



## Bar Briefs E-Newsletter

September 2008

Our website is [www.ashevillebuncombelaw.net](http://www.ashevillebuncombelaw.net).  
There is a Bar Lunch Meeting this month.

### President's Perspective:



The Olympics have just ended and many stories of natural ability, training, focus and performance have been told. There were individual and team awards. There were athletes who seized opportunities or rose to the challenge. There were others who made magnificent efforts and fell short, and others who proudly did the best they could. For all those who participated, there were opportunities and challenges. For all who participated, their performance

was measured.

Whether it is for an opportunity or a challenge, our clients come to us for assistance in navigating a course, untangling a knot, designing a solution, or solving a puzzle. Sometimes the client's needs and our lives require the mental and physical toughness of a marathon runner and sometimes they require the skills of a gymnast on a four-inch balance beam. No matter the skills required, it is how we perform those skills that counts. Our performance is not only measured by success, but also by the way in which we conduct ourselves.

The Buncombe County Bar has a grand and long-standing reputation for collegiality and professionalism. We are also known for legal excellence and service to those who cannot afford representation. It takes skill, training, focus, and commitment to maintain that reputation. As new attorneys enter our profession or relocate to our area, it is important to pass along this torch of excellence and to continue to model that "gold medal" performance.

The Olympics may be gone for a few years, but training and commitment go on. Our performance for one client may be ended, but our training and commitment go on. Tomorrow is another event and our performance will be measured again.

Patsy Brison

Thank you Attorneys Title  
for your generous  
sponsorship, see page 2.

Submissions to the newsletter  
are due the 15th of each month.  
Share your news.

### CALENDAR

9/10	Bar Lunch Meeting
9/15	Executive Committee Meeting 12:30 p.m.
9/16	WNC Chapter NCAWA Meeting
9/17	Women Attorney's Luncheon 12:30 - Café on the Square & CLE
9/19	NC State Bar Meeting & Free CLE and Lunch
9/26	Swearing in Ceremony 5th Floor - Courthouse & Reception
10/2 - 10/4	NCAWA Annual Conference - Asheville, NC
10/8	Bar Lunch Meeting & CLE
10/15	Women Attorney's Luncheon 12:30 - Café on the Square

## Bar Administrator News - Greta Camp

Pennywise and pound foolish goes the saying. Using a free trial offer for mailing and printing our annual dues notices this year seemed like a great idea at the time. Unfortunately, technology is not foolproof. Some of you may have not received your invoice by print and/or email. We have been resending invoices for those of you have contacted us. We will also resend invoices for those of you from whom we have not received payment. Please *do not* worry about the reminder in the notice for the late charge if your payment is late in arriving due to our tardiness in sending out your invoice.



Last month we surveyed you to determine your level of participation in bar activities and your feedback is still requested. We want to know how you feel about the services this bar offers to its members. See the website or your last month's Bar Briefs for a copy of the [membership survey](#). We would like to hear from you. The Communications Task Force will also be providing a detailed survey designed specifically for the website. You will have the opportunity to fill this out and possibly win a prize for your efforts in providing us feedback. Thank you to **Cindy Holman** and **Heidi Stewart** for their continued efforts to make our communications clear and concise through their work on this task force.

This year we have **Attorneys Title** sponsoring our reception following the Swearing-In Ceremony in the Courthouse Rotunda for our new attorneys, bar members and families. Please come out and meet the new attorneys. Thank you **Attorneys Title** for your continued support of our bar activities.

### WELCOME NEW MEMBERS

**Lori Ritter** who works for **United States District Judge Martin Reidinger**, US District Court for the Western District of North Carolina, has now been admitted to the North Carolina State Bar. Lori previously lived in Tennessee and is also licensed in Tennessee.

**Lindsay Parris, Ryan Beadle, Matthew Kitchens** are employed by **Van Winkle, Buck, Wall, Starnes, & Davis** and have recently joined our Bar.

**Ben Pitt**, of **Pitts, Hay & Hugenschmidt, PA** will be joining his father **Bob Pitt**, in practice.

My apologies if I inadvertently left your name off this list of new members. Please contact me.

### EXECUTIVE COMMITTEE BOARD

President: Patsy Brison

President Elect: Heidi Stewart

Vice President: Bill Christy

Immediate Past President: Judge Calvin Hill

Treasurer: Victor Garlock

Secretary: Doug Tate

Members at Large:

Jerry Miller, Cathie St. John-Ritzen, Mae Creadick, Jason Peltz, Cynthia Harbin Holman, Peter Kanipe, Ingrid Friesen, Suzannah Plemmons, Mike Dyre, James Ellis, Howard Gum

## Upcoming Bar Events & News

### **BAR LUNCH MEETING ON SEPTEMBER 10, 2008**

The September program includes: (1) presentation by Ellen Clarke of Western Carolinians for Criminal Justice; (2) award to Western Carolina Chapter of the North Carolina Association of Women Attorneys for Cut the Risk fundraiser; and (3) information about Law Library from County Manager Wanda Greene and the County's Director of General Services Greg Israel.

### **STATE BAR MEETING AND FREE CLE ON SEPTEMBER 19, 2008**

The North Carolina State Bar will bring a program and free CLE to Asheville on Friday, September 19. The event will be held at the Renaissance Hotel and begins at 9:00 a.m. and concludes at 12 p.m. with lunch.. The program includes one hour of CLE on ethics. Judge Winner has requested that court proceedings be cancelled to encourage attendance.

### **SWEARING-IN CEREMONY AND RECEPTION FOR NEW ATTORNEYS**

New attorneys who recently passed the North Carolina Bar examination will be the guests at several events on Friday, **September 26**, hosted by the 28th Judicial District Bar. An orientation program begins at 9:00 a.m. in the courthouse with a light breakfast provided. Speakers include judges, clerks, attorneys from the Public Defender's and District Attorney's offices, and members of the private Bar. The morning program will be followed by a luncheon with a presentation by Pisgah Legal Services. The new attorney swearing-in ceremony will be held at 4:30 p.m. in the historic fifth floor courtroom. The swearing-in ceremony will be followed by a reception in the first floor rotunda sponsored by **Attorneys Title**. Family members of the new attorneys and members of the local Bar are welcome to attend the swearing-in ceremony and the reception. New attorneys are encouraged to register for the orientation and swearing-in ceremony by contacting Greta Camp, Bar Administrator, 28th Judicial District Bar, at 828-252-5733 (office), or [greta@ashevillebuncombela.com](mailto:greta@ashevillebuncombela.com).

### **OTHER NEWS-BUNCOMBE COUNTY LAW LIBRARY**

There continue to be great demands for court related space in The Buncombe County Courthouse. We have had what is believed to be the best law library in Western North Carolina for some time, still housed on the 10th floor of the Courthouse. As so much research is now done on-line and due to the needs for space in the Courthouse, Buncombe County is working on plans for maximum use of the Law Library space on the 10th floor, while meeting the needs of attorneys and the public. County Manager Wanda Greene has offered to come to the September Bar Lunch Meeting and to bring the County's Director of General Services, Greg Israel, to discuss proposed plans. Gene Ellison is the Chair of the Law Library Task Force and is working with Bar President Patsy Brison to present concerns of the Bar and the public to the County.

### **BAR LUNCH MEETING IN OCTOBER AND CLE**

Concerned about attorney well-being and ethics? Need ethics CLE and want a local, interesting program? Please join the 28th JDB on Wednesday, October 8, 2008, from 2-5pm after the monthly bar lunch at the YMI Auditorium for a video replay of an "Ethics Medley." The program will offer two hours of ethics credit and one hour of mental health/substance abuse. Discussions will include: Commencing the Attorney – Client Relationship • Sloan; On the 'Broken' Road of Recovery with the Next Generation • Moyers; and The Mental Health Risks to Attorneys in Representing High Conflict Clients • Narron and Harrison. There will be a nominal charge for this CLE and registration will be required to attend. See October Bar Brief's for details.

## Membership News

### Women Attorney's Luncheon

Join the Buncombe County Women Attorneys on September 17, 2008 from 12:15 p.m. until 1:45 p.m. at Cafe On The Square. There will also be a CLE with this meeting. Please RSVP to **Sheila Lambert** at [SLattorney@aol.com](mailto:SLattorney@aol.com).

### NCAWA Annual Conference

The Foundation & Future of Women Attorneys: 30 Years of NCAWA is on October 2-4, 2008 at the Crowne Plaza Resort in Asheville. All can attend. The CLE will be woman focused and will include ethics. See email about the Outgoing President's Reception Oct 2nd, sent in Bar email soon.

The Women's Agenda Project is scheduled for Saturday, September 20th from 1-4 pm. The Buncombe County Women's Commission is looking for a few facilitators for this event. If you have an interest and can commit to that day please let me know. The Women's Agenda project began in the 80's as a way to hold legislators accountable to the needs of NC women. Groups of women from counties across the state help rank priorities for NC Women and then produce talking points and a report card to help better our lives. Please come and bring your friends, even if you don't want to facilitate. Facilitators, please email me. Thanks. **Susan M. Dotson-Smith**, "Smitty" [susan@dotson-smithlaw.com](mailto:susan@dotson-smithlaw.com).

### Announcements

IMMEDIATE OPENING for legal assistant for boutique law firm in Asheville specializing in complex litigation, business law and employment law. Must be energetic, have excellent organizational skills, be detail-oriented, have a good work ethic and be able to communicate directly with colleagues and clients. Minimum 2 years legal experience. Familiarity with various software programs and computers helpful. For a more in-depth view of our firm, visit our website at [www.wimerandjobe.com](http://www.wimerandjobe.com). Resumes may be e-mailed to [mwimer001@aol.com](mailto:mwimer001@aol.com) or mailed to **Wimer & Jobe**, 349 Haywood Road, Asheville, NC 28806.

**Peter B. McGuire**, Esq., announces the opening of a new law practice, Peter B. McGuire, Attorney at Law, PLLC. Peter's practice areas will include general litigation, environmental law, and criminal defense. Peter will locate his practice at 68 N. Market Street, and can be reached by phone at 230-1862.

**Judy Rudolph** will be returning to private practice effective September 15, 2008. Her focus will be on civil appeals, juvenile court work, and some limited domestic law. She is especially interested in serving as guardian ad litem for children (and incompetent parents) in contested custody cases. Her contact information is: P.O. Box 2753, Weaverville, NC 28787; 828-691-0777; [judy.rudolph@yahoo.com](mailto:judy.rudolph@yahoo.com).

On September 21st at 3 p.m. at Malaprop's Bookstore/Cafe, **Heather Newton** and co-authors Geneve Bacon and Toby Heaton will read from their short story collection, *Irons in the Fire: Stories from the Flatiron Writers*. The collection was published with a Regional Artist Project Grant from the NC Arts Council and regional arts councils, with information at [www.flatironwriters.com](http://www.flatironwriters.com).

**David Gantt's** son, Brett Gantt, was married on May 18, 2008. The wedding took place at Central Methodist Church followed by a reception at the Orange Peel. Gantt served as best man in his son's wedding. Brett Gantt is a graduate student at NC State in environmental studies. His daughter, Carrie Gantt, was recently named a Phi Beta Kappa honor recipient. Ms. Gantt will be a rising senior at Duke University this fall.

**Classifieds see page 6.**

## Awards & Recognitions



**David Gantt** was elected Chairman of the Disability Advocacy Section (DAS) of the NC Academy of Trial Lawyers recently. This statewide group of Social Security lawyers represents disabled individuals in administrative law judge hearings. DAS membership is currently 252 attorneys. Gantt intends to increase membership to over 300 by the end of the year.



### **MARY EULER APPOINTED TO NORTH CAROLINA BAR ASSOCIATION WOMEN IN THE PROFESSION COMMITTEE FOR 2008-2009**

McGuire, Wood, & Bisette, P.A. Partner **Mary Euler** has been appointed by North Carolina Bar Association President Charles Becton to serve on the association's Women in the Profession Committee for 2008-2009. The Women in the Profession Committee is charged with studying issues and making recommendations to the bar and the North Carolina Bar Association relating to women in the legal profession in North Carolina.

### **THOMAS GRELLA ELECTED TO THREE YEAR TERM AS DELEGATE TO THE AMERICAN BAR ASSOCIATION HOUSE OF DELEGATES**

**Thomas C. Grella**, Chair of the Management Committee of McGuire, Wood & Bisette, PA law firm and Immediate Past Chair of the American Bar Association Law Practice Management Section was, at the annual meeting of the American Bar Association in New York, elected by the ABA Law Practice Management Section to a three year term as Section Delegate in the American Bar Association House of Delegates.



The American Bar Association House of Delegates is the highest governing and policy making body of the American Bar Association. The American Bar Association is the largest professional association in the world, consisting of more than 450,000 lawyer and associate members worldwide.

## Awards & Recognitions



### **TALMAGE PENLAND CELEBRATES HIS RETIREMENT.**

**Talmage Penland** has successfully practiced law in Buncombe and surrounding counties for the past 37 years. He has a solo practice with an exceptionally nice and convenient office one block from the courthouse. While he looks forward to enjoying his retirement, he will miss working with all his colleagues.

He has an active practice consisting of mostly real estate with some estate, wills and miscellaneous matters. He is looking for someone to take over the office and practice. He hopes to be retired by the end of this year and will assist, during the transition, with anyone interested in taking his practice. If interested, please call Talmage Penland at (828) 255-0564 or you may come by to visit him at: One Oak Plaza – Suite 207, Asheville, NC 28801.

### **GREENVILLE, SC – ANDERSON & HERLONG, LLC IS PLEASED TO ANNOUNCE THE MILLION DOLLAR ADVOCATES FORUM HAS NAMED SCOTT ANDERSON AS A CERTIFIED MEMBER.**

Recognized as the most prestigious group of trial lawyers in the United States, the Million Dollar Advocates Forum has a membership limited to attorneys who have won million and multi-million dollar verdicts, awards and settlements. Membership in the organization acknowledges excellence in advocacy and provides a national network of experienced colleagues for professional referral and information exchange in major cases.

Founded in 1993, the Million Dollar Advocates Forum has approximately 3,000 members throughout the United States. Members must have acted as principal counsel in at least one case in which their client has received a verdict, award or settlement in the amount of one million dollars or more. For more information, visit [www.milliondollaradvocates.com](http://www.milliondollaradvocates.com).

Based in Greenville, SC, Anderson & Herlong, LLC specializes in recovering damages for victims of legal disputes involving business, personal injury, malpractice, nursing home, product liability, employment, contract, technology and intellectual property, and worker's compensation litigation. Scott Anderson graduated from the University of South Carolina School of Law and specializes in civil litigation with a focus on complex personal injury and worker's compensation in South and North Carolina.

### **Classifieds from page 4.**

Existing offices of Pisgah Legal Services for sale. Please see the website for more information: <http://www.svn.com/asp/pws/Template2/default.aspx?TranID=53754> for details.

**Pamela Burke**, an AV rated Florida lawyer with 19 years of medical malpractice, personal injury, insurance coverage litigation, and general civil trial experience is available for hourly/contract work. If you need help with any aspects of a case from its inception through last minute trial preparation and appeal, please contact Pam at 828-258-7019 or by e-mail at [burkslaw@digital.net](mailto:burkslaw@digital.net).

## Letter from Howard Gum - State Bar Councilor

To: Members of the 28th Judicial District Bar

Re: [Proposed Formal Ethics Opinion 12 Ruling](#) (see News posted at website 8/18/08) that a lawyer may not take a security interest in a marital home to secure fees in an Equitable Distribution action

Ladies and Gentlemen:

Please see the proposed Ethics Opinion posted on the website regarding the propriety of securing fees in Equitable Distribution cases with marital real estate. This proposed opinion will be published for comment in the next State Bar Journal. Please share your comments with the State Bar so that when the Ethics Committee next meets, they will have the benefit of your input when they decide whether to recommend adoption of this opinion as official and binding.

Regards,

Howard L. Gum, State Bar Councilor  
28th Judicial District  
P.O. Box 3235, Asheville, NC 28801-3235  
Tel: 828-258-3368, Fax: 828-252-6721  
Email: hgum@gumandhillier.com, Web: www.gumandhillier.com

### Article—MAVLP Update

Your mid-year MAVL report brings exciting news! MAVL Central has referred 300 pro bono cases to volunteer lawyers in 2008. This is an increase over last year's mid-year numbers, which resulted in large part from the Meals On Wheels collaboration. In July alone, we referred a whopping 59 cases, many of which were wills and end of life directives for the elderly, home-bound clients of Meals on Wheels. Thank you to all the Meals on Wheels volunteers!

MAVL also wishes to welcome its new volunteers for 2008: Tom Lawton, Coalter Lathrop, Jamie Allen Stokes, Patrick Yates, Lance Martin, W.O. "Bill" Brazil, Jason Peltz, Marjorie Maginnis, Don McCown, James Kilbourne, Jeffrey Zetner, Emmet Carney, Sam Craig, Leslie Muir, Kimberly Gossage, and Ryan Gaylord.

Thank you to all these new volunteers and to all MAVL stalwarts for the incredible pro bono work you do!

*Thank you to **Jennifer Foster**, Administrator for MAVL & Staff Attorney at PLS for contributing this article.*