

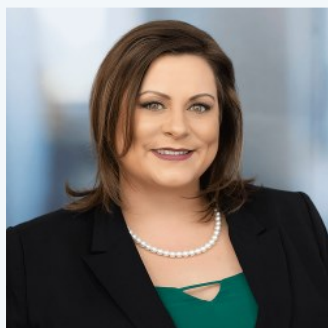


THE BRIEF

THE MONTHLY NEWSLETTER OF THE CAPITAL AREA
PARALEGAL ASSOCIATION

FEBRUARY 2021

PRESIDENT'S MESSAGE



Happy February!

Whether you're crazy in love, wanna know what love is, or all you need is love, CAPA is wishing you an abundance of that warm fuzzy feeling. We have lots of love to share with our members this month.

The Scholarship Committee proudly awarded the [Nancy McLaughlin Scholarship Fund](#) recently to Lorena Castro, one of our student members. More of her story is told further in the Brief. For those that don't know, Nancy McLaughlin was an active member of CAPA and the Legal Assistant Division of the State Bar of Texas. The

scholarship was established after her sudden and unexpected death in 2000. Nancy served in many capacities, most notably with CAPA as Programs Chair and President. Her friends would tell you she was loving, generous and devoted much of her free time to volunteerism.

We had a record turnout for our first CLE of 2021 – Big Changes in Discovery. This was presented live via Zoom as our CLEs have been since May 2020. This was also our first attempt at recording the presentation and offering it for CLE credit to those who registered but weren't able to attend the live event. We are working on perfecting this offering and it will only be available when presenters agree to be recorded. However, look for future presentations to be offered by recorded session following the live CLE. This will be advertised on the CLE flyers when it is available.

I would also like to give BIG LOVE to the CAPA board, chairs, volunteers and members who give of their time so generously to make our organization run smoothly. I know how much everyone has on their plates these days and this makes your dedication of time even more appreciated. We've been fortunate to have several new volunteers join committees in the new year. Your active involvement, in whatever capacity works for you, is what makes CAPA better. If you're interested in getting involved in CAPA I'd love to hear from you.

I'd also like to thank Kara O'Shaughnessy for offering her time as CAPA's new legal advisor. Kara was a very active member of CAPA who completed law school while working as a paralegal. She is now a Sustaining Member and will continue to support CAPA by advising us on any legal matters that may arise.

Lastly, I'd like say CONGRATULATIONS to Brittany Melancon on her recent engagement! Brittney wears several hats for CAPA as our Parliamentarian and our Networking & Social Chair. She and her fiancé, Rory (also a paralegal – keeping it in the family), just purchased their first home together and their future is BRIGHT! Much love to you and Rory, Brittany.

With love and gratitude,

Amber Haney

IN THIS ISSUE

- Board Member Spotlight: Jen Rogers—Treasurer
- February CLE: Texas Protective Order Registry: Beyond the Basics
- Nancy McLaughlin Scholarship Winner: Lorena Castro
- Member Spotlight: Paloma Gimenez
- Sustaining Member Spotlight

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COURT UPDATES & EMERGENCY ORDERS

[Travis County District Clerk's Office](#)
[Travis County COVID-19 Information](#)
[The OCA's Court Operations Guidance](#)
[Supreme Court of Texas \(edited 7/31/2020\)](#)
[U.S. District Court for the Western District of Texas \(edited 5/8/2020\)](#)
[3rd Court of Appeals \(edited 5/26/2020\)](#)
[Travis County Civil & Family Courts \(edited 6/15/2020\)](#)
[Travis County Associate Judges Procedures for Remote Hearings](#)
[Travis County Criminal Courts \(edited 5/12/2020\)](#)
[Travis County Justices of the Peace \(edited 7/27/2020\)](#)
[Travis County Juvenile Court](#)
[Travis County Probate Court](#)
[Travis County Attorney's Office](#)

The CAPA Board of Directors will continue to closely monitor the situation and will keep you updated via the [web page](#), social media, and email as news develops that impacts our members and our legal community.

MESSAGE FROM VELVA L. PRICE

Velva L. Price

Travis County District Clerk
Travis County Courthouse Complex
P.O. Box 679003
Austin, Texas 78767-9003



TRAVIS COUNTY DISTRICT CLERK'S OFFICE REOPENING BY APPOINTMENTS

The Travis County District Clerk Civil Divisions are open for limited in-person visits by appointment at the Heman Marion Sweatt Civil Courthouse at 1000 Guadalupe St., Suite 103, Austin, Tx only. Reservations can be made for Family, non-family civil, civil records, finance/collections, exhibits and expunction documents – pick up only. Our passport office located at 5501 Airport Blvd., Ste. 220 is also open for appointments. [The criminal division office will open at a later date].

Further information can be found on the District Clerk's website, see link below:
<https://www.traviscountytexas.gov/district-clerk>

Our team continues to answer the main number at 512/854-9457 and respond to email requests at districtclerkhelp@traviscountytexas.gov. We continue to ask for patience if a specific person needs to answer your questions or requests since the response may take more time to coordinate. You are also welcome to send documents and requests through the e-file process or by mail addressed to Travis County District Clerk, PO Box 679003, Austin, TX 78767.

Thank you for your patience and cooperation as we work on keeping our community and staff safe but still ensure that justice continues.

BOARD MEMBER SPOTLIGHT

JEN ROGERS, TREASURER

Hello CAPA! I'm Jen Rogers, your CAPA 2020 – 2021 Treasurer. I work in Renewable Energy (Regulatory and Real Estate) at Husch Blackwell LLP. I'm super excited to be working on the future of energy production for Texas. As CAPA's Treasurer, I'm responsible for managing the funds coming in and going out for CAPA, keeping the books updated, reporting to the Board on the status of our accounting, watching the budget, and ensuring that our tax records are filed timely. It's a fiduciary responsibility to the organization and I'm honored to be serving in this capacity to support CAPA.



During the pandemic, I've been continuing to study ASL (American Sign Language) for fun and my housemate, Monica, adopted an elderly special needs Maltese named Bella-Bear who has brought a lot of fun and much love to our home. The home improvement projects abound! I really miss travel and gathering with friends and family and I hope that you're all doing well and staying engaged. I can't wait to see you all at our next CAPA event, whenever that may be!

UPCOMING CLE

TEXAS PROTECTIVE ORDER REGISTRY: BEYOND THE BASICS

THIS CLE WILL BE AVAILABLE AFTER FEB 24TH BY
RECORDING FOR CREDIT. YOU MUST REGISTER BEFORE
FEB 24TH & WILL BE SENT A COPY AFTER THE EVENT.

ZOOM MEETING
REGISTER: [CAPATX.ORG](https://capatx.org)
GUESTS WELCOME
TBLS & NALA APPROVED

KIMBERLY A. F. PIECHOWIAK
TX OFFICE OF COURT ADMINISTRATION
WED, FEB 24, 2021, NOON

NANCY MCLAUGHLIN SCHOLARSHIP WINNER

LORENA CASTRO



Lorena Castro is the recipient of the Nancy McLaughlin Scholarship Award! Below is a copy of her entry essay. Congratulations, Lorena!

My career goals.

Fredericksburg, Texas- A small town loved for its wineries and peaches. I was born to two immigrant parents whom married at a very young age. My father was a ranch hand at the time and my mother had not even graduated high school when she decided to elope with my father. When I turned a year old, my parents decided to move to an even smaller town, Llano, just 77 miles west of Austin, Texas. After my birth, my parents continued to grow their family and had three more children. Raising four girls did not come easy, but they managed to raise four, intelligent, strong, independent girls as a young married couple.

At seven years old, I remember being in Mrs. Brownlee's 3rd grade class and knowing I wanted to study law. I would go home to help my mom study for her United States Citizenship exam by making flash cards and creating my own versions of the tests for her to study. When the time came, she passed it and was granted citizenship. She credits me for her accomplishment. She is quick to remind me that it was I that helped her achieve one of her proudest moments in life. I do not see it that way. At the time I did not understand the importance of her immigration status. All I understood was that my mother needed my help studying and that is what I was best at.

Living in the small town of Llano, all I knew about jobs was that most people worked at Dairy Queen or the local supermarket. Throughout my high school years, I aspired to become an attorney. I knew I did not want to get stuck living in our small town working for minimum wage. I knew I wanted to achieve more in life than bagging groceries every day. I had big dreams and huge visions.

I fell in love my junior year of high school. In May of 2008 I found myself graduating high school, walking the stage in my cap in gown at five months pregnant. This was one of the hardest things I have ever gone through. I felt I had failed as a daughter and as the oldest sister. I had so many opportunities and dreams after high school that were put on hold to raise a baby.


Despite the many struggles of raising a boy, working full-time, and attending college full-time, I graduated college, not once but twice. I obtained an Associate's degree from a community college and later through the endless efforts and determination as a single mom, I was able to graduate from Tarleton State University with a Bachelor's degree in Criminal Justice. I could finally say, "I did it."

Fast forward twelve years.

My family grew and my desire to love my career choice grew with it. Working as a corrections officer has taught me to be more aware, how to deal with difficult situations, but overall, it has reminded me that my true passion is in legal studies. I enrolled in the University of Texas' Paralegal Program in order to obtain my certificate and pursue my passion as a paralegal. I am currently a mother of three, working more than 40 hours a week and finishing my paralegal certificate program. Hard work and perseverance have made me the person I am today. My desire to become a successful paralegal is in full effect and I will forever be thankful for the opportunities given to me despite becoming a teen mom and believing it would never be possible.



February 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6 February Pro Bono Services Meeting
7	8	9	10	11 February Board Meeting	12	13
14 ♥HAPPY Valentine's DAY♥	15 	16	17	18	19	20
21	22	23	24 February CLE	25	26	27
28						

UPCOMING EVENTS

(CLICK THE LINKS FOR DETAILS/REGISTRATION)

February 6 [February Pro Bono & Community Services Meeting](#)

February 11 [February Board Meeting](#)

February 24 [February CLE - TX Protective Orders: Beyond the Basics](#)

February 28 [Deadline to Renew Membership](#)

March 11 [March Board Meeting](#)

February Birthdays

ERIC BOUCHERON
TANYA DEMINGS
ANDY FREDERICKS
KIMBERLY JOHNSON
TERESA KING
SANDRA KNELL
OCEANE MAHER
CAROLYN ROBINSON
ROBIN ROSENBLAD
ANJANETTE (AJ) ROWE
FAWN SELENSKY
AMBER SIVIL
SAMANTHA WOODS
HEATHER ZORIC

Did we miss your birthday?

[Log in and update your member profile](#), or [let us know](#).

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SESSION ON
2/4/21



The University of Texas at Austin
Center for Professional Education



Paloma
G i m e n e z

When CAPA's President Elect Ariane invited me to be this month's member spotlight, I was thrilled! I met Ariane at the UT Paralegal Certificate Program in 2016. If I recall correctly, she had transitioned from a teaching position into the legal field. Meanwhile, I had just moved to the United States. I'm from Brazil and settled in the amazing Austin, Texas because of my husband's work. Back home I had gone to Law school, practiced Law for a while, and then worked as a law clerk for the Office of the State Prosecuting Attorney. Needless to say I was completely lost when I got here, so the classes at UT were the perfect place to start. After that, being a paralegal seemed like the obvious choice to someone who can't formally practice Law in the US.

After a little over four years, today I am a litigation paralegal at Hopper Mikeska, a law firm specializing in probate and guardianship law. My day-to-day involves mostly fiduciary litigation, but I also work with estate and guardianship administrations. My favorite part of being a paralegal is the opportunity to be involved with the law. I'm really passionate about rules and procedures, and love a good legal challenge, but I must say my least favorite thing about the job is the occasional drama inherent to the probate field. Don't get me wrong, I'm totally a people person, but between reading caselaw and trying to get a group of heirs to agree on something, I'll take caselaw a hundred times!

In preparation for this unusual writing project about myself, Ariane sent me a few questions. One of them was "What are one or two personal achievements you're proudest of?" I think that after moving to a different country and starting almost from scratch, I'm very proud of working with a team of amazing lawyers and very compassionate people (almost a pre-requisite for our area of law). I am also very proud of my experience with the Travis County Probate Court, where I had the honor to learn all about the probate world with the Honorable Guy Herman. Without him and all my co-workers at the Court I would definitely not have made it all the way here.

Speaking of co-workers, here are two things that probably not even the closest ones know about me:

1. Although I'm almost 100% proficient in English, I still get confused with hundreds and thousands, so probably not a good idea to have me negotiating settlements!
2. I'm super organized, especially with work, but I leave my house upside-down during the week and then drive my husband crazy every Saturday morning to get everything in order!

If you've made it to the end of this text, here's the last bit about me I'd like to share: I had a boss that always said "Every choice is a renunciation". Today I can't stop thinking that was the best professional advice I ever received. Indeed, all my choices, especially the professional ones, involved a big renunciation, but in the end, the choices are always worth it. Trust me, you just have to wait and see!

Civil Procedure Update

Corpus Christi Young Lawyers Association

Texas Rules Effective

December 31, 2020 & January 1, 2021

Summary of Amendments

In August 2020, the Texas Supreme Court approved amendments to the Texas Rules of Civil Procedure in accordance with SB 891 & SB 2342.

The effective dates are **December 31, 2020** and **January 1, 2021**.

The amendments:

- Revise pleading requirements for monetary relief (47);
- Limit the monetary jurisdictional amount to exclude interest, statutory & punitive damages, and attorney fees & costs (47);
- Permit, on court authorization, electronic service of process via email, social media, or other technology (106);
- Increase maximum monetary relief for expedited actions (169);
- Expand the Level 1 discovery default (190);
- Substitute RFDs with **Required** Disclosures (194); and
- Ineffectuate service of permissive discovery requests until after the required disclosures are due (192).



SCAN ME



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TRCP Amended:

Rule 47
Rule 99
Rule 106
Rule 108a
Rule 169
Rule 190
Rule 192
Rule 193
Rule 194
Rule 195
Rule 196
Rule 197
Rule 198

Rule 47: Claims for Relief

- Excepting Family Code cases, claimants must specify whether they are seeking \$250,000 or less in monetary relief (raised from \$100,000).
- This amount **excludes** interest, statutory or punitive damages & penalties, and attorney's fees & costs.
- Claimants seeking monetary relief of more than \$250,000 may include interest, statutory or punitive damages & penalties, and attorney's fees & costs in that amount.
- Designed to implement section 22.004(h-1) of the Government Code, which promotes expedited actions for cases in county courts, though these amendments are not limited to cases filed in county courts.

This handout is for informational purposes only and does not constitute legal advice.



Rule 99: Issuance and Form of Citation

- Requires the citation to notify the defendant that the defendant may be required to make initial disclosures.
- Added language required: *"In addition to filing a written answer with the clerk, you may be required to make initial disclosures to other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org."*

Rule 106: Method of Service

- Allows motions for substituted service to be supported by a statement sworn to before a notary or made under penalty of perjury.
- On order authorizing substituted service, allows courts to authorize service via electronic means such as social media, email, or "other technology."
- Revised in response to section 17.033 of the Civil Practice & Remedies Code.
- Comment states: "In determining whether to permit electronic service of process, a court should consider whether the technology actually belongs to the defendant and whether the defendant regularly uses or recently used the technology."

Rule 108a: Service of Process in Foreign Countries

- Clarifies that "other means" of service to parties in foreign countries as ordered by the court must not be prohibited by international agreement.

Rule 169: Expedited Actions

- Provides that the expedited actions process applies to cases in which plaintiffs (but not counterclaimants) seek only monetary relief of \$250,000 or less.
- Mirroring the amendments to Rule 47, under Rule 169 the \$250,000 amount **excludes** interest, statutory or punitive damages & penalties, and attorney's fees & costs.
- Removes the exceptions of claims governed by the Family, Property, and Tax codes, and Chapter 74 of the Civil Practice & Remedies Code from the expedited actions process, which now covers all types of claims filed in which the plaintiff seeks only monetary relief of \$250,000 or less unless exempted by statute such as in Estates Code sections 53.107 and 1053.105.

Rule 190: Discovery Limitations

- Level 1 discovery now applies to expedited actions and divorces involving \$250,000 or less.
- In Level 1 discovery, the discovery period begins when the first initial disclosures are due and lasts for 180 days from that date. Each party is now allowed 20 hours in total for depositions. The parties may not expand time for depositions without a court order.
- In Level 2 discovery, the discovery period begins when the first initial disclosures are due and lasts: in cases under the Family Code, until 30 days from trial; or, in other cases, the earlier of 30 days from trial or nine months after the date the first initial disclosures are due.

Rules 192, 193: Permissible Discovery & Written Discovery

- Adds required disclosures as a form of discovery; removes requests for disclosures.
- Innefectuates service of discovery on another party until after the initial disclosures are due.
- Updates language to reflect that the rule applies to requests and required disclosures rather than requests only.

Rules 196, 197, 198: RFPs, Interrogatories, and RFAs

- Amended to reflect that parties cannot serve discovery on other parties until after the first initial disclosures are due.

Rule 194: ~~Requests for~~ Required Disclosures

- Mandates three types of disclosures: initial disclosures, testifying expert disclosures, and pretrial disclosures.
- Initial disclosures must be made at or within 30 days from the filing of the first answer or general appearance in the suit. Parties first served or joined after the filing of the first answer or general appearance must file their initial disclosures within 30 days after service/joiner. The parties (by agreement) or the court may modify the deadline.
- Initial disclosures closely mirror the former RFDs, but also require copies or a description by category and location of all documents, electronically stored information, and tangible things that the party has in its possession and may use to support its claims or defenses.
- The initial disclosures requirement is modified in suits for divorce or annulment and suits in which child or spousal support is at issue.
- In suits for divorce or annulment, parties must provide the opposing side with copies of the following for the past two years or the length of the marriage (whichever is less): deeds, liens, and lease information for real property; all documents pertaining to employee benefit plans; all documents pertaining to life, casualty, liability, and health insurance; and all account statements of any financial accounts.
- In suits regarding child or spousal support, parties must provide copies of: all policies, statements, and the summary description of benefits for medical/health insurance coverage that is/would be available to the child or spouse; the last 2 years of the party's tax returns (or W-2s/1099s/ Schedule K-1s if no return); and the party's two most recent paystubs.
- Testifying expert disclosures must be made in accordance with Rule 195.
- Pretrial disclosures must be made at least 30 days before trial, unless otherwise ordered by the court. Parties must disclose the name and contact information of each witness they expect to present at trial, and a list of evidence they expect to offer at trial.
- Rule 194.2(d) lists classes of cases that are exempted from the requirements of initial disclosures.

Rule 195: Discovery Regarding Testifying Expert Witnesses

- Experts must be designated 90 days before the end of the discovery period for experts testifying for parties seeking affirmative relief, and 60 days before the end of the discovery period for all other experts.
- The content of expert disclosures closely mirrors the requirements for testifying experts in the former requests for disclosures.
- Protects draft reports and certain communications between the party's attorney and the expert from disclosure.
- Adds that the party must disclose: the expert's qualifications and a list of all publications authored in the previous 10 years; a list of cases in which the expert has testified as an expert in the previous 4 years (except when the expert is the responding party's attorney and is testifying to attorney fees); and a statement of compensation to be paid for the expert's work in the case.



PET OF THE MONTH



YOUR PET!

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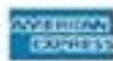
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Online Billing available

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Keepin' it Weird



Fun Facts - February Edition

Did you know?

- It is the shortest month of the year.
- The Welsh call February "y mis bach" which means "little month".
- It is the third month of winter. In the Southern Hemisphere February is a summer month the equivalent of August.
- The month is named for the Latin word februum which means purification. Together with January, it was the last of the months added to the Roman calendar.
- The largest American sporting event of the year, the Super Bowl, is held in February.

"I love answering Interrogatories and Requests for Production."
said no paralegal ever.



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B	I	N	G	O
Inner-Office Swearing	"Just Real Quick"	5:00 Emergency	"It Will Only Take You A Minute..."	I Never Got That E-mail
You're Apparently A Psychic!	You Got Crop Dusted!	Filing Backlogged Mt. St. Papermore	Call From A Crazy Person	Attorney Freak Out!
"Did We Ever Get That Out?"	"Have We..."	Paralegal Ninja Free Space	"I Can't Find The..."	Calendar Meltdown
5+ Post-Its Deskside	Paralegal Freak Out!	"Can You Answer The Phones?"	Discovered And/Or Corrected a Monumental Error	Strong Desire To Kill People Rising...
Esquire Has Left The Building	"Who Is This Person?!?"	The Copier Hates Me	WHO ATE MY LUNCH?!?!	Go Help The Office Fossil

<http://print-bingo.com>

Monthly Dose of
WEIRDNESS

"SCREAM INTO THE VOID!"

Last year, an elementary school teacher in New York City made a hotline where tens of thousands of people called in to vent their feelings. Need some place to just...let it out? Well they're don't recording screams for now. You can now call and leave a message of hope.

<https://justscream.baby/>

MEMBER BENEFITS

EXCLUSIVELY FOR MEMBERS



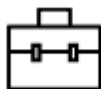
CLE

CAPA offers several hours of CLE throughout the year at monthly luncheons, CLE Seminars, and Lunch & Learns. Many are complimentary or offered at a discounted rate.



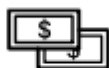
DISCUSSION FORUM

CAPA members have exclusive access to CAPA's online discussion forum. Ask questions, share information, and discuss all things paralegal.



JOB BANK

Exclusively for Members, CAPA's Job Bank is updated several times per month with job postings in the Austin area.



SCHOLARSHIPS

Scholarships can be used for paralegal certification exam fees, membership dues, CLE seminars, and other approved paralegal study materials.



MENTOR PROGRAM

Ask for guidance from seasoned paralegals, or share your wisdom and experience with a student or new paralegal.



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