



**October/November
2011**

**OUR ADDRESS:
SALSA
P.O. BOX 367
SAN ANTONIO, TX
78292**

THE SUMMONS

**SAN ANTONIO LEGAL SECRETARIES ASSOCIATION
Chartered in 1957**

President's Message

Wine Fun Fact: U.S. Exes from Abroad

The top three imported wines sold in the U.S. are Yellowtail (Australia), Cavit (Italy), and Concha y Toro (Chile).

Thank you to all those who helped make this year's Day in Court Luncheon a success! Congratulations to Anne Hoover, PLS, SALSA's Secretary of the Year, and to Natalie Hall, SALSA's Attorney/Boss of the Year!!!

The holidays are right around the corner, and SALSA events will slow down for a bit. Don't forget—our next meeting will be a lunch meeting and will be held the third Wednesday of the month, November 16, instead of the fourth, due to Thanksgiving. It won't be long before we'll be getting ready for our Christmas meeting, so be on the lookout for more information to go out soon!

Have a wonderful and memorable Thanksgiving!



*~ Christy Coats, PLS & Barbara Perez, PLS
SALSA Co-Presidents*

2011 — 2012 Leadership Roster

Office	Name	Email Address
Co-President	Christy Coats, PLS	ccoats@coxsmith.com
Co-President	Barbara Perez, PLS	bperez@coxsmith.com
Recording Secretary	Kim Busch	kbusch@coxsmith.com
Corresponding Secretary	Jane Harrison, PLS	janeharrison30@yahoo.com
Treasurer/Roster	Aurora R. Cavazos, PLS, CLA,CPS	rorycavazos@ymail.com
Director	Janet Brown, PLS	jbrown@kjlawpc.com
Parliamentarian	Cheryl Wenzel, PP, PLS	cwenzel@coxsmith.com
Committee	Chairperson	Email Address
Attendance/Reception/ Reservations	Michele Harmon	mrharmon@satx.rr.com
Bylaws and Standing Rules/Certification/ Legal Education/ Historian	Cheryl A. Wenzel, PP, PLS	cwenzel@coxsmith.com
Employment	Sharon Todd, PLS	salsajobbank@gmail.com
Membership	Bette Tower, PLS	btower@mdtlaw.com
Speakers/ Ways and Means	Barbara Perez, PLS	bperez@coxsmith.com
Summons/Website	Janet Brown, PLS	jbrown@kjlawpc.com

YOU KNOW YOU WORK FOR A LAW FIRM IF ...

1. You've sat at the same desk for four years and worked for three different sections.
2. You've worked at the same firm for 10 years and worked for 6 different attorneys.
3. Your resume is on a diskette in your pocket.
4. You get really excited about a 2% pay raise.
5. Your biggest loss from a system crash is that you lose your best jokes.
6. Your boss doesn't have the ability to do your job.
7. Most days, you have the ability to do your boss's job.
8. Salaries of the members on the Executive Committee are higher than all the Third World countries' annual budgets combined.
9. It's dark when you drive to and from work.
10. Communication is something your section is having problems with.
11. You see a good-looking person and know it is a visitor.
12. Free food left over from meetings is your main staple.
13. Being sick is defined as can't walk or you're in the hospital.
14. You're already late on the work task you just got.
15. You work 200 hours for the \$100 bonus check and jubilantly say "Oh wow, thanks!"
16. Your boss's favorite lines are "when you get a few minutes," "in your spare time," "when you're freed up," and "I have an opportunity for you."
17. Vacation is something you roll over to next year or a check you get every January.
18. Your relatives and family describe your job as "works with computers".
19. When your boss says, "We have a brief we need to file tomorrow - I need you here early," it really means: "Come in early, wait all day, skip lunch and plan to stay late because I won't give you the first draft until 3:30 and we really have until the last Federal Express leaves the airport to get it out."
20. You can comprehend just about all of the above.



Law Office of Ed Lavin Acquires Brand New, State of the Art Office Equipment

The law firm of our attorney-advisor, Ed Lavin, has acquired brand new, state of the art office equipment of which Mr. Lavin is justifiably proud. Pictured below is his law clerk, Morgan Dollins, trying out the new equipment.



Pictured below is a closeup of the new equipment. Mr. Lavin indicates he is particularly proud of the fact it is immune to power failures and hard drive crashes.



1930s Underwood Manual Typewriter

Online Learning Center

All sessions (including the Online Study Group) will be held at 8:00p.m. Central Time. All sessions are going to be for NALS Members Only. You will have to be logged in to access the Online Learning Center. If you are currently logged in then you will simply click the [Go Directly to the Session](#) link. If you have not logged in then you will be taken to a log in screen when you click the link. Once you log in there will be a link to the Online Learning Center session.

Most sessions are worth 1 CLE hour and you may view and print the CLE certificate by clicking on the CLE link, located to the right of the session, so be sure to get the most out of the sessions you attend.

Sessions are scheduled to last about one hour, and you are welcome to join chats already in progress. Contact Diana Price at price@nals.org to suggest a center topic, schedule a learning center session, or request a log of previous sessions.

Sessions – All Sessions will be held at 8p.m. Central

DATE	TOPIC	INSTRUCTOR	TRACK/CLE
12/07/11	Tables of Authorities, Part II	Carly Schoner, Paralegal, Renaud Cook Drury Mesaros, PA (AZ)	Litigation/Civil Law 1.0 CLE
12/21/11	Corporate Law Session		Corporate Law 1.0 CLE

LEGAL "ED"



By Edward M. Lavin, Attorney
November 2011

Defending Adverse Possession Claims

Hypothetical Background

Suppose you, or a friend, relative or client, lives on rural property out in the county. Between your house and that of your next door neighbor is a large, vacant lot, part of the land deeded in your name, on which you graze horses and raise corn and beans. Your neighbor built his house more than ten years ago, before you bought your land eight years ago.

No sewers out this far, you and your neighbor both use septic tanks. One day, your neighbor casually remarks he's having septic tank problems and will have to dig it up. You commiserate with his plight, then you are startled when he says "I'm sorry the digging will ruin your corn and bean crops."

"What?," you say, "what does your septic tank have to do with me?" That's when you neighbor informs you that his septic tank is underneath your property!

You tell your neighbor you don't want your lot dug up and that he should arrange to have a new septic tank installed on his own property. Friendly up till now, your neighbor now becomes belligerent, telling you angrily "We'll just see what my lawyer has to say about that!"

The next thing you know, you are served with a lawsuit! In it, your neighbor discusses his house, his septic tank and that it is sitting underneath your land. And, your neighbor claims he now owns your land!

The lawsuit says something about "adverse possession." What is adverse possession? Can he do this? It's your land, isn't it? How do you defend yourself and keep your neighbor from taking your property?

Adverse Possession

"Adverse possession" means an actual and visible appropriation of real property, commenced and continued under a claim of right that is inconsistent with and is hostile to the claim of another person. Section 16.021(1), Texas Civil Practice & Remedies Code. The claim must continue for a period of years, usually ten.

In your situation your neighbor is claiming he has used your property for his septic tank for more than ten years. But you've used the same property for grazing and raising crops.

Joint use is not enough to constitute adverse possession because the possession must be of such character as to indicate unmistakably an assertion of a claim of exclusive ownership. Tran v. Macha, 213 S.W.3d 913, 914 (Tex. 2006). The required exclusiveness for an adverse claim is defeated when the claimant's use is joint or common with the property owner. Mendoza v. Ramirez, 336 S.W.3d 321, 328 (Tex.App.--El Paso 2010, writ denied).

For purposes of adverse possession, an owner who is in actual possession of a portion of his land is considered to have possession of all his land. Gulley v. Davis, 321 S.W.2d 213, 220 (Tex.App.--Houston [1st Dist.] 2010, writ denied). Where one's enjoyment or use of another property is consistent with the owner's own right of enjoyment or use, no adverse enjoyment is established. County of Real v. Sutton, 6 S.W.3d 11, 17 (Tex.App.--San Antonio 1999, writ denied).

In your situation your neighbor's use of the septic tank on your property is wholly consistent with the uses you have made of the same property, and therefore there is no adverse possession claim established. Following are some other defensive theories which may be available to defeat adverse possession claims under proper facts.

Suppose your neighbor's wife felt her husband was wrong when he built the septic tank where it was placed. She chided him at the time but he said "don't worry about it, the owner lives in California and will never be the wiser, and the tank is underground so no one will ever see it."

During her deposition, your neighbor's wife, her conscience bothering her and taking precedence over loyalty to her husband, testifies to her concerns and true feelings. She is a co-owner with your neighbor of their property, but, she says, she feels you are the legitimate owner of your property and that her husband shouldn't have built the septic tank where he did. Where it is shown that land is occupied by a husband and wife, the adverse character of their possession, if any, is destroyed by one spouse's recognition of the record owner's title. Burrell v. Adams, 104 Tex. 183, 186-87, 135 S.W. 1156, 1158 (Tex. 1911).

Or how about this one. During your defense against your neighbor's claim, you also take the deposition of the former owner of your property. He testifies that your neighbor asked him for and he granted permission for the neighbor to build his septic tank on the former owner's land.

When the initial use of land is with the permission of the owner, the claimant must later provide the owner with express notice of his or her repudiation of the permission to establish the necessary hostility of possession. An adverse possession period will run only from the time of such express notice to the owner. Commander v. Winkler, 67 S.W.3d 265, 268 (Tex.App.--Tyler 2001, writ denied).

Notice need not be written and can be implied from conduct of the claimant. But where there is nothing on the ground to indicate the claim, the claimant's assertion of title will not be sustained. McBurney v. Knox, 111 Tex. 510, 513, 241 S.W. 1000, 1001 (Tex. 1922). Every presumption is indulged that the claimant's possession is subordinate to the rightful owner. Burton v. Holland, 278 S.W.2d 252, 254 (Tex. Civ. App.--Beaumont 1925, writ refused). The burden of proof to overcome this presumption is on the claimant. Mead v. RLMC Inc., 225 S.W.3d 710, 714-715 (Tex. App.--Fort Worth 2007, writ denied).

Conclusion

So, in this case can your neighbor do this? Can he take your land? Probably not. All signs point to a victory in your favor. If you know and properly use the law.



TEXAS ALP 57TH ANNUAL EDUCATIONAL CONFERENCE

San Antonio, Texas ♦ May 4 – 5, 2012

Registration Deadline April 3, 2012

REGISTRATION FORM

Name _____

Address _____

City/State/Zip _____

Daytime Telephone _____

Email _____

Certifications

ALS PLS PP CLA CLA/CP TSC

RP Other _____

Local Chapter _____

Current Texas ALP/NALS Position Held _____

Current Local Position Held _____

Will you be reserving a room at the Drury Inn: YES NO

NALS Life Member

Texas ALP Past President

This is my first Texas ALP Meeting

I want to be a Texas ALP PAL

Special dietary request (contact Registration Chair)

FULL REGISTRATION

Texas ALP Member \$135

Nonmember \$150

Student \$85

INDIVIDUAL EVENT REGISTRATION FEES

Education only, member (meals not included)..... \$55

Education only, nonmember (meals not included)..... \$80

Education only, student (meals not included)..... \$55

Friday Professional Development Luncheon..... \$25

Saturday Recognition Luncheon..... \$25

President's Reception/Celebration..... \$35

Late Fee: Postmarked on or after April 4, 2012.....\$25

GUEST REGISTRATION

Friday Professional Development Luncheon \$25

Saturday Recognition Luncheon \$25

President's Reception/Celebration \$35

Guest Name: _____

SCHEDULE OF EVENTS

Friday, May 4, 2012

- 9:00 am – 3:00 pm Registration
- 9:00 am – 5:00 pm Vendors
- 9:30 am – 10:30 am Open Forum
- 10:30 am – 11:00 am Committee Meetings/Orientation
- 11:00 am – 12:00 pm CLE
- 12:00 pm – 1:30 pm PD Luncheon
- 1:45 pm – 2:45 pm CLE
- 3:00 pm – 4:00 pm CLE
- 5:30 pm – 7:00 pm Drury Kickback Rooftop Reception

Saturday, May 5, 2012

- 9:00 am – 5:00 pm Vendors
- 9:00 am – 10:00 am CLE
- 10:15 am – 11:15 am CLE
- 11:30 am – 1:00 pm Recognition Luncheon
- 1:15 pm – 2:15 pm CLE
- 2:15 pm – 2:30 pm Door Prizes
- 2:45 pm – 4:45 pm Business Meeting
- 6:30 pm – 9:30 pm Presidents' Reception/Celebration at Enchanted Springs Ranch

PAYMENT INFORMATION

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

Total Due for Texas ALP Chairman: \$85 to be paid by Chairman, and \$50 to be paid by Texas ALP

Please make check Payable to:

San Antonio LSA Special Meeting Account

(Federal Tax ID No.: 74-6062778)

➤ A \$30 fee will be assessed for returned checks.

➤ Refunds requested and confirmed in writing will be made until April 3, 2012 (less a \$25 fee).

Please contact the Conference Co-Chairs with any questions:

Christy Coats, PLS, 210-554-5536, ccoats@coxsmith.com

Barbara Perez, PLS, 210-554-5397, bperez@coxsmith.com

Mail Registration Form to:

Sharon Todd, PLS

8798 Ridge Mile Drive

San Antonio, Texas 78239

ssfull4250@yahoo.com

HOTEL INFORMATION

Reservations should be made directly with the Drury Inn San Antonio Near La Cantera, 15806 IH-10 West, San Antonio, TX 78249, Telephone: (210)696-0800, Fax: (877)450-3516 - www.druryhotels.com. Room Rates: \$94.50 (single/double/triple/quad) ~ \$124.50 (Suite Upgrade). Quoted rates are available until April 3, 2012.

ONLY ATTENDEES BOOKED WITH HOTEL RECEIVE W/ROOM RESERVATION free breakfast buffet (Fri. 6 am–9:30 am & Sat. 7 am–10 am) and free Kickback Meal (Fri. 5:30 pm–7 pm).

ATTENDEES NOT BOOKED WITH THE HOTEL will be expected to pay for these meals, separately. Not included in registration fee (Breakfast Buffet \$5.99 (plus tax) and Kickback Meal \$8.99 (plus tax)).

Contributions or gifts to Texas ALP are not deductible as charitable contributions for income tax purposes.

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San Antonio, Texas - May 4-5, 2012

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- ◆ 12:00 pm – 1:30 pm Professional Development Luncheon
- ◆ 1:30 pm – 1:45 pm Break
- ◆ 1:45 pm – 2:45 pm CLE
- ◆ 2:45 pm – 3:00 pm Break
- ◆ 3:00 pm – 4:00 pm CLE
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at Enchanted Springs Ranch

NALS Mission Statement

NALS® is dedicated to enhancing the competencies and contributions of members in the legal services profession. It accomplishes its mission and supports the public interest through:

- Continuing legal education and resource materials;
- Networking opportunities at the local, state, regional and national levels;
- Commitment to a Code of Ethics and professional standards;
- Professional certification programs and designations.

NALS Code of Ethics and Professional Responsibility

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 communication 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.

NALS Standards of Conduct

Integrity and high standards of conduct are fundamental to the success of our professional association. This Code is promulgated by NALS and accepted by its members to accomplish these ends.

Canon 1. Members of this association shall maintain a high degree of competency and integrity through continuing education to better assist the legal profession in fulfilling its duty to provide quality legal services to the public.

Canon 2. Members of this association shall maintain a high standard of ethical conduct and shall contribute to the integrity of this association and the legal profession.

Canon 3. Members of this association shall avoid a conflict of interest pertaining to a client matter.

Canon 4. Members of this association shall preserve and protect the confidences and privileged communications of a client.

Canon 5. Members of this association shall exercise care in using independent professional judgment and in determining the extent to which a client may be assisted without the presence of a lawyer and shall not act in matters involving professional legal judgment.

Canon 6. Members of this association shall not solicit legal business on behalf of a lawyer.

Canon 7. Members of this association, unless permitted by law, shall not perform paralegal functions except under the direct supervision of a lawyer and shall not advertise or contract with members of the general public for the performance of paralegal functions.

Canon 8. Members of this association unless permitted by law, shall not perform any of the duties restricted to lawyers or do things which lawyers themselves may not do and shall assist in preventing the unauthorized practice of law.

Canon 9. Members of this association not licensed to practice law shall not engage in the practice of law as defined by statutes or court decisions.

Canon 10. Members of this association shall do all other things incidental, necessary, or expedient to enhance professional responsibility and participation in the administration of justice and public service in cooperation with the legal profession.

Calendar

December

**14SALSA Holiday Dinner (Board Meeting)
TBD**

No CLE Meeting

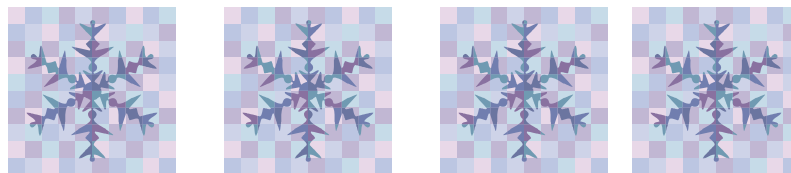
No issue of The Summons



January

**4.....SALSA Board Meeting – 6:15 pm
Cox Smith Matthews, 18th Floor**

**25SALSA CLE Luncheon— Noon
Crowne Plaza**



February

**1SALSA Board Meeting – 6:15 pm
Cox Smith Matthews, 18th Floor**

**22SALSA CLE Dinner Meeting— 6:30 pm
Luby's on Main Street**