

THE BRIEFCASE

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Winter 2010

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Diane Kennedy
2009-10 President
NALS of Missouri
c/o Gilliland & Hayes, P.A.
8717 W. 110th Street, Suite 630
Overland Park, KS 66210
913.317.5100 (O)
[Email: dkennedy@gh-kc.com](mailto:dkennedy@gh-kc.com)



PRESIDENT'S MESSAGE

TICK, TOCK. They say time flies when you're having fun—and when you turn 40! Since I'm having fun and I'm well over 40, those statements sure are true. I can't believe we are at the end of another calendar year...and half way through our NALS year. But, as the song says, "it's the most wonderful time of the year!" It's the time when miracles and magic happen. The world is full of good cheer and possibilities. I so anticipate the first of January and a brand new year. What will it bring? It's a brand new slate and you can write your own story. Will it be new beginnings with weddings and babies or new jobs (I pray it is so for those who need them)? Will you travel to far off places—or stay close to home and enjoy time with your family? Will you go back to school and learn a new job? Is 2010 the year you get certified through NALS? To paraphrase the Hippo Christmas song, "Oh what joy and what surprise," will 2010 bring to you and your family?

For NALS of Missouri, there is much joy. Beginning with Winter Wonderland Membership Meeting in St. Charles, Missouri on February 5-6. Will this be the first state meeting you attend? I hope so.

Our new officers will be announced at the Winter Membership meeting. Will this be the year you chair a committee or be a member of a committee. I wish it were true.

There is much to look forward to in 2010. Sure, there will be challenges, but those are simply little bumps in the road to make life more interesting. This holiday season, and in the coming year, I wish you and yours much joy and many surprises! Look for the magic!

Diane 



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CALENDAR OF EVENTS

January 1, 2010 Deadline to Register for March Certification Exams
 February 6-7, 2010..... NALS of Missouri Winter Membership Meeting in St. Charles, MO
 March 12 – March 14, 2010 NALS Professional Development Conference, Tulsa, OK
 April 23 – April 25, 2010NALS of Missouri Annual Meeting, West Plains, MO
 October 21 – OctoberNALS Educational Conference & National Forum, Branson, MO

**ELECTED OFFICERS
2009-2010**

President.....Diane Kennedy, PP, PLS
dkennedy@gh-kc.com
913.317.5100

President Elect Rebecca Ramsey, PP, PLS
rebeccakramsey@gmail.com
417.255.3020

Secretary Joyce Bassett, PP, PLS
jbassett@kc.rr.com
913-585-1262

Treasurer..... Cindy Combs, PLS
combspls@aol.com
417-464-9449

Education Director Lori Everhart, PP, PLS
lori.everhart@hkrlawoffice.com
417.869.9999

Marketing Director Marsha Smitherman, PP, PLS
msmitherman@lathropgage.com
816.460.5363

Membership DirectorDee Champ, PP, PLS
deloreschampcla@hotmail.com
816.833.1800

ParliamentarianPeggy Sullivan, PP, PLS
psullivan@shb.com
816.474.6550

Executive Advisor.....Michelle Haughey, PP, PLS
mhaughey@sirolaw.com
816.471.4881

Briefcase Editor:
Janice Rider
Stinson Morrison Hecker LLP
10975 Benson, Suite 550
Overland Park, KS 66212
jrider@stinson.com
Phone: 913.344.8030 Fax: 913.344.6783



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.



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FALL MEMBERSHIP MEETING
Joyce Bassett, PP, PLS, Secretary

September 18-19, 2009, was a pleasant autumn weekend and a great time to hold the Fall Membership Meeting at the Truman Hotel & Conference Center in Jefferson City, Missouri. The weekend started out with a certification cram session on Friday afternoon. Afterwards, members had an opportunity to tour the Missouri Supreme Court building. At the Friday Welcome Party, members played Bunco. Thanks to Lisa Tanner, PP, PLS and Nancy Heavrin, PP, PLS, a certification session was held early Saturday morning. A total of three hours of education was offered on Saturday. Following the Saturday membership meeting, members were given the chance to tell memories of special events that occurred during their membership.



On Friday afternoon, members were invited to take a tour of the Missouri Supreme Court building. Featured on the tour were the marble staircase in the entrance, the hallway on the second floor that contained pictures of the Justices, the courtroom, and the law library.

(Left) Members on the marble staircase on the first floor.

A special treat was when members met Justice Russell and learned from her about the Supreme Court.

(Right) Members in the courtroom with Justice Russell seated in the middle.





(Left) Members at the Friday night Welcome Party. Members were asked to bring a food item, which benefitted the Jefferson City Food Bank.



(Above) President Diane Kennedy presented members of Central Ozarks LSA with cookies to commemorate their 15th anniversary.



(Above) Members taking a break between education sessions.

(Right) Members of Central Ozarks LSA make a bid for the 2010 Annual Meeting.





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2101 VANDIVER DRIVE
SUITE B
COLUMBIA, MISSOURI
65202-1910

September 29, 2009

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OCT 02 2009

573-474-1020
800-764-3663
FAX 573-474-9932

Rebecca Ramsey
NALS/Beard Law Firm
PO Box 903
West Plains, MO 65775

BY:.....



CENTRAL MISSOURI
HEART OF MISSOURI
PETTIS COUNTY
RANDOLPH COUNTY

Dear Friends,



We deeply appreciate your recent gift of 128 pounds of food donated through your food drive. While the numbers of people who need food assistance continue to climb, I am even more convinced that God will always supply through partners like you.



The Dead Sea is one of the most fascinating bodies of water on earth. The water is so dense, due to the high mineral content; even a non-swimmer can stay afloat. People have literally sat down in the water and read a newspaper without sinking! The only problem is there is no outlet, so all the fresh water flowing into it becomes stagnant, undrinkable, and putrid and polluted. When you come out of the water nobody wants to sit next to you because of the wretched smell.

That is a good picture of a person who lives selfishly, who is a taker but not a giver. When we live selfishly, always receiving, always taking but never giving, we become stagnant and polluted. Putting it bluntly, our lives will start to stink. We'll go around with a sour attitude; we'll be no fun to be around, always irritable and hard to get along with.

By your generous giving, you have created an outlet and river that is constantly flowing. I believe your supply will be replenished and your life will maintain its freshness. Thank you again for your generosity and compassion.

I look forward to working with you again in the future!

Warmest regards,

John Wampler
Food Drive Coordinator

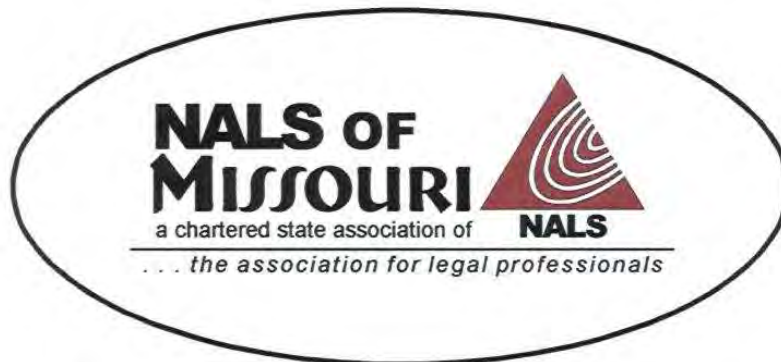
HPS INVESTIGATIONS

1669 Jefferson Street | Kansas City, MO 64108
Phone: 816-842-9800 | Fax: 816-842-9801
service@hatfieldprocess.com | www.hatfieldprocess.com

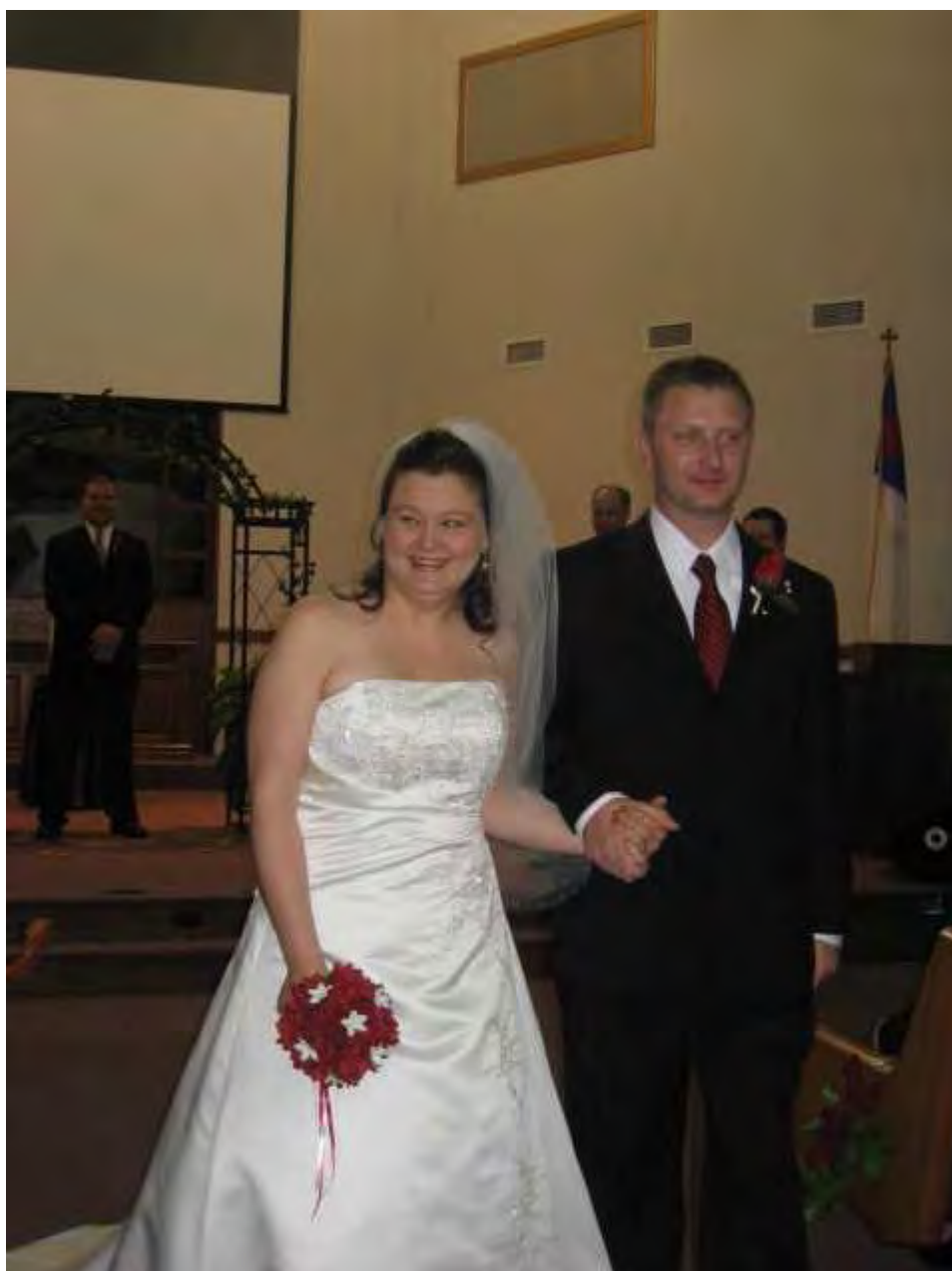
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Employment Screening
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Insurance Fraud Investigations
Jury Consultation (fast turn-around)
Pre-deposition Interviews
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Real Estate Property Investigations
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Telephone Record Research
Vehicle License Plate Research
Worker's Compensation Investigations



THE NALS OF MISSOURI
BOARD OF DIRECTORS
INVITES YOU TO A
“WINTER WONDERLAND”
AT THE
WINTER MEMBERSHIP MEETING
FEBRUARY 5-6, 2010
IN ST. CHARLES, MISSOURI



"Congratulations to the new Mr. and Mrs. John Pruett - 11/21/09."





Rebecca Ramsey Pruett, Certified PP, PLS
NALS of MISSOURI President Elect
P.O. Box 903
West Plains MO 65775
417.255.0320
417. 257.0320 Fax
rebeccakramsey@gmail.com
Website: www.nalsofmissouri.org

President-Elect Report December 4, 2009

I would like to thank the members of NALS of Missouri for sending me to the NALS 58th Annual Education Conference & National Forum in Irvine, California in October. The seminars were very informative and NALS announced several changes to address the economic downturn.

NALS is focusing heavily on building networking and camaraderie among members even during difficult economic times. There is a Facebook group for NALS members, a NALS Community on the NALS website, seminars and educational opportunities on the NALS website, and new NALS blogs. Although members might find it difficult to attend national meetings, they can experience some of the networking and educational opportunities for free on the NALS website.

Additionally, members who have experienced “downsizing” and are currently out of work can request NALS to waive their dues.

Branson is the location of the 2010 Annual Education Conference & National Forum. We are really excited to help with a national meeting and several NALS of Missouri members are assisting in arrangements for this meeting. This is an excellent opportunity to experience a national meeting. The educational seminars will be superb and you will have the chance to meet NALS members from all over the nation. If you have never been to a national meeting, please make plans to attend next year and experience the excitement of NALS!





*NALS of Missouri Scholarship Fund
Karen Kubiak, PLS, Chair*



WOOHOO!!! The inaugural NALS of Missouri Scholarship Fund Raffle raised **\$215** at FMM! Thank you, thank you to all who donated items and participated in the raffle! We would like to see this event (and subsequently our scholarship fund) “grow” at each meeting.

For those who missed out the first time, I have initiated a program similar to the NALS Foundation’s “Twenty Bucks” raffle, although scaled down for our state level purposes - such a fun and exciting concept held at all NALS regional and national meetings.

SO . . . once again I am requesting that members and/or chapters contribute an item (value \$15+) for a Scholarship Raffle. Nice “white elephant” type items are welcome, and clearance sales are a great resource for these items. Each item will have a corresponding ticket bag with item description and donor’s name. Items may be sent to me at 6986 Highway 100, Washington, MO 63090. If you prefer to bring the item to the meeting personally, please email a digital picture and description of the item(s) to me at karenkubiak@hotmail.com so I may send an email to members with attached pictures of each item donated. *Anticipation!!!*

Tickets will be \$1 each, 6/\$5, or 15/\$10. You may distribute your tickets between raffle items as you choose - all for one, or one for each!

At our Annual Membership Meeting, I personally pledge to provide a “premium prize” at least \$50 in value. Each 6-ticket pack will include *one* “premium prize” raffle ticket. Each 15-ticket pack will include *three* “premium prize” raffle tickets. As this program initially appears to be successful, I hope we can continue it into the future.

Together we can make a world of difference!



HOW MUCH DO YOU KNOW ABOUT THE SUNSHINE LAW? Take this quiz and find out. It is also worth .50 hours of CLE credit! Mail your answers to: lori.everhart@hkrlawoffice.com.

1) When interpreting the Sunshine Law, which of the following rules applies?

- a) Determine who the requestor is before deciding how to proceed.
- b) If the requestor is able to come to the office and inspect the record, you are not required to provide a copy of a record.
- c) Meetings, records, votes, actions and deliberations of public bodies are open to the public unless otherwise provided by law.
- d) If a record contains both open and closed material, the record is closed to the public.

2) Which of the following is NOT necessary to post when posting a notice of a public meeting?

- a) Time that the notice of public meeting was posted.
- b) Date of meeting.
- c) Location of meeting.
- d) Agenda of meeting.

3) What is the best response if someone asks to audiotape or videotape a public meeting?

- a) "What are you going to do with that tape?"
- b) "You may tape the open portion of our meeting."
- c) "Our policy prohibits tape recording by anyone other than the clerk."

4) How should you respond if there is a request for a list of salary amounts for the employees of your public body?

- a) "I'm sorry, personnel information is not subject to Sunshine Law."
- b) "Why do you want that information?"
- c) "I will provide those records to you."

5) You receive a request for e-mail records relating to a new city development. The requestor would like to have the records in a CD form rather than paper. How should you reply?

- a) "The anticipated cost will be \$xyz - that will include 2 hours of our computer staff time at \$xy/hour and \$z to assemble the records into a CD."
- b) "E-mail records are not subject to the law unless they are printed. But we will provide you with the printed e-mails responsive to your request."
- c) "Our office does not have any CDs to make copies."

6) Your public body is in closed session to discuss the possible discipline of an employee based on a recent incident. In the course of the meeting, one of the members asks if it would be appropriate to table the discussion to allow witnesses to the incident to provide information to the public body. What is the best answer to that request?

- a) "If we allow other employees to come into our closed session, then our session becomes open and we have to let everyone in, including the media."
- b) "Why do we want to hear what the other employees say? We know what is best for our public

body."

- c) "The law allows us to hear from witnesses during our closed session. Please put that into a motion so that we can further discuss that idea."

7) You receive a request from a member of the media, who is located 20 miles away from the public body offices. The media member has asked for a special notice from you on when the next public meeting will occur and for the meeting agenda so it can be placed in the paper. What is the best response?

- a) "We are not allowed to do special favors like this for the media. We will post the notice at least 24 hours in advance as the law allows."
- b) "Give me your phone number and we will give you a call so you can come and pick it up."
- c) "We will notify you at the same time that the board members receive notice of the open meeting."

8) You are the custodian of records. You have already posted the agenda for the next meeting and the Mayor calls you less than 24 hours before the meeting wanting to add a closed meeting portion to the agenda to discuss a lawsuit that was just filed against the city. What is the best way to handle this request?

- a) Revise the agenda and repost the meeting.
- b) Inform the Mayor that someone must offer a motion to amend the agenda with an explanation of the reason that can be recorded in the minutes.
- c) Explain to the Mayor that it is too late to repost the agenda. The closed meeting will have to be posted for a future date.
- d) Repost the meeting as an emergency meeting and make sure that there is an explanation in the minutes about why it was necessary to meet with less than 24 hours notice on the revised agenda.

9) You are preparing your public body's policy on compliance with the Sunshine Law and decide to include a section on cost to the public for records requests. Which of the following would NOT be in compliance with the law?

- a) Copies of records are 10 cents per page, except that documents larger than legal size may be charged at the actual cost of duplication.
- b) The public body will charge the chief administrator's time to make copies of any records requests, even though that person does not make the copies, because that request must be reviewed by that person before it is sent out.
- c) Any time necessary to research a records request shall be charged at the actual cost incurred to perform such research.
- d) Costs to handle electronic records requests may include necessary computer programming costs to respond to such requests.

10) Your public body has formally established a three person committee to review bids for city trash service. The three person committee intends to report back its recommendations to the full body. After the committee meeting, two of the committee members continue to discuss the merits of the bids submitted. What best characterizes this development?

- a) Discussions by committee members, even outside the meeting, are allowed because the committee cannot make any final decisions anyway.
- b) Two committee members are not a quorum of the city council and so there is nothing illegal about this discussion.
- c) While the two members of a committee do represent a quorum of a public body, there is no violation if they merely discuss the bids but do not make a decision about who to recommend.
- d) This discussion is a violation of the Sunshine Law because a discussion of public business among a quorum of a committee is illegal if not posted.



PEGGY SULLIVAN, PP, PLS
NALS of Missouri Parliamentarian
Shook, Hardy & Bacon
2555 Grand Blvd.
Kansas City, MO 64108
816.559.2157
psullivan@shb.com

NOTICE TO: NALS OF MISSOURI MEMBERS

Please take notice that on September 19, 2009, the following changes have been made to the NALS of Missouri *Guidelines for Officers, Functional Directors, and Committee Chairs*.

Article III, General Guidelines, C. Correspondence and Email.

p. 3 – Language was added to allow the Call for Nominations to be sent via electronic mail to members. Ballots will still be sent via U.S. Postal Service.

Article II, Officers and Functional Directors – A. President.

p. 7. (3) Removed language appointing Annual Meeting Minutes Approval Committee. The minutes for all meetings will be reviewed and approved by the Board of Directors.

Article II, Officers and Functional Directors – C. Secretary.

p. 9 (b)(3) Changed language to remove Annual Minutes Approval Committee. (See above.)

Article II, Officers and Functional Directors – D. Treasurer.

p. 11 (h) Added language directing the treasurer to forward a check to each meeting chair for the free registration.

Article II, Officers and Functional Directors -- G. Membership Director.

p. 15 1.d(12) Added language about the Outstanding New Member Application now an exhibit to the guidelines.

Article III, Committee Chair Guidelines.

P. Nominations & Elections (p.35) 1.c(1) – Language added allowing for Call for Nominations being sent via electronic mail. 1.c(9) – Clearer language regarding how a vacancy in a position is filled.

Exhibit D – Award of Excellence Rules. –Language changed to reflect the judges selecting the AOE winner and both runner-ups.

Exhibit F – Chapter Achievement Contest. – Several questions changed to use a percent. Each question that uses a percent is marked to indicate the figure that should be used.

Exhibit H – Outstanding New Member Nomination Form. – Added to guidelines.

Please visit the NALS of Missouri Website for a copy of the amended Guidelines.

Respectfully,

Peggy Sullivan

NALS of Missouri Parliamentarian



JOYCE BASSETT, PP, PLS
NALS of Missouri Secretary
P.O. Box 701
De Soto, KS 66018
Home: 913-585-1262
Cell: 816-804-2450
jbassett@kc.rr.com

November 19, 2009

NOTICE TO: NALS OF MISSOURI MEMBERS

In accordance with Article V, Section 1 of the NALS of Missouri Standing Rules, effective May 15, 2005, as amended October 7, 2006, an Official Call to the 2010 Winter Membership Meeting is hereby issued.

The Winter Membership Meeting will be held February 5-6, 2010, at Embassy Suites-St. Charles, 2 Convention Center Plaza, 119 First Capitol Drive, St. Charles, Missouri. A registration form is attached.

According to NALS of Missouri Standing Rule Article IV, Section 1, the members eligible to vote shall be those members in good standing on or before November 8, 2009. A copy of the Rules of Business Meeting is attached for members.

All NALS of Missouri chapters, officers, functional directors, and committee chairs are requested to mail their meeting reports at least **twenty (20) days** prior to the meeting as follows:

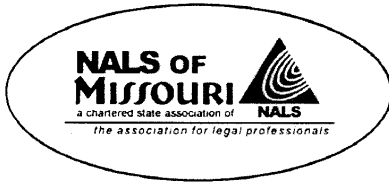
One (1) copy to President Elect
Rebecca Ramsey, PP, PLS
P.O. Box 853
West Plains, MO 65775

One (1) copy to President
Diane Kennedy, PP, PLS
8717 W. 110th Street, #630
Overland Park, KS 66210

Respectfully,

Joyce Bassett

Joyce Bassett, PP, PLS
NALS of Missouri Secretary



CHAPTER REPORTING FORM

Chapter

Chapter President

This report covers:

- Fall Business Meeting/Seminars (May, June, July, August,)
- Winter Business Meeting/Seminars (September, October, November, December)
- Annual Meeting (January, February, March, April)

1. Please describe an activity or an event your chapter sponsored or participated in for this reporting period that increased the chapter's membership, finances, or community recognition.

2. Please list the monthly meeting education topics your chapter offered for this reporting period by providing the topic.

<u>Month</u>	<u>Topic</u>
_____	_____
_____	_____
_____	_____

3. Please list any chapter events (other than monthly meetings) that your chapter held for this reporting period (i.e., seminars, training, Court Observance, Bosses Night, etc.).

4. Please list any of your chapter's suggestions or concerns:

[To be completed by Chapter President. Please return 40 copies of this form to the NALS of Missouri President Elect and 1 copy to the NALS of Missouri President at least 20 days prior to the meeting. Thank you!]

**RULES OF MEMBERSHIP MEETING
NALS OF MISSOURI**

The Rules of Procedure for the Association's Membership Meetings shall be in compliance with the Association Bylaws, Standing Rules, and the current edition of *Robert's Rules of Order Newly Revised*.

1. **Meetings.** The Membership Meetings of this Association shall begin and close as noticed.
2. **Quorum.** A majority of the voting members present and in good standing at the meeting shall constitute a quorum for the transaction of business.
3. **Voting Power.**
 - A. All eligible voting members shall report to the Credentials Chairman upon their arrival to the assembly room no later than fifteen (15) minutes prior to each meeting session.
 - B. The voting power of the Membership Meetings shall be based upon the total number of voting members present and in good standing at each Membership Meeting.
 - C. Voting members shall be seated together in the same room during all Membership Meetings. The Board of Directors shall be seated at the rostrum.
 - D. Each member shall be entitled to one (1) vote as a member in good standing on each question submitted to the meeting.
 - E. No proxy voting will be allowed. Write-in votes are allowed.
4. **Voting Procedures.** Voting shall be by ballot except for those matters which properly may be approved by a general consent or voice vote.
 - A. Majority. Majority vote by the members is necessary for approval of main motions and amendments.
 - B. **Two-Thirds Majority.** A two-thirds majority vote by the members is required for approval of Bylaw and Standing Rule amendments. A two-thirds majority vote shall be taken by a rising vote.
 - C. **Tie Vote.** In the event of a tie vote, the members shall immediately proceed to vote by ballot to dissolve the tie. A clear majority shall be required to break a tie. In the event any ballot cast does not show a majority for any candidate, the nominee having the lowest number of votes on the first ballot shall be dropped, and the same procedure shall be followed until one (1) candidate has received a majority of all votes cast. In case of a tie vote after two (2) ballots have been taken, the election shall be governed by lot.
5. **Privilege of Floor.** Except at closed meetings, the privilege of the floor is granted to all members.
6. **Motions.**
 - A. Introduction of business, motions and seconds to motions may be made by any member. In so doing, the name and local chapter [or Member-at-Large] of said member shall first be given.
 - B. All main motions shall be written, signed by the proponent and given to the President and Secretary before the close of the session at which they are offered.
 - C. Any motion arising from a committee of two or more persons does not require a second to the motion.
7. **Debate.** No speaker shall be permitted to speak more than twice on any one subject and not more than three (3) minutes each time, except on order or request of the Chair. A timekeeper shall be appointed by the President to enforce the rule. No member may speak the second time on the pending question so long as any member who has not spoken on that question claims the floor.
8. **Caucus.** Should any member desire to confer with other members for counsel in casting votes, said member should rise and request an intermission of the meeting of the President, not to exceed ten (10) minutes, before a final vote on any one matter.

MEMBERSHIP

by Delores Champ, PP, PLS
deloreschampcla@hotmail.com

I want to welcome the newest members of NALS of Missouri, those who have joined since our mid-September meeting: New Student Member-at-Large Maureen Laxton from Ellington, Missouri, and new members Glenda Washington and Jessica Anderson of JurisTemps, Inc. who sent Glenda our direction - NALS of Greater St. Louis; Annesa Mann, Jaime Munoz, Tamara Gassen, Wendy Mentzer (new student member), and Robin Cumbo - Kansas City LSA. I believe I may have overlooked new student members Rebecca Bellue and Holly Plunkett ALS who joined Springfield Area LSP in early September. If there are others of whom I have not been informed or overlooked, I do apologize for not including you.

President Diane Kennedy and I will be meeting with a newly-transferred Member-at-Large, Pamela Bryson, PP, PLS, and prospective member Christy Hall - both from the St. Joseph area in January.

Just a reminder to add to your New Year's Resolutions:

- 1) Renew your membership in NALS of Missouri, NALS, and your local chapter (if applicable);
- 2) Attend local and state membership meetings (only 3 per year), and plan to attend the NALS national meeting in Branson in the fall of 2010 – you have a lot of time to plan and budget for this;
- 3) Recruit a prospective member;
- 4) “Talk Up” the benefits of belonging to NALS and NALS of Missouri with employers, vendors in the legal field, local newspapers, community calendars, etc.

Let's THINK BIG and add that 10% to our membership rolls! There are 159 current members. That means an addition of only 16 people! Come on; we can do it! Only 3 per chapter would do it.



Sorry, not room for all the reindeer, but we DO have room for lots of New Members. Invite those with whom you work and associate with to your next membership meeting (or winter party unless you want it to be ‘members only’). I want to see a huge attendance in St. Charles and West Plains and Kansas City at our state membership meetings in 2010, and Missouri members should make up the largest group of participants in Branson. Other associations do it; we can too!

MARKETING DIRECTOR'S REPORT

by Marsha Watson-Smitherman, PP, PLS

Our latest developments include the creation of a PowerPoint presentation that can be linked to an e-mail. It's designed to provide a basic introduction to NALS of Missouri for the prospective member. As yet, I don't have any brilliant ideas about how to distribute the PowerPoint, but if you think you can use it, please e-mail me.

We have recent word of possible new members in St. Joseph, Missouri, and are looking at developing an appropriate marketing drive for St. Joseph in January, with an eye to possibly opening a new LSA. If you have any ideas or contacts in St. Joseph that we should be aware of, again, shoot me an e-mail.

In January, I will also be putting together a marketing drive for the St. Louis area in advance of our Winter meeting in St. Charles. I may need some help in setting up mailing labels. If anyone would like to volunteer, please e-mail me.

If you have any marketing ideas, please contact me at Msmitherman@lathropgage.com.



TO MARSHA SMITHERMAN AND NALS OF MISSOURI
WINNER OF THE KEYSTONE AWARD FOR
PP MOCK EXAM!

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NALS of Missouri
Winter 2010 Membership Meeting
St. Charles, MO / February 5-6, 2010
Hosted by NALS of Greater St. Louis

*** GENERAL INFORMATION ***

Name: _____

Address: _____

Daytime Phone: () _____

Email: _____

Professional Certification(s):

PP PLS ALS CLA Other

Chapter: _____

I am a: First Timer

Guest

Past State President

NALS of Missouri Officer/
Director/Chairman:

Non Member (\$70) _____

Certification (\$10) _____

Scholarship Donation _____

TOTAL _____

Registration due date: January 27, 2010 and
no refunds after this date.

Make Checks Payable to:
NALS of MO WMM 2010.

Mail payment with registration form to:

Brenda Garcia (314-552-6000 x1301)
Thompson Coburn LLP
One US Bank Plaza
St. Louis, MO 63101
bgarcia@thompsoncoburn.com

*** SESSIONS/EVENTS ***

Indicate each session and/or event you plan to attend.

Friday

Welcome Reception *

* Charity: www.ourladysinn.org / wish list

Saturday

Certification Session

Seminar

Luncheon

General Assembly

*** HOTEL INFORMATION ***

Embassy Suites-St. Charles
2 Convention Center Plaza
119 First Capitol Drive
St. Charles, MO 63303
(636) 946-5544

Room Rates: \$114 (Single/Double)
\$124 (Triple/Quad)

Make room reservations by 01/06/2010

Block of room released on that date.

Reservations should be made directly with
the hotel, but mention "NALS of Missouri
Winter 2010 Meeting" when calling.

✱ If you have special dietary needs or any
special needs due to disability, please contact
Sandy Gros, PP, PLS

sgros@thompsoncoburn.com

alliekat62040@hotmail.com

(314) 552-6000 or (618) 531-0613 ✱

*** REGISTRATION INFORMATION ***

NALS Member (\$60) _____



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FINAL COMMENTS

Are you interested in having news published in an edition of the Briefcase. If so, here are the deadlines for sending an article to me: July 24, 2009, December 1, 2009 and February 10, 2010. Don't forget you get Chapter Achievement Points if you write an education article and it gets printed! You can contact me at jrider@stinson.com or 913.344.8030.