

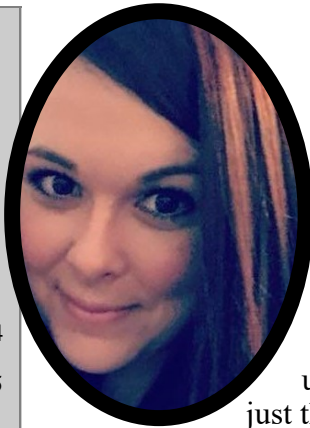


Ab Initio

The official newsletter of the
Legal Assistants/Paralegals of Southern West Virginia
an Affiliate of the National Association of Legal Assistants, Inc.

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From Your President

The sun is shining and the temps have finally started to warm up – at least for today! I am ready for it to stay warm (not hot), just the perfect temp.

Our 2019 Spring Meeting was a great success. Like our fall meeting, Mountwest Community & Technical College were great hosts. Bernard S. Vallejos, Esquire was an exceptional speaker to have and touched base on the “Recent Amendments to the West Virginia Peer Review Statute.”

The Executive Committee and other members of LAPSWV are in full swing organizing and making final preparations for our upcoming Annual Meeting on June 7, 2019. Mark your calendars, and plan to join us! Of course, breakfast, lunch and snacks will be provided by the wonderful AAA Catering.

Mother Nature rained out our LAPSWV Spring Social scheduled on May 17, 2019 but we will reschedule this event to enjoy an evening full of drinks, snacks, games and fun! This event is sponsored by our great friend and sustaining member, Dean Boerger, with Boerger Investigative Services, LLC so we will get this back on the calendar soon.

As school is starting to end and vacations start to begin, stay safe and enjoy your summer! I hope to see everyone at the upcoming Annual Meeting at Jackson Kelly!

Mica L. Spratt
LAPSWV President



LAPSWV



Events • Lunch & Learns

ANNUAL BUSINESS MEETING

LAPSWV will hold its 15th Annual Business Meeting on June 7, 2019, from approximately Noon to 1:30 p.m., at Jackson Kelly in Charleston, West Virginia.

The Slate of Candidates for LAPSWV 2019-2020 Executive Committee offices is available on the website for your review and consideration. Each candidate has met the one-year active membership requirement; and all candidates are actively employed as legal assistants/paralegals.

Special Note #1: The Call for Nominations was emailed to active membership on March 22, 2019. There were no nominations received for the position of NALA Liaison. Nominations for any of the officer positions may be made during the election of officers at the Annual Meeting on June 7, 2019.

All active members in good standing may vote in person or by proxy. Any active member electing to vote by proxy, may appoint another active member by written authority to vote his/her proxy at the meeting. A combined Proxy Designation Form and Instructions to Proxy and Alternate Proxy is available on the website for your convenience. All Designations of Proxy must be postmarked on or before May 24, 2019 and received by the LAPSWV Secretary on or before May 24, 2019. This is the deadline for Receipt of the form by the LAPSWV Secretary. Forms post-marked after May 24, 2019 will not be acknowledged unless they are in the Secretary's possession the same day. This form may be filed by regular mail or email.

Thank you for your continued support of LAPSWV.

JUNE 7, 2019 LAPSWV 15th ANNUAL SEMINAR AND MEETING JACKSON KELLY LAIDLEY TOWER, CHARLESTON, WEST VIRGINIA

SEMINAR AGENDA - ESTATE PLANNING Presented by Brent L. Van Deysen, Elder Law Attorney

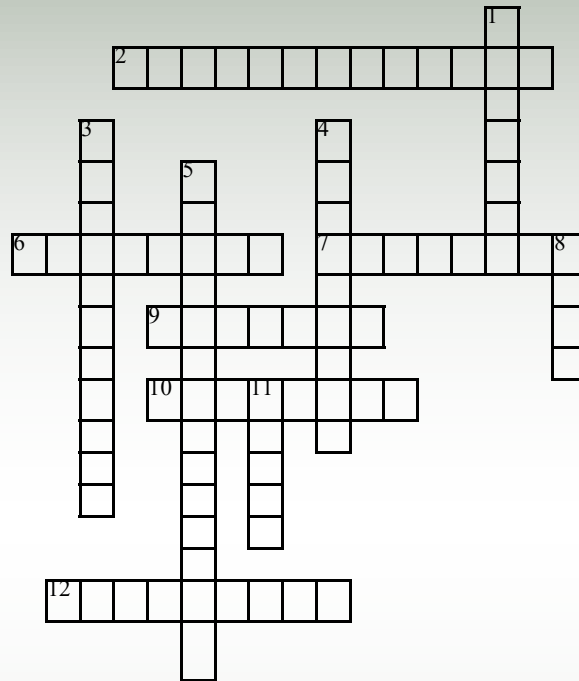
7:30 a.m. - 8:15 a.m.	Registration
8:15 a.m. - 8:30 a.m.	Opening Remarks
8:30 a.m. - 9:30 a.m.	1st segment – Introduction to Estate Planning – Wills, Powers of Attorney, Advanced Healthcare Directives;
9:30 a.m. – 9:45 a.m.	Morning Break
9:45 a.m. – 10:45 a.m.	2nd segment – Estate Planning for Beneficiaries with Serious Disabilities;
10:45 a.m. – 11:00 a.m.	Break
11:00 a.m. – 12:00 a.m.	3rd segment – When the Client fails to plan - Guardianship & Conservatorship – Intestate Succession;
12:00 p.m. – 1:30 p.m.	Annual Business Meeting – Lunch Provided Election and Installation of Officers Awards
1:30 p.m. – 2:30 p.m.	4th segment – Introduction to Nursing Facility Medicaid;
2:30 p.m. – 2:45 p.m.	Afternoon Break
2:45 p.m. – 3:45 p.m.	5th segment – Ethics - Who is your client? Your client did what? Your boss wants you to do what? Client gossip and things you shouldn't say on Social Media;
3:45 p.m. – 4:00 p.m.	Break
4:00 p.m. - 5:00 p.m.	6th segment – Nursing Facility Medicaid Planning options.

Spring

LAPSWV held its Spring Membership Meeting on April 9, 2019 at Mountwest Community & Technical College . Bernard S. Ballejos, Esquire presented “Recent Amendments to the West Virginia Peer Review Statute”.



LAPSWL Crossword



Across

- 2 One who administers the estate of a person who dies without a will
- 6 A personal representative named in a will to administer an estate
- 7 Practice focused on needs of elderly, incapacitated or planning for retirement
- 9 The process of proving before a judicial authority that a document offered for registration is genuine
- 10 Person who makes a will
- 12 A person or institution who manages money or property of another

Down

- 1 An amendment to a Last Will and Testament
- 3 Someone named to receive property or benefits in a will
- 4 A term used when a person dies without a valid will.
- 5 A private person authorized to by another to act in his or her place
- 8 A document that directes to whom a person's estate shall be distributed upon the death of the person who created the document
- 11 A legal document used to manage property established by one perso to benefit another

Loose Lips SINK SHIPS



Written by Amy H. Johnson

The paralegal profession thrives on the relationships we cultivate with clients, co-workers, court staff, and even our adversaries. Are you keeping your conversations with others within the ethical bounds? I asked several paralegals about confidentiality, and here are some of the considerations they raised.

CLIENTS

For paralegals who develop close relationships with clients, whether through lengthy litigation cases, corporate clients on retainer, or domestic cases where emotions run high, opportunities arise for the professional relationship lines to become blurred.

Naomi Nation, PP, CP, works with the Ninth Circuit Solicitor's Office in Charleston, South Carolina, and that office offers monthly meetings for legal assistants where there is always an ethics tip discussed. One month's tip was to be careful using the word "advise" with clients or any callers because that single word could inadvertently lead to the unauthorized practice of law. You might not intend to give legal advice but the caller might hear it as such. See how this may be misconstrued: "That is not the type of case we handle in our office, but I advise you to let the Court know you are unavailable on that date." Instead, be very clear and choose a different synonym: "That is not the type of case we handle in our office, and I am not

permitted to give you legal advice, but you can call another attorney who specializes in that type of law, and you can always call the Court to ask about your court date."

Another dilemma often facing paralegals when speaking with clients is how to be compassionate without letting them take advantage of your time. Set clear boundaries. Discuss the case or convey information as instructed by the attorney, but cut the conversation short if the client starts talking about family drama or other life problems. There is no advantage to the case that comes from indulging the client this way. Paralegal time is valuable, and if the client's communication is not productive to the file, then it is taking away time that should be spent on other tasks. Also, if this type of client communication is allowed from the inception, then the client may misunderstand the paralegal's role and frequently contact him/her to vent or discuss unrelated problems. It is easier to set the tone at the beginning than try to extract oneself later.

Barbara Mills, ACP, from Charleston, South Carolina, and former NALA Ethics Chair, is often faced with clients wanting to friend her on social media. She maintains a strict policy against such activity, and expounded on this topic in her column, "Ethics and Social Media" in the December 2017 issue of *Facts & Findings*. Ms. Mills reminds us

that accepting friend requests from clients gives them access to your location, and potentially gives others access to the client's location. Thinking worst case scenario, this could be damaging in a domestic case or even place the client in danger. Ignore the friend requests; that is part of keeping your relationship professional.

Finally, and this should go without saying, never do side jobs for clients. You cannot review a will for a personal injury client at the conclusion of the case. You cannot prepare a Power of Attorney for the CEO of a long-time corporate client. You cannot read through a legal document for typographical errors even if it is for the nephew of your firm's receptionist. All of these could appear as the unauthorized practice of law (UPL).

COURT STAFF

It is essential to establish connections with the Clerk of Court's office and other court staff. Be mindful, however, that familiarity does not spill into improper contact on email and written communication to the judge, copy counsel, and all parties. There are very few instances where it is appropriate to reach out to the judge's office without including, or at least notifying in advance, all of the attorneys in the case.

Working in chambers for a U.S. District Judge, Debby Sawyer, ACP, of Nashville, Tennessee, receives numerous telephone calls from paralegals and »

attorneys' offices regarding cases. She says that although unintentional, many times what they are asking can be considered an *ex parte* communication, which may lead to a possible ethics violation. To be safe, Ms. Sawyer suggests that anyone contacting court personnel, whether it be state or federal, be mindful the information they are requesting does not cross that line.

CO-WORKERS

Unless the job or organizational structure requires it, do not discuss cases with co-workers who are not involved in the specific case. This is easier to put into practice in larger firms because paralegals may not even work in the same department or specialty area. However, in small firms, it is routine to strategize on each other's cases, discuss the weaknesses in the case and how to overcome, or even complain, about a client who calls too often. Try to avoid this behavior. Think how terrible it would be if the conference room door was left ajar and the client overheard, or if opposing counsel was at the firm for depositions in another case and within earshot of the careless comments.

When she finds herself in a setting where clients or co-workers start to discuss confidential information in a group setting, Cheryl Nodarse, ACP, in East Lansing, Michigan, says that she employ(s) the art of deflection. "As quickly as possible, I will change the subject, addressing the entire group. "How 'bout them Tigers?" works quite well! This is a useful strategy to avoid an ethical blunder without being awkward.

If colleagues in the office want to vent frustrations about clients or attorneys, Heidi Mares, ACP, in San Diego, California, says the best response is to be true to yourself. Human nature may tempt you to search for common ground or even commiserate with the complainer. Instead, Ms. Mares says, "Remember that you are in control of your reactions, not others' actions," and she offers these strategies. Be an example of the professional where harmful or fleeting information doesn't go any further than you. Be the professional who says "OK," then turns around to continue working. If all else

fails and you're just too kind to ignore the invitations to get involved, then act blissfully unaware and offer a cookie to said colleague. If no cookies, bake some and bring them in. Food is the way to the heart and some hearts in your office may only need a little sugar.

OPPOSING PARALEGALS

Developing good rapport with other law offices is critical to most paralegal's success. Whether closing a real estate transaction, probating an estate, or battling a hotly contested litigation case, being able to talk to the paralegal on the other side facilitates efficient forward progress in the case. The best way to do this is to establish oneself as trustworthy, responsive, capable, and professional. Oftentimes paralegals practicing in the same specialty area will encounter each other again and again on multiple cases, and paralegals in the same geographic region will likely see each other at their local NALA affiliate meetings. Akin to co-workers and court staff, it is natural to develop a level of familiarity and comfort. It is perfectly acceptable to become friends and socialize, but observe the limits.

Paralegal Shene Hawk of Charleston, South Carolina, says of friendships she has with opposing paralegals, "We always look forward to working together on cases because it just goes more smoothly. We try to help each other with scheduling, etc. I am always conscientious though, despite our friendship, I still don't share any extra details about the case." When Ms. Hawk needs to transition the conversation to the task at hand she cheerfully announces, "Work Mode!" and that's their signal to turn on the professional tone. Caitlin Clancy, a paralegal from Charleston, South Carolina, who specializes in medical malpractice and serious injury cases, says that sometimes she has to take a difficult position in a case where she has a friend as the paralegal on the other side. To avoid hurt feelings, she prefaces with something benign such as, "The attorney asked that I tell you..." Along the same lines, Ms. Clancy always tries to avoid the appearances of impropriety. She says, "I have worked opposite the same paralegal for eight years, and we have become friends. If

we have an ongoing case, we wait until the case is over before we meet for a glass of wine. I would hate for the client or the client's family member to see me there and think I was discussing their case or, for even an instant, question their trust in me as their advocate during their case."

Nancy Jordahl, ACP, in Orlando, Florida, abides by an approach that leaves no gray area, "No matter who I am speaking to I limit the boundary to what is available in the public record or court file." Think about that for a moment. If you follow that guideline, you will always be ethically sound.

Do not give up the knack for creating relationships, because positive relationships bring joy and levity to the work day. The ability to connect with people is a trait that makes a great paralegal. Simply be mindful of the ethical boundaries. It is the paralegal who combines integrity with competency who shines as a true professional.



Amy H. Johnson works primarily in medical malpractice, catastrophic injury, and business litigation for Yarborough Applegate LLC, in Charleston, SC. She was formerly a paralegal at the firm of Pajcic & Pajcic in

Jacksonville, FL, and worked as a consultant in the field of statistical and economic analysis, and curriculum development. She also spent three years as a high school teacher of economics, world geography, and American History in Jacksonville, FL. In addition to her NALA membership, she is a Past President of the South Carolina Alliance of Paralegal Associations, Past President of the Charleston Association of Legal Assistants, and most recently served as NALA Liaison for Charleston Association of Legal Assistants. ☎ amy@yarboroughapplegate.com



Wishing LAPSWV Members A
Happy Birthday

May Birthdays

Cynthia L. Kline
Melania Streski

June Birthdays

Maria Cain
Debbie Estep

July Birthdays

Nicole Dingess
Michael Edwards
Ella R. Flack
Pamela Hanshaw
Robin Martin
Pat Schoolcraft

August

Lisa Casdorff
Teighlor Clark
Lisa Desposito
Walter S. Ice
Anna Johnson
Katelyn Roberts

Upcoming Events & CLE



NALA
THE PARALEGAL ASSOCIATION

CONFERENCE & EXPO 2019

July 11-13

Scottsdale, AZ

Western Kierland Resort & Spa



Upcoming Webinars

Webinars are a fast, convenient and now an even more affordable way to get the education you need.

1.0 hour webinars: \$39 for Members and \$59 for Nonmembers
1.5 hour webinars: \$39 for Members and \$59 for Nonmembers
2.0 hour webinars: \$49 for Members and \$69 for Nonmembers

If you have an Active Membership type, you may use your \$80 gift certificate toward these webinars. Contact NALA to apply your gift certificate today!

Utilizing Revocable Trusts in Estate Planning
Tues. 05/21/2019—11:00 am

During this session, we will discuss distinguishing between typical uses of Revocable and Irrevocable Trusts; recognizing common scenarios where Revocable Trust Planning is utilized; and identifying common clauses and elements of a Revocable Trust Agreement.

These dates and times don't work for your schedule but you still need CLE? How about taking one of NALA's **On-Demand Webinars**? Learn whenever it is convenient for you.

NALA | 7666 E. 61st St., #315 | Tulsa | OK | 74133

NALA Conference & Expo
July 11-13, 2019
Scottsdale AZ

This year's conference will be held at the luxurious Westin Kierland Resort & Spa located in Phoenix/Scottsdale, Arizona. This 3-day educational event will provide attendees with superior networking opportunities, a chance to earn up 13 CLE hours, and over 30 sessions developed to help elevate your paralegal and professional skills.

If you can not attend, Jill Francisco and Melanie Hicks will be attending conference if you wish to designate one of them to vote on your behalf. The proxy form can be completed at the following link:
https://www.nala.org/designation_proxy_form

Available On-Demand Webinars

1st Amendment
2017 Employment Law Updates
5 Steps to Develop a Marketing Mindset
Accounting 101 for Paralegals
Accuracy of Internet Information
Addressing Bullying in the Legal Workplace
Advanced Contracts—Commercial Leases
Advanced Project Management Competencies for Paralegals
An Analysis of Products and Completed Operations Claims
An Introduction to Estate Planning
Artificial Intelligence: Ethics Issues
Basic Business Organizations
Basic Due Diligence
Become the CEO of Your Whole Life
Cell Phone Forensics
Child Custody
Civil Litigation—A Step by Step Look at the Process
Clarity in Your Writing
Classification of Law
Collection Law: The Good, the Bad & the Profitable
Confidentiality and Ethics: Staying on the Right Side of The Line
Copyright Law in a Digital World: A Basic Guide for Paralegals
Corporate Depositions
Court Appointed Special Advocates (CASA)
CP Review—American Legal System
CP Review—Basic Business Organizations
CP Review—Civil Litigation
CP Review—Contract Law
CP Review—Ethics
CP Review—Judgment and Legal Analysis
CP Review—Legal Research
CP Review—Written Communications
CP Review Course Bundle
Creating Clear Healthcare Documents That People Can Understand
Criminal Investigation
Data Breach and Civil Actions
Dealing with Difficult People
Defensibility and Best Practices in eDiscovery
Different Types of Title IX Cases and Current State of Law
Discovery Issues in Insurance Coverage Lawsuits
Dram Shop Case/Liquor Liability Litigation Part 2
Dram Shop Case: What is it and Do I have One?
eDiscovery Defensibility Workshop
eDiscovery: Do I Really Need to Know this?
Effective Time Management for Today's Paralegal

Many Additional On-Demand Webinars Available...

2018-2019 LAPSWV Executive Committee



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2017-2018 LAPSWV Standing and Special Committees

<p><u>Bylaw Review</u> Tammy Welch, ACP, Chair Rhonda Swartz, ACP Walter Ice Pat Schoolcraft, ACP Melanie Hicks, ACP Mica Spratt</p> <p><u>CLA Study Group</u> Kelly Mullins Mica Spratt Jill I. Francisco, ACP Walter Ice</p> <p><u>Community Service</u> Mica Spratt Tonya Taylor Susan Knight Michele Matheny Kelly Mullins Katie Myers Megan Payne Paula Pauley Jill Francisco, ACP Walter Ice</p>	<p><u>Educational</u> Kelly Mullins, Chair Mica Spratt Jill I. Francisco, ACP Tonya Taylor</p> <p><u>Ethics</u> Tammy Welch, ACP-Chair Melanie Hicks, ACP Mica Spratt</p> <p><u>Finance</u> Sherri Rasmussen, Chair Mica Spratt Linda Quillen Lisa D'Esposito</p> <p><u>Fund-Raising</u> Sherri Rasmussen, Chair Michele Matheny Katie Myers Mica Spratt</p>	<p><u>Membership</u> Kelly Mullins Mica Spratt Jill Francisco, ACP Rhonda Swartz, ACP Tonya Taylor Renee Clay, ACP Cindy Spreacker Kristi Smith Sherri Rasmussen Pat Schoolcraft, ACP Melanie Hicks, ACP Linda Quillen Cassandra Petrunyak</p> <p><u>Newsletter</u> Patricia Schoolcraft, ACP Tonya Taylor Melanie Hicks, ACP V. Jane Lambert, CLA Michele Matheny Kelly Mullins Mica Spratt</p>	<p><u>Public Relations</u> Mica Spratt</p> <p><u>Seminar Planning</u> Mica Spratt, Chair Kelly Mullins Sherri Rasmussen Tonya Taylor Renee Clay, ACP Rhonda Swartz, ACP Cindy Spreacker Walter Ice</p> <p><u>Standing Rules</u> Tammy Welch, ACP-Chair Pat Schoolcraft, ACP Mica Spratt Rhonda Swartz, ACP</p>	<p><u>Website</u> Melanie Hicks, ACP-Chair Michele Matheny Kelly Mullins Pat Schoolcraft, ACP Tonya Taylor Mica Spratt</p> <p><u>Meet & Greet</u> Cindy Spreacker Mica Spratt</p> <p><u>Lunch & Learns</u> Kelly Mullins Mica Spratt</p>
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CURRENT MEMBERSHIP STATISTICS	
Active Members:	55
Sustaining Members:	3
Student Members:	13
Provisional Members:	0
TOTAL:	71
Pending Renewals:	0
Pending Student Apps:	0
ACPs:	10
CLAs and CPs:	4
CRP:	1

LAPSWV is always looking for volunteers to assist with the ongoing operations of the organization. If you have a special interest or skill that would be beneficial to a committee, please contact a member of the executive committee.

About Legal Assistants/Paralegals of Southern West Virginia

Legal Assistants/Paralegals of Southern West Virginia ("LAPSWV") is a non-profit organization established in 2004 in Charleston and Huntington, West Virginia.

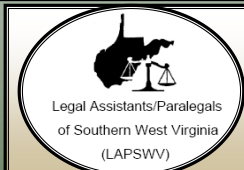
LAPSWV promotes high standards in the legal assistant profession, establishes networking resources for legal assistants/paralegals, and provides integrity in the legal community. LAPSWV also contributes to the community by participating in a number of charitable programs. LAPSWV strives to raise professional standards in the legal assistant/paralegal profession by providing opportunities for personal growth and development through educational experiences and the networking with other professionals.

Legal Assistants/Paralegals of Southern West Virginia was founded:

- To further education among members of the legal assistant/paralegal profession;*
- To provide a forum for the exchange of viewpoints on matters involving the legal assistant/paralegal profession;*
- To promote and involve the legal assistant/paralegal in the development of guidelines on the standardization of the legal assistant profession;*
- To establish good fellowship among association members, the National Association of Legal Assistants, Inc. ("NALA"), and members of the legal community;*
- To encourage a high order of ethical and professional attainment;*
- To cooperate with bar associations and other law related organizations; and*
- To support and carry out the programs, purposes, aims and goals of NALA.*

Legal Assistants/Paralegals
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Direct Comments/Questions
concerning this newsletter to:
LAPSWV Newsletter Committee



Ab Initio is a quarterly publication of Legal Assistants/Paralegals of Southern West Virginia (LAPSWV).

None of the information contained herein is intended to be, nor should it be construed as legal advice.

Elder Law Crossword

Answer Key

Elder Law

