiar and comfortable with members of your team, with the desired result being a client more open to communicating with not only you but your staff as well.

It is in this initial meeting that you sign the fee agreement / contract with the client. *CONT. p. 4*

ACTL TO AWARD \$15,000 IN ESSAY CONTEST

The American College of Trial Lawyers has announced its sponsorship of an essay contest for law students on the topic of "Judicial Independence and the Separation of Powers Doctrine." The contest's first place and second place winners will receive cash prizes of \$10,000 and \$5,000, respectively. The contest is open to all students at law schools in the United States (including those studying for their J.D., L.L.M, or other graduate degrees). Essays, which should be approximately 5,000 words, are due by March 1, 2007, and can be submitted by e-mail to essaycontest@actl.com.

The submitted essays will be reviewed by a panel of trial and appellate jurists. **For more information, visit www.actl.com.**

TEXAS LAW SCHOOL UPDATES

Baylor

The first week in November, we had a State Bar LSD membership drive. We hosted an undergraduate mock trial competition this past weekend and are gearing up for the Naman, Howell, Smith & Lee Client Counseling Competition in December. Stay tuned for updates on the State Bar Section Mentoring Program and Law Practice Management Seminar.

SMU

This fall SMU won first and third place at National Criminal Procedure Moot Court. SMU also took first place at Michigan State Mock Trial. Blake Glover was chosen best advocate at Georgetown White Collar Crime Mock Trial. The Appellate Judges Education Institute, housed at SMU Dedman School of Law, hosted the 2006 Summit Conference November 9-11. SMU students attended a panel discussion on judicial independence featuring Justice Sandra Day O'Connor. On October 13th the SMU Law Review hosted the 14th Annual Corporate Counsel Symposium featuring Kurt Eichenwald. Mr. Eichenwald is the author of Conspiracy of Fools: A True Story about the Enron scandal. The Association for Public Interest Law and Women in Law co-sponsored the Domestic Violence Awareness

Symposium October 16-28 which featured several speakers and an opportunity to learn how to write Protective Orders.

Texas Tech

The end of a very busy fall semester at Tech is approaching. This semester has seen the commencement of construction on a \$13.5 million expansion on the Law School which will include a state-of-the-art courtroom and auditorium. The Texas Court of Criminal Appeals heard oral arguments at the Law School in October, giving our students a glimpse into the courtroom that they normally do not see. And, Texas Tech's negotiations teams took first and second place at the regional competitions in Houston in early November and will go on to compete for the national title in Miami in February.

TSU-TMSL

Charles Medearis was appointed as the State Bar of Texas representative to Thurgood Marshall. This semester, TMSL sponsored a very successful Law Practice Management Seminar with tremendous participation from faculty, local attorneys and law students.

COMMUNICATION CONT. This will help the client understand your billing cycle and process and should help eliminate any surprises. If you plan on billing for your support staff's time or if you're charging for long distance, faxes, or copies, this is where that information needs to be included. Consider giving your client a folder with a firm brochure and a copy of the fee agreement / contract and find out whether they want to be copied on all documents that you receive or create related to the case, which they

can then put in the folder.

Above all, be honest with your client about the possible outcome of the case. Never over promise because if you fail to meet that promise or fall just a bit short, you will have a very unsatisfied client on your hands, which could sour the relationship.

Once you have gotten beyond the initial meeting and have accepted the case, the level of communication will need to increase in order to keep the client informed. You can expect phone calls from your client and it is important that you return those phone calls promptly. Should you

find that phone calls are becoming too numerous to respond to in a reasonable amount of time, try setting aside a "block" of a couple of hours per day where all you do is return phone calls. Many attorneys have employed this practice and have found it to be extremely effective.

You can also inundate your clients with paper. Have some form letters set up that your staff can complete and send to your client that serves as a status report, even if it's as simple as stating that there's not much happening but you will be sure to inform them of any developments.

CONT. p. 5

COMMUNICATION CONT. The key is to be proactive in responding to client phone calls and these letters are a step in the right direction.

Your bills can also go a long way in establishing communication lines with your clients. Make sure that the bills that you send out are detailed and let the client know what they're being charged for. For example, "Telephone call to Mr. Smith," doesn't really tell the client much at all. Instead, be more specific; let the client know why you telephoned Mr. Smith. Also, if you should ever write off a charge, include that in the bill and show a charge of \$0.00, as that will go a long way in establishing good will with the client. A well written bill will give the client an idea of what you're being paid for and can serve as a sort of status report.

It's also important to keep your staff abreast of happenings in the case. This is especially true for those staff members working directly on the file as they will correspond with the client from time-to-time. Also, be sure that staff is aware of any special requests made by the client – perhaps the client asked to be informed of case developments via email instead of phone or perhaps they want copies of everything pertaining to the case. It's important that the staff is aware of such requests.

Upon completion of the case, you are still in a relationship with the client and communication is still necessary. A "post mortem" session would be very helpful. Make sure that there are no questions left unanswered on your client's part and make sure that you find out from your client what he / she thought of the service provided by your firm and if there was anything that could

have been done differently. Such commentary is extremely valuable to the firm and will help you identify strengths and weaknesses within your office.

It is also in the post mortem session that you will want to return the file to the client. Consider spelling this out in your initial fee agreement / contract with the client that upon completion of the case, you will return the original file to the client. This will relieve you of the burden of having to store the closed file. Of course, you will probably want to make copies of portions or the entire file for your own records, but if at all possible, store those electronically to reduce the need for additional storage space.

Once the file has been returned to the client and you have archived your copy, it is still important to keep in touch with the client. It is often suggested that attorneys send birthday and holiday cards to current and former clients but I'd like to suggest that you take that even further. Occasionally, send your former clients a letter just to let them know that you're still there and available to help with any legal matters that may come up. Perhaps you've added another attorney, or have added an area of specialization to the firm, or maybe there is a change in the law that that former client may find of interest – drop a letter in the mail and let them know. There is also a chance that your former client may refer you to someone else that may need your assistance, so keep those communication lines open.

It should be quite evident that communication between an attorney and his / her clients is very important

"...keep in touch with the client."



2006-2007 MINORITY SCHOLARSHIP RECIPIENTS

Baylor Law School
Stephanie Coliesa Hollomon

SMU Dedman School of Law
Jonathan Yim

St. Mary's University School of Law
Sonja D. Sims

Thurgood Marshall School of Law
Payal Jethva

Texas Tech School of Law
Tamar Gerhart

Texas Wesleyan School of Law
Claudia Ayala

University of Houston Law Center
DeAnna Renee Mack

and is ongoing from the beginning of representation until even after representation. That communication will keep the client informed of developments within his / her case and should keep surprises to a minimum. In the end, the result should be happier clients that will either give you repeat business or serve as a referral source for you.

NEW PARALEGAL DEFINITION AND STANDARDS ADOPTED BY THE STATE BAR OF TEXAS

In 2005, the State Bar of Texas Board of Directors, and the Paralegal Division of the State Bar of Texas, adopted a new definition for “Paralegal:”

A paralegal is a person, qualified through various combinations of education, training, or work experience, who is employed or engaged by a lawyer, law office, governmental agency, or other entity in a capacity or function which involves the performance, under the ultimate direction and supervision of a licensed attorney, of specifically delegated substantive legal work, which work, for the most part, requires a sufficient knowledge of legal principles and procedures that, absent such person, an attorney would be required to perform the task.

On April 21, 2006, the State Bar of Texas Board of Directors approved amending this definition by including the following standards, which are intended to assist the public in obtaining quality legal services, assist attorneys in their utilization of paralegals, and assist judges in determining whether paralegal work is a reimbursable cost when granting attorney fees:

A. Support for Education, Training, and Work Experience:

1. Attorneys are encouraged to promote:
 - a. paralegal attendance at continuing legal education programs;
 - b. paralegal board certification through the Texas Board of Legal Specialization (TBLS);
 - c. certification through a national paralegal organization such as the National Association of Legal Assistants (NALA) or the National Federation of Paralegal Associations (NFPA); and
 - d. membership in the Paralegal Division of the State Bar and/or local paralegal organizations.

2. In hiring paralegals and determining whether they possess the requisite education, attorneys are encouraged to consider the following:

- a. A specialty certification conferred by TBLS; or
- b. A CLA/CP certification conferred by NALA.; or
- c. A PACE certification conferred by NFPA; or
- d. A bachelor’s or higher degree in any field together with a minimum of one (1) year of employment experience performing substantive legal work under the direct supervision of a duly licensed attorney AND completion of 15 hours of Continuing Legal Education within that year; or
- e. A certificate of completion from an ABA-approved program of education and training for paralegals; or
- f. A certificate of completion from a paralegal program administered by any college or university accredited or approved by the Texas Higher Education Coordinating Board or its equivalent in another state.

3. Although it is desirable that an employer hire a paralegal who has received legal instruction from a formal education program, the State Bar recognizes that some paralegals are nevertheless qualified if they received their training through previous work experience. In the event an applicant does not meet the educational criteria, it is suggested that only those applicants who have obtained a minimum of four (4) years previous work experience in performing substantive legal work, as that term is defined below, be considered a paralegal.

B. Delegation of Substantive Legal Work:

“Substantive legal work” includes, but is not limited to, the following: conducting client interviews and maintaining general contact with the client;

locating and interviewing witnesses; conducting investigations and statistical and documentary research; drafting documents, correspondence, and pleadings; summarizing depositions, interrogatories, and testimony; and attending executions of wills, real estate closings, depositions, court or administrative hearings, and trials with an attorney.

“Substantive legal work” does not include clerical or administrative work. Accordingly, a court may refuse to provide recovery of paralegal time for such nonsubstantive work. *Gill Sav. Ass’n v. Int’l Supply Co., Inc.*, 759 S.W.2d 697, 705 (Tex. App. Dallas 1988, writ denied).

C. Consideration of Ethical Obligations (See Note* below):

1. Attorney. The employing attorney has the responsibility for ensuring that the conduct of the paralegal performing the services is compatible with the professional obligations of the attorney. It also remains the obligation of the employing or supervising attorney to fully inform a client as to whether a paralegal will work on the legal matter, what the paralegal’s fee will be, and whether the client will be billed for any nonsubstantive work performed by the paralegal.
2. Paralegal. A paralegal is prohibited from engaging in the practice of law, providing legal advice, signing pleadings, negotiating settlement agreements, soliciting legal business on behalf of an attorney, setting a legal fee, accepting a case, or advertising or contracting with members of the general public for the performance of legal functions.

*Note: a more expansive list is included in the “General Guidelines for the Utilization of the Services of Legal Assistants by Attorneys” approved by the Board of Directors of the State Bar of Texas, May, 1993.

For more information, contact the Paralegal Division at pd@txpd.org or www.txpd.org, or the State Bar of Texas at www.texasbar.com/paralegalstandards.

