

VOLUME No. 2008
ISSUE NO. 12

DECEMBER 2008

PROFESSIONAL BULLETIN FOR THE BELL COUNTY BAR ASSOCIATION PARALEGALS



PRESIDENT'S MESSAGE

MERRY CHRISTMAS!!! I hope everyone had a lovely Thanksgiving and is having a joyful December! My Thanksgiving was very nice. My fiancé and I took my mother to meet his parents. It was a great time spent with family. It is times like those that you truly appreciate your elders, I believe. So many times, our senior citizens go by the wayside. Which is why the BCBA-P are going to be providing Christmas to the residents of Wellington Place Living & Rehab Center. **NOVEMBER'S MEETING** was quite productive and I am sorry if you missed it. Several decisions were made and I would like to share those with you here. We heard about the fact that the Foster-children's Christmas project was no longer in need of our assistance. Ms. Hardin reported to me that she had no wish lists for us to fulfill. Isn't that wonderful? **SINCE THE CHILDREN** were not in need, it appeared that we needed to look elsewhere. However, we didn't have to do the looking. The activity director at Wellington Place called me the Wednesday before our meeting asking if we could help the residents experience Christmas. Fannie stated that very few of the residents have family involvement and she was hoping we would be able to help. Our members voted unanimously to make donations to Wellington Place. There are 73 residents; 42 men and 31 women. We already have an anonymous donation of \$350 for the purchase of footies as well as sugar-free cookies for 100. Additionally, it was decided that after donations of gifts are collected, if there is a need for something in particular to round out the gifts, the funds will be donated from the money previously donated and earmarked to go toward the purchase of footies for the nursing home project. **IT WAS ALSO** decided at the November meeting that we will be celebrating Christmas with our own social. On Thursday, December 11, 2008, at 6:00 p.m., please join your fellow members for a totally informal dinner at Fuddrucker's in Killeen. We felt that there are several members that do not have the opportunity to attend the Big Bar party, so we wanted to offer an alternative. So often, we meet at Noon but don't really get the chance to "meet" anyone. This will be an opportunity to just have a time to get to know your colleagues and not have to rush back to the office. You will also receive \$5 toward your meal provided by the BCBA-P. Don't be shy, come on and join us. **IN AN EFFORT** to help everyone get to know others, we have also decided to start a Secret Pal program. For those of you who don't know, a Secret Pal is someone who receives your name and your preferences and then, throughout the year, sends you gifts, cards, letters, whatever. You don't know who your secret pal is, obviously. You will find out at next year's Christmas party. No one is forced to participate. If you are interested, simply fill out the questionnaire and return it to Cindi Evetts. We will draw our pals the first time at the Bar Party on December 4th and then again on December 11th if you don't make it to the Dead Fish Grill.

I HOPE TO SEE ALL OF YOU AT FUDDRUCKER'S ON DECEMBER 11TH! IF I DON'T, HAVE A MERRY CHRISTMAS AND A HAPPY NEW YEAR!!

Brenda

STATISTICS:

- Membership - 60 Members
- Treasurer Report - \$3459.56

FEATURED ARTICLE: PAGE NO. 3

To Blow or not to Blow: A Brief Synopsis of Administrative License Revocation Proceedings

By: Michael Karimkhani

BOARD MEETINGS are usually held at the Law Offices of Brett Pritchard in Killeen from noon to 1:00 p.m. on the second Thursday of each month.

NEXT BOARD MEETING:
DECEMBER 11, 2008 @ Fuddrucker's Restaurant in Killeen at noon.

DECEMBER'S MEETING is Thursday, **DECEMBER 11TH @ 6:00 PM** at Fuddrucker's in Killeen. Purpose of this meeting is to network, socialize and draw for your Secret Pal.

SECRET PAL: Fill out the form emailed last week and return it to Cindi Evetts no later than December 11th and draw your Secret Pal at the Christmas Party

BCBA ANNUAL DOVE BBQ & GOLF TOURNAMENT

FLIGHT A

1ST PLACE...BUCKY HARRIS, MARC CAZALAS, PAUL LEPAK & JOHN MISCHTAIN

2ND PLACE...DAN LIGHT, DUSTY BOYD, PAM SELLERS & MICHAEL BUCKNER

3RD PLACE...DAVID GREENFIELD, JAMEY SECREST, JACK JONES & RANDALL SIMMON



JUDGE MORRIS, JACK CREWS, FLETCHER RHODES AND KEN VALKA



BCBA PARALEGALS-
Proud sponsor of the Annual Dove BBQ and Golf Tournament.



"DIRTY GIRLS" All girls golf team: Leslie McWilliams, Merri Woodward, Cindy Blythe, Nikki Mundkowsky, Rebecca DePew, and Susanne Harris

FLIGHT B

1ST PLACE...PAUL MCWILLIAMS, ERIC DEPEW, LEN MEWHINNEY & MIKE WALDMAN

2ND PLACE...JIM NICHOLS, RICHARD LAZOTT, DARRELL GUESS & LANE HEGINBOTHAM

3RD PLACE...TED SMITH, TOM SEIGMAN, CONALL FLANAGAN & OLAN BURNETT



JAMEY SECREST (the one standing in the chair) announcing tournament winners & handing out prize money



JUDGE ED JOHNSON socializing at the Las Casas dinner



ON YOUR MARK - GET SET - GO
Random shot of golfers getting ready to head to the course

FLIGHT C

1ST PLACE...TIFFANY HOWARD, ANTHONY SMITH, JIM HEWITT, LEW BECHTOL & DAVID FERNANDEZ

2ND PLACE...DAN CORBIN, JAY STAPLER, MIKE RIZZO & JEFF REED

3RD PLACE...BRYON BARNHILL, SAM FULCHER, GARY WOLF & WES LLOYD

TO BLOW OR NOT TO BLOW:

A Brief Synopsis of Administrative License Revocation Proceedings

Driving while intoxicated (DWI) is a serious crime in Texas. Many drivers who are arrested for DWI do not realize the arrest creates two proceedings. Specifically, a DWI arrest can result in a criminal charge, but it also initiates a civil proceeding against the arrested motorist's driving privileges called an administrative license revocation, or ALR.

An ALR suspension is initiated against an arrested driver when he either refuses to submit to breath or blood testing, or alternatively, provides a breath or blood specimen where testing indicates an alcohol concentration that exceeds the legal limit. Intoxication is defined in Texas as having an alcohol concentration of .08 grams of alcohol per 210 liters of breath or 100 milliliters of blood.

The legal authority to impose an ALR suspension against a driver lies in the Texas implied consent statute. This law states that each person who operates a motor vehicle on Texas roadways has impliedly consented to provide a specimen of breath or blood if arrested for DWI and provided with the applicable consequences of refusing to submit to testing.

Furthermore, in all intoxication-related offenses, Texas courts have decided that an individual does not have the right to consult with an attorney before making the decision whether to refuse or provide a requested specimen. In cases where an accident which produced serious life-threatening injury or the possibility of death has occurred, a citizen can be forced to provide a sample of blood, even in the absence of any form of consent.

Without any prior alcohol or drug related contacts against the accused driver during the previous 10-year period, the periods of suspension are 180 days where there is a refusal to provide a sample, or 90 days where the test results are above the legal limit. The period of suspension begins 40 days following the arrest, unless the individual requests a hearing on the suspension.

Continued to next column....

The request for hearing must be made within 15 days of the arrest. In the hearing, the only questions to be determined are whether there was probable cause to stop the vehicle, whether there was probable cause to request a sample of breath or blood, and whether the sample was given, and, if so, whether the test results indicated alcohol concentration over the limit. If the Administrative Law Judge finds such, the Department of Public Safety will be authorized to begin a suspension at that time, lasting for either of the respective periods previously described.

By: Michael Karimkhani



SAVE THE DATE
BCBA PARALEGALS
ALL DAY SEMINAR
FEBRUARY 20, 2009



BCBAP CHRISTMAS PARTY
GET TO KNOW YOUR COLLEAGUES
THURSDAY, DECEMBER 11TH
6:00 PM @ FUDDRUCKER'S IN KILLEEN
\$5 WILL BE PAID TOWARD YOUR MEAL BY THE BAR
CASUAL ATTIRE
Please RSVP to bcba_lad@yahoo.com
so we can provide a head-count to the restaurant
REMEMBER...
WE WILL BE DRAWING FOR OUR SECRET PAL

TOMB OF THE UNKNOWN SOLDIER



How many steps does the guard take during his walk across the Tomb of the Unknown Soldier and why? 21 steps. It alludes to the twenty-one gun salute, which is the highest honor given any military for foreign dignitary.



How long does he hesitate after his about face to begin his return walk and why? 21 seconds for the same reason as answer above.



Does he carry his rifle on the same shoulder all the time and if not, why not? He carries the rifle on the shoulder away from the tomb. After his march across the path, he executes an about face and moves the rifle to the outside shoulder.



How often are the guards changed? Guards are changed every thirty minutes, twenty-four hours a day, 365 days a year.



Why are his gloves wet? His gloves are moistened to prevent his losing his grip on the rifle.

VERY INTERESTING ARTICLE I RECEIVED FROM KRISTI PATTERSON AND FELT IT WAS WORTH SHARING WITH ALL OF YOU EVEN THOUGH VETERAN'S DAY HAS COME AND GONE...

What are the physical traits of the guard limited to?

For a person to apply for guard duty at the tomb, he must be between 5'10" and 6'2" tall and his waist size cannot exceed 30". Other requirements of the Guard: They must commit 2 years of life to guard the tomb, live in a barracks under the tomb, and cannot drink any alcohol on or off duty for the rest of their lives. They cannot swear in public for the rest of their lives and cannot disgrace the uniform (fighting) or the tomb in any way. After two years, the guard is given a wreath pin that is worn on their lapel signifying they served as guard of the tomb. There are only 400 presently worn. The guard must obey these rules for the rest of their lives or give up the wreath pin. The shoes are specially made with very thick soles to keep the heat and cold from their feet. There are metal heel plates that extend to the top of the shoe in order to make the loud click as they come to a halt. There are no wrinkles, folds, or lint on the uniform. Guards dress for duty in front of a full-length mirror. The first six months of duty a guard cannot talk to anyone, nor watch TV. All of duty time is spent studying the 175 notable people laid to rest in Arlington National Cemetery. A guard must memorize who they are and where they are interred. Among the notables are: President Taft, Joe E. Lewis (the boxer) and Medal of Honor winner Audie Murphy (the most decorated soldier of WWII) of Hollywood fame. Every guard spends five hours a day getting his uniforms ready for guard duty. The tomb has been patrolled continuously, 24/7, since 1930.

NOT ONLY CHRISTMAS DAY

LORD, this is my prayer not only on Christmas Day, but until I see You face to face may I live my life this way:

Just like the baby Jesus I ever hope to be, resting in Your loving arms trusting in Your sovereignty.

And like the growing Christ child in wisdom daily learning, may I ever seek to know You with my mind and spirit yearning.

Like the Son so faithful let me follow in Your light, meek and bold, humble and strong not afraid to face the night.

Nor cowardly to suffer and stand for truth alone, knowing that Your kingdom awaits my going home.

Not afraid to sacrifice though great may be the cost, mindful how You rescued me from broken-hearted loss.

Like my risen Savior the babe, the child, the Son, may my life forever speak of who You are and all You've done.

So while this world rejoices and celebrates Your birth, I treasure You, the greatest gift Unequaled in Your worth.

I long to hear the same words that welcomed home Your Son, "Come, good and faithful servant," Your master says, "Well done".

And may heaven welcome others who will join with me in praise because I lived for Jesus Christ not only Christmas Day!

**MERRY CHRISTMAS AND
HAPPY NEW YEAR!!!**

MAIN STREET BETHLEHEM

THIS CHRISTMAS VISIT BETHLEHEM IN BURNET, TEXAS...as the ancient city of Christ's birth comes alive again. Feel the anticipation of Joseph and Mary approaching the gates, urgency quickening their steps. Pick your way through transients, peddlers, the crippled and aged in the town's fringe. Experience the presence of animals as they affect all aspects of life in that time...camels, donkeys, sheep, goats, chickens and doves. Explore narrow streets to faint strains of ancient music and savor smells of fresh goat butter, campfires, and hot bread. Then immerse yourself in the din of the marketplace; the revelers in the tavern, shouted insults to and from the Roman oppressors, merchants, craftspeople, taxpayers, and beggars all seeking money, or position, or revenge. Search the inn, only to find it full (as others did long ago). Then follow the trail to the cave where a road-weary couple has moved in with the animals, their place in God's plan and secular history to be made secure on this night. For the child in their arms was the incarnation of God Himself, come to the world that all who would place their faith in Him might enjoy eternal fellowship in His presence.



Taken from First Baptist Church website:

www.fcburnet.org

FAITH MULLINS WAS KIND ENOUGH TO SHARE THIS INFORMATION WITH ME AND ENCOURAGED ME TO GO. I AM EXCITED ABOUT GOING AND THOUGHT YOU MIGHT BE TOO. WHAT A WAY TO EXPERIENCE THE TRUE MEANING OF CHRISTMAS!!!



BROOKE JOHNSON'S SON ZACHARY DRESSED UP AS A TRANSFORMER



ELLEN HUFFMAN'S LITTLE THOMAS THE TANK ENGINE



CYNTHIA CHAMPION'S GRANDKIDS- LAUREN DRESSED AS HANNAH MONTANA AND HUNTER AS BATMAN



MELISSA BARTON- WOOD'S KIDS - MARSHALL AS A SKELETON MCKENZI AS A CHEERLESS LEADER MADISON AS VANESSA HUDGENS



KATHY TAYLOR'S GRANDSON- JAXON DRESSED AS A CUTE LITTLE MONKEY



SUSIE STERMER'S GRAND- SON , RHETT DRESSED LIKE A SCARY ZOMBIE



KRISTI PATTERSON'S DAUGHTERS - SIDNEY & KAILYNNE - SIDNEY IS ON THE EXTREME CHEER & TUMBLE SHOW TEAM



SUSIE STERMER'S GRAND- DAUGHTER, ABBY IS A SCARY VAMPYRESS



THANK YOU FOR THE PICS!!!



Merry Christmas From The Legal Department

- I. Though we, the "Greeter," wish you well in our Holiday Entreaty, we limit all your claims, dear friend (Hereinafter called the "Greetee").
- II. We wish you dreams of sugar plums and dancing Christmas lights, but if these fancies come to naught you have no vested rights.
- III. In no case shall we be at fault in implied claims of fitness, and all Writs of Depression must be sworn before a witness.
- IV. Although our approbations are warranted full free of Defects in sincerity, there is no Guaranty.
- V. Whenever there's a conflict these, our Contract Terms, will rule; The "Greetee" then is on their own to have a Happy Yule.
- VI. We hope that you, your kith and kin find Christmas viability; but if you don't, note now that we decline all liability.
- VII. So if you don't hear sleigh bells ring or smell the fresh cut pines, You have, "Greetee," released our Firm, Successors, and Assigns.
- VIII. And if our heartfelt Christmas wish by counter-claim is marred, We may, at our sole option, repossess this Christmas card.

Accepted _____
(Greetee)

Witness _____

MISTLETOE MYTHOLOGY



IN A NORSE MYTH, Mistletoe was said to be the sacred plant of Frigga, the goddess of love. When her son, Balder, dreamed of his death, Frigga sought to protect him from harm from every living creature and plant, that he could not be harmed by anything on or under the earth. Mistletoe did not grow on or under the earth, but on trees. The evil god Loki knew this and prepared a poison arrow with which Balder was killed. After three days Frigga was able to restore her son to life and from then on, it is said she kissed everyone who passed under the mistletoe and decreed that it stood for life and love from then on.

AN ANGLO-SAXON LEGEND OF FREYA, goddess of love, said men must kiss any young girl who stood under a sprig of Mistletoe hung from the ceiling. Another custom required all the Mistletoe in the house to be burned on the Twelfth Night, or the couples who kissed under it would never marry.

ANCIENT CELTS believed the Mistletoe plant held miraculous healing powers. They believed it could heal the sick, serve as an antidote for poison, make any living creature more fertile, ward off evil, and bring good luck and many blessings.

IN ENGLAND the tradition of the Mistletoe goes back before the birth of Christ. Mistletoe was revered by the Druids, and Mistletoe that grew on an oak tree was considered a symbol of fertility, as it remained green even as the deciduous trees it grew on appeared to be in winter's grip of death.

NURSING HOME PROJECT - Donations for Wellington Place residents may be brought to the party on December 11th, dropped off at BCSW in Temple or Brett Pritchard's office in Killeen. The donations do not need to be wrapped. Here is a list of potential items: Body Wash, Soaps, Deoderant, Shampoo, Aftershave Lotion/Splash, Body Spray, Inexpensive SweatSuits/Sweaters/Sweatshirts, Slipper Socks, Wall Calendars, Nail Polish and Lap Blankets. **PLEASE REMEMBER THAT THE RESIDENTS HAVE LITTLE OR NO FAMILY INVOLVEMENT. WHATEVER IS PROVIDED BY THE MEMBERS OF BCBAP IS GOING TO BE THE ONLY CHRISTMAS THEY WILL EXPERIENCE.**

DECEMBER BIRTHDAYS

MERRI WOODWARD—1ST

MELISSA BARTON-WOOD—2ND

TRACY GUTIERREZ—3RD

MARY WEAKS—15TH

FOSTER-CHILDREN'S CHRISTMAS PROJECT

Please contact Lorin Halstead for more information at (254) 939-5150 or (254) 760-1639, or send her an email:

lhalstead@hotmail.com

Sole practitioner in Belton with a predominantly family law practice is seeking someone with experience in Texas family law who has used Prodoc and Word. There is a medical plan and a retirement program available. Send resumes to:

millermi@vvm.com

DECEMBER

WHAT YOUR BIRTHDAY MONTH SAYS ABOUT YOU

Loyal and generous; Patriotic; Active in games and interactions; Impatient and hasty; Ambitious; Influential in organizations; Fun to be with; Loves to socialize; Loves praises; Loves attention; Loves to be loved; Honest and trustworthy; Not pretending; Short tempered; Changing personality; Not egoistic; Take high pride in oneself; Hates restrictions; Loves to joke; Good sense of humor; Logical.

WHEN DOING YOUR CHRISTMAS CARDS THIS YEAR, TAKE ONE CARD AND SEND IT TO THE ADDRESS BELOW. IF WE PASS THIS ON AND EVERYONE SENDS ONE CARD, THINK OF HOW MANY CARDS THESE WONDERFUL, SPECIAL PEOPLE WHO HAVE SACRIFICED SO MUCH WOULD GET.

A RECOVERING AMERICAN SOLDIER
C/O WALTER REED ARMY MEDICAL CENTER
6900 GEORGIA AVENUE, NW
WASHINGTON, D.C. 20307-5001

(COURTESY OF ELLEN HUFFMAN)

BCBA PARALEGALS '08-'09 OFFICERS

PRESIDENT – Brenda Colvin

VICE PRESIDENT – Sherry Gonzalez

SECRETARY – Cindi Evetts

TREASURER – Rene Murray

PARLIAMENTARIAN – Susie Ivy

COMMITTEE LIAISON – Billie Sue Scales

HISTORIAN – Pat Simecek

bcba_lad@yahoo.com

BELL COUNTY BAR ASSOCIATION

PARALEGALS

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PUBLISHER: BCBA PARALEGALS ORG

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