

# The Brief on Appeal



Official Publication of the Kansas City Legal Secretaries Association – Kansas City, Missouri

Affiliated Chapter of: NALS...the Association for Legal Professionals and NALS of Missouri

August, 2011

KCLSA – Celebrating Over 50 years!

Volume 59, No. 4



## PRESIDENT'S MESSAGE by

Nichola Engle, PP, PLS

## *How Does Our Garden Grow?*

We had a very exciting opportunity this past month. KCMBA-Kansas City Metropolitan Bar Association invited us, along with other leadership organizations, to a Legal Community Roundtable. We were able to take three representatives from the KCLSA Board, Peggy Sullivan, Marcia Gathright and myself were in attendance. We were treated to an afternoon of learning and collaboration. Our keynote speaker, Dr. David Renz, from the Midwest Center for Non-Profit Leadership spoke to us about “Collaboration”. His CLE was very interesting and informative.

It got me to thinking about collaboration and how we use it within KCLSA. “Collaboration” is the coming together of entities to perform a common goal. His point was that we as individuals come together to act together to do something bigger and better together toward a common goal. The thing that hit me the hardest was the reference to “together”. We work together at KCLSA to ensure that we have a group of legal support that forms a worthy organization. We all bring our differences, likenesses, ideas, and motivations to form and mold this group.

That is what makes KCLSA a great organization, the differences of all the members that are brought together to accomplish similar goals. I know that I appreciate all the different walks of life the members come from. For example, the kinds of firms we all come from. Some of us come from solo practitioners and some of us come from big firms. We all have different contributions to make.

We had a fantastic collaboration when we came together as a group for the POWWOW to discuss different things that were important to us as individuals for the group. What I saw that was the most amazing was when someone wanted to accomplish a goal and someone else would step up and suggest different ways to accomplish that goal. Together we can do soooooo much. Thank you all for your continued collaboration. Let’s continue our collaboration so that we can continue to make this a great organization!

*Nicci*

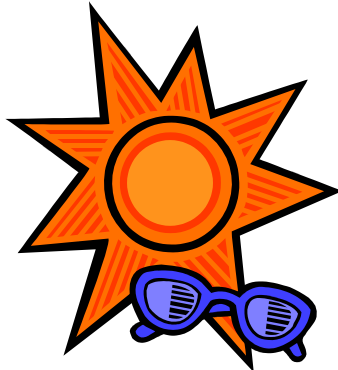
## From the Executive Director

NALS appreciates all our members and your continued dedication to the association. Just as you show us your overwhelming dedication, we also want to show you our support and dedication in your time of need. If you are a *continuing* member of NALS and are unemployed at the time of renewal and payment of your dues creates a hardship for you, NALS will waive your dues for one year. [You only need to fill out this form](#) and submit it to [Saundra Bates](#) at the NALS Resource Center. Be sure to utilize your NALS network and resources during your job search, and together we can create a brighter tomorrow.

**Tammy L. Hailey, CAE**  
**NALS Executive Director**

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**Elected Officers  
2011 – 2012**

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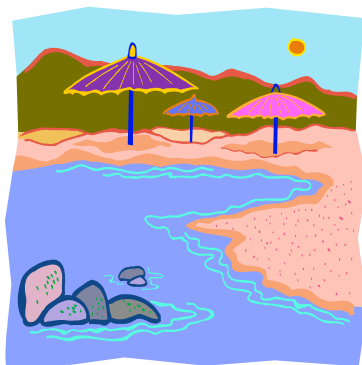
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**Code of Ethics**

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

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



**Mission Statement**

NALS is dedicated to enhancing the competencies and contributions of members in the legal service 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 & Professional Responsibility; and
- Professional certification programs and designations.

**HONORING SPECIAL MEMBERS**

**KCLSA HONORARY MEMBERS**

**John M. Bowen  
The Honorable Thomas C. Clark  
Dwight Elliott  
Brienne Hampton  
Cherie Kennedy  
Mary Ann McClure  
Mike Murphy  
Honorable Thomas Sims  
Patrick Young**

**KCLSA LIFE MEMBERS**

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Ruth French  
Miriam Gemperle  
Rita Hallowell  
Michelle Haughey, PP, PLS  
Linda Hoffman, PLS  
Diane Kennedy, PP, PLS  
Marian Neal, Barbara Nelson  
Judy O'Hara  
Janice Rider  
Carrie Tyner, PLS  
Peggy Sullivan, PP, PLS**

**NALS LIFE MEMBERS**

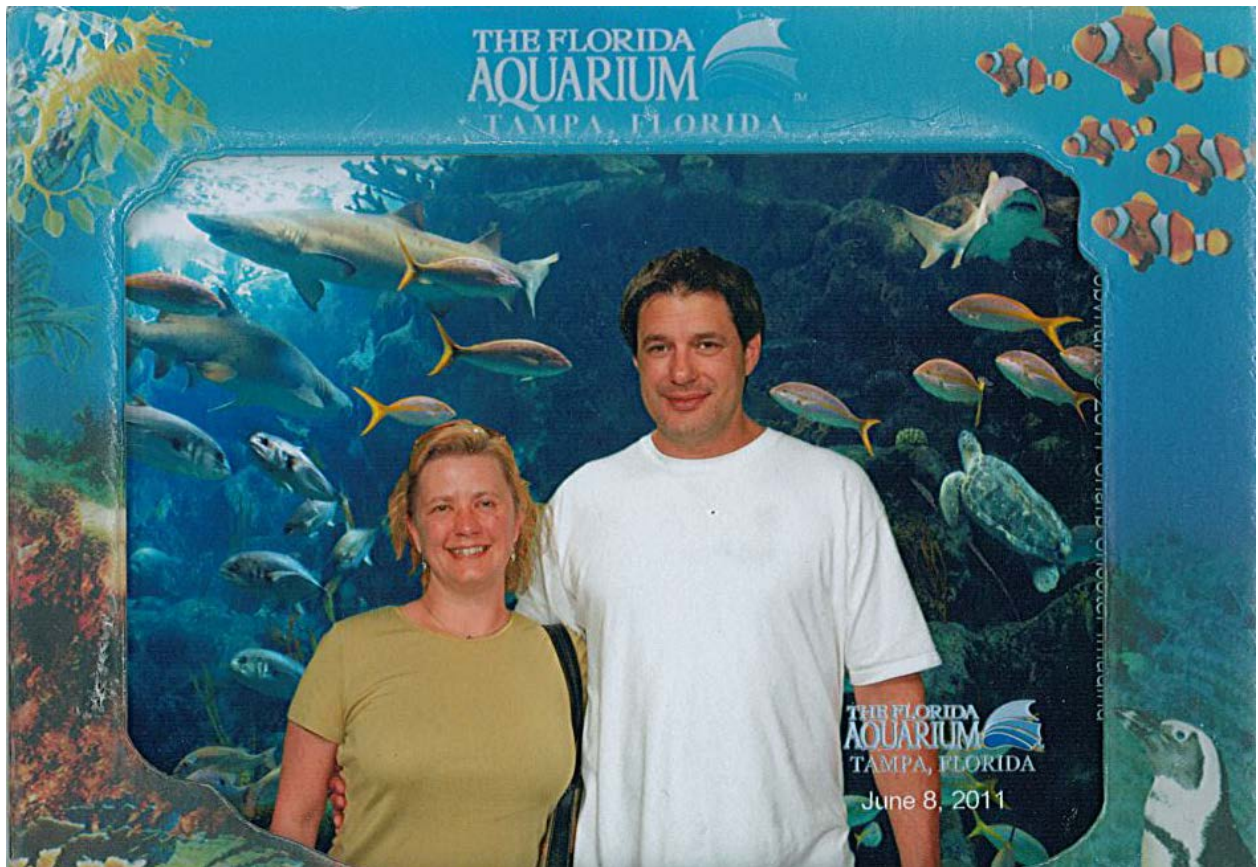
**Delores Champ, PP, PLS  
Linda Hoffman, PLS  
Martha Miller, PLS**

**BRIEF BUDDIES!!**

**DONATE YOUR \$5.00 TO SEE YOUR NAME  
HERE!!!**

**Peggy Sullivan    Janice Rider    Donna Young    Patrick Young  
Dee Champ**

**These people have pledged their support to KCLSA by donating \$5.00 to our treasury. If you'd like to show your support and have your name listed above every month in the *Brief on Appeal*, please notify the Editor and forward your \$5.00 to our Treasurer.**



## Summer Vacation

Robin Bish & Husband, Joe, in Florida! Thanks Robin!

Hey KCLSA Members!!! Don't you have a picture of where you've gone this summer that you would like to share with the rest of us? If so, just email it to me at [ljstevenson@vomer.com](mailto:ljstevenson@vomer.com) and I'll make sure it makes it into the next issue. Thanks!



PLEASE JOIN THE  
KANSAS CITY  
LEGAL SECRETARIES  
ASSOCIATION  
(KCLSA)  
FOR ITS AUGUST  
MEMBERSHIP MEETING

**Date:** Wednesday, August 10, 2011

**Time:** Social 5:30 p.m.; dinner 6:00 p.m.

**Place:** KC Cafe

**Dinner:** Spinach Salad-with Orange Honey Vinaigrette, Bacon, Dates and Goat Cheese  
Seared Pork Tenderloin with Apricot Dijon Sauce  
Seasonal Vegetables and Chef's Choice of Starch  
Jack Daniels Brownie Sundae with Homemade Jack Daniels Caramel and Hot Fudge Sauce

**Cost:** \$23

**Speaker:** Anne-Linton Pond Hendrickson -  
Guardianships and Conservatorships

**RSVP:** Peggy Sullivan, PP, PLS,  
[psullivan@shb.com](mailto:psullivan@shb.com) by Friday, August 5,  
2011 that you are attending

# SPECIAL ANNOUNCEMENT

## KCLSA PROGRAM POLICY

1. It is suggested that reservations be mailed directly to the person designated on the reservation form in the *Brief on Appeal* by the deadline date, using the reservation form in the *Brief on Appeal* or via e-mail. Payment may either be mailed with the reservation or brought to the membership meeting.
2. Reservations are due no later than 5:00 p.m. on the Friday preceding the membership meeting.
3. Cancellations must be made no later than 11:00 a.m. on the Monday preceding the membership meeting. There will be no exceptions. If a cancellation is not made, payment will be forfeited. If payment has not been made with reservations, payment in full is due and payable immediately.
4. All members and guests are required to check in.
5. The monthly dinner fee includes other costs. Therefore, anyone attending the meeting is required to pay the dinner fee.
6. The Program Chairman may institute a Standing Reservation List will apply, however paragraph 3 above still applies.
7. The speaker is allowed a total of 45 minutes which includes time for questions and answers. Please hold all questions until the commencement of the question and answer period, unless otherwise instructed by the speaker.

## LEGAL EDUCATION

### Probate Estates: Starting the Probate Process

Author: A Will

Probate refers to two things. One is the process of submitting a deceased's last Will to the court. If the Will is proved valid, the court grants an order of probate (admitting the document as the decedent's valid Last Will and Testament. The other meaning refers to the process of collecting, managing and distributing the Probate Estate assets (whether in accordance with the Will or intestacy).

### Finding the Will

The first step is to find out whether the decedent left a Will. You can look in various places such as the safe, filing cabinet or other places in their home where documents are stored. Keep an eye out for deposit receipts just in case the testator deposited the Will somewhere else.

If you cannot find their Will at home, try the testator's attorney, safe deposit box or even the probate court in their county. Some courts allow Wills to be deposited or recorded in a registry.

### Submitting the Will for Probate

Once you find the original Will, you need to submit it to the court for approval. If there is more than one, submit the latest Will if the former has been revoked by the latter. To do this, you need to obtain a petition for probate and file it with the appropriate county court. This is generally the county where the decedent was last domiciled (had residence) immediately prior to death.

The probate petition requires details of the deceased, the last will and testament, a death certificate and the names and addresses of all beneficiaries and heirs. The application for appointment of a personal representative is usually contained in the probate petition, but can be a separate form.

### Type of Probate Application

Many states offer simplified probate procedures for small estates. This enables transfer of probate property simply by using a small estates affidavit. The threshold is usually estates worth \$15,000 or less and generally applies for personal property only.

Many jurisdictions have also adopted the uniform probate code, which offers different requirements for informal probate and formal testacy proceedings. Informal probate can be used in most probate situations. Sometimes there is a value threshold. This process does not require notice to be given prior to probate. Formal testacy proceedings apply where the Will has been lost or destroyed or where the Will is being contested. This process is more technical and formal and requires notice before the hearing.

To see which procedures are available in your jurisdiction and to obtain the relevant forms, contact the probate court or county clerk's office. Alternatively, some courts have these documents available online. Make sure you read the instructions carefully and complete the form

accurately. Note that many states restrict who can apply for probate. Ensure you are one of the eligible persons to sign the petition. Remember you can hire an attorney to assist you.

### Proving the Will

The court requires some form of witness testimony in order to prove that the Will was executed properly and without any fraud or undue influence. Many states allow a last will and testament to be self-proved. Where the Will has self-proving affidavits, usually this is all that's required in the form of witness testimony. Where no such affidavits have been signed, the court requires testimony from at least one of the attesting witnesses. This is typically accepted in writing by affidavit witnessed by the court. There are alternative methods where all witnesses reside outside the state, have died or cannot be located.

### Appointing a Personal Representative

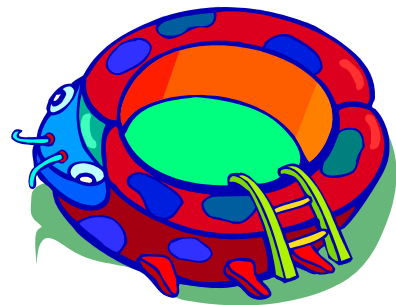
After the Will is accepted or once it is determined that the decedent died intestate (without a Will), the court needs to appoint a personal representative. This is the person who manages the estate, gathers the assets, makes distributions and reports back to the court.

If the Will names an executor, this person will be appointed, unless they are disqualified or waive their right to act. Where the Will is rejected or does not name an executor, the court appoints an administrator in accordance with the relevant probate statute or code. The order of priority is set out in the statute.

If there is a Will, the formal appointment is called letters of administration with the will annexed. Where the testator died intestate, the appointment is simply referred to as letters of administration. A bond or security is typically required. The Will can dispense with this requirement.

When applying for probate, remember to research your options carefully. There's no need to apply for informal probate if you can have the estate settled with a small estate affidavit. If you become stuck, contact the probate court or seek advice from an attorney. For more information on starting a Probate Estate in your state visit <http://probateestate.org/>.

Article Source: [http://www.goinglegal.com/article\\_1938671\\_79.html](http://www.goinglegal.com/article_1938671_79.html)



**NALS LIAISON**  
**Michelle A. Haughey, PP, PLS**

Here is a quick glimpse of what is happening on the State and National levels of your Association:

**NALS Online Learning Center**

August 2	<a href="#">Online Study Group</a> - Written Communication – Part 1
August 9	<a href="#">Online Study Group</a> – Office Procedures/Legal Knowledge – Part 2
August 16	<a href="#">Online Study Group</a> - Ethics/Human Relations – Part 3
August 17	Corporate CLE
August 23	<a href="#">Online Study Group</a> -PLS Legal Knowledge – Part 4
August 30	<a href="#">Online Study Group</a> – PP Substantive Law Review

**NALS WebEd – \$35 for members**

August 1	Nuts & Bolts I: Verbs & Capitalization
August 4	Minute Books: Basic Elements of Corporate Records
August 8	Nuts & Bolts II: Pronouns, Adjectives, Adverbs
August 11	A Bluebook Guide
August 15	Nuts & Bolts III: Prepositions, Conjunctions, Plurals, Possessives
August 22	Nuts & Bolts IV: Interjections & Negatives
August 25	Special Needs Trusts
August 29	Nuts & Bolts V: Sentence Structure, Word Usage, Spelling, & Punctuation



NALS of Missouri Fall Membership Meeting will be State hosted this year, and will be held at the Resort at Port Arrowhead in Osage Beach, Missouri **September 9-10, 2011**. Registration form will be out shortly.

## PUBLICATION INFORMATION

*The Brief on Appeal* is published by Kansas City Legal Secretaries Association (KCLSA). The materials in *The Brief on Appeal* are provided for general information purposes only; they are not intended to, and do not constitute, legal advice. For specific legal advice, readers are encouraged to consult with counsel of choice.

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Visit us on the web at [www.kclsa.net](http://www.kclsa.net)



## JOIN US

The Kansas City Legal Secretaries Association (KCLSA) is a multi-level association, affiliated with NALS, Region 6 and NALS of Missouri.

Our organization is open to anyone who is employed in work of a legal nature. Dues are \$135 (includes a \$10 one time processing fee).

Benefits include monthly issues of *The Brief on Appeal* newsletter from KCLSA, issues of *The Briefcase* from NALS of Missouri, and *@Law* from NALS.

NALS members are eligible for discounts on a variety of goods and services such as insurance, travel services and rental cars.

To receive membership information, contact KCLSA's Vice President, Jaime Munoz, [jmunoz@sls-law.com](mailto:jmunoz@sls-law.com), (816) 931-0500. Learn more about our multi-level association by visiting us at [www.kclsa.net](http://www.kclsa.net).

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*Secretary @Law*

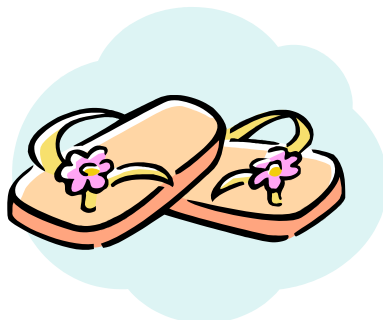
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# THIS IS WHAT'S COMING UP!!!

- August 2-7, 2011.....Mamma Mia - Starlight Theater
- August 5, 2011.....Friday Night Concert, Crown Center – Clint Black
- August 5-7, 12-14, 2011 ..... Festival of Butterflies – Powell Gardens
- August 9-13, 2011.....Johnson County Fair – Gardner Fairgrounds
- August 10, 2011..... KCLSA Board of Directors Meeting (KC Café 5:15 p.m.)
- August 10, 2011..... KCLSA Monthly Meeting – KC Café
- August 13, 2011..... KC Roller Warriors – Female Roller Derby – Municipal Auditorium
- August 19-21, 2011.....Ethnic Enrichment Festival – Swope Park
- August 25, 2011..... Steely Dan – Starlight
- August 31, 2011.....A Prairie Home Companion - Starlight



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**CHECK US OUT ONLINE AT [WWW.KCDAILYRECORD.COM](http://WWW.KCDAILYRECORD.COM)**



**PLEASE JOIN US!**

**KCLSA 2011 Bosses' Night Celebration**

**Wednesday, October 12, 2011**

**Cocktails: 5:30 p.m. (cash bar)**

**Dinner: 6:30 p.m.**



**Buca di Beppo**  
**310 West 47<sup>th</sup> Street**  
**Kansas City, Missouri**

**Menu:**

**Mixed Green Salad & Caesar Salad**

**Fettucine Alfredo**

**Baked Rigatoni**

**Chicken Parmigiana**

**Cannoli**

**Unlimited Soft drinks, Coffee & Tea**

**Reservations required by October 4, 2011**

**ONLY \$40.00 per person**

**Contact Information:**

**Laura J. Stevenson, PLS**  
**Van Osdol & Magruder, P.C.**  
**911 Main St., Suite 2400**  
**Kansas City, MO 64105**  
**816-421-0644**

**[ljstevenson@vomer.com](mailto:ljstevenson@vomer.com)**





engage  
inspire  
enhance  
promote

## Monday Reminder

WebEd  
Online Learning Center  
Online Study Group

### WebEd

[http://www.nals.org/?page\\_id=45](http://www.nals.org/?page_id=45)

### All sessions held at 8:00 p.m. CT

July 28, 2011	<b>Managing Your Team: Future Leaders Development</b> <i>(Free to members!)</i> <i>Presented by Tina Riley, PhD</i>
August 1, 2011	<b>Nuts &amp; Bolts I: Verbs &amp; Capitalization (1 hour CLE)</b> <i>Presented by Terry Houston, PP</i>
August 4, 2011	<b>Minute Books: Basic Elements of Corporate Records (1 hour CLE) (Corporate Law)</b> An in-depth review of how to set up and maintain corporate minute books, including form descriptions, examples for suggested language and format, and how-to tips for creation of minutes documents, directors resolutions, and stock certificates. <i>Presented by Terry Houston, PP</i>
August 8, 2011	<b>Nuts &amp; Bolts II: Pronouns, Adjectives, Adverbs (1 hour CLE)</b> <i>Presented by Peggy Sullivan, PP, PLS</i>
August 10, 2011	<b>What You Need to Know About Serving at the National Level</b> Here is the low-down of serving as a national NALS board member. Join NALS Immediate Past President Patricia E. Infanti, PP, PLS, as we cover the requirements, the commitments, and the strategic nature of being a NALS national leader in 2012-13. <b>This program is made possible through a grant from the NALS Foundation.</b> <i>Presented by Patricia E. Infanti, PP, PLS</i>
August 11 2011	<b>A Bluebook Guide (1 hour CLE) (Litigation/Civil Law)</b> Commentary, models, and tips on the Bluebook (19th edition) based on Mr. Akehurst-Moore's book <u>A Bluebook Guide for Law Students</u> <i>Presented by Scott Akehurst-Moore, Legal Reference Librarian Suffolk University Law School</i>

## Online Learning Center (OLC)

[http://www.nals.org/?page\\_id=47](http://www.nals.org/?page_id=47)

### All sessions held at 8:00 p.m. CT

July 27, 2011

#### Benefits of Volunteering at a National Level

Are you thinking about joining next year's NALS leadership team, but want to know more about it? Join me for the Q&A and about volunteering and making the right fit for you.

*Presented by Helene Wood, PP, PLS, TSC-RE*

August 3, 2011

#### Everything You've Always Wanted to Know About NALS Foundation Grants...But Were Afraid to Ask!

*Presented by Catherine A. Hankins, PP, PLS*

## Online Study Group (OLSG)

[http://www.nals.org/?page\\_id=59](http://www.nals.org/?page_id=59)

### All sessions held at 8:00 p.m. CT

August 2, 2011

#### Written Communication – Part I (1.5 hour CLE)

*Presented by Renee Stout, PP, PLS*

August 9, 2011

#### Office Procedures & Legal Knowledge – Part II (1.5 hour CLE)

*Presented by Joanne Patterson, PP, PLS, CLAS*

August 16, 2011

#### Ethics, Human Relations – Part III (1.5 hour CLE)

*Presented by Gloria Gonzales and Cindy Hughes, PP, PLS*

August 23, 2011

#### Legal Knowledge & Skills – Part IV (1.5 hour CLE)

*Presented by Lindsay Stinchcomb, PP, PLS and Terry Houston, PP*

August 30, 2011

#### PP Substantive Law Review – Part I (1.5 hour CLE)

September 6, 2011

#### ALS Review (1.5 hour CLE)

September 13, 2011

#### PLS Review (1.5 hour CLE)

September 20, 2011

#### PP Review (1.5 hour CLE)

September 21, 2011

#### Online Learning Center – Test Taking Tips (1. hour CLE)

*Presented by Karen Kuhn, PP, PLS*

#### INSTRUCTIONS TO ACCESS WEBINARS:

Click on the registration link and complete as directed. A schedule of upcoming Webinars and a brief description is provided below. [REGISTER TODAY!](#)

WebEd sessions are multimedia webinars. Registration fees are \$35 for NALS members and \$50 for non-members for each CLE session. Registered attendees are provided the audio portion of the Webinar at no cost. A toll free number is provided with your registration. For special group rates or possible group discounts please email [WebEd@nals.org](mailto:WebEd@nals.org). All attendees must register in order to receive Certificates of Attendance and CLE credit. If you have more questions please email [WebEd@nals.org](mailto:WebEd@nals.org).

#### INSTRUCTIONS TO ACCESS OLC/OLSG:

Login as a Member using your NALS login name/password. Go to the "Welcome" tab at the top of the NALS web page (it's a drop down tab with "Member Log In" – click there). When your member login is complete, go to the left side of the screen and scroll down to Online Learning Center, click, and enter the OLC. The OLC page comes up with instructions, but you can simply scroll down and type in a "User Name" (user name does not have to

match your Internet user name) and click "Connect" to enter the Lobby. Then click on the tab/icon at the top right-hand side of OLC screen (it has what looks like a comment box on the tab) and double-click on "OnlineLearningCenter" and you're there! You can increase the size of the screen by clicking on the "four arrows" button (second button from the right at the bottom); increase the size of your font by clicking on "Options" (upper left, second button from left) then "Font Size"; and change the color of your responses by clicking on the "colors" button (third button from left at the bottom). There are emoticons and sounds available but these, particularly the sounds, can be distracting; our intention is to get you in, discuss the topic, and let you go within the allotted time. Also, you must participate every three to four minutes or you will be "bumped" out.

# **John M. Bowen & Associates**

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Nationwide Document Services

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