

**AALS – The Association for Arkansas Legal Support Professionals**  
Member of NALS, the association for legal professionals

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# The Informer

Volume XXXII, No. 2 – December 2005

## TABLE OF CONTENTS

President's Message	3
Notice and Call to Winter Board Meeting	4
Certification of Election of Alternate State Director	6
Notice of Proposed Standing Rule Amendments	7
AALS Minutes of Fall Business Meeting	11
Garland County LSP – Marsha Oliver-King State Director	13
Greater Little Rock LSP – Latasha Ketchum	14
NEA LSP – Charlie Patterson	15
Saline County LSP – Martha Cox, PP, PLS	17
White County LSP – Cheryl Summerhill, PLS	18
Legal Education – <i>Watch Out for the Growing Risks of Legal Malpractice</i>	20
<i>Did You Know That...?</i>	24
<i>Reaping a Multiple Reward</i>	26
<i>NALS Code of Ethic – What EXACTLY Is It?</i>	29

**Wow, this year is almost over. I hope each chapter is creating historical memories that are fun and exciting. I know that Mary Hand has exciting memories from the NALS conference in Buffalo, New York and I look forward to seeing her pictures and catching her excitement.**

**Dot Griffin has notified me that nominations have been received and acceptance forms have been sent to the nominees. If you were nominated, it is because someone has respect in you and your abilities to hold an office. Hopefully you have returned that respect by accepting your nomination. I look forward to seeing the list of candidates and placing my vote for the individuals who will write the next chapter in the history of AALS.**

**AALS covered a lot of business at the Fall Business Meeting and Educational Conference. We will return to Hot Springs for the Winter Business Meeting and Educational Conference. Make your reservations now to join us January 20 & 21 at the Velda Rose Hotel!**

**By the time you receive this issue of *The Informer*, our new website will be up and running. Make sure you check it out at [www.arkansasals.org](http://www.arkansasals.org).**

**I hope that each of you enjoy your holiday and the time spent with family and friends. I look forward to seeing you in the new year.**

**Belinda Penn, PLS  
2005-2006 AALS President**

**AALS - the Association for Arkansas Legal Support Professionals  
NOTICE AND CALL TO BUSINESS MEETING**

TO: All Members  
FROM: Michelle Grilletta, PLS, AALS Executive Secretary  
DATE: November 28, 2005

Pursuant to Article IX, Section 2(b) of the Bylaws of AALS, the 2006 Winter Business Meeting will be held at the Velda Rose Resort and Spa, Hot Springs, Arkansas, on Saturday, January 21, 2006. All members of this association are invited to attend this meeting and take advantage of the privileges of participation. All members of this association have the right and privilege to enter into discussion of any issues and to make and second motions. However, only the duly elected and appointed officers and duly elected directors and alternate directors from each chapter may vote on any issue.

**Friday, January 20, 2006**

5:00-7:00 p.m.	Registration
7:00 p.m.	Legal Ed

**Saturday, January 21, 2006**

8:00 a.m.	Breakfast
9:00 a.m.	Legal Ed
10:15 a.m.	Legal Ed
12 noon	Lunch
1:00 p.m.	Business Meeting

Room reservations: Velda Rose Resort Hotel, 218 Park Avenue, Hot Springs, AR 71901. Phone number is 888-624-3311; fax is 501-623-8871; rate: \$79 per night, double occupancy. When reserving rooms and upon check-in, tell them you are with the Arkansas Legal Support Professionals.

## REGISTRATION FOR SEMINARS AND BUSINESS MEETING

Name \_\_\_\_\_ Member # \_\_\_\_\_

Address \_\_\_\_\_ Chapter \_\_\_\_\_

Employer \_\_\_\_\_ Day Telephone  
\_\_\_\_\_

	Member	Non-Member
Full Registration	_____ \$42.00 _____	_____ \$57.00 _____
Breakfast	_____ 5.00 _____	_____ 10.00 _____
Legal Ed	_____ 5.00 _____	_____ 10.00 _____
Legal Ed	_____ 5.00 _____	_____ 10.00 _____
Lunch	_____ 15.00 _____	_____ 15.00 _____
Business Meeting	_____ 5.00 _____	_____ 5.00 _____
 Total Enclosed	 \$ _____	 \$ _____

Deadline for registration is January 13, 2006. A \$10.00 late fee will apply for registrations received after the deadline. Send this registration form and payment to **Wendy Allen, P.O. Box 1, Hot Springs, AR 71913**. Make checks payable to **AALS**.

## Certification of Election of Alternate State Director

THIS IS TO CERTIFY THAT:

\_\_\_\_\_ is a member of \_\_\_\_\_  
and has been duly elected as alternate State Director of said local chapter to serve only in the absence of the elected State Director at the Winter Board meeting of AALS—the Association for Arkansas Legal Support Professionals to be held on Saturday, January 21, 2006.

\_\_\_\_\_  
Local Chapter Recording Secretary

\_\_\_\_\_  
Date

### INSTRUCTIONS:

Mail original certification to AALS Executive Secretary at the address below, or notify the AALS Executive Secretary by telephone or e-mail, at least five days prior to the meeting at which an alternative State Director may vote:

Michelle Grilletta, PLS  
AALS Executive Secretary  
P.O. Box 1902  
Jonesboro, AR 72403-1902  
(870) 933-4579

[mgrilletta@2ndjudicial.org](mailto:mgrilletta@2ndjudicial.org)

If the certification has not been mailed at least five days prior to the meeting and the notification method was used, the original must be presented to the AALS Executive Secretary on the date of the meeting prior to the commencement of any business. Failure to elect and certify an alternate State Director at least five days prior to the meeting at which an alternate State Director may be voting results in the loss of the chapter's vote.

## **NOTICE OF PROPOSED STANDING RULE AMENDMENTS**

The following are proposed changes to the current Standing Rules regarding the publication dates for *The Informer*. These are to be presented and considered for approval by the Board of Directors at the Winter Business Meeting scheduled to be held on January 21, 2006, in Hot Springs, Arkansas.

### **AMENDMENT NO. 1**

#### **PUBLICATION**

Paragraphs 1, 2, 3, 4 and 5 currently read as follows:

1. The Director of Publications shall be a member of the Board and shall be responsible for the publication of *The Informer*, which shall be published and circulated to all members no less than three times during the fiscal year, in the months of June, October, and February. Publication of more than three issues shall be subject to the approval of the Board. In the event a fourth issue is published, said issues shall be published in June, August, December and February and shall be mailed no later than 30 days prior to Board meetings. The February issue shall be mailed no later than 45 days prior to the Annual Meeting.
2. Each issue of *The Informer* shall contain
  - a. President's message;
  - b. Membership articles;
  - c. Legal education articles;
  - d. Other articles of interest;
  - e. Highlights of chapter activities;
  - f. Calendar of upcoming events and deadlines;
  - g. Notice and Call to Board meetings, including registration information;
  - h. and call to Annual Meeting (February issue) including registration information;
  - i. Seminar information, including registration and site information, agenda, topics and speakers;
  - j. Information regarding activities and programs of NALS; and
  - k. Advertising, as approved by the Board.

3. The June issue shall contain the names and addresses of state officers and committee chairs and chapter officers.
4. The February issue shall contain notice of proposed bylaw or standing rule amendments.
5. *The Informer* may be published via email. A hard copy must be mailed or faxed to all members who do not have access to email.

**Proposed changes:**

2. The Director of Publications shall be a member of the Board and shall be responsible for the publication of *The Informer*, which shall be published and circulated to all members no less than three times during the fiscal year, in the months of August, December and March and shall be mailed no later than 30 days prior to Board meetings. The March issue shall be distributed no later than 45 days prior to the Annual Meeting. Publication of more than three issues shall be subject to the approval of the Board.

2. Each issue of *The Informer* shall contain
  - a. President's message;
  - b. Membership articles;
  - c. Legal education articles;
  - d. Other articles of interest;
  - e. Highlights of chapter activities;
  - f. Calendar of upcoming events and deadlines;
  - g. Notice and Call to Board meetings, including registration information;
  - h. Notice and call to Annual Meeting (March issue) including registration information;
  - i.
    - i. Seminar information, including registration and site information, agenda, topics and speakers;
    - j. Information regarding activities and programs of NALS; and
    - k. Advertising, as approved by the Board.

3. In June, the Publication Chairman shall issue an e-mail to all members (or letter to members who have no e-mail) listing the new state elected officers, appointed officers, state directors, and an updated membership roster for the coming year.

4. All issues of *The Informer* shall contain notice of proposed Standing Rule Amendments. Only the March issue of *The Informer* shall contain notice of proposed By-Law Amendments.

5. *The Informer* may be published via e-mail. A hard copy must be mailed or faxes to all members who do not have access to e-mail.

Respectfully submitted,

Michelle Grilletta, PLS

Executive Secretary



AALS – The Association for Arkansas Legal Support Professionals  
Minutes of the Fall Business Meeting  
Bryant, Arkansas  
September 10, 2005

**CALL TO ORDER:**

The 2005 Fall Board Meeting of AALS – the Association for Arkansas Legal Support Professionals was convened on September 10, 2005, at the Holiday Inn Express in Bryant, Arkansas, by Belinda Penn, PLS.

**CREDENTIALS REPORT:**

The president thanked Saline County Legal Support Professionals for hosting the Fall Business Meeting. According to registration, six chapters were represented. There was one member-at-large attendee and no first-time attendees. There were no non-members or secondary members in attendance.

**CONSENT AGENDA:**

The consent agenda was utilized. The Executive Secretary, Michelle Grilletta, PLS, reported on the Notice and Call. The Parliamentarian, Mae Humphries, PLS, CLA, read the rules of the meeting.

**ACTION ITEMS:**

The Treasurer's report was distributed to the State Directors by AALS Treasurer, Wendy Allen. A motion was made and seconded that the report be approved subject to financial review. Motion passed.

The EC recommended approval of the financial review report for the 2005 Annual Meeting funds submitted by Dot Griffin, PLS and Sue Holder, PLS. A motion was made and seconded and motion was passed.

The EC recommended that AALS provide a \$500 scholarship and a \$500 grant for 2006. A motion was made and seconded and motion was passed.

The EC recommended that AALS approve the Velda Rose Resort and Spa in Hot Springs, Arkansas, as the location for the 2006 Winter Board Meeting and Educational Conference to be held on January 20 and 21, 2006, with a registration fee of \$42 for members and \$57 for non-members. A motion was made and seconded and motion was passed.

The EC recommended that AALS approve the Clarion Hotel in Little Rock, Arkansas, as the location for the 2006 Annual Business Meeting and Educational Conference to be held on April 21, 22 and 23, 2006, with a registration fee of \$95 for members and \$110 for non-members and a theme of "The Roaring 20's." A motion was made and seconded and motion carried.

The EC recommended that AALS approve the distribution of the budgeted funds to pay Early Bird

Registration of the 2006-07 President and President-Elect to attend the 2006 Tulsa Conference which are due by December 1, 2005. A motion was made and seconded and motion carried.

The EC recommended that AALS approve the establishment of a website domain for the cost of \$10 per year. A motion was made and seconded and motion carried.

**DISCUSSION ITEMS:**

AALS President, Belinda Penn, PLS, presented information she had gathered regarding purchasing gold AALS lapel pins. She asked if there was interest in having these for sale again. Interest in having these pins available was expressed. It was decided that more information would be collected and this matter would be discussed further at the Winter Business Meeting.

AALS President-Elect, Andrea Hicks, PLS, gave a report on the Region 6 Meeting held in Natchez, Mississippi, on July 28 - 31, 2005.

**ANNOUNCEMENTS:**

Charlie Patterson, State Director for the Jonesboro Legal Secretaries Association announced that JLSA had voted to change their name to Northeast Arkansas Legal Support Professionals at their last meeting.

**INFORMATION ITEMS:**

NALS Board of Director Ballots Mailed	September 12, 2005
NALS State & Chapter President On-Line Chat	September 19, 2005
NALS 2005 Annual Meeting - Buffalo, NY	October 20-23, 2005
NALS Board of Director Ballots Due to NALS	October 24, 2005
Jett Awards entries to NALS Resource Center	November 1, 2005
Mail AALS Nominations & Elections Forms	November 1, 2005
AALS Nominations & Elections Forms due to Chair	November 15, 2005
NALS State & Chapter President On-Line Chat	November 21, 2005
Articles for December issue of the Informer due	November 23, 2005
Early Bird Registration For Tulsa 2006 Conference	December 1, 2005
Scholarship/Grant Rules & Applications to Chapters	December 1, 2005
Publication dated for the December issue of Informer	December 6, 2005

**ADJOURNMENT:**

There being no further business, the 2005 Fall Business Meeting was adjourned.

Respectfully submitted,  
Michelle Grilletta, PLS  
Executive Secretary

**REPORT OF GARLAND COUNTY LEGAL SUPPORT PROFESSIONALS**  
**STATE DIRECTOR MARSHA OLIVER-KING**

Wendy Allen, Lori Giles, Wanda Ritter and I attended the Fall Business Meeting and Educational Conference hosted by Saline County. We all had a great time learning, laughing, and eating. We even managed to work in a little shopping while we were there. Many thanks to Saline County for the warm hospitality.

I'm pleased to report that we are preparing for the Winter Business Meeting and Educational Conference. You will find a schedule of events and the registration form in this issue. Please make note of the deadlines.

Thank to Wanda Ritter our CLE Chair, we have had some very informative programs each month regarding our county government, including a program presented by Garland County Judge Larry Williams.

We have a couple of members with a retirement date on their calendars. Sue Morrissey plans to retire in December 2005 and Marie Schoenfeldt in February 2006. They both plan to stay active with our association as their fellow sister-in-law, Velzene Wilson, has done.

We look forward to seeing everyone at the meeting in January. You definitely want to be present Friday night for the "Colors" program presented by Wanda Ritter's daughter.

**Greater Little Rock Legal Support Professionals  
State Director Latasha Ketchum**

As always we have been very busy these fall months. We have welcomed six new members since the last issue of *The Informer*. Our President, Mary Hand, Linda Adair, Janice Miller, Patsy Robinson and Beverly Newborn attended the Region 6 Conference in Natchez, MS. Mary Hand and Doris Compton were fortunate to be able to attend the NALS Fall CLE Conference in Buffalo, NY.

In September 2005 we had our Bosses Night Dinner. We had a great turn out. Arkansas Supreme Court Justice Annabelle Clinton Imber was our guest speaker and she did a excellent job. All of the attorneys were happy to hear that she was going to speak to us! This was WONDERFUL!!! Our very own Clennon Hall won the Scholarship to help further his education, and I must say he has made us very proud to have him as part of our organization.

On a beautiful, clear autumn day, where the temperature was 68 - 70 in the sunshine, at Burns Park in North Little Rock, the Greater Little Rock Legal Support Professionals and their families enjoyed a picnic together. It was the first one, and the feedback from those who attended indicated that it will become an annual occurrence! Some people had not been to Burns Park before, and enjoyed strolling around part of the park just to see everything. Others were occupied with smaller children playing in the playground areas, while others adored the babies who were brought. Those attending were able to get to know each other and meet the families of the other members. Most of us are now a lot closer due to the picnic. Of course, what is a picnic without the FOOD? Well, in this instance, the food was remarkable! A picnic must have charcoaled hamburgers and hot dogs (ours had them in abundance), potato salad, baked beans, relish trays, cheese trays, fruit trays, chips and more deserts that there is space to mention, all of which received "ooohs and aaaahs and I want that recipe!" We can't wait until the next picnic!

Also, we had our Christmas Party on December 6<sup>th</sup> at the Olive Garden Restaurant. We had 20 members and guests/spouses and enjoyed getting to know everyone and form closer relationships. The Dirty Santa game was enjoyed by all. The last round of swapping out the gifts was hilarious! We all look forward to being together.

This has been a wonderful year and we hope for many more to come. Happy Holidays to all.

## **REPORT OF STATE DIRECTOR NORTHEAST ARKANSAS LEGAL SUPPORT PROFESSIONALS**

Boy, do I have a lot to report in this issue of The Informer! Our association has been extremely busy the last few months.

Our July CLE session was held on July 5<sup>th</sup> at noon with a very interesting presentation by Corey Seats with the Drug Task Force.

On Sunday, August 14<sup>th</sup>, we assisted with the Mosquito Bash Blood Drive sponsored by the Red Cross at Indian Mall in Jonesboro. Members who were there to help were Sharon Davis, PLS, Kim Cooksey, PLS, Joyce Morgan and myself.

For those of you who may not know, the Jonesboro Legal Support Association voted at our monthly meeting on August 23<sup>rd</sup> to change our name to Northeast Arkansas Legal Support Professionals. We are trying to reach out to the legal support professionals in the surrounding areas and felt this would help to reach that goal.

Our biggest accomplishment and one that all members of NEA LSP are most proud of is that on September 17<sup>th</sup> we sponsored a Doctors vs. Lawyers Basketball Game with all proceeds, including admission fees, concessions (all of which were donated), etc., given to Judge Bill Webster, a long time attorney in Jonesboro and former District Court Judge. Judge Webster was shot by a client outside his office and sustained serious injuries. The lawyers' coach was Todd Williams with the Snellgrove firm in Jonesboro, and the doctors' coach was Dr. Jay Lee. Both teams had support from the Jonesboro High School (for the lawyers) and the Valley View High School (for the doctors) cheerleading squads. Christie McNeill Dance Studio provided pre-game and half-time entertainment. Skeeter Nash with the Triple FM Radio Group and Craig Rickert with KAIT Channel 8 were the emcees. The businesses in and around Jonesboro donated tons of door prizes and tickets were drawn for those. There was even an appearance by McGruff the Crime Dog (a/k/a Charlie Patterson) who gave out candy to all the children. We raised \$7,000.00 toward Judge Webster's medical expenses!! Judge Webster was presented with the game ball, which had been signed, by all the players, coaches and members of NEA LSP. He and his family were so appreciative of our efforts and we certainly felt great pride in being able to do this for them.

We ordered polo shirts from Christy Thompson's aunt (Christy is our Vice-President), which are blueberry in color and have our name and the scales of justice on them. They really looked nice at the basketball game and will get us noticed whenever we wear them to events.

All of the concession items, which were left after the ballgame, were donated to the Women's Shelter in Jonesboro. They were most appreciative of receiving the food and drinks.

Several of our members attended the Fall Education Conference and Business Meeting on September 9<sup>th</sup> and 10<sup>th</sup> hosted by Saline County. Belinda Penn, PLS, Sharon Davis, PLS, Michelle Grilletta, PLS, Andrea Hicks, PLS and Charlie Patterson were present for the Friday night session. Kara Whitehead and Christy Thompson were able to attend on Saturday. The CLE at this meeting was wonderful and we all had a good time, but that's to be expected with the ladies of Saline County LSP hosting.

Also in September we donated \$150.00 to the NALS Hurricane Katrina Relief Fund.

We marked two events for Court Observance Week. On Tuesday, October 11<sup>th</sup>, members went to Jonesboro Mayor Doug Formon's office where he signed the Proclamation and on Thursday night, the 13<sup>th</sup>, an event was held at the Courthouse Annex. Circuit Judge Lee Fergus discussed his role as a judge, attorney Scott Emerson spoke on the Bill of Rights, and attorney (and State Representative) Chris Thyer discussed the Constitution. Refreshments were served following the presentation. Co-chairs for Court Observance Week were Kara Whitehead and Mimi Mangrum. They did a wonderful job.

Our CLE session for November was held on the 1<sup>st</sup> with attorney Warren Dupwe speaking on the new bankruptcy law.

For our Thanksgiving project we donated a \$50.00 Kroger gift card and non-perishable food items to the Women's Shelter for their meal. NEA LSP has adopted this shelter as our main project and look forward to helping them out in any way we can. Several of our members have already signed up to work in the gift-wrapping booth at the mall. This is the shelter's largest fund raising event.

We're also looking forward to our annual Christmas party to be held on December 10<sup>th</sup> at President Joyce Morgan's home and to the AALS Winter Educational Conference and Business Meeting in Hot Springs in January.

And if that isn't enough, we have FIVE new members!! Welcome to Amber McKee, Linda Jones, Trina Ferrell, Nancy Kessell, and Johnna Davis. We are so happy to have you in the association.

From Northeast Arkansas Legal Support Professionals to all of you, we wish you a wonderful holiday season.

Charlie Patterson, State Director

**SALINE COUNTY LSP**  
**Martha Cox, PP, PLS, State Director**

By the time you read this, Thanksgiving will be over and the Christmas season beginning. We hope all of you have had a wonderful Thanksgiving, and we wish you a Christmas season full of joy. For Thanksgiving, our chapter purchased food for two Thanksgiving baskets to be distributed through a member's church to families in the Woodland Hills area of Saline County. At this time, our Christmas project has not been determined. We have concluded two fundraisers for our chapter - we sold Rada knife products and Innisbrook gift-wrap. Our chapter enjoyed hosting the AALS Fall Educational Conference and Business Meeting held in September in Bryant. We had wonderful legal education sessions, and I think even our Hollywood legal "squares" enjoyed themselves!

Sue Holder, PLS, will finish her radiation treatments on December 1. The treatments have affected Sue's sense of taste. As a matter of fact, she says her sense of taste is gone, and everything she eats tastes the same. The treatments have made her mouth and throat extremely sore, and at this time, she is only able to consume liquids. Her doctor has advised that all of this should gradually resolve once the treatments are finished.

For Court Observance in October, we were given a tour of the Saline County Circuit Clerk's office, including information regarding the permanent case storage system and the various record books and how to look up information contained in the record books. At our November meeting, Martha Cox, PP, PLS, presented legal ed regarding laws enacted in 2005 affecting the legal field. Our December meeting will be our Christmas party, and our hostess will be Linda Dyer.

We look forward to seeing everyone in January. Merry Christmas and Happy New Year!

**White County Association of Legal Support Professionals**  
**Cheryl Summerhill, PLS, State Director**

Our cook wannabe (Janet) and our farmer wannabe (Cheryl) made a splash at the AALS Fall Business Meeting, and since then, it's been hectic as usual, but we've been able to get a few things accomplished. At a potluck lunch for Court Observance week, President Janet Gordon presented the Bill of Rights. We discussed our rights, our lack thereof, and our thoughts about what our predecessors were planning for the future as they wrote the Bill of Rights. It was very interesting and Janet did a good job in her presentation. Thanks, Madam President.

November caught us eating again. We met at Dixie Café and had lunch to celebrate Thanksgiving. We know that there are many less fortunate, and we are all so thankful for each other and our friendships. With the hectic lives that we all lead, we don't always see each other on a regular basis, and don't always talk on a regular basis, but we do know that we are always there for each other, and for that we are very thankful.

As our charity for the year, we chose to make a donation to purchase Christmas gifts for a foster child. We've done this now for several years in a row, but the process has now changed. We used to go shopping for the child/children we chose, but some in the system were getting more presents than others, so they devised a plan to accept donations and they would purchase gifts and needs accordingly. We do miss getting together to go shopping for our chosen child, but are glad we could make a difference in Christmas for some small child. Note: We chose to do this because these children are in the system, and because of confidentiality, they are unable to be listed with organizations such as Angel Tree, Christmas 4 Kids, etc., and therefore, do not get the usual number of donated gifts for Christmas.

Jingle, jingle, jingle..... Those of us who are already in the Christmas spirit are busy trying to convince Linda Sullivan, PLS, that she should have already started her shopping, and that the stores and/or WalMart and/or malls are not the totally dreaded places she thinks they are. Our own Ms. Scrooge has much dislike for the holiday season, not the family gatherings, not the good food, but much dislike for the shopping. She doesn't even like to shop when it's not Christmas. Now where did she come from??? Not our typical female, huh?

We're planning our annual Christmas party for December 8 at Kathy Good's house. Lots of good food and lot of presents getting taken away again, and again, and again. It's always so much fun and we certainly enjoy our time, and eating, together. Janet's son and daughter in law will be spending Christmas in Arkansas. This is the first time in seven years that they've spent Christmas together. Since Kathy's daughter married and moved out of town this year, Christmas is sure to be different at her house. She does, however, have her young granddaughter living with her, so she'll get to see Christmas through the eyes of a child again. Shirley's children are spread throughout the U.S., and with her daughter moving to Arizona this year (and taking two of Shirley's grandbabies), Shirley's Christmas will be different than in the past. My Christmas will also be different, with Randy spending Christmas in Iraq. Thanks to all members who have lifted him, and all of our

Armed Forces, up in your prayers. Fortunately, Randy is well, his deployment will end in January, and plans are for him to fly back to Fort Benning, Georgia by mid-January.

Merry Christmas, Happy New Year, and God's blessings for a happy and prosperous 2006 to all my AALS sisters-in-law.

REPRINTED ARTICLE FROM  
**LAW OFFICE ADMINISTRATOR**

November 2005

## Watch out for the growing risks of legal malpractice

### HERE ARE THE FOUR BIG DANGER SPOTS

As firms provide more services, particularly services in nonlegal areas, malpractice liability grows, often in ways that surprise even the attorneys.

And though those services arise logically out of changes in business practices, the risks they conjure up aren't always covered by the current professional liability insurance.

Here are four such areas administrators need to be aware of. They relate to the firm's choice of vendors, its ancillary services, the work it does in other states, and bankruptcy law.

TONY WAYBRIGHT, president of Professional's Choice Risk Services Inc., an Atlanta liability insurance carrier for professional organizations, tells what those risks entail and how to keep the firm in safe waters.

### MALPRACTICE EVEN FROM A VENDOR?

First are the vendors. And the risk to watch for there, Waybright says, is vendors who have familial or economic relationships with the firm.

That's a common situation. Many an attorney has a child or spouse who owns a business the firm uses - a deposition service, court reporter, transcription service, copy center, or even a computer company that does electronic investigation or conducts discovery of electronic information.

The danger occurs when the firm passes the cost on to the client, he explains.

If the vendor makes a mistake or if the client claims the cost is out of line, suddenly "it's the firm's fault." There was a conflict of interest there. The firm used that vendor to its own advantage "or to enrich a family member" and didn't look out for its client's best interests.

By contrast, when there's no economic or family tie, "the client will fuss with the vendor and not with the firm." Keep the vendors at arm's length, he says. Even if the firm does nothing wrong, a too-close relationship can become leverage in a malpractice claim.

### NO COVERAGE FOR THE ANCILLARIES?

Second is a risk that has caught more than one firm unawares. It is the risk of having no liability coverage for ancillary services.

Those services aren't covered by the standard professional liability policy, Waybright says, and firms often aren't aware of that because most policy applications don't even ask about ancillary services.

But if the service is a separate business entity or if it operates under a different name or if nonlawyers provide it, there's a good chance it's not included in the main policy and so needs its own coverage. And many firms have services that fall into those categories, he notes. It's quite common, for example, for an employment law firm to have a separate human resources consulting service.

What if the service is provided in the name of the firm?

There's risk there as well, not of lack of coverage but of malpractice claims for conflict of interest.

One area "that's ripe for problems" is lobbying.

Suppose Client A hires the firm to lobby for a law, and the law gets passed. The next year Company B hires the firm to lobby for the appeal of that same law. For a lobbyist, "that may not be the best business decision," but it's okay. For a law firm, it's probably not okay. If the firm's lobbyist works under the name of the firm, what comes into play are ethics rules against representing adverse parties. The firm is wide open to a conflict of interest claim.

The cautions, therefore, are to verify liability coverage for each of the firm's ancillary services, "and don't practice ancillary services in the name of the firm."

### OUT OF STATE, OUT OF AUTHORIZATION

The third risk is unauthorized practice of law in other states.

While no attorney would presume to practice in a state without being admitted to the bar there, what comes into question is the nonlegal services the firm provides in other states.

Waybright gives the example of a firm acting as a collection agency.

A collection agency can register to do business in any number of states and start collecting debts there, but a law firm can't. "It can't just go register in other states" and start collecting debts. To do any type of business in another state, the firm has to have attorneys actually admitted to practice there.

That same theory applies to other types of work as well. He cites one situation where the directors of a company hired an out-of-state attorney to conduct an internal investigation of one of the officers. As a result of the findings, the directors wanted to take action against that officer.

One of the directors didn't agree, however, and to stop the action, he made a complaint to the state bar that the investigating firm was not authorized to practice law there.

The firm needs be cautious of doing any type of business in other states, Waybright says. It can be a Catch 22.

The firm may be able to argue that the business such as collection work - doesn't constitute practicing

law, but if that holds, the matter loses the protection of attorney-client privilege.

Or, if the firm is investigated by another state's bar association, it may find itself with no malpractice coverage, because most policies apply only to investigations in the firm's own state.

## **GOING BANKRUPT OVER BANKRUPTCY**

Finally, there's bankruptcy to worry about, with the risk coming from a new law - the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

Under that law, it's not only tough for consumers to file bankruptcy but also risky for attorneys to represent them.

One significant risk enhancer is a provision that the firm can be held personally liable for inaccuracies in the list of assets and debts.

In the past, attorneys simply counseled their clients on what to list and then filed the bankruptcy using whatever information the client provided.

Under the new law, however, firms can no longer take their clients' reports at face value. They have to conduct independent investigations, which can include examining bank records, getting credit reports, and even visiting their clients' homes to verify the accuracy of what's being reported.

What's more, if inaccuracies are found after the bankruptcy is filed, they have to report those inaccuracies to the court.

It gets worse.

The attorney also has to certify that the client can afford to pay the amounts set out in the bankruptcy agreement. So if the agreement stipulates \$X a month on the mortgage and \$Y on the car, the attorney has to certify that the client has the financial ability to make those payments.

That leaves a gaping hole, Waybright says. Suppose the client gets fired a few months later and can't pay the debt. The attorney can potentially be held responsible for it. The certification "may be like co-signing a loan."

There's yet another danger point.

The new law says bankruptcy attorneys have to identify themselves as debt relief agencies, which raises a question: Are debtor attorneys still practicing law? Creditors argue they aren't, which means there's no attorney-client privilege with bankruptcy clients.

All those changes create new risks from both clients and the people they owe.

From the client, there's the risk of being sued for violating attorney-client privilege.

From the creditor, there's the risk of being sued if the client doesn't cover the debt, the argument being that the creditor relied on the payments the firm promised.

For protection, he recommends outlining the terms



of the new law to the client, though he admits it won't be pleasant.

Explain that the firm has to verify the financial information provided. (*Dear Client: I can't believe what you tell me until I check it out myself.*)

Explain that if any inaccuracies are found in the financial information before the bankruptcy is filed, the firm reserves the right to withdraw from representation. (*Dear Client: I will take your case, but if I find out you haven't been truthful with me, I'm going to withdraw from the representation.*)

Explain further that if inaccuracies are found after the bankruptcy is filed, the firm must report them to the court.

Waybright foresees that malpractice carriers will be paying out on bankruptcy claims to the extent that the coverage becomes unaffordable. Or they may come up with an entirely new type of coverage for bankruptcy law.

In response, firms with small bankruptcy sections may decide to get out of that area altogether.

## Did You Know That.....?

Submitted by Cheryl Summerhill, PLS

Drinking two glasses of Gatorade can relieve headache pain almost immediately -- without the unpleasant side effects caused by traditional "pain relievers."

Did you know that Colgate toothpaste makes an excellent salve for burns.

Before you head to the drugstore for a high-priced inhaler filled with mysterious chemicals, try chewing on a couple of curiously strong Altoids peppermints. They'll clear up your stuffed nose.

Achy muscles from a bout of the flu?

Mix 1 Tablespoon of horseradish in 1 cup of olive oil. Let the mixture sit for 30 minutes, then apply it as a massage oil, for instant relief for aching muscles.

Sore throat? Just mix 1/4 cup of vinegar with 1/4 cup of honey and take 1 tablespoon six times a day. The vinegar kills the bacteria.

Cure urinary tract infections with Alka-Seltzer . Just dissolve two tablets in a glass of water and drink it at the onset of the symptoms. Alka-Seltzer begins eliminating urinary tract infections almost instantly -- even though the product was never been advertised for this use. (Note: Alka-Seltzer Plus Cold Medicine is not the same..and contains aspirin, which can cause stomach bleeding if you have ulcers.)

Honey remedy for skin blemishes... Cover the blemish with a dab of honey and place a Band-Aid over it. Honey kills the bacteria, keeps the skin sterile, and speeds healing. Works overnight.

Listerine therapy for toenail fungus. Get rid of unsightly toenail fungus by soaking your toes in Listerine mouthwash. The powerful antiseptic leaves your toenails looking healthy again.

Easy eyeglass protection. To prevent the screws in eyeglasses from loosening, apply a small drop of Maybelline Crystal Clear nail polish to the threads of the screws before tightening them.

Coca-Cola cure for rust. Forget those expensive rust removers. Just saturate an abrasive sponge with Coca Cola and scrub the rust stain. The phosphoric acid in the coke is what gets the job done.

Cleaning liquid that doubles as bug killer. If menacing bees,

wasps, hornets, or yellow jackets get in your home and you can't find the insecticide, try a spray of Formula 409. Insects drop to the ground instantly.

Smart splinter remover, just pour a drop of Elmer's Glue-All over the splinter, let dry, and peel the dried glue off the skin. The splinter sticks to the dried glue.

Hunt's tomato paste boil cure cover the boil with Hunt's tomato paste as a compress. The acids from the tomatoes soothe the pain and bring the boil to a head.

Balm for broken blisters to disinfect a broken blister, dab on a few drops of Listerine a powerful antiseptic.

Heinz vinegar to heal bruises soak a cotton ball in white vinegar and apply it to the bruise for 1 hour. The vinegar reduces the blueness and speeds up the healing process.

Kills fleas instantly. Dawn dish washing liquid does the trick. Add a few drops to your dog's bath and shampoo the animal thoroughly. Rinse well to avoid skin irritations. Goodbye fleas.

Rainy day cure for dog odor. Next time your dog comes in from the rain, simply wipe down the animal with Bounce or any dryer sheet, instantly making your dog smell springtime fresh.

Eliminate ear mites. All it takes is a few drops of Wesson corn oil in your cat's ear. Massage it in, then clean with a cotton ball. Repeat daily for 3 days. The oil soothes the cat's skin, smothers the mites, and accelerates healing.

Quaker Oats for fast pain relief. It's not for breakfast anymore! Mix 2 cups of Quaker Oats and 1 cup of water in a bowl and warm in the microwave for 1 minute, cool slightly, and apply the mixture to your hands for soothing relief from arthritis pain.

## REAPING A MULTIPLE REWARD

Submitted by Linda Adair, PLS

For every disciplined effort, there are multiple rewards. That's one of life's great arrangements. In fact, it's an extension of the Biblical law that says that if you sow well, you will reap well.

Here's a unique part of the Law of Sowing and Reaping. Not only does it suggest that we'll all reap what we've sown, it also suggests that we'll reap much more. Life is full of laws that both govern and explain behaviors, but this may well be the major law we need to understand: for every disciplined effort, there are multiple rewards.

What a concept! If you render unique service, your reward will be multiplied. If you're fair and honest and patient with others, your reward will be multiplied. If you give more than you expect to receive, your reward is more than you expect. But remember: the key word here, as you might well imagine, is discipline.

Everything of value requires care, attention, and discipline. Our thoughts require discipline. We must consistently determine our inner boundaries and our codes of conduct, or our thoughts will be confused. And if our thoughts are confused, we will become hopelessly lost in the maze of life. Confused thoughts produce confused results.

Remember the law: "For every disciplined effort, there are multiple rewards." Learn the discipline of writing a card or a letter to a friend. Learn the discipline of paying your bills on time, arriving to appointments on time, or using your time more effectively. Learn the discipline of paying attention, or paying your taxes or paying yourself. Learn the discipline of having regular meetings with your associates, or your spouse, or your child, or your parent. Learn the discipline of learning all you can learn, of teaching all you can teach, of reading all you can read.

For each discipline, multiple rewards. For each book, new knowledge. For each success, new ambition. For each challenge, new understanding. For each failure, new determination. Life is like that. Even the bad experiences of life provide their own special contribution. But a word of caution here for those who neglect the need for care and attention to life's disciplines: everything has its price. Everything affects everything else. Neglect

discipline, and there will be a price to pay. All things of value can be taken for granted with the passing of time.

That's what we call the Law of Familiarity. Without the discipline of paying constant, daily attention, we take things for granted. Be serious. Life's not a practice session.

If you're often inclined to toss your clothes onto the chair rather than hanging them in the closet, be careful. It could suggest a lack of discipline. And remember, a lack of discipline in the small areas of life can cost you heavily in the more important areas of life. You cannot clean up your company until you learn the discipline of cleaning your own garage. You cannot be impatient with your children and be patient with your distributors or your employees. You cannot inspire others to sell more when that goal is inconsistent with your own conduct. You cannot admonish others to read good books when you don't have a library card.

Think about your life at this moment. What areas need attention right now? Perhaps you've had a disagreement with someone you love or someone who loves you, and your anger won't allow you to speak to that person. Wouldn't this be an ideal time to examine your need for a new discipline? Perhaps you're on the brink of giving up, or starting over, or starting out. And the only missing ingredient to your incredible success story in the future is a new and self-imposed discipline that will make you try harder and work more intensely than you ever thought you could.

The most valuable form of discipline is the one that you impose upon yourself. Don't wait for things to deteriorate so drastically that someone else must impose discipline in your life. Wouldn't that be tragic? How could you possibly explain the fact that someone else thought more of you than you thought of yourself? That they forced you to get up early and get out into the marketplace when you would have been content to let success go to someone else who cared more about themselves.

Your life, my life, the life of each one of us is going to serve as either a warning or an example. A warning of the consequences of neglect, self-pity, lack of direction and ambition... or an example of talent put to use, of discipline self-imposed, and of objectives clearly perceived and intensely pursued.

To Your Success,  
**Jim Rohn**

NALS Code of Ethics – What EXACTLY Is It?  
Margarett Wilson, PLS

Members of NALS are bound by the objectives of this association and the standards of conduct required of the legal profession. Every member shall:

Encourage respect for the law and the administration of justice;

- \$ Observe rules governing privileged communications and confidential information;
- \$ Promote and exemplify high standards of loyalty, cooperation and courtesy;
- \$ Perform all duties of the profession with integrity and competence; and,
- \$ Pursue a high order of professional attainment.

What exactly does it mean? Let's break it down, shall we?

Respect: Regard highly; an attitude of admiration or esteem

Privileged: Information obtained in a confidential relationship

Confidential: The level of classification next above "restricted" and below "secret" available only to authorized persons; private discussions

Loyalty: The act of binding yourself to a course of action

Cooperation: Joint operation or action

Courtesy: Respect; consideration

Integrity: Doing something right, even when no one is looking; moral soundness.

Competence: The quality of being well qualified.

Professional: Skilled; a person having impressive competence in a particular activity.

So there you have it. That's what we are – legal support PROFESSIONALS – not professionals. Hold your head up high, be proud of your achievements, even strut a little – you've earned it!  
You are an ethical professional!

