



The Summons



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P r e s i d e n t ' s M e s s a g e

C h r i s t y C o a t s , P L S

OUR ADDRESS:

SALSA

P.O. BOX 367

SAN ANTONIO, TX

**January 26
Membership
Meeting
is at
Earl Abel's**

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First I would like to wish you all a very happy new year! Have you ever wondered why those New Year's resolutions are so hard to stick to? According to an article on NPR's website, we are hard wired to choose immediate gratification over delayed rewards such as losing weight or saving money. The article states, "It's the fudge vs. broccoli choice: Chocolate's yum factor tends to beat out the knowledge that sticking with veggies brings an eventual reward of lost pounds." Below are some suggestions that the article offers for helping you to keep your resolutions:

—Repeat, repeat, repeat the new behavior — the same routine at the same time of day. Resolved to exercise? Doing it at the same time of the morning, rather than fitting it in haphazardly, makes the striatum recognize the habit so eventually, "if you don't do it, you feel awful," says Volkow the neuroscientist, who's also a passionate runner.

—Exercise itself raises dopamine levels, so eventually your brain will get a feel-good hit even if your muscles protest.

—Reward yourself with something you really desire, Volkow stresses. You exercised all week? Stuck to your diet? Buy a book, a great pair of jeans, or try a fancy restaurant — safer perhaps than a box of cookies because the price inhibits the quantity.

—Stress can reactivate the bad-habit circuitry. "You see people immediately eating in the airport when their flight is canceled," Volkow points out.

—And cut out the rituals linked to your bad habits. No eating in front of the TV, ever. (access full article at <http://www.npr.org/templates/story/story.php?storyId=132627871>)

I hope you find this information useful. I am certainly going to try implementing some of their ideas. While I am sure we have all hit the ground running on our resolutions, I would like to add one more item to your to-do list: we need to pick this year's Member of the Year, so I am asking you to nominate someone. Included in this month's issue of our newsletter is the Member of the Year nomination form. Please take a few minutes to fill this out and submit it to me. All we need is the member's name and a short paragraph, 100 words or less, explaining why you feel that your nominee is deserving of the award. The deadline for submission is March 1, 2011. I know many members who I feel are deserving of this award, and I would love to receive several nominations.

2010—2011 Leadership Roster

Office	Name	Email Address
President	Christy Coats, PLS	ccoats@coxsmith.com
Vice President/ Membership Chair	Joanie Burdine	joani77@hotmail.com
Recording Secretary/ Corresponding Secretary	Karen Branigan, PLS	kbranigan@mcreynolds-tye.com
Treasurer/Roster	Aurora R. Cavazos, PLS, CLA,CPS	rorycavazos@ymail.com
Director	Bette A. Tower, PLS	btower@mdtlaw.com
Parliamentarian	Cheryl Allen, PLS	callen@epc-law.com
Committee	Chairperson	Email Address
Attendance/ Reception/ Reservations	Michele Harmon	mrharmon@satx.rr.com
Auditor	Connie Harris, PLS, TSC	charris@duncanlaw.com
Award of Excellence	Kim Busch	kbusch@coxsmith.com
Certification/ Legal Education/ Historian	Cheryl A. Wenzel, PP, PLS	cwenzel@coxsmith.com
Community Service Projects/Speakers/ Vendor of the Month	Anne Hoover, PLS	ahoover@epc-law.com
Employment	Sharon Todd, PLS	stodd@ccn-law.com
Scholarship	Vickie Flores	vflores@coxsmith.com
Summons/Website	Janet Brown, PLS	jbrown@kjlawpc.com

News from Texas ALP

Congratulations to the 2010-2011 Texas ALP Officers!

President -- Betty Wells, PP, PLS, TSC-RE
President-elect -- Kristy Turner, PP, PLS, CLA, TSC-CL, TSC-RE
Treasurer -- Cheryl Wenzel, PP, PLS
Secretary -- Jane Harrison, PLS

Congratulations to the 2011-12 NALS Board of Directors!

Officers

President -- Kathleen Amirante, PP, PLS (MI)
President Elect -- Helene L. Wood, PP, PLS, TSC (TX)
Secretary/Treasurer -- Doris T. Compton, PP, PLS (AR)

Functional Directors

Certification Director -- Jeannie Shaw, PP, PLS (MS)
Education Director -- Karen McElroy, PP, PLS (AZ)
Marketing Director -- Brynne Williamson, PP, PLS (WA)
Membership Director -- Tina Boone, PLS (TN)

Regional Directors

Region 1 Director -- Antoinette Van Schaick, PP, PLS (NY)
Region 2 Director -- Rita Ann Gilson, PP, PLS (PA)
Region 3 Director -- Barbara Stone, PP, PLS (MI)
Region 4 Director -- Lisa Mitchum, PLS (GA)
Region 5 Director -- Renee Kleinjan, PLS (MN)
Region 6 Director -- Reba Peden, PP, PLS (MS)
Region 7 Director -- Mariann Fletcher, PLS (WA)
Region 8 Director -- Karen Sieckman, PP, PLS, CLA (AZ)

Others

Immediate Past President -- Patricia E. Infanti, PP, PLS (PA)
NALS Foundation Chair -- Julie A. Abernathy, PP, PLS (TX)
Executive Director -- Tammy Hailey, CAE (OK)

Congratulations to Midland ALP

Midland ALP is the recipient of a December education grant from the NALS Foundation. Midland ALP is a small chapter with BIG plans for providing education to members and non-members alike!

The next grant period is March 1, 2011, and the NALS Foundation encourages chapters, states, and regions to apply for a grant for their certification or education program.

SALSA JANUARY OUTING

Please join us on Saturday,
January 29th



for the first outing of the new year!! We are going to eat at Mi Tierra at Market Square (the

Mercado) at 11:30 a.m. and then **GO SHOPPING LADIES!!** (To see the menu to the restaurant and bakery: www.mitierracafe.com. That



bakery menu will make your mouth water!!) Please RSVP to me, if you would like to

attend this fun event -- (joani77@hotmail.com) I need to give the restaurant a head count.



Enchiladas de Pollo en Mole

HOPE YOU WILL JOIN US!! --

joani



For Members Only

Hi, Members!!

Here we are – 2011!!

For those who didn't get to join us in December, you missed a fun time!! The Republic of Texas restaurant on the River Walk put us on the patio in a special section all to ourselves. We had a short meeting, enjoyed delicious food, people watching and then went on a really fun ride on the Riverboat. The lights were just beautiful!!

Please join me in thanking Janet Brown for jazzing up the beautiful outing announcement every month. Janet maintains our Website and prepares the monthly Summons. She is

very talented in desktop publishing and I just wanted the Membership to know that it was her (and not me) who made our outings invitations look so appealing!! THANK YOU, JANET!!

Please continue to e-mail me with any suggestions or questions that you might have with regard to membership or with something fun that you have been wanting to do.



Please join us on Saturday, **January 29th** for the first outing of the New Year!! We are going to eat at Mi

Tierra at Market Square (the Mercado) at 11:30 a.m. and then **GO SHOPPING LADIES!!** (To see the menu to the restaurant and bakery: www.mitierracafe.com. Please RSVP to me, if you would like to attend this fun event - - (joani77@hotmail.com) I need to give the restaurant a head count.

Hope you will join us!!

See you at the next SALSA function!

– joani



Southwest Airlines Unveils Art Tribute to Veterans at San Antonio Airport

On Veterans Day 2010 Southwest Airlines unveiled an art tribute to veterans which will be on permanent display in terminal A of the San Antonio airport. Among featured speakers at the event was SALSA member Colonel (Retired) Ed Lavin.



Keynote speakers were San Antonio mayor Julian Castro and Congressman Charles Gonzalez. Also speaking was Herb Kelleher, founder and CEO emeritus of Southwest Airlines.

Colonel Lavin spoke about the similarities in backgrounds between the World War II “greatest generation” veterans when they were young men and women, and today’s active duty service members. “Both sets of teenagers and twenty-somethings grew up during economic good times, then saw the economy collapse,” Colonel Lavin said.

“Both endured a great and terrible war. The young members of both generations had their own goals and dreams and aspirations which they put aside to serve this great nation in its hour of need.”

“They all sacrificed. Many paid the ultimate sacrifice,” Colonel Lavin said. Pointing out uniformed young service members in the audience and asking them to stand Colonel Lavin said “you are looking at the members of America’s next greatest generation.”



SALSA member Michele Harmon views the Vets Day art exhibit.

MEMBER OF THE YEAR NOMINATION FORM

Any member may nominate another member for Member of the Year. Any person nominated must be an active, participating member of San Antonio LSA and must be a regular attendee at membership meetings. The nominee shall have performed her elected or appointed duties (if any) diligently; additionally, she shall have rendered outstanding service to San Antonio LSA above and beyond her duties. All nominations will be accepted on this form only and shall be provided to the President no later than **March 1, 2011**. The President shall prepare ballots for vote and forward same to a sister chapter in Texas ALP for selection. The winner shall be known only to the President until the award is presented at the Meeting in April.

I nominate _____ as member of the year for the 2010-11 fiscal year of the San Antonio Legal Secretaries Association. I feel that this person is qualified and worthy of this award because (100 words or less):

Submitted by: _____ Date Received: _____

Submit by mail or e-mail to:

Christy L. Coats, PLS
San Antonio LSA President 2010-2011
c/o Cox Smith Matthews Incorporated
112 E. Pecan Street, Suite 1800
San Antonio, Texas 78205

ROCK N ROLL MARATHON

NOVEMBER 14, 2010



Ed Lavin and
Kaye Westmoreland

SALSA President
Christi Coats, PLS
with Cox Smith
ladies.



**SAN ANTONIO LEGAL SECRETARIES ASSOCIATION
JANUARY 2011 MEMBERSHIP MEETING**

- Speaker:** Judge Laura Parker
Reina Acosta, Executive Director of
Wings Texas AMI Kids
- Topic:** Juvenile Justice
- Location:** EARL ABEL'S
1201 Austin Highway
- Date:** Wednesday – January 26, 2011
- Time:** 6:30 p.m.
- Cost:** \$18
- RSVP:** Please email Michele Harmon mrharmon@satx.rr.com
- Menu:**
- ◆ Roast beef or Grilled chicken
 - ◆ Mashed potatoes, green beans, and roll
 - ◆ Dessert
 - ◆ Iced tea or coffee

Cancellations must be made no later than FRIDAY prior to the meeting for you and/or your guests or you will be billed for the meal!

TEXAS ALP 56th ANNUAL EDUCATIONAL CONFERENCE

Midland, Texas ■ April 29–30, 2011
 REGISTRATION DEADLINE – April 6, 2011

REGISTRATION FORM

Name _____

Address _____

City/State/ZIP _____

Daytime Telephone _____

E-mail _____

Certifications

ALS PLS PP CLM/CP CLAS/ACP

RP TSC Other _____

Local Chapter _____

Current Texas ALP Position Held, Current NALS Position Held _____

Current Local Position Held _____

- NALS Life Member
- Texas ALP Past President
- This is my first Texas ALP meeting
- I want to be a Texas ALP PA
- Special dietary request (contact Registration Chair, Vanessa Brock)

FULL REGISTRATION FEES

- Texas ALP Member.....\$130
- Nonmember.....\$145
- Student.....\$85

INDIVIDUAL EVENT REGISTRATION FEES

- Education Only - Member.....\$50
- Education Only - Nonmember.....\$75
- Education Only - Student.....\$50
- Professional Development Luncheon – ALL.....\$25
- Recognition Luncheon - ALL.....\$25
- President's Celebration – ALL.....\$25

- Late Fee (postmarked after April 6, 2011).....\$25

MEMBER'S GUEST REGISTRATION

- Professional Development Luncheon.....\$25
- Recognition Luncheon.....\$25
- President's Celebration.....\$25

Guest name _____

SCHEDULE OF EVENTS/Mark Each Event You Will Attend:

***There will be a breakfast buffet on Friday & Saturday from 8-9 a.m. This is included in the full registration price.

Friday, April 29, 2011

- 10:00 a.m. - 12:00 p.m. Business Meeting
- 12:00 p.m. - 12:30 p.m. Break
- 12:30 p.m. - 2:00 p.m. Welcome/PD Luncheon (CLE)
- 2:00 p.m. - 2:30 p.m. Break
- 2:30 p.m. - 3:15 p.m. TALP Officers/Chairmen Training
- 3:15 p.m. - 4:00 p.m. TALP Committee Meetings
- 4:00 p.m. - 4:30 p.m. Break
- 4:30 p.m. - 5:30 p.m. PVI/Open Forum
- 6:15 p.m. - 8:00 p.m. Rooftop Reception @ Ali Bubba's
- 8:15 p.m. Transportation to Planetarium
- 9:00 p.m. Star Party at Planetarium

Saturday, April 30, 2011

- 9:00 a.m. - 10:00 a.m. CLE—Social Media
- 10:00 a.m. - 10:30 a.m. Break
- 10:30 a.m. - 11:00 a.m. CLE—DI & Gas 101
- 11:45 a.m. - 1:30 p.m. Recognition Luncheon
- 1:30 p.m. - 2:00 p.m. Break
- 2:00 p.m. - 3:00 p.m. CLE—Ethics Jeopardy
- 3:00 p.m. - 4:00 p.m. CLE—Estate Planning & Probate
- 4:00 p.m. - 4:30 p.m. Break
- 4:30 p.m. - 4:45 p.m. Door Prizes
- 6:30 p.m. - 7:00 p.m. President's Reception
- 7:00 p.m. - 9:30 p.m. President's Celebration

PAYMENT INFORMATION

Total Amount Due: \$ _____ (due with registration form)

Please make check payable to:

Midland Association of Legal Professionals Special Meeting Account
 (Federal Tax ID No.: 75-8081035)

Notice: A \$25 fee will be assessed for returned checks. Refunds requested and confirmed in writing (less a \$25 fee) will be made until April 14, 2011.

Meeting Co-Chairs:

Samantha Tandy 432-687-0011 • sttandy@dgclaw.com
 Vanessa Brock 432-687-0011 • vmbrock@dgclaw.com

Mail Registration Form to:

Rebecca Widner
 Davis, Gerak & Cremer, P.C.
 P.O. Box 2796
 Midland, Texas 79702-2796
 432-657-0011 • rhwidner@dgclaw.com

HOTEL INFORMATION:

Reservations should be made directly with the Hilton Midland Plaza, 117 West Wall Street, Midland, Texas 79701 (432) 683-6131. Please identify yourself as a member of the Texas Association of Legal Professionals. Room rates are \$102 (single/double/triple/quad). **QUOTED ROOM RATES ARE AVAILABLE UNTIL April 14, 2011.**

Contributions or gifts to the Texas Association of Legal Professionals are not deductible as charitable contributions for federal income tax purposes.

LEGAL "ED"

By Edward M. Lavin, Attorney

January 2011

The Fraudulent Transfer

Background

Frequently in collection cases, or in tort cases where the defendant lacks insurance, getting a judgment against the defendant is the easy part. It's collecting that can be the most difficult part.

Don't overlook the Texas Fraudulent Transfer Act, Section 24.001 Texas Business & Commerce Code, as a possible means to recover assets the defendant may have placed with someone else as a means to keep them out of your hands. When you are doing your post-judgment asset investigation don't just look for what the defendant current owns, also look for what he or she has transferred, especially since your claim has been pending.

Definitions

The Act applies to virtually any type of claim your client may have, including unliquidated and contingent claims. Any type of property the defendant owns or has transferred is covered. You do not have to have reduced your claim to judgment to begin a fraudulent transfer claim, and it can be included in the same lawsuit filed on the underlying claim, although the defendant may be entitled to a separate trial of that claim.

Insolvency of the defendant is not always necessary but can create some presumptions in your favor. See Section 24.003 of the Act for definitions. The Act also takes a dim view of transfers by the defendant for less than fair market value. See Section 24.004 for definitions about this issue which may help you.

Grounds

A transfer made or obligation incurred by a debtor is fraudulent as to a creditor, whether the creditor's claim arose before or within a reasonable time after the transfer was made or the obligation was incurred, if the debtor made the transfer or incurred the obligation:

- (1) with actual intent to hinder, delay, or defraud any creditor of the debtor; or
- (2) without receiving a reasonably equivalent value in exchange for the transfer or obligation, and at the time the debtor:
 - (A) was engaged or was about to engage in a business or a transaction for which the remaining assets of the debtor were unreasonably small in relation to the business or transaction; or
 - (B) intended to incur, or believed or reasonably should have believed that the debtor would incur, debts beyond the debtor's ability to pay as they became due.

The intent of the debtor is always a fact question. In determining intent consideration may be given, among other factors, to whether:

- (1) the transfer or obligation was to an insider (see Section 24.002 for definition);
- (2) the debtor retained possession or control of the property transferred after the transfer;
- (3) the transfer or obligation was concealed;
- (4) before the transfer was made or obligation was incurred, the debtor had been sued or threatened with suit;
- (5) the transfer was of substantially all the debtor's assets;
- (6) the debtor absconded;
- (7) the debtor removed or concealed assets;
- (8) the value of the consideration received by the debtor was reasonably equivalent to the value of the asset transferred or the amount of the obligation incurred;
- (9) the debtor was insolvent or became insolvent shortly after the transfer was made or the obligation was incurred;
- (10) the transfer occurred shortly before or shortly after a substantial debt was incurred; and
- (11) the debtor transferred the essential assets of the business to a lienor who transferred the assets to an insider of the debtor.

In addition to the above grounds, a transfer made or obligation incurred by a debtor is fraudulent only as to a creditor whose claim arose before the transfer was made or the obligation was incurred if the debtor made the transfer or incurred the obligation without receiving a reasonably equivalent value in exchange for the transfer or obligation and the debtor was insolvent at that time or the debtor became insolvent as a result of the transfer or obligation. A transfer made by a debtor is also fraudulent as to a creditor whose claim arose before the transfer was made if the transfer was made to an insider for an alleged debt owed to the insider, the debtor was insolvent at that time, and the insider had reasonable cause to believe that the debtor was insolvent.

When the transfer occurs can be important for statute of limitations purposes, which is generally, four years from the date of the transfer unless fraudulently concealed, which can extend the statute. It can also be important if your claim arose after the transfer and the issue of whether it arose a reasonable time after is disputed.

A transfer of real property is deemed to have occurred when the transfer is so far perfected that a good faith purchaser of the asset from the debtor against whom applicable law permits the transfer to be perfected cannot acquire an interest in the asset that is superior to the interest of the transferee. In other words, usually when the deed is recorded.

A transfer of other assets such as personal property and fixtures is deemed to have occurred when the transfer is so far perfected that a creditor on a simple contract cannot acquire a judicial lien otherwise than under this chapter that is superior to the interest of the transferee. If the law permits recording of the transfer, such as of a motor vehicle or UCC property, and the transfer is not so perfected before the commencement of an action for relief under this chapter, the transfer is deemed made immediately before the commencement of the action, which works in your favor. In other cases the transfer is made when it becomes effective between the debtor and the transferee, i.e. the date on a bill of sale or the actual date the property changes hands.

Remedies

If you have a valid claim as described above under the Act, you have the right to seek to have the transfer or obligation set aside to the extent necessary to satisfy your claim. You also have the right to ask that the property be attached or otherwise restricted from further transfer while your rights are adjudicated, such as by injunction or appointment of a receiver. If you already have a judgment on your underlying claims the court may order a levy of execution on the asset transferred or against its proceeds.

Defenses

What if you represent the defendant in a fraudulent transfer claim, or the recipient of a transfer? There are defenses available against such claims as well as protective provisions for the transferee in appropriate cases.

A transfer or obligation may not be set aside as to a transferee who took in good faith and for a reasonably equivalent value, or against any subsequent transferee or obligee. A transfer is may not be set aside if the transfer results from:

- (1) termination of a lease upon default by the debtor when the termination is pursuant to the lease and applicable law; or
- (2) enforcement of a security interest held by the transferee, i.e. repossession of a motor vehicle

A transfer to an insider may not be set aside to the extent the insider gave new value to or for the benefit of the debtor after the transfer was made unless the new value was secured by a valid lien; or if made in the ordinary course of business or financial affairs of the debtor and the insider; or if made pursuant to a good-faith effort to rehabilitate the debtor and the transfer secured present value given for that purpose as well as an antecedent debt of the debtor. An example of this might be a limited partner injecting new cash or property into the partnership.

Limitations

As noted above there is generally a four year statute to bring a fraudulent transfer claim. If the transfer was concealed, this statute can be extended for up to one year after the transfer or obligation was or could reasonably have been discovered by the claimant. If a creditor entitled to bring an action under this chapter is under a legal disability when a time period prescribed by this section starts, such as a minor or a person of unsound mind, the time of the disability is not included in the period. A disability that arises after the period starts does not suspend the running of the period. A creditor may not tack one legal disability to another to extend the period.

Attorneys Fees

In any proceeding under the Fraudulent Transfer Act, the court may award costs and reasonable attorney's fees as are equitable and just. This includes, if appropriate, an award of defense costs to a defendant or transferee if the fraudulent transfer claim is denied.



January/February

- January 21..... Deadline to submit vote for
Scholarship Recipient
(vflores@coxsmith.com)**
- January 26 Membership CLE Dinner—6:30 pm
@ Earl Abel’s—\$18**
- February 2 Board Meeting —6:15 pm
Cox Smith Matthews, 18th Floor**
- February 23 Membership CLE Luncheon — Noon
@ Plaza Club—\$18**
- March 2..... Board Meeting —6:15 pm
Cox Smith Matthews, 18th Floor**

HAPPY BIRTHDAY!

- January 2 Charlotte Baker, PLS**
- January 5 Rita M. Balli**
- January 10 ... Jeanice Johnson, PP, PLS, TSC**
- January 11 Betty Hanson**
- January 17... Barbara Perez, PLS**

