



Houston Paralegal Association

FEBRUARY 2020 NEWSLETTER



2020 Officers & Board Committee Chairs

President:
Sharon Jones, ACP

Social Chair:
Owen Jirka

President Elect:
Ruth Conley, ACP

Community Service Chair:
Irma Benitez

1st Vice President -CLE:
Montye Holmes, ACP, TBLS

CP Study Group Chair:
Sandra-Lee Jordan

2nd Vice President -Membership:
Sandra Hosea

Newsletter Chair:
Monica Martinez

3rd Vice President -Public Relations:
Sally Almendarez

Secretary:
Linda Carette, MBA, ACP, TBLS

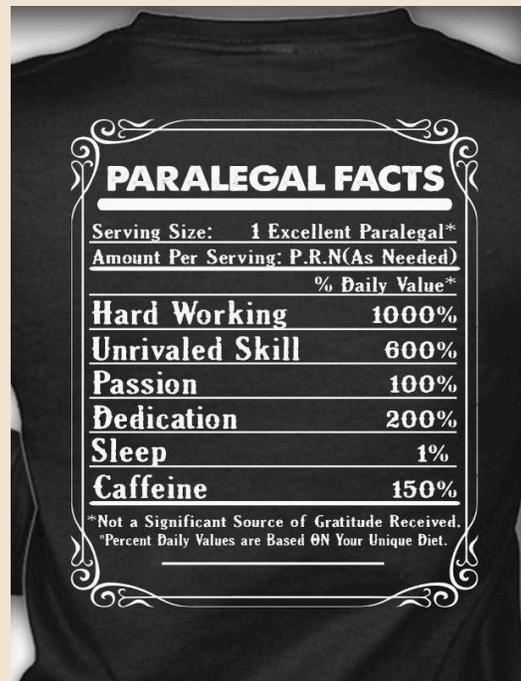
Treasurer & Vendor Liaison:
Gina Holder

Parliamentarian:
Phillip Webb

NALA Liaison:
Lakeisha Simmons, CP

CLE Committee:
Mary Shiloh, TBLS

Job Bank & Website Chair:
Jonathan Chan, CP



Warm Greetings HPA Members,

Now that the Holidays are over and our presidential politics roar-on in the background, I am thankful to be a part of this diverse group. I always enjoy meeting new people and learning about their rich experiences, especially their legal background. As a beginner in this profession, starting out in the field is like drinking from a firehose. It's hard to know which direction to take. Whether we are just starting out or an experienced paralegal, it's comforting knowing that we can lean on each other here to continually evolve our skills, listen to one another, and laugh.

As part of HPA's mission in promoting educational and ethical standards, we will include different content in each newsletter. We'd like to begin with a reminder of the standards that employers of Paralegals go by, which include:

Successful completion of the Certified Paralegal certifying (CP) examination of NALA;

Graduation from an ABA approved program of study for paralegals;

Graduation from a course of study for paralegals which is institutionally accredited but not ABA approved, and which requires not less than the equivalent of 60 semester hours of classroom study;

Graduation from a course of study for paralegals, other than those set forth in (2) and (3) above, plus not less than six months of in-house training as a paralegal;

A baccalaureate degree in any field, plus not less than six months in-house training as a paralegal;

A minimum of three years of law-related experience under the supervision of an attorney, including at least six months of in-house training as a paralegal; or Two years of in-house training as a paralegal.

NALA members and Certified Paralegals are bound by the [NALA Code of Ethics and Professional Responsibility](#). Violation of this Code may result in suspension of NALA membership, or suspension of the certification credential.

NALA's study of the professional responsibility and ethical considerations of paralegals is ongoing. This research led to the development of the NALA Model Standards and Guidelines for Utilization of Paralegal. This guide summarizes case law, guidelines and ethical opinions of the various states affecting paralegals. It provides an outline of minimum qualifications and standards necessary for paralegal professionals to assure the public and the legal profession that they are, indeed, qualified.

HPA is committed to promoting these standards. In this month, you will find notary and writing tips. It's a pleasure meeting each of you, and I look forward to seeing you in the upcoming events.

Kind regards,

Monica Martinez

Handling Incompetent Signers

Tuesday, January 21, 2020 by Phyllis Traylor, a Contributing Writer with the American Association of Notaries.

“Unfortunately, many families wait until tragedy strikes to get their state of affairs in order. Depending on the severity of the tragedy, it could be too late to use the services of a notary public.

I have been to nursing homes, private homes, hospitals, and other venues where I’ve met signers whose relatives set up the appointment, only to arrive and find the signer unaware of what was going on and in no physical condition or mental state to sign any document. I certainly feel sympathy for the family that finds themselves in this predicament. But when this happens, the only service I can provide is a referral to an attorney.

Recently, I arrived at a hospital to do a signing of a Power of Attorney that required two witnesses. The daughter of the signer arranged the appointment. Upon arrival, the daughter introduced me to her mother (the signer) and reminded her mother why I was there. After the introductions, the daughter told her mother that she was going to leave to find two witnesses. While the daughter was gone, I started talking to the signer (her mother, Mrs. Smith) who was lying in the hospital bed. I introduced myself again to Mrs. Smith, and the first thing she asked me was how we were related. Of course a red flag went up immediately. Before I could answer Mrs. Smith, she then said she did not understand what was going on. She then asked me again how we were related and kept repeating that she did not understand what was going on.

When Mrs. Smith’s daughter returned with the two witnesses, I informed her that I was unable to notarize her mother’s signature, because she, Mrs. Smith, admitted that she did not understand what was going on. I also informed the daughter that Mrs. Smith thought I was a relative. I told the daughter that she would probably need to contact an attorney to assist with her mother’s affairs.

Some states do a pretty good job explaining the notary public’s responsibility when dealing with the competency of signers. For example, Colorado’s Notary Public Handbook suggests that it is the notary’s responsibility to assess the signer’s basic competence and understanding of the document. Indiana’s Notary Public Guide addresses the competency of the signer as well as the competency of the credible witnesses if any are used to identify the signer.

I think the longer you perform your duties as a notary public, the more you begin to understand that the service you provide extends beyond notarizing a signer’s signature. It also includes providing extra layers of protection for those unable to fend for themselves.”



Notarizing Last Wills and Testaments

Thursday, April 3, 2014 by American Association of Notaries.

Wills are highly sensitive probate documents that determine how a person's assets will be distributed after his or her death. The person making the Will is called a "testator" if male and a "testatrix" if female.

Problems can arise when a client presents a notary with a self-prepared Will and the client depends on the notary to determine the appropriate notarial certificate. In such cases, a savvy notary should decline to perform the notarial act and advise the person to contact an attorney for advice. You might also suggest that investing in a good attorney will prevent problems down the road with contested Wills or Wills thrown out in probate court due to sloppy execution procedures.

Laws regarding the proper execution of Wills vary greatly from state to state. In states such as New York and North Carolina, a Will does not have to be notarized to be accepted for probate in the courts. However, attorneys in those states recommend drafting "self-proving Wills" to speed up the probate. A "self-proving Will" is one in which the testator and the disinterested witnesses swear, in an affidavit in front of a notary, that the testator is fully aware of what is being signed and that the disinterested witnesses witnessed the testator sign the Will. In these states, the court will accept "self-proving Wills" without contacting the witnesses who witnessed the testator sign the Will. In the absence of a self-proving Will, it will be necessary to track down the original witnesses to "prove" he or she witnessed the signing of the Will, which can be difficult and time consuming for the heirs.

In California, a Will only needs the signatures of two disinterested witnesses who witness the testator sign the Will and does not need to be notarized in order to be valid. In some states, such as Texas, a holographic Will (written entirely in the testator's own handwriting) is considered valid. It would be prudent, therefore, for the notary in those states to make it a practice to refuse to notarize hand-written Wills and to refer clients with those requests to an attorney.

In conclusion, notaries should exercise caution when notarizing Wills. Because of a lack of understanding and diligence, an improperly drafted Will that is notarized can be declared null. If you are not comfortable with notarizing a Will, you should not proceed. If you have questions, politely ask the client for the name, address, and phone number of the lawyer who drafted the Will.

One last note: always follow the steps for proper notarization when performing notarial acts by requesting the physical presence of the signer, properly identifying the signer, and ensuring that the signer is competent and fully understands what is being signed.

Legal disclaimer: The American Association of Notaries seeks to provide timely articles for notaries to assist them with information and ideas for managing their notary businesses, enhancing their notary educations, and securing their notary supplies but makes no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the information contained. Information in this article is not intended as legal advice. We are not attorneys. We do not pretend to be attorneys. Though we will sometimes provide information regarding federal laws and statutes and the laws and statutes of each state, we have gathered the information from a variety of sources. We do not warrant the information gathered from those sources. It is your responsibility to know the appropriate laws governing your state. Notaries are advised to seek the advice of an attorney in their state if they have legal questions about how to notarize.



Possessive of Proper Names Ending in S

From Daily Writing Tips.

Should one write “Jesus’ name” or “Jesus’s name”? Which is correct, “Travis’ friend” or “Travis’s friend”? The questions on the use of the apostrophe to form the possessive keep coming. This post is about how to form the possessive of a proper name that ends in -s.

Most stylebooks agree that the rule for forming the possessive of a singular noun ending in -s is formed by adding 's:

- *the boss’s birthday*
- *the bus’s wheels*
- *the witness’s testimony*

When it comes to forming the possessive of a proper name that ends in s, guides disagree. Some stylebooks recommend a single apostrophe for Biblical or classical names like Jesus and Achilles, but 's for names like James and Charles; others say, “Treat all names ending in s the same.”

The Chicago Manual of Style once recommended a single apostrophe to form the possessive of Biblical or classical names:

- *Moses’ tent*
- *Achilles’ helmet*
- *Jesus’ name*

Some guides still recommend this usage, but CMOS has changed its policy in a spirit of consistency; now it recommends that all proper names ending in -s form their possessive by adding 's:

- *Moses’s tent*
- *Achilles’s helmet*
- *Jesus’s name*
- *Travis’s friends*

...continued

Equally consistent, the Associated Press Style Book opts for a single apostrophe for all proper names ending in -s:

- *Moses' tent*
- *Achilles' helmet*
- *Jesus' name*
- *Travis' friends*

The New York Times style manual generally agrees with CMOS, but adds this wrinkle:

Omit the s after the apostrophe when a word ends in two sibilant sounds...separated only by a vowel sound: Kansas' Governor; Texas' population; Moses' behalf... But when a name ends with a sibilant letter that is silent, keep the possessive s: Arkansas's.

Disagreement on the issue of apostrophe s vs. plain apostrophe goes all the way to the Supreme Court. Justice Clarence Thomas believes that the possessive form of a name like his should be formed by adding only an apostrophe: "Justice Thomas' opinion." Referring to the case *Kansas v. Marsh* (2006), Thomas wrote "Kansas' statute," but his colleague Justice Souter wrote "Kansas's statute."

If you write for publication, how you treat the possessive of proper names that end in -s will be determined by your employer's house style. If you are free to choose which style to follow, keep in mind that the writer's goal is to convey thoughts as clearly as possible to readers. Style guides exist to assist writers in this goal, but it seems to me that there are problems with the recommendations of all three guides mentioned above.

I prefer the guidelines given in the *Penguin Guide to Punctuation*:

A name ending in s takes only an apostrophe if the possessive form is not pronounced with an extra s. Hence: Socrates' philosophy, Ulysses' companions, Saint Saens' music, Aristophanes' plays. The reasoning behind this rule is that as we don't say [sok-ru-teez-iz], there's no reason to write "Socrates's."

Punctuation is supposed to aid readers, not puzzle them. It's no help to readers unfamiliar with English pronunciation to mislead them into trying to say [dick-inz-iz], or [u-rip-uh-deez-iz] by writing "Dickens's novels" or "Euripides's plays."

The bottom line is that stylebooks do not agree on whether to write "Jesus' name" or "Jesus's name," "Travis' friend" or "Travis's friend." Writers not bound by a specific style manual must make their own decision and be consistent with it. Personally, I'd write "Jesus' name" and "Travis's friend" because I would say "[jee-zus] name" and "[trav-is-iz] friend."

Member Spotlight Welcomes: Dawn Martin

This month we recognize long-term HPA member Dawn Martin! Originally from the upper coastal area of North Carolina, Dawn studied Business at the College of The Albemarle and moved to Houston in 1981. Dawn obtained her Paralegal Certificate from the Texas School of Business in 1997. Currently, she is going on 9 years with the firm Sheehy, Ware & Pappas, P.C. after their merger of Holloway, Rowley & Cafilisch, P.C., from which she had been employed as HRC's paralegal since 2004. We see you and celebrate you Dawn! Dawn lives on the North side of Houston, not far from "Old Town Spring" with her husband Larry, son Dustin and their dachshund, Ebbi, doberman, Baxter and cat, Smokey. She also has a daughter, Jessica who currently lives in Los Angeles.

Favorite TV show with a legal spin?

"Bull" – Starring Michael Weatherly as Dr. Jason Bull, Trial Science Expert

Currently reading?

"Where the Crawdads Sing" by Delia Owen

What geographical area do you work in?

Downtown Houston / Fannin & McKinney

Which area of law are you currently working in?

Product Liability, Personal Injury and Insurance Defense

New Year's Resolutions?

Travel more and be better at staying in touch with old friends

Worst thing about being a Paralegal?

I love what I do, but the profession can be high pressure, stressful with long hours.

Favorite vacation spot?

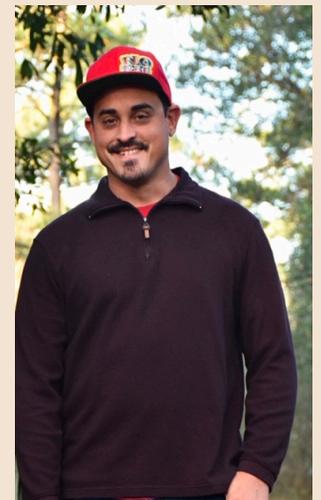
Outer Banks, North Carolina – Love always being on the water as I grew up fishing with my Dad.

What is on your bucket list?

Travel to Venice, Italy; eventually would like to retire somewhere on a beautiful coast with an unobstructed view of the ocean or bay.

Favorite spot in Houston?

Howl at the Moon Piano Bar & Houston Ballet Nutcracker Market



Top: Dawn with husband Larry. Bottom Left: Jess.
Bottom Right: Dustin



This month's sponsor:

Rice University Paralegal Program

The Paralegal Graduate Certificate program, taught by practicing attorneys, is skills-based, offered in both an evening classroom and online format and includes career search support.

<https://www.glasscock.rice.edu/degrees-certificates/certificates/paralegal-graduate-certificate-program>

Thank you Rice University Paralegal Program!

Are you looking for employment opportunities?

Contact our job bank [here](#).





SAVE the DATES

february 27

Go Texan Social

5:30- 7:30pm, Moonshiners, FREE,
click [here](#) to register.

march 25

HPA's Brown Bag CLE

"Basics of Estate Planning," 11:30am - 1pm,
click [here](#) to register.

april 4

TAPAs Conference

9am- 3pm, Texas Alliance of Paralegal
Associations celebrates in San Antonio, TX,
click [here](#) for details.

april 24

HPA's CLE Conference

8:30am- 4:30pm, "HPA's Annual CLE
Conference 2020," click [here](#) for details and to
register.