

AUGUST/SEPTEMBER 2010

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FROM THE PRESIDENT:



As I prepare my last President's Letter for NePA, I have quite the mix of emotions swirling around in my head - - - remembering, relishing, reliving the events of the past two years . . . but also looking forward to the "changing of the guard" essential for growth in a progressive organization like NePA. My first thought is to personally thank each Officer and the Board of Directors - Alison Barthel, CP; Kim Hansen; Jaci O'Brien, ACP; Teresa Barnes, CP; Laurie Vik, CP; Carla Larson, ACP; Christina Koch, ACP; Kimberly Brown, ACP; Stephanie Henson, ACP; and Kalisha Reed, CP - for your friendship and your outstanding service to NePA. You each have special gifts and talents and have all in your own way, helped keep NePA the tremendous organization it

is!

Looking back over the two terms I have served, I can honestly say I wouldn't change a thing! I have seen growth in so many areas essential to our organization - our Web Site, our In Brief, the Relay for Life, networking, and great participation in our excellent luncheons and seminars - - - but the three most important goals set and fulfilled during my tenure were the rebirth of District 2, giving back to the membership through our Economic Stimulus Package, and pushing Certification to the top of NePA's priorities. I feel all of these goals were met with success with District 2's momentum, our record attendance at the free Spring Seminars at Mahoney and the substantial increase in member certifications. Bringing focus and recognition with a special Pinning Ceremony at the Recognition Breakfast has helped bring the importance of certification to the members and also made it more visible to our employers.

DISTRICT I DIRECTOR—LAURIE S. VIK, CP



The July District 1 meeting of NePA was held on July 28, 2010 at the Holiday Inn Central. There were 30 members and 3 guests attending the meeting.

Alison Barthel Jacobson, CP, Seminar Committee Chair, reminded the group that the NePA Annual Meeting and Fall Seminar will be held September 16 and 17. Alison also reminded the group that it is now time to renew NePA dues. Annual fees are due on August 1, 2010 and delinquent if not paid by October 1, 2010.

Christina L. Koch, ACP, NePA NALA Liaison, gave a recap of her attendance at the NALA Annual Convention held



P.O. BOX 24943
Omaha, NE 68124

www.nebraskaparalegal.org

PRESIDENT'S MESSAGE (CON'T):

I am proud to report there have been at least 27 more CP and/or ACP designations since September of 2008 – a substantial increase from the two prior years during which approximately 13 members were certified. I firmly believe that when you hold out a golden ring to an organization like NePA, it will be grabbed! Congratulations CP's and ACP's!

The revitalization of District 2 should be a source of great pride for NePA. When I attended the excellent luncheons and social events hosted by District 2, I felt such a sense of camaraderie with our friends in Lincoln! But even more important than the social impact, District 2 has experienced increased growth, recognition, education, and networking that shows its members what an integral part of this organization they really are. Of the 22 members of District 2, seven members now have attained their CP designations and 2 are Advanced CP's. These statistics prove the success of the unprecedented efforts of District 2 Director, Carla Larson, ACP. I would be remiss not to express my thanks to Carla for taking on this challenge and succeeding! I hope her enthusiasm, professionalism and dedication will be the anchor for continued growth in District 2 in the future.

Attending my first NALA Convention in Jacksonville will not soon fade from my "favorite experiences" list - - and it has nothing to do with my new collection of colorful Mardi Gras beads... J I have never felt such a part of anything so quickly as I met and mingled with the gracious, professional people whose names I had only seen on paper. It is easy to see where NePA's ideals and successes come from when you experience what NALA has to offer. If you haven't joined yet, give yourself and your career a big boost by joining now and enjoy the benefits of the utmost in a professional organization that is NALA! The entire experience was the ultimate for me as a paralegal, both on an educational and a social level --- and the fact that the Convention is coming to our own back yard in 2011 is such an honor for NePA. We are very thankful to our esteemed members who have paved the way for Omaha and NePA to host this prestigious event -- Ann Atkinson, ACP; Janie Boswell, ACP; Linda Hess, ACP and Christina Koch, ACP – THANK YOU!

As we transition into the next fiscal year, I look forward to remaining on the Board of Directors and continuing to work for our organization with the new Officers and Board Members. I thank you for the privilege of serving you as NePA President and sincerely appreciate the tremendous support you all have given me.

Sincerely,



DISTRICT 1 DIRECTOR (CON'T):

in Jacksonville, Florida. Christi reported that Ann Atkinson, ACP was elected First Vice President of NALA. Janie Boswell, ACP was recognized for her two terms as Region 6 Director on the NALA Board of Directors. Carla Larson, ACP, will be a member of the 2010-2011 LEAP Class. Linda Hess, ACP, received the Nebraska Affiliate Award.

Our speakers were John J. Thomas, Jr. and Sally Frantzen from Thomas & Thomas Court Reports. Sally and John put on a presentation titled: "E-transcript". They took questions from the group. John indicated that they would come onsite to offices to work one-on-one with anyone interested in learning more about this product. NePA does not have a District 1 meeting in August. Everyone was encouraged to attend the Annual Meeting and Seminar on September 16 and 17.

This District 1 Report represents my final luncheon report as District 1 Director. My remaining duty as District 1 Director will be the Recognition Breakfast to be held at the beginning of the Annual Meeting and Fall Seminar on September 16. I have thoroughly enjoyed serving as your District 1 Director and consider it an honor to have been elected to this position. I have gotten to know so many members and made many friends. I have learned so much through this position, about NePA, the Board process and all aspects of this wonderful membership. Thank you.

Respectfully submitted,
Laurie S. Vik, District 1 Director

2009-2010 BOARD OF DIRECTORS

President

Loretta Phillips, City of Omaha, Law Department

President—Elect

Alison Barthel Jacobson, CP, Gross & Welch

Vice President

Kim Hansen, Omaha World Herald

Secretary

Jaci O'Brien, ACP, Adesta, LLC

Treasurer

Teresa Barnes, CP, Gross & Welch

Parliamentarian

Kalisha Reed, CP, Legal Aid of Nebraska

NALA Liaison

Christina L. Koch, ACP, Inserra & Kelley

District 1 Director

Laurie S. Vik, CP, Kiewit Corporation

District 2 Director

Carla Larson, ACP, Cline Williams Wright Johnson & Oldfather, LLP

Web Administrator

Kim Brown, ACP, Spencer Fane

Publications Editor

Stephanie Henson, ACP, Dial Companies

Board of Directors Meeting Dates

October 14, 2010—Spencer Fane

2009-2010 COMMITTEES

CLE/ Seminar:

Chair – Alison Barthel Jacobson, CP

Members: Stephanie Henson ACP, Carla Larson, ACP Elece Raglin, Angel Younger, CP, Laurie Montag CP, Mindy Mutahi CP & Carolyn Berke CP, Loretta Phillips

Audit Committee:

Kris McMahon CP, Mary Jo Schettler CP, Barbara Schmidt

Library:

Ann Atkinson, ACP & Linda Hess, ACP

Membership:

Kim Hansen, Carla Larson, ACP. Tobi Honn

Official Publications:

Stephanie Henson ACP, Christina Koch ACP, Joyce Buller CP, Barbara Schmidt

Nominations & Elections:

Mieko Young CP, Janie Boswell, ACP

Student Services & Mentoring:

Caryn Redding, Jaci O'Brien CP, Teresa Barnes CP, Angel Younger, CP, Kalisha Reed CP

Student Scholarship:

Teri Gibbons, Laurie Vik CP

CLA Scholarship:

Kimberly Brown ACP, Kalisha Reed CP, Alison Barthel Jacobson, CP

Web Site:

Kimberly Brown ACP, Kylie Clayton CP & Misty Cowan

Public Relations/NSBA Liaison:

Christina Koch, ACP Chair – Carla Larson, ACP

Law Day Poster Contest:

Loretta Phillips, Tom Tilden ACP, Judy Heiserman

CP Review Course Ad Hoc Committee:

Janie Boswell ACP, Loretta Phillips, Ann Atkinson ACP, Annette Dieteman CP

DISTRICT II DIRECTOR —CARLA LARSON, ACP

District 2 held its third quarterly lunch-and-learn meeting on July 22, 2010 at the Green Gateau restaurant in Lincoln, with 16 members and guests in attendance. Lancaster County District Court Clerk Sue Kirkland presented an entertaining glimpse into her "day-in-the-life" work experience, including joys and pitfalls. Special guests included NePA President Loretta Phillips, NePA Treasurer Teresa Barnes, CP and District 1 Director Laurie Vik, CP. The physical presence of many Board of Directors members at District 2 meetings over the past two years has made a profound statement, and the visible support has been invaluable to this group's morale and progress.

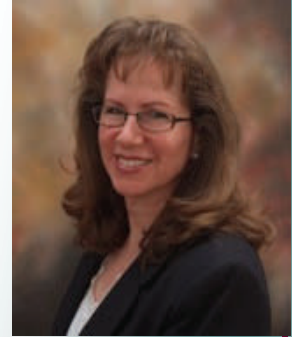
District 2 has been invited to represent NePA at Kaplan University's Annual Career Day on August 18 at its Lincoln campus. Estimated attendance is 200 with approximately 25% of participants expected to express specific interest in law-related careers. NePA will have a display table with tri-fold flyers, giveaway emery boards, student membership applications and student scholarship applications.

Kaplan University's Student Services chair is also working with District 2 for invited NePA presentations to specific paralegal classes, and its Paralegal Externship Program may offer some interesting potential relationships between students and Lincoln area law firms.

On behalf of NePA's Membership Committee but also in the interest of outreach beyond District I borders, I have compiled a list of all post-secondary institutions in Nebraska that offer any law-related programs or degrees. I am in the process of perusing their respective websites as time allows, and contacting program directors to assess the potential relevance of NePA information to that student population. I am also in the process of scheduling NePA presentations to Doane College classes, which resume at end of this month.

This will be my final report to the Board of Directors, concluding two years of privilege and joy serving District 2 as its Director, and learning by leaps and bounds in the process. I would like to express my deepest appreciation for other Board members' patience and willingness to teach and guide me, and I look forward to serving NePA in other capacities for many years to come.

Thank you.
Respectfully submitted,
Carla Larson, ACP



Carla Larson, ACP

JOIN US IN JULY 2011
FOR THE 36TH ANNUAL
NATIONAL ASSOCIATION OF LEGAL ASSISTANTS
ANNUAL MEETING AND CONVENTION
TO BE HELD IN OMAHA, NEBRASKA!

PRESIDENT ELECT'S REPORT BY ALISON BARTHEL JACOBSON, CP



Alison Barthel
Jacobson, CP

This year's CLA Scholarship Committee comprised of Alison Barthel Jacobson, CP, Kimberly A.S. Brown, ACP, and Kalisha Reed, CP. We are pleased to announce that we have selected a 2010 CLA Scholarship recipient, which has been approved by the NePA Board of Directors. The winner has been notified and the official announcement will be made at the Recognition Breakfast and at the Annual Membership Meeting, both of which will be held on September 16, 2010 at the Holiday Inn, Omaha. We hope to see you there so you can help us congratulate this year's winner! It's never too late to start making plans to apply for next year's scholarship. We have made a few minor changes with the introduction of NALA's Personal Injury certification. We encourage all of you to take a look at the NePA website for details.

Respectfully submitted,

Alison Barthel Jacobson, CP

RELAY FOR LIFE BY TERI GIBBONS, TEAM CAPTAIN

The Nebraska Paralegal Association sponsored a team (the "Legal Beagles") to participate in the 2010 Sarpy County Relay for Life for the benefit of the American Cancer Society. This year's event was held June 4th to the 5th at the Papillion-LaVista South High School on Highway 370.

We had an outstanding team this year and had many team members bring their families to Relay to experience the event as well. Despite our plans for many of us to spend the night, Mother Nature again this year did not cooperate. After the team captains' meeting at midnight, the Relay organizers announced that due to impending severe thunderstorms headed our way, they had no choice but to call the Relay. Luckily, we were able to get packed up before the rain hit this year. Before exiting to beat the storm, we were able to enjoy many of the activities held earlier in the evening at the Relay, including the Survivors' Walk, the Relay Mall, Miss Relay Contest, entertainment and, most importantly, the Luminary Ceremony. It was a very warm and muggy night, but that certainly did not deter many people from attending. There was a large contingent of participants representing more than 80 teams.

Our team goal this year was to raise \$1,500. However, due to exceptional fundraising efforts by team members, particularly Cherie Sempek who raised over \$1,000, our team had contributions in excess of \$3,000, and received a Silver Award. The Sarpy County Relay as of June 29th had raised almost \$140,000 for the American Cancer Society. I think I speak for the whole team when I say it was a magnificent experience, and we as an organization should be proud of the way we contributed to this worthwhile community effort.

Respectfully submitted,

Teri Gibbons, Team Captain

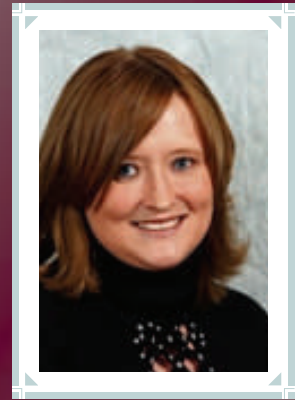
NALA CONNECTION—CHRISTINA L. KOCH, ACP

Ten Nebraska paralegals attended the National Association of Legal Assistants (NALA) 35th Annual Educational Institute in Jacksonville, Florida on July 13-17, 2010. This year there were over 300 paralegals, over 90 of which were first-time attendees. This year's convention kicked off with an Early Bird Reception on July 13, 2010, hosted by five NALA Affiliate Associations from Florida. Entertainment and door prizes were provided generously by local Florida paralegal associations and vendors. On July 14, 2010, NALA President Linda Wolf presented opening remarks, followed by a keynote address by former Jacksonville Bar Association President Daniel K. Bean of Holland & Knight. Bean spoke of the benefits of gaining new skills at conventions, while advising attendees to focus on networking and their future goals. Mr. Bean is a commercial trial lawyer and Captain in the US Naval Reserves and gave an inspiring message to kick off the first day of the educational institutes. The opening session was filled with anticipation for the week ahead. First-time attendee, Carla Larson, ACP, of Lincoln, Nebraska said "This was a top-flight, smoothly run, jam-packed experience with an overwhelming volume of new information, new contacts, professional resources and opportunities for growth."

Continuing education choices included Educational Institutes on the topics of Bankruptcy Law, taught by Michael L. Hall, Elder Law, taught by Dr. Marci S. Johns, or Veteran's Law, taught by Katrina J. Eagle and Rebecca C. Patrick. The Educational Institutes are offered on the same subject for each day of the convention, allowing attendees to specifically focus on one area of law. Other educational choices for the day included educational tracks on Corporate Law – Mergers and Acquisitions – taught by Todd W. Hoppe, Essential Skills – American Legal System, taught by Karen Sanders-West, ACP, JD, Hot Topics – Mortgage Foreclosures & Bailouts, taught by Barbara P. Burke or Litigation – Intellectual Property Litigation, taught by Eugenia S. Hansen. Throughout the day, there were many wonderful comments about the speakers.

Wednesday was also the All Convention Luncheon, including an informal discussion about how the paralegal profession has evolved during the past thirty-five years. The presentation was moderated by NALA Second Vice President Ann Atkinson, ACP, and featured Karen Sanders-West, ACP, JD and Ruth Conley, CP. Wednesday afternoon the Annual Membership Forum was held. NALA highlighted its many assets, including the NALANet database, Facts and Findings magazine, and the many benefits of voluntary certification programs offered through NALA. Recognition was given to current Board of Directors members, as well as those paralegals that had attained the Certified Paralegal or Advanced Certified Paralegal designations.

Wednesday's festivities concluded with the Opening Night Reception, hosted by Delmar/Cengage Learning. The evening was based on a festive 1970's theme, complete with a disco ball and costume and trivia contests. NALA provided attendees with wonderful appetizers and entertainment to celebrate its 35th Anniversary of annual educational conventions. Thursday included visits to the Exhibit Hall, where



Christina Koch, ACP
NALA Liaison

vendors from across the country showcased their products on Wednesday and Thursday. Additional education programs were offered throughout the morning, including Essential Skills Track – American Legal System, taught by Karen Sanders-West, ACP, JD, Corporate Law-UCC-9 Secured Transactions, taught by Tim Hall, Essential Skills – Written Communications, taught by Virginia Koerselman Newman, Hot Topics – Energy Issues Today, Tomorrow & Beyond, taught by Scott H. Debroff, and Litigation – Medical Records/Injury Law, taught by Cristina M. Chait.

After breaking for lunch, members reconvened for the Affiliated Associations Annual Meeting, which included two presentations by affiliate members. The first presentation was Growing Your Membership by the Alabama Association of Paralegals, Inc., including speakers Cathy L. Davis, ACP, Sharon S. Franks, CP, Angélie M. Garcia, ACP, and Jane D. McKinnon, CP. The focus was on marketing your paralegal association. The second presentation was from the Northwest Florida Paralegal Association on Developing Leaders within Your Association. Lydia Herrera Brackett, ACP, FRP and Kristine M. Hill, CP, FRP, each presented information on how their association developed their own leadership preparation program, modeled after NALA's very successful Leadership Enhancement and Preparation (LEAP) program. Thursday evening was free for members to explore Jacksonville. Affiliated Association campaign speeches were given and elections were held for the Affiliated Associations Director and Affiliated Associations Secretary. Debra Overstreet, ACP was elected Affiliated Associations Director and Sandra D. Hatch was elected Affiliated Associations Secretary.

On Friday, July 16, 2010, affiliates gathered for the Affiliated Associations Exhibits, where affiliates are afforded the opportunity to show off what they have accomplished during the year and share newsletters and association information with other affiliates. It is a time to learn from other associations and for associations to share their successes. Affiliates are also given the opportunity to offer giveaways and prizes. This year we gave away a \$100.00 gift certificate to Omaha Steaks, a Omaha travel cup and College World Series t-shirt, and a beautiful basket of gifts from Nebraska. Tina Brower Medlock of North Little Rock, Arkansas stated, "Getting to spend time with other professional paralegals really boosted my feelings about continuing in my chosen profession." The Educational Institutes on Bankruptcy Law, Elder Law, and Veterans Law continued on Friday. Also offered for education was Corporate Law – Managing Records, taught by Angela Knight Hooper, Hot Topics – Employment Law, taught by Shawn M. Larsen and Litigation – Introduction to Electronic Discovery – taught by Karen Sharp Halbert.

Friday afternoon brought the 35th Annual Meeting of the NALA Membership, which included NALA Awards presentations, donations made to the armed forces through Jacksonville, Florida USO from NALA, a LEAP Class presentation, and announcement of the winners of the elections to the new Board of Directors. Karen Greer McGee, ACP of Shreveport, Louisiana was announced as the new President of NALA. Serving with President McGee as First Vice for this next year will be our own Ann L. Atkinson, ACP. Congratulations, Ann! Janie Boswell, ACP was also recognized for her two terms as Region 6 Director on the NALA Board of Directors. NePA is very appreciative of the work that both Ann and Linda have done on the national leadership front. The new LEAP Class was also announced at the Membership Meeting and NePA is proud to announce that Carla Larson, ACP of Lincoln, Nebraska will be a member of the 2010-2011 LEAP Class. Carla will be Nebraska's second LEAP participant since the program began in 2007.

Other members of NALA's Board of Directors for the coming year are Kelly A. LaGrave, ACP of Lansing, Michigan, Second Vice President, Cassandra Oliver, ACP, of Tulsa, Oklahoma, Secretary, Jill I. Francisco, ACP of Huntington, West Virginia, Treasurer, Janet L. Holmgren, CP of Lafayette, New York, Region 1 Director, Debby J. Sawyer, CP of Raleigh, North Carolina, Region 2 Director, JoAnne Sorrentino, ACP of Boca Raton, Florida, Region 3 Director, Elizabeth H. Nellis, ACP of Jenks, Oklahoma, Region 4 Director, Julie D. Hunt, CP, Region 5 Director, Melissa Hamilton, ACP of Bismark, North Dakota, Region 6 Director, Karin M. Scheele, ACP of Phoenix, Arizona, Region 7 Director, Terry L. Halstead, ACP of Stevensville, Montana, Region 8 Director, and Joan E. Wiley, ACP of Las Vegas, Nevada, Region 9 Director. Nebraska is part of NALA's Region 6.

(continued on page 8)

LOCAL PARALEGAL VOTED FIRST VICE PRESIDENT OF NALA



The National Association of Legal Assistants (NALA) held its 35th Annual Convention in Jacksonville, Florida on July 13-17, 2010. During the Annual Meeting of the NALA Membership, local paralegal Ann Atkinson, ACP of Kutak Rock was sworn in as NALA's First Vice President, second to the leadership of Karen Greer McGee, NALA President. Ann has been a member of NALA since 1993 and a long-time member of the Nebraska Paralegal Association (NePA). She has been an employee of Kutak Rock for over 30 years and is currently a Senior Paralegal working exclusively in the public finance department.

Ms. Atkinson is an Advanced Certified Paralegal in Contract Administration. She assisted in the preparation of the Third Edition of the NALA Manual for Legal Assistants, and authored several articles for Facts & Findings, the official NALA publication. Ms. Atkinson has served NALA in several positions, including the NALA Continuing Education Council, chair of the 2002 convention committee, member of NALA Board of Directors as Region VI Director, Treasurer, Secretary and Second Vice President. She has also served the Nebraska Paralegal Association both as an officer and committee member.

Ms. Atkinson is a paralegal member of National Association of Bond Lawyers and co-author of "Utilization of Public Finance Legal Assistants" and a public finance legal assistant handbook. In addition to serving the National Association of Bond Lawyers as chair of the Legal Assistant Committee, Ann has been a speaker at their bond finance seminars. She is also a former adjunct professor at Metropolitan Community College in Omaha in their ABA approved paralegal program, teaching law office administration, ethics and introductory classes and is currently an instructor for the Certified Legal Assistant (CLA) test preparation course.

The 36th Annual NALA Educational Institute will be held in Omaha, Nebraska in July of 2011.

This article will appear in the Daily Record and the Daily Reporter.

Seventeen Affiliate Awards were given to affiliates around the nation, chosen by their local affiliated associations, including our own Linda Hess, ACP, who received the Nebraska Affiliate Award. This is the second year we have been able to honor one of our members at the NALA national convention. Lee A. Paige, CLA was awarded the Outstanding Contribution Award and Patricia G. Elliott, ACP was awarded the Founders Award. A special award was given to the Arkansas Paralegal Alliance, Inc. in recognition of their charity and hospitable contributions towards helping a paralegal from another state with a medical emergency. The evening concluded with a Reception and Installation of the newly elected Board of Directors.

The final day of the Convention included the Essential Skills Track – Legal Research educational program, taught by Virginia Koerselman Newman, as well as two Member Exchange Presentations and a closing Ethics Presentation, taught by Petra H. Mandigo Hulm. The Member Exchange Presentations were Empowering and Rejuvenating the Professional You, taught by Patricia J. Gustin, CP, CFEI and Humor in the Workplace, taught by Kristina M. Hopkins, CP and Jaye L. Koch, ACP.

Closing remarks were made by President Karen Greer McGee with a special invitation to attend the 36th Annual Educational Institute in Omaha, Nebraska in July of 2011. If you have not had a chance to review the blog and photographs from the 35th Annual NALA Educational Institute, please visit NePA's website at www.nebraskaparalegal.org and view the Photo Gallery for photographs. The blog can be found under Education – NALA News and Seminars. Thank you so much for allowing me to serve as Nebraska's NALA Liaison for the past three years. It was an unforgettable experience and one I hope to share with as many Nebraska paralegals as possible next year at the Omaha Hilton near the Qwest Center!

We are all very excited for NALA to be coming to Omaha next year and encourage each of our members to attend the NALA Educational Institute on July 27-30, 2011. The Early Bird Reception will be held on July 26, 2011, so mark your calendars! If you have any questions about NALA, please contact me at ckoch@inserra.com or one of NALA's Board of Directors members.

SLATE OF OFFICERS FOR ELECTION

Pursuant to Standing Rule 11.B of the Nebraska Paralegal Association, the following is a slate of officers to be elected at the Annual Meeting to be held in conjunction with the fall seminar on September 16, 2010. The members listed as candidates have accepted the nominations.

Nominations will also be accepted from the floor for all offices during the election.

OFFICE	NOMINEE
President-Elect	Christina Koch, ACP
Vice President	Kim Hansen
Secretary	Kylie Clayton, ACP Carla Larson, ACP
Treasurer	Jaci O'Brien, ACP
Director, District 1	
Director, District 2	
Director, District 3	
Director, District 4	
Director, District 5	
NALA Liaison	Kimberly Brown, ACP

Mieko Young, CP

Nominations & Election Committee



**NEBRASKA
PARALEGAL ASSOCIATION
2010
RECOGNITION BREAKFAST**

Thursday, September 16, 2010

8:00 a.m.—9:00 a.m.

**Holiday Inn Central—72nd & Grover
Palace C—North Entrance**

*If you have not attended this Breakfast in the past, please consider making your reservation now! Over 100 attorneys and paralegals gather for a wonderful buffet breakfast and are treated to a special program recognizing the important role of our paralegals in the legal community. We are applauded by our attorneys and peers for our dedication to our profession and very deserved awards are given for outstanding service. The highlight is our keynote speaker **The Honorable Leigh Ann Retelsdorf, Nebraska District Court Judge.***

Please bring your attorneys and join us for this wonderful event on Thursday,

September 16, 2010 at 8:00 A.M. right before the Fall Seminar!

RESERVATION FORM

**RESERVATION DEADLINE:
SEPTEMBER 10, 2010. PLEASE RETURN TO:
TERESA BARNES, TREASURER
GROSS & WELCH
1500 OMAHA TOWER
2120 SOUTH 72ND STREET
OMAHA, NE 68124**

**RESERVATIONS ARE \$20.00 PER PERSON.
PLEASE MAKE YOUR CHECKS
PAYABLE TO:**

NEBRASKA PARALEGAL ASSOCIATION

AGENDA

Thursday, September 16, 2010

- 8:00-9:00 RECOGNITION BREAKFAST
Holiday C – Breakfast Buffet
- Keynote Speaker:
The Honorable Leigh Ann Retelsdorf
Nebraska District Court Judge
- 9:00-9:15 Fall Seminar Registration
- 9:15-10:15 ANNUAL MEMBERSHIP MEETING
Holiday B
- 10:15-10:30 Break
- 10:30-12:00 *Rule 26 Changes and the Protection of
Attorney-Client Privilege and Work
Product While Working with Expert
Witnesses – A Four Course Dinner*
Jill Robb Ackerman, Esq.
Baird Holm
- 12:00-1:00 Lunch – Holiday C
- 1:00-2:30 *Avoiding the Potholes in Probate
Practice*
Jeffrey L. Stoehr, Esq.
- 2:30-2:45 Break
- 2:45-4:00 *The ABC's of Ethics for Paralegals*
Kyle Wallor, Esq.
Lamson Dugan & Murray
- 4:00-4:15 Closing/Door Prizes

Friday, September 17, 2010

- 8:30-9:00 Welcome/Announcements
Continental Breakfast
Holiday B
- 9:00-10:30 *JUSTICE Case Management System and E-
filing in the Nebraska Trial Courts*
Bill Miller and Sherry Dennis
State Court Administrator's Office
- 10:30-10:45 Break
- 10:45-12:00 *Liens on Real Property*
Thomas R. Ostdiek, Esq.
Valentine, O'Toole, McQuillan &
Gordon
- 12:00-1:00 Lunch
- 1:00-2:15 WORKSHOP – Session #1
*Medicare's MMSEA Section 111 Reporting
Requirements: An Overview*
Meredith Kuehler, Esq.
Berkshire Hathaway Homestate
Companies
(Holiday B)
- OR
- WORKSHOP – Session #2
FMLA/ADA Update
Jennifer R. Petersen, Esq.
Gross & Welch
(Holiday A)
- 2:15-2:30 Break
- 2:30-3:45 *CLE Strategies to Maximize Value-for-
Cost*
Carla Larson, ACP
Cline, Williams, Wright,
Johnson & Oldfather, LLP
- 3:45-4:00 Closing/Door Prizes

THIS SEMINAR MEETS THE REQUIREMENTS OF THE CERTIFYING BOARD FOR LEGAL ASSISTANTS OF THE NATIONAL ASSOCIATION OF LEGAL ASSISTANTS, FOR CONTINUING LEGAL ASSISTANT EDUCATION CREDIT REQUIRED TO MAINTAIN THE CP (CERTIFIED PARALEGAL) CREDENTIAL. PARTICIPANTS WILL RECEIVE CREDIT FOR PORTIONS OF THE PROGRAM ATTENDED, TO A MAXIMUM OF **4.25 HOURS ON THURSDAY, 5.25 HOURS ON FRIDAY, AND 9.5 HOURS FOR THE ENTIRE SEMINAR.**

To register for the NePA Fall Seminar and Membership Meeting on September 16-17, 2010 at the Holiday Inn Central Conference Center, please mail the **completed registration form (below)** and your check payable to NePA to:

Nebraska Paralegal Association
c/o Laurie Montag
P.O. Box 5643
Lincoln, NE 68505-5643

Registrations must be received by Friday, September 3, 2010. Your registration will be acknowledged via e-mail if an email is supplied on the registration form. No refund for cancellations after Monday, September 13, 2010.

Please contact Kerry Kasper for corporate room rates (\$79.00 single/dbl) at the Holiday Inn: 402-517-3079 or kerry.kasper@holidayinnomaha.com.

It is suggested that attendees dress appropriately because of the air-conditioned meeting rooms.

REGISTRATION FORM

\$70 Seminar Registration Fee includes all seminar materials, lunches and breaks on September 16 and 17, continental breakfast and one workshop on Friday, September 17. If you would like to attend only one day of the two day seminar, you may register for that day only. The seminar registration fee does NOT include the Recognition Breakfast on Thursday, September 16 which is a separate charge.

___ \$70.00 SEMINAR – NePA Member – both days
___ \$50.00 SEMINAR – Students – both days
___ \$100.00 SEMINAR – Non-Member – both days
___ \$35.00 THURSDAY ONLY – Member
___ \$25.00 THURSDAY ONLY – Student
___ \$50.00 THURSDAY ONLY – Non-member
___ \$35.00 FRIDAY ONLY – Member
___ \$25.00 FRIDAY ONLY – Student
___ \$50.00 FRIDAY ONLY – Non-Member

WORKSHOPS (pick one)

1:00 SESSION #1 ___

OR

SESSION #2 ___

NAME

TELEPHONE

FIRM/COMPANY

E-MAIL ADDRESS (REQUIRED)

ADDRESS

CITY, STATE, ZIP

*SPECIAL DIETARY NEEDS

EVICTING A BANKRUPT TENANT BY ROBERT B. NACHMAN

State or Federal Court When Evicting a Bankrupt Tenant?

Many landlords are very familiar with provisions of the United States Bankruptcy Code dealing with assumption and rejection of leases. However, the particular consequences of lease rejection may not be as well known. For example, once a lease is rejected or deemed to be rejected, a landlord may not know its rights with respect to regaining possession of the leased premises. A recent case from a Florida bankruptcy court shed some light on this issue when it held that after a debtor has rejected a lease, the tenant must surrender the premises to the landlord. In *In re The Deli Den, LLC*, 2010 WL 841366 (Bankr. S.D. Fla. March 12, 2010), a debtor-tenant remained in its leased commercial premises for over 120 days after the bankruptcy petition date without moving to assume or reject the lease. Under § 365(d)(4) of the Bankruptcy Code, the failure to make a timely election resulted in the lease being deemed rejected.

Rather than vacate the leased premises, however, the debtor asserted that the landlord still had to use state court eviction proceedings to regain possession. This result would seem to be very unfair to the landlord, since the debtor had retained use and possession of the leased premises and presumably had not been paying any rent for quite some time. Nonetheless, the debtor cited bankruptcy court cases from Georgia, Pennsylvania, and Minnesota in support of its argument. Fortunately for the landlord, the Florida court rejected the debtor's argument. Instead, it relied upon another part of § 365(d)(4), which specifically provides that when a debtor fails to assume the lease within 120 days or any further extension of that period granted by the court, "the trustee shall immediately surrender that nonresidential real property to the lessor." The court rejected the reasoning of the cases, which required the landlord to initiate state court eviction proceedings, relying on the specific provisions of the Bankruptcy Code and many other courts in other jurisdictions, including Michigan, which supported the ruling that state court remedies were unnecessary. The *Deli Den* court granted the landlord's emergency motion for possession and gave the debtor just four days to vacate the leased premises.

The conclusion reached by the *Deli Den* court appears to be, by far, the majority view on this issue. While the Seventh Circuit, which includes Illinois, Indiana, and Wisconsin, has not yet faced this issue, it is likely that it would adopt the majority view and require a debtor that has rejected or has been deemed to have rejected its lease to vacate the leased premises without requiring the landlord to file a separate eviction proceeding in state court.

Given the decision of *In re Deli Den*, a landlord with a tenant in bankruptcy proceedings would be well served to closely monitor the time period for the tenant to assume or reject the lease, as this decision will dictate the landlord's rights going forward. If a tenant rejects the lease, the landlord should be prepared to take quick action to regain possession of the leased premises.

For questions about this alert, please contact Robert D. Nachman at rnachman@dykema.com or 312-627-2480 and Neil T. Neumark at nneumark@dykema.com or 312-627-2276. Also, visit us on the web at: <http://www.dykema.com/bankruptcy/> and <http://www.dykema.com/realestate/clpm.asp>.

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FROM THE EDITOR . . .

This will be my last issue as Official Publications Editor. Teresa Barnes, CP, has graciously agreed to take over the job. Teresa has held the position of Treasurer for NePA and according to the ByLaws may no longer serve in that position. She will do a great job and is excited for the opportunity. Please give her your support as you always have given to me.

It has been a pleasure these last two years to serve NePA as Editor— I hope you have enjoyed it. I find that holding any one position for too long is like being a guest in someone's home. It's okay for a while, but wears out its welcome in time. Fresh eyes and fresh ideas are what keep NePA growing and better able to serve its members. I will be available to her and NePA whenever the need arises, and I am most grateful for the opportunity to have served.

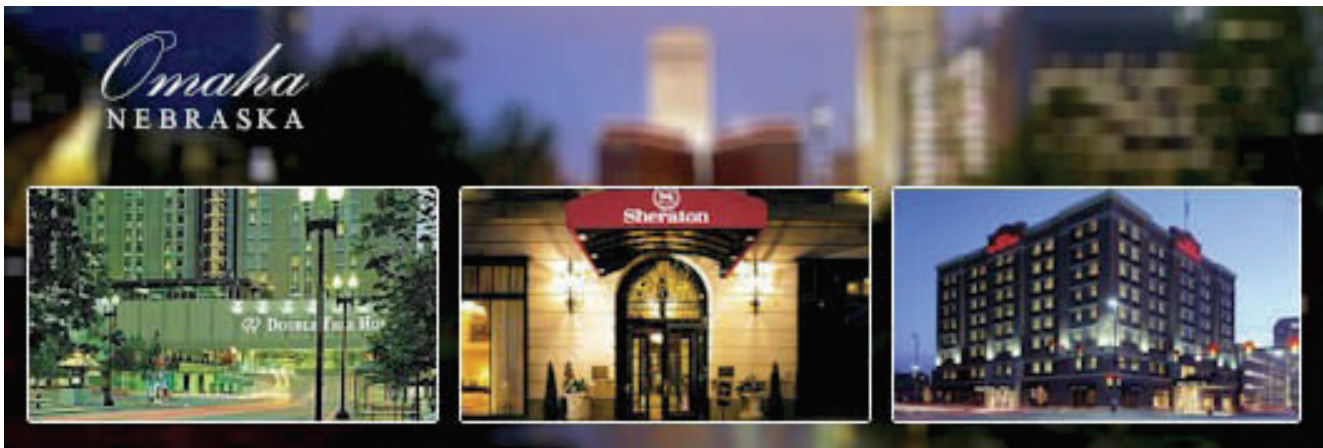
NePA is always in need of volunteers for the various committees and for service on the Board of Directors as an officer. It is a job, but it is rewarding and allows one to grow immeasurably. I have never regretted any position I have held or job I have done. The friendships I have gained and the incredible feeling when you are sitting in the Board of Director's or Committee meeting and realize the commitment and talents of those with whom you serve is inspiring. The future of NePA depends on the members and their desire to continue its work.

On a personal note, thank you all for your love and support. Had it not been for my treasured friends I would never have made it through the fire and the loss of my mother and "Santa" Bob. You all became my support system and I am truly grateful.

With all best wishes for the future, I remain

Sincerely yours,

Stephanie Henson, ACP



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