

THE WRIT



A publication of the El Paso Paralegal Association

an Affiliate of The National Association of Legal Assistants ♦ Paralegals, Inc.

March 2022



President's Message

Hello March 2022! February went by way too fast. I am not sure if it is just me, but time just seems to be flying by lately. I recently had to remind myself to stop and breath, take some time to self-love. I am a paralegal at a high paced PI and Employment Law firm and find myself unable to grab lunch or get out by 7:00 p.m. most weekdays. I find myself spending my workdays on Zoom either in deposition preparation, reviewing medical treatment with clients and assisting in mediations 2-3 times a week. I will occasionally do some discovery responses, and my cell phone is non-stop with clients. On Valentine's Day I told my boss I was leaving early- I had a date! I was going to step away on a Monday and go show myself some love. I went to get a 1-hour full body massage and OMG, I felt like butter afterwards. I loved it so much, I bought a year membership to force myself to go once a month and get my stress rubbed out of me. We paralegals tend to take on the world and forget to take care of ourselves. I truly hope and pray you all had a wonderful Valentine's Day, and you always remember to love your temple, your mind, body and soul. With such a demanding career, we deserve a little time for ourselves.



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Notice of March Meeting

When: 12:00 p.m., **March 24, 2022**

Where: Anson 11, 303 N. Oregon

Guest Speaker: Aaron Setliff

Topic: Medically Necessary Gender Affirming Therapy: Is It Child Abuse?

Please join us on Thursday, March 24 2022, for our monthly luncheon. Our guest speaker will be Aaron Setliff, Assistant County Attorney.



RESERVATIONS ARE REQUIRED. All lunch orders must be placed with Anson 11 and paid in advance. Payment for all orders must be **received** by EPPA's Treasurer no later than Thursday, **March 17, 2022**. Please carefully review the Payment Instruments included with the Lunch Order Form.

Please see the Luncheon Order Form and instructions emailed separately and on the website at www.elppa.org.

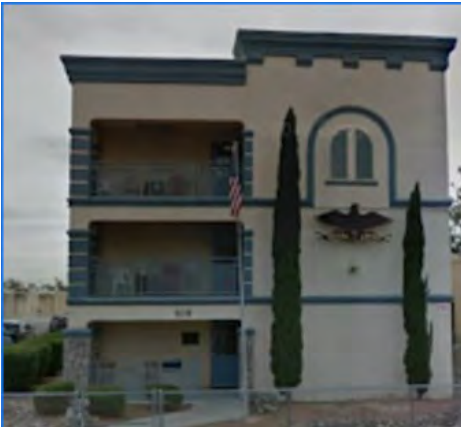
March Guest Speaker

Aaron Setliff is an Assistant County Attorney and CPS Prosecutor. Earning his law degree from the University of Texas, Mr. Setliff became Assistant District in the 34th District Attorney's Office in 2001. He later went on to serve as Director of Policy at Texas Council on Family Violence from 2008 to 2017. Mr. Setliff then returned to the District Attorneys' Office in 2017, serving as Assistant District Attorney—Human Trafficking Prosecutor. Mr. Setliff currently serves as Assistant County Attorney and CPS Prosecutor.



President's Message (cont.)

I want to thank Priscilla Mata for her presentation at Anson 11 on February 17th, very informative CLE on "School Law". I was unaware teachers and faculty have contracts they have to abide by. I was really intrigued as our firm does work on Employment cases, yet I learned a whole lot on schools having an entire set of rules they go by. Even after 25 years, we can always learn something new at EPPA CLE's. I encourage you all to attend upcoming in person EPPA membership luncheons. Ms. Mata also mentioned that El Paso Women's Bar Association offers a dues-free, nonvoting associate membership for non-attorneys in the legal profession or legal studies and EPPA Paralegals were invited to join. You'll find the application on page 4.



I have reached out to our chosen charity, Veterans Transitional Living Center to request a wish list from them to share with you all. Please open your heart and help purchase some items to help them out. The Director explained that when a homeless veteran comes to them for assistance, the first thing they do is wash all their belongings, including the clothes on their back. They have requested simple items we can take for granted such as detergent, sweatpants and tops and slippers, bedding items such as sheets and pillowcases and of course toiletries that include personal hygiene items. He clarified they house both female and male veterans. The VTLC advocate for these individuals to obtain medical assistance through the VA and several qualifications need to be met. For humanitarian reasons, even those that do not qualify for VA assistance do receive assistance through their program. I believe this is a great way for EPPA to give back to those less fortunate who has defended our country. They have two locations where the veterans are housed and assisted, including the location at 818 Myrtle (picture left).

'Tis the time of year when a bit of Irish is on everyone's mind. We will be holding our March Membership Luncheon on March 24th as the 3rd Thursday of the month will land on March 17th, St. Patrick's day. Many will be traveling for Spring Break or enjoying the outdoors here locally. Daylight savings time will be on March 13th so we will be able to enjoy an extra hour of daylight. I hope to see your RSVP's and lunch orders in the next couple of weeks.

Finally, I want to thank our paralegals who have been involved with EPPA for many years and serve as our backbone with their extensive experience and knowledge. I also want to welcome those either returning or are brand new to EPPA. We are truly blessed to have such an association where we can turn to one another for assistance and guidance. As we all come together in person again, I remind you of our powerful Mission Statement that starts with the words "To serve". EPPA's primary source of funds, including the funds we donate to charity, are raised at our Annual Golf Tournament where all our members can get involved in one way or another. Due to the pandemic, we were unable to hold this event for the past couple of years. I would love to see everyone come together to serve, as planning for our 2022 Golf Tournament is underway. Last year EPPA totally outdid themselves by hitting a record-breaking charity benefit, I pray we have the same if not more of a thriving 2022.

Yvette Duran
President

May THE
LUCK of
the IRISH
BE With
YOU

Membership Dues

PAST DUE NOTICE: If you have not already done so, please ensure your renewal applications and membership dues are paid as soon as possible. All renewal membership applications and payment instructions can be found on EPPA's website (www.elppa.org) under the Membership tab.

EPWBA Associate Membership Application



EPWBA
EL PASO WOMEN'S BAR
ASSOCIATION

**ASSOCIATE MEMBERSHIP
APPLICATION
2021-2022 BAR YEAR**

Name: _____

Firm/Company/Agency: _____

Title: _____ DOB: (Month/Day) ____/____

Mailing Address: _____

E-mail: _____ Phone: _____

I am interested in learning more about the following EPWBA programs/committees and would like to be considered for future volunteer opportunities:

Mentorship Program – Mentors in Law & Equality Charity Bash
 Adoption Day CLE & Other Programming

I am interested in serving an associate membership. (Please check one)

Law Student: Law School _____ Graduation Date _____
 Paralegal/Legal Secretary/Other Legal Professional

**PLEASE MAKE CHECKS PAYABLE TO THE
"EL PASO WOMEN'S BAR ASSOCIATION"**

OPTIONAL: I am interested in making a tax-deductible donation to the Legal Charitable Foundation of El Paso in the amount of \$_____. **Please make checks payable to the LCFEP.

** The LCFEP is a 501(c)(3) non-profit organization created by officers of the EPWBA in 2006, which was formed to enhance the rule of law and system of justice; to educate the public about the role of law and the legal system; to advance the cause of justice, the cause of women and the cause of young people; to nurture and improve the relationship among lawyers and the community; and to enhance and expand educational opportunities for El Paso area young people.

**Please complete the following to pay by credit card (MasterCard or Visa only).
Please note that a \$2.00 service charge for credit card transactions will apply:

Name (as it appears on card): _____

Card number: _____ Card type (M/C or Visa): _____

Expiration: _____ Card Security Code: _____ Zip Code: _____

Signature: _____

Please return your completed form, along with your payment to:
The El Paso Women's Bar Association
c/o Priscilla de Mata, President
5715 Cromo Dr., El Paso, Texas 79912
or email your completed form to: pmata@bomwlaw.com

**MINUTES OF REGULAR MEETING
OF THE MEMBERS
OF
EL PASO PARALEGAL ASSOCIATION
(February 17, 2022)**

A regular meeting of the members of El Paso Paralegal Association (the “Association”) was duly called and held in person at Anson 11 on Thursday, February 17, 2022, at 12:00 p.m. President Yvette Duran chaired the meeting and Secretary Griselda Lasky recorded the minutes of the meeting.

A quorum being present, President Duran called the meeting to order, and welcomed members, the guest speaker and her paralegal and thanked them for attending.

The first item of business was the discussion and approval of the January 2022 meeting minutes. Upon motion duly made and seconded, the minutes of the regular meeting of the Association’s members held January 20, 2022, as presented in *The Writ*, were unanimously approved.

The second item of business was the consideration of the Association’s 2022 charity. President Duran provided an overview of the three charities and provided voting ballots to the members. The results were tallied by Laura Aguilar and discussed at the conclusion of the meeting.

President Duran introduced the guest speaker, Priscilla Mata, who gave an informative presentation on School Law, empathizing the role of paralegals throughout the process. Mrs. Mata answered questions from members throughout the presentation. President Duran then extended the Association’s thanks to Mrs. Mata for her presentation and presented her with a gift.

Finally, President Duran announced the winner for the Association’s 2022 charity, Veteran’s Transitional Center.

There being no further business, the meeting was adjourned at 1:04 p.m.

/s/ Griselda Lasky
Griselda Lasky, Secretary

EPPA is excited to announce our
2022 Charity:
**Veterans Transitional
Living Center**

Focuses on placing qualified veterans into our Veterans Transitional Living Center (VTLC).

Providing an environment conducive to their health and welfare helps dramatically improve their moral, sense of ownership and pride.

These residents usually require intensive service support or bridge housing.

With the capacity to serve 20 veterans at a time, the VTLC designates half of its rooms to the chronically mentally ill program. The program is designed for homeless veterans diagnosed with a chronic mental illness. They are provided with direction, access, and support to mental and emotional health services as required.

**We look forward to working
with VTLC this year!**

Highlights from February Meeting



EPPA President Yvette Duran and guest speaker, EPWBA President Priscilla de Mata



Left to right: Kim Lowry, Alex Bond, Sandra Vasquez, Peggy Dieter and Susanne Smith.



Left to right (front-facing): Lynda Camacho, Johnna Moss, Laura Juarez (standing) and Guy McDunagle.



President Elect Sandra Vasquez

Highlights from February Meeting (cont'd)

AT-WILL EMPLOYMENT

Personnel not expressly hired under a written contract shall be employed by school districts on an **at-will basis**.

Employment-at-will doctrine

- ❑ Employer has **NO** duty to an employee regarding continuation of employment. *Jones v. Legal Copy, Inc.*, 846 S.W.2d 922 [Tex. App.—Houston [1st Dist.] 1993, no writ].
- ❑ **BARS** contract and tort claims based on the decision to discharge an employee. *Sabine Pilot Serv., Inc. v. Hauck*, 687 S.W.2d 733 (Tex. 1985).
- ❑ At-will employment is **presumed** unless shown otherwise. *Gonzales v. Galveston Ind. Sch. Dist.*, 865 F. Supp. 1241 (S.D. Tex. 1994).

Excerpts from the ABCs of School Law Priscilla de Mata



TERMINATION

- ❑ At-will employees may be **dismissed at any time for any reason not prohibited by law or for no reason**, as determined by the needs of the District.
- ❑ **Prohibited reasons include** (but are not limited to):
 - Retaliation
 - Discrimination
 - ✓ Race, color, or national origin,
 - ✓ Age
 - ✓ Sex (this includes pregnancy, gay and transgender classes)
 - ✓ Religion
 - ✓ Disability or
 - ✓ Genetic information
- ❑ **Prohibited reasons also include** termination when the **sole reason** for the discharge was that the employee refused to perform an illegal act. *Sabine Pilot Serv., Inc. v. Hauck*, 687 S.W.2d 733 (Tex. 1985).

CERTIFIED CONTRACT EMPLOYEES

Education Code 21.002

- ❑ A district **shall** employ each classroom teacher, principal, librarian, nurse, or school counselor under a probationary contract, a continuing contract, or a term contract. A district is not required to employ a person other than these listed employees under a **probationary, continuing, or term** contract.

ROLE OF TRUSTEES v. SUPERINTENDENT - A FEW EXAMPLES (NOT EXHAUSTIVE LIST)

School Board – Governance & Oversight

- Goal setting and evaluation of the superintendent
- Provide oversight regarding student academic achievement and strategic leadership for maximizing student performance.
- Establish performance goals concerning the district's academic performance.
- Enter into contracts
- Adopt an annual budget for the district and tax rate each fiscal year.
- Monitor district finances, and ensure that district fiscal accounts are audited annually
- Make decisions relating to termination or nonrenewal of contract employees

Superintendent - Management

- Exclusive management of the day-to-day operations of the district
- Must assume administrative responsibility and leadership for the organization of education programs, services, facilities, and staff appraisal
- Provide leadership for the attainment and improvement of student performance.
- Develop, evaluate, and revise annually a district improvement plan to guide staff in improvement of student achievement.
- Must initiate the termination or suspension of an employee or the non-renewal of an employee's contract



Highlights from February Meeting (cont'd)

DUE PROCESS TERMINATION

1. Limited reasons for termination (of a term contract)
 - Good cause as determined by the Board
 - Financial exigency (layoffs)
2. Notice of proposed termination required
 - **Before** contract employee is dismissed for good cause, employee shall be given reasonable notice in writing of
 - ✓ the charges against him or her; and
 - ✓ an explanation of a district's evidence, set out in sufficient detail to fairly enable the employee to show any error that may exist.
3. Hearing
 - Within 15 days of receiving notice, employee may request a hearing before an independent hearing examiner. TEA is responsible for appointing hearing officer.



Priscilla de Mata and Jessica Rodriguez

Annual Golf Tournament!



EL PASO PARALEGAL ASSOCIATION'S

SAVE THE DATE

ANNUAL GOLF TOURNAMENT

09.24.2022

UNDERWOOD GOLF COMPLEX

Watch for future editions of The Writ to see how you can get involved.

March Birthdays

Briana Catley	1
Lynda Camacho	16
Valeria Zuniga	26



NALA News



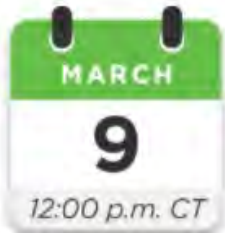
2022
UPCOMING
Live Webinars

Webinars are a fast, convenient, and affordable way to receive the continuing education you need.

Complicated Research Tasks

CLE: 1.5 • SUBSTANTIVE • INTERMEDIATE

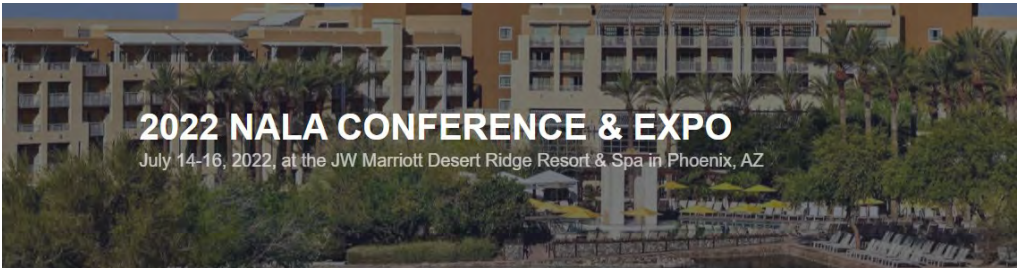
In this session, we will expand upon the previous introductory session and cover terms and connectors research tips/tricks, locating sample documents and forms, and evaluating foreign resources and then finishing with an overview of citators and tracking search history.



Preparing the Excerpts of Record for Federal Appeals

CLE: 1 • SUBSTANTIVE • INTERMEDIATE

This course will provide an overview of designating the record and preparing the Excerpts of Record for federal appeals. Preparing the record is critically important to success on appeal, but is often overlooked by attorneys, who may come to their paralegals shortly before the briefing deadline. Both attorneys and paralegals should be aware that the process is time-intensive. Not only that, but now that the courts have entered the digital age, the courts require the Excerpts of Record to conform to demanding technical specifications. This is a daunting undertaking by both the paralegal and the attorney, and paralegals can be of tremendous value by understanding the process and encouraging their attorneys to plan ahead.

2022 NALA CONFERENCE & EXPO
July 14-16, 2022, at the JW Marriott Desert Ridge Resort & Spa in Phoenix, AZ

Go to <https://nala.org/education-5/nala-conference-expo-2/> for more details.



February 2022 Volunteer Spotlight
Yolanda Garcia, CP

When NALA’s President needed someone to be the inaugural chair of the association’s first-ever Diversity, Equity and Inclusion Committee, Yolanda Garcia, CP, PLS, TBLS-BCP, answered the call. “When I hung up the phone, I thought to myself ‘What have I done?!’”, she says. “Although it was quite scary at the beginning, I have navigated my way through with the assistance of my co-paralegals on the committee. I have learned that all NALA committee predecessors are so extremely helpful and guide your way to succeeding in your appointed positions.”

Yolanda, who goes by the nickname Yolie, works as a paralegal in the Trial Department at Kemp Smith, LLP in El Paso, Texas. She says she loves every aspect of her work. “I enjoy written discovery and preparation and attending trials. I am at my best when I am preparing for trial.”

Yolie says her greatest accomplishment is becoming certified, first through NALA, then through the Texas Board of Legal Specialization. She served two terms as President of the El Paso Paralegal Association, an experience she found both challenging and rewarding.

Her advice for fellow and upcoming paralegals is to “take pride in your work and be nice to associates because they grow up to be senior partners!”

Yolie is married to her high school sweetheart and looks forward to celebrating 46 years of marriage in 2022. The couple has a daughter, two sons, and three precious granddaughters. “I love being a Nana!”, she says.

Her favorite movie is *Mamma Mia*. She loves books by John Grisham and Danielle Steele. Her favorite television shows are *This is Us* and *Golden Girls*.

Yolie loves to read, craft, and sew. “My greatest joy is crafting with my granddaughters,” she says. She sewed more than 100 masks to donate to her local hospital at the start of the pandemic. She also made masks for family, friends, and co-workers.

March 2022

Sun Mon Tue Wed Thu Fri Sat

		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17 	18	19
20 	21	22	23	24 <i>Regular EPPA Members' Meeting, An- son 11, 12:00 p.m.</i>	25	26
27	28 <i>Deadline for April Writ sub- missions</i>	29	30	31		

Out Mission Statement



Thanks for being a member of
El Paso Paralegal Association

AN AFFILIATE OF



El Paso Paralegal Association serves as a resource for paralegals to further its members' development and advancement in the legal profession through higher paralegal standards, continuing legal education and self-regulation for all El Paso paralegals. El Paso Paralegal Association awards scholarships to students enrolled in the paralegal program at El Paso Community College, and offers reimbursement awards for members taking the National Association of Legal Assistants' Certification Exam and the Texas Board of Legal Specialization Certification Exam. Through its various efforts throughout the year, El Paso Paralegal Association also strives to encourage its members to participate in community service and charitable work opportunities through El Paso Paralegal Association's adopted charity, which is chosen each year by its members.

Our Board

President	Yvette Duran (<i>paralegalDL@labinotilaw.com</i>)
President Elect	Sandra Vasquez (<i>Sandra.vasquez@kempsmith.com</i>)
VP of Programs	<i>vacant</i>
VP of Membership	Jessica Lucero (<i>jlucero@epcounty.com</i>)
VP of Public Relations	Louise Elorreaga (<i>lelo9228@aol.com</i>)
Secretary	Griselda Lasky (<i>glasky@epcounty.com</i>)
Treasurer	Laura T. Juarez, CP (<i>ltjuarez1007@gmail.com</i>)
Parliamentarian	Sandra Espinoza (<i>sespinoza@umcelpaso.org</i>)
NALA Liaison	Laura T. Juarez, CP (<i>ltjuarez1007@gmail.com</i>)
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