

Legal Personnel of South Central Wisconsin

www.lpscw.org

MANDATUM

October 2013
Vol. XLIX, No.2



President's Message



Dear members:

It was great to see so many familiar, and some new, faces at our first meeting of the year! Thank you again, Jennifer Frank, for not only being our first legal education speaker of the year, but for also being such an engaging and insightful speaker. We will be sharing your "Top 10" list for filing in the Western District Court in this edition of *Mandatum*, and also posting on our website. I look forward to another exciting educational speaker in October. (Continued on page 2)

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LPSCW Nomination Form
NALS Application for Membership

October 9, 2013 Meeting Notice

Speaker: Tim O'Shea, Assistant United States Attorney

Place: Benvenuto's
2949 Triverton Pike Drive
Fitchburg, WI 53711

When: Wednesday, October 9, 2013
5:30 p.m. – Networking
6:00 p.m. – Dinner
6:30 p.m. – Speaker

Menu choices/Cost:

- (1) Fettucini Alfredo, served with one side item, choice of soup or salad with your choice of dressing /\$15.00*
- (2) Cheese Ravioli with either alfredo or marinara, served with one side item, choice of soup or salad with your choice of dressing /\$15.00*
- (3) 6 oz Sirloin, served with one side item, choice of soup or salad with your choice of dressing/\$14.00*
- (4) Smothered Chicken with cheese, peppers and onions, served with one side item, choice of soup or salad with your choice of dressing /\$15.00*

***includes tax and gratuity, beverage not included**

Sides: cottage cheese, garlic mashed potatoes, fries, parsley butter potatoes, onion straws, homestyle chips, rosemary potatoes, fresh vegetables, sweet potato fries, spaghetti, fresh fruit

**RESERVATIONS ARE DUE BY NOON
Tuesday, October 8, 2013, to:**

Michelle Tys, PLS at chelle291@aol.com
or [\(419\) 651-7368](tel:419-651-7368) (call or text)

****Please note in RSVP any dietary restrictions.**

(President's Message continued) And speaking of October, included in this edition of *Mandatum* is the call for officer nominations. Please consider nominating yourself or another member to be an officer. Many hands make for less work, so let's fill the executive committee with nominees! If you have any questions, feel free to ask any current officer.

Also, did you know that President Gerald Ford issued Proclamation 4327 - National Legal Secretaries' Court Observance Week on October 14, 1974? Today, 39 years after the proclamation was signed, NALS continues each year to recognize the second full week of October as Court Observance Week. This year's theme for Court Observance Week is "Our Courts, working to Assure the Survival and Success of Liberty," and is a line pulled from President John F. Kennedy's inaugural speech given on January 20, 1961.

Our state association, the Wisconsin Association for Legal Professionals, has requested that Governor Scott Walker also proclaim the second week of October as Court Observance Week in the State of Wisconsin. I encourage everyone to visit local courts, observe trials in progress, and gain first-hand knowledge of the functions of the various departments connected with local judicial systems. I look forward to seeing you at the October meeting.

Cheers!
-Sonja

Sonja M. Schade
LPSCW President, 2013-2014

2013-2014 Officers

President

Sonja Schade
schade_sonja@yahoo.com

President-Elect

Karen Dempksi, PLS
kdempski@perkinscoie.com (wk)

Secretary

Phyllis A. DeGraff, PP, PLS
(608) 755-8109 ext. 112 (wk)
pdegraff@nowlan.com

Treasurer

Theresa Doty
(608) 283-6791 (wk)
tdoty@axley.com (wk)

Marketing Director

Deborah Dawson
(608) 283-6701 (wk)
(608) 334-9191 (cell)
ddawson@axley.com (wk)

Education Director

Kim Starr
(608) 257-2411 (wk)
(608) 233-1339
kimstarr@drakeandcompany.com

Membership Director

Hilary Williams
(608) 258-4335 (wk)
hwilliams@foley.com (wk)

2013-2014 Committees

Bulletin/ <i>Mandatum</i>	Theresa M. Doty Anna Canty Sonja Schade
Certification	Kim Starr Mary Cuppy, PP, PLS
Employment	Cindy Frank, PLS
Fundraising	Karen Dempksi, PLS
Legal Education.....	Kim Starr
Officer Installation and Awards Evening	Hilary Williams
Member Services	Michelle Tyms
Member of the Year.....	Hilary Williams Kim Starr Deborah Dawson
Nominations/Elections	Hilary Williams
Program	Kim Starr
Publicity	Deborah Dawson
Reservations	Michelle Tyms
Scholarship	Kim Starr Sonja Schade
Standing Rules/Bylaws.....	Sonja Schade Theresa Doty Anna Canty
Technology	Deborah Dawson

NOMINATIONS & ELECTIONS

First Call for Nominations ---

It is that time of year again when we have to start thinking about nominations and elections. As an association LPSCW offers great education, interesting speakers, and a chance to meet other professionals with similar interests as you. While there is always the hope that most, if not all, of this year's officers will run again, we also need to be prepared for any openings. Here is a brief description of the officer duties:

President-Elect--The President-Elect shall act in the absence of the President and shall perform such other duties as may be designated by the President or the EC and as outlined in the LPSCW Standing Rules.

Secretary – The Secretary shall keep a correct recording of the proceedings of all meetings of LPSCW and of the EC and shall maintain them in a permanent record book.

Treasurer – The Treasurer shall be notified of payment of all dues of LPSCW, and is responsible for receiving same from NALS; shall make disbursements as required by the budget, the EC, and the membership.

Marketing Director – The Marketing Director shall oversee all aspects of promoting and marketing LPSCW.

Education Director – The Education Director shall oversee all aspects of ensuring that we have interesting education.

Membership Director – The Membership Director shall work to recruit new members while retaining current membership.

If you already know that you want to volunteer for an officer position—great! Simply fill out the official Nomination Form and return it to me. My contact information can be found on the Nomination Form, which is attached to this issue of the *Mandatum*. The deadline to nominate yourself or another member for an officer position is December 30, 2013.

Hilary Williams

LPSCW Membership Director 2013/2014
Hlrywllms@gmail.com

Legal Trivia

Q1: --Absolute ownership of real property is known as what?



Q2: --Under federal law any offense punishable by death or imprisonment for a term exceeding one year is known as what?

Answers on Page -- 5



Submission Deadline for the next issue is:

OCTOBER 28, 2013

**LEGAL PERSONNEL OF SOUTH
CENTRAL WISCONSIN
Minutes – September 11, 2013
Benvenuto's, Fitchburg, WI**

The program, "Electronic Filing Procedures for the United States District Court for the Western District of Wisconsin," was given by member Jennifer Frank prior to our business meeting. Jennifer is an administrative clerk to the court.

The business meeting was called to order by President Sonja Schade at 7:20 p.m. Roll call was taken. Thirteen members were present. Four guests also attended: Deborah Albright from Nowlan & Mouat LLP, Blackhawk Technical College students Desiree Caswell, Alice Westgard, and Ashley Hubred.

Officer Reports

Secretary, Phyllis DeGraff: Minutes from April 10, 2013, were published in the *Mandatum*. A correction was made adding Gail Wolfe's last name in Paragraph B of New Business. A motion was made, seconded, and carried to approve the minutes as corrected.

Treasurer, Theresa Doty: Guests exited the meeting. Theresa presented her report. The annual budget will be voted on at our October meeting and will be e-mailed to members prior to the meeting. Theresa reported the CD at BMO Harris Bank was rolled over at a rate of .3% for a term of 13 months. There were no corrections to her report and the report was filed

subject to financial review. The Executive Committee will review the status of the CD before next month's meeting. Marlow Running has agreed to audit our financial records.

Education: Hilary Williams offered to prepare the CLE certificate for tonight's meeting. A discussion commenced about whether or not we would like to apply for CLE credits/course approval from the Board of Bar Examiners; it is not a necessary requirement for NALS. It was stated that the WALP Education Director applies for CLE credits/course approval from the Board of Bar Examiners for all WALP educational conferences.

Membership, Hilary Williams: A written report was presented. Hilary announced that Michelle Tyms and Cindy Frank will be on her committee. As of September, Michelle will be handling meeting reservations and member services. Hilary will handle the member directory.

Committee Reports

Bulletin/Mandatum: Deadline for October *Mandatum* is September 19.

Fundraising: Nut sale will be in October and November. Please order cases with Karen Dempski by September 25. Each bag is \$6. Money will be due at the November 13 meeting.

Installation: May's officer installation will be held at Benvenuto's.

Standing Rules and Bylaws: The Committee will again begin working on updating the standing rules and bylaws.

Technology: Hilary Williams said that Deb Dawson regularly updates our Facebook page. She urges members to "like" the page. A new logo for our organization was discussed. Norma Kropp will approach the Graphic Arts Department at Madison College for someone to design a logo for our chapter.

New Business

A motion was made, seconded, and carried to bid on the WALP Fall 2014 meeting. Karen Dempski has offered to chair this event. Possible venues discussed were Janesville, Blackhawk Technical College, or Beloit.

Sonja requested feedback from members on our new meeting location.

Old Business

NCRA Ethics campaign was discussed. WALP supports this campaign. It was decided that it was not necessary for our individual chapter to support the campaign because we have already done it at the state level.

Announcements

Court observance week is October 14 – 18, 2013. Sonja has submitted a proposed proclamation to the Governor's office for consideration.

The meeting was adjourned at 8 p.m.

Respectfully submitted,

Phyllis DeGraff, Secretary

Annual Nut Sale Fundraiser

Ordering for the annual fall nut sale wrapped up on September 25.. I would like to distribute orders at the October meeting and have all monies collected before Thanksgiving.

As a reminder, each bag is 12 ounces of shelled mixed nuts, *no peanuts* (cashews, almonds, Brazil nuts, filberts and pecans), and sells for \$6.00. A case of nuts (12 bags) sells for \$72.00.

All proceeds from the nut fundraiser directly benefit the chapter scholarship fund.

-Karen Dempski, PLS





SAVE THE DATES! 2013-2014 Program dates

10/09/13
11/13/13

No meeting in December

01/08/14
02/12/14
03/12/14
04/09/14 *Annual Business Meeting and Roundtable*
05/14/14 *Officer Installation and Awards Evening*

No meetings in June, July, or August

Dates to Remember

2013

Oct. 14-18 NALS Court Observance Week
Theme: *Our Courts, Working to Assure the Survival and Success of Liberty*

Oct. 17-20 NALS 62nd Annual Education Conference & National Forum in Atlanta, Georgia



2014

Feb. 22 WALP Spring Membership Meeting in Neenah, Wisconsin at the Best Western Premier

Feb. 27- Mar. 1 NALS Professional Development & Education Conference in Tulsa, Oklahoma at the DoubleTree Warren Place

May 2-4

WALP Annual Meeting and Educational Conference
Pewaukee, WI at the Holiday Inn Pewaukee Milwaukee West - Hosted by: The Greater Milwaukee Association of Legal Professionals

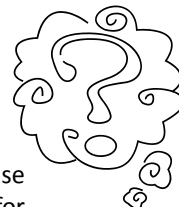
Legal Trivia--ANSWERS

Q1: -- Absolute ownership of real property is known as what?

A1: -- Fee Simple

Q2: -- Under federal law any offense punishable by death or imprisonment for a term exceeding one year is known as what?

A2: -- Felony



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Any legal news or tips to share???
Find us on Facebook post and them there!

NALS Code of Ethics & 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 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.

Integrity and high standards of conduct are fundamental to the success of our professional

association. This Code is promulgated by the 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 the 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.

NALS...the association for legal professionals
www.nals.org

Editor: Theresa M. Doty

Graphic Design/Layout: Anna Canty

Contributing writers: Sonja Schade, Hilary Williams, Jennifer Frank, Phyllis A. DeGraff, PP, PLS, and Karen Dempski, PLS.

Mandatum is a publication of the Legal Personnel of South Central Wisconsin (LPSCW). The purpose of this publication is to provide legal education, reports of officers and committee chairs, registration information for national, state and local chapter meetings and other news of LPSCW which will benefit legal services industry employees.

If you have any questions or comments regarding *Mandatum*, or would like to submit an idea or article for future editions, please contact Theresa Doty at tdoty@axley.com.

lpscw.org



"TOP 10" LIST FOR FILING
IN THE WESTERN DISTRICT COURT
By Jennifer Frank

My name is Jennifer Frank and I am an Administrative Clerk with the US District Court, Western District of Wisconsin. That's the long way of saying I'm the assistant to the Clerk/Part-Time magistrate, Peter Oppeneer, and the Chief Deputy, Joel Turner.

Our Electronic Filing Procedures were developed in coordination with chambers. The ultimate goal of our various rules and preferences is to make the docket is user-friendly for everyone, especially chambers. We use a couple of tools to communicate our preferences: Electronic Filing Procedures and Administrative Orders, both of which are available on our website. When filing something, you should think to yourself: "What is the best way to

file this so it's most useful for chambers?" The role of the clerk's office is to make sure whatever you file has been filed in a way that is easy to follow on the docket.

I was a legal assistant for over 15 years at large and small firms so I've been in your shoes. I've dealt with trial preparation, last minute filings, and all kinds of attorneys. I remember filing in different federal courts and the one thing that stood out was that they all have different filing requirements.

One of the things I do at the clerk's office is quality control of electronic filings by attorneys. I take care of half of the filings, and Marlene in our office takes care of the other half. Marlene and I came up with a top 10 list of filing errors that we see on a daily basis. I'm going to go through those and offer some tips on how to avoid getting a nasty-gram from the court.

The top 10 filing errors are:

10. No signature or incorrect signature block – According to Rule 11, Fed. R. Civ. P., every filed paper must contain the signature of at least one attorney of record. In the court's Electronic Filing Procedures, an electronic signature can be an "s/Attorney Name." Both Rule 11 and the court's local procedures require a signature block to be present that includes the signer's address, e-mail address, and telephone number. What about multiple signatures and affidavits? Are wet signatures necessary? For filing purposes, no, they are not. Our rules say that it is the responsibility of the attorney filing the document to maintain any hard copy with original signatures or other documentation giving that attorney permission to sign on another's behalf for two years. We don't require any of that information, and, frankly, would prefer if you didn't file it. If you're not sure, call the clerk's office.

9. Cover letters, certificates of service & proposed orders – We do NOT want cover letters. If everyone is being served through ECF, you don't need a certificate of service, and, unless the court asks for it, we don't want proposed orders. The only exception to this would be if you're filing a protective order. If you're not sure, call the clerk's office.

8. No caption or case number, or wrong caption or case number – Rule 10(a), Fed. R. Civ. P. "Form of Pleadings," says, among other things "... Every pleading must have a caption with the court's

name, a title, [and] a file number." This isn't repeated in our Electronic Filing Procedures, because it's in the federal rules. But, if you're still not sure, call the clerk's office.

7. Wrong event used – If you're filing a motion, file it as a motion. If you're filing a brief, choose one of the "brief" events. If you're filing a letter, there are three possibilities: If it's asking for something, it's a motion; if it's responding to something, it's a brief or response to order; or if it's updating the court, it's a status report. If your attorney is saying "no, no, no, it's a letter so file it as "Notice (Other)," then you need to call the clerk's office so we can confirm that you're right. What you filed something using the wrong event? Please, do NOT refile it with a little note in the docket text. If you decide you should have filed something under a different event, give us a call. If you're not sure, call the clerk's office.

6. Link to wrong document – If you're filing something regarding a motion, either in support of, or in opposition to, it should be linked to that original motion, including an affidavit in support of a brief in opposition. One of the reports I get on a daily basis is called a motions report. It lists all the pending motions my judge is responsible for and lets me know what he needs to rule on right away. If your brief, affidavit or whatever, isn't linked to the original motion, we're not going to see it and, for purposes of ruling on the motion in a timely fashion, it doesn't exist. If you're not sure, call the clerk's office.

5. Documents filed as attachments – A good general rule is anything with a caption should be an individual docket entry. You'll need to "just say no" if your attorney is telling you that a brief or some other supporting filing should be filed as an attachment. This is a perfect opportunity to bust out the Electronic Filing Procedures which says that anything filed in support of your filing, such as a brief, affidavit or declaration, needs to be filed as an individual docket entry and linked back to the original motion. If any exhibits are attached, they should be attached separately and described as required. If you're not sure, call the clerk's office.

4. Expert reports filed as exhibits – The court wants expert reports filed as separate docket entries. There is a justification for this: when the attorney references an expert report in a document or at a hearing, the last thing we want the judge to have

to do is sort through a bunch of exhibits to get to the expert report. Also, when the expert report is attached as a separate docket entry, with any exhibits filed as required, you never have to file that expert report ever again. You simply need to reference the docket number. If you're still not sure, call the clerk's office.

3. Redacted Documents – All documents filed under seal are now required to have a redacted counterpart filed at the same time. There are exceptions to this rule, which can be found in the Administrative Order Regarding Filing Documents Under Seal on our website. When filing the redacted version of any document, use the Redacted Document event found under Other Documents. You'll link this redacted document to the sealed document. I know, I know, I just got done saying you need to link everything back to the original motion. This is the only instance where the link to the original motion rule doesn't apply. The judge and staff do not need to see the redacted documents. This is strictly for the convenience of the public. There are clear guidelines about what sealed stuff needs to be refiled as redacted and what's not included in this requirement, including transcripts. Take a look at the Administrative Order and, if you're not sure, call the clerk's office.

2. Deposition transcript filed in the wrong format, as an attachment, or with exhibits – The court doesn't want transcripts filed as exhibits, nor

does the court want deposition excerpts...ever. They should be filed in their entirety in condensed format. While it may be time consuming in the beginning to file all your deposition transcripts as individual docket entries, in the end it actually saves time in that you only need to reference the docket number in future filings. The key to filing deposition transcripts is making sure the transcript is in condensed format WITHOUT exhibits. The court doesn't want deposition exhibits. If your attorney is insisting though, please treat those exhibits as you would any other. If you're not sure, call the clerk's office.

1. Exhibit descriptions missing or incorrect or exhibits not broken up – In the Electronic Filing Procedures, you'll see it's required to include a short description. Something like "Exhibit A – 12/10/10 Letter to Bob Jones" is perfect. Just give each of your exhibits a brief description that tells the person looking at the docket what's attached. If your descriptions are not descriptive or non-existent, you should expect to get a nasty-gram from the clerk's office telling you we fixed your mistake, but please don't do it again. The worst thing you can do is to lump your exhibits together. That will result in a phone call and/or an e-mail telling you it's wrong, we've disregarded your filing, and you need to refile your stuff. If you're not sure, call the clerk's office.

--Jennifer Frank

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1. fill (someone) with the urge or ability to do or feel something, esp. to do something creative : [trans.] His passion for justice inspired him to advance his career as a paralegal with NALS.

- create (a feeling, esp. a positive one) in a person : Their enthusiasm inspires those around them.
- (inspire someone with) animate someone with (such a feeling) : She inspired her co-workers to become certified with NALS.
- give rise to : The conference was successful enough to inspire people to register for the next one.

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**LEGAL PERSONNEL OF SOUTH CENTRAL WISCONSIN
OFFICER NOMINATION FORM
2014-2015**

You must be a member in good standing to nominate a candidate for officer of Legal Personnel of South Central Wisconsin

TO NOMINATE A CANDIDATE, DO THE FOLLOWING:

1. VERIFY with your candidate that she/he is a member of Legal Personnel of South Central Wisconsin.
2. ASK your candidate if she/he is willing to be considered as an officer.
3. IF THE ANSWER TO #1 & #2 ARE YES, you may submit their names on the form below.
4. THE NOMINATOR MUST SIGN & DATE THIS FORM
5. FORWARD TO:

Hilary Williams
Foley & Lardner LLP
150 East Gilman Street, Madison, WI 53703;
OR Fax to 608-258-4258;
OR e-mail to Hlrywillms@gmail.com

6. DEADLINE: December 30, 2013

Nominations

President: _____

President-Elect: _____

Secretary: _____

Treasurer: _____

Education Director: _____

Marketing Director: _____

Membership Director: _____

Member Name (print): _____

Member Signature*: _____ Date: _____

* I have asked all the above candidates and they have agreed to the nomination.



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Membership Application

Application Date: _____

Local Chapter Name: **Legal Personnel of South Central Wisconsin**

Last Name _____ First Name _____

Home Address: _____

City: _____ State: _____ Zip: _____

Employer: _____

Position Title: _____

Business Address: _____

City: _____ State: _____ Zip: _____

Preferred Mailing Address: Home Business

Home Phone: _____

Business Phone: _____

Fax: _____

Date of Birth: _____

Would you like to receive monthly legal education via email?
 Yes No

Preferred Email Address: _____

Your Specialty Area: (required)

<input type="radio"/> Law Office Management	<input type="radio"/> Criminal
<input type="radio"/> Business/Corporate	<input type="radio"/> Bankruptcy
<input type="radio"/> Probate/Estate Planning	<input type="radio"/> Taxation
<input type="radio"/> Court Personnel	<input type="radio"/> Administrative
<input type="radio"/> Litigation	<input type="radio"/> Government
<input type="radio"/> Family	<input type="radio"/> Real Estate
<input type="radio"/> Other (specify): _____	

Years Worked in the Legal Profession:

0-1 2-5 6-10 11-15 16-19 Over 20

Lawyers in Office:

0-1 2-5 6-10 11-20 21-49 Over 50

Type of Legal Office:

<input type="radio"/> Law Office	<input type="radio"/> Self-employed
<input type="radio"/> Corporate Legal Department	<input type="radio"/> Court System
<input type="radio"/> Government Services	<input type="radio"/> Other

If you were sponsored by a current NALS member, please list below:

Sponsor's Name: **Sonja Schade**

Sponsor's Member Number: **17072**

Membership Category

\$197 International Membership (US Currency Only)

\$165 New Member Dues

\$75 Associate Member (educators, judges, attorneys)

\$29 Student Member (minimum 9 credit hours required)

Total Due \$ _____

Payment Method

Payment must accompany application. There will be a \$20 charge for returned checks. Make checks payable to NALS.

Check One: Check or Money Order Visa

MasterCard Discover

Credit Card Number:

Expiration Date: Month _____ Year _____

Security Code: _____

Signature (credit card registrants only)

Return This Form and Payment to:

NALS...the association for legal professionals
8159 East 41st Street
Tulsa, OK 74145
or Fax To: (918) 582-5907

Questions?

Call (918) 582-5188 and ask for the member services department.

I agree to be bound by the *Code of Ethics and Professional Responsibility* and the bylaws/standing rules as adopted by NALS. (Visit www.nals.org/aboutnals for details.)

Applicant's Signature

Membership is nontransferable.

Please send a copy of this application to your local membership chair.