



Bar Briefs E-Newsletter

August 2008

Our website is www.ashevillebuncombelaw.net.
There is **no** Bar Lunch Meeting this month.

President's Prospective:



Summers are great! Summers mean being outside and, hopefully, enjoying time for vacation, leisure and recreation. If you are sitting inside when you read this, I recommend you stop reading and go outside!

For those of you still reading, summers have always been a time for travel for me. For the last seven years, I have traveled with my nephew, who recently turned 16. We began when he was 9 and have visited National Parks in the U.S. We have also traveled to Mexico and Canada and this year will venture to Greece. It has been interesting to witness his perspective over the years. Looking at other places and cultures through someone else's eyes enables one to see, think about and experience things differently.

When we work with our clients, some experiences are short lived and we must quickly try to understand things from their perspective. With other clients, our relationship is long term and we change with their needs over the years. No matter the length of time or the matter, it is the client's perspective we must remember.

Experiencing the world outside of our own widens our perspective. So, get outside. Go travel. It may, in fact, help your clients.

Patsy Brison

Membership
Survey is on Page 2.

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

CALENDAR

| | |
|----------------------|---|
| 8/20 | Women Attorney's Luncheon 12:30 - Café on the Square |
| 8/25 | Executive Committee Meeting 12:30 p.m. |
| 9/10 | Bar Lunch Meeting |
| 9/15 | Executive Committee Meeting 12:30 p.m. |
| 9/17 | Women Attorney's Luncheon 12:30 - Café on the Square |
| 9/26 | Swearing in Ceremony 5th Floor - Courthouse & Reception |
| 10/2 Thru 10/4 | NCAWA Annual Conference - Asheville, NC |
| 10/8 | Bar Lunch Meeting |
| 10/15 | Women Attorney's Luncheon 12:30 - Café on the Square |

Bar Administrator News - Greta Camp

Membership Survey



To better serve you, I would like to receive feedback on services that we currently provide. To participate in this survey either print this survey page and “X” each item that applies, then mail your responses to: PO Box 7391, Asheville, NC 28802 or paste in an Excel document and send as an excel document attachment email to greta@ashevillebuncombelaw.net.

Place an “X” by everything that applies to you.

- Attended a monthly Bar lunch meeting last year.
- Like the food provided at our meetings.
- Like the time and location of our meetings.
- Find the speakers at the meetings to be interesting.
- Come to the meetings for the networking and social opportunity.
- Would like to have the professional photographer available at a Bar lunch meeting again.
- Attended Bar sponsored events such as the swearing-in ceremony, memorial ceremony, etc.
- Attended the holiday party.
- Attended one of the Tourist ball games that was sponsored by HomeTrust Bank.
- Participated in MAVL services.
- Participated in “Law Day” sponsored by the NC Bar Association.
- Have volunteered for the Bar (ex.: helping out when asked to participate on a committee or task force).
- Would like to participate in the Bar, but have not been asked to do so.
- Read monthly “Bar Briefs”.
- Has had a classified ad or article put in “Bar Brief”.
- Have been to our Bar website www.ashevillebuncombelaw.net.
- Have updated my profile in our membership directory on the website.
- Have used the membership directory to find contact information for a fellow Bar member.
- Would like to see the membership directory on the website open to the public.

(Currently the website is open to the public, but the directory is not available to the public at this time.)

What do you like best about our services? _____

How can we better serve you? _____

Name _____

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 Drye](#), [James Ellis](#), [Howard Gum](#)

Membership News

Welcome New Members

Sid Alexander who works as a civil attorney with the United States Attorney's Office and J. Thomas Amburgey.

Classifieds

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.



Announcements - Women Attorney's Luncheon

Join the Buncombe County Women Attorneys on August 20, 2008 from 12:15 p.m. until 1:45 p.m. at Cafe On The Square. Please RSVP to **Sheila Lambert** at 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.

CLE

National Business Institute is conducting a seminar on **Handling the Auto Injury Claim** in Asheville, NC on August 26, 2008 and in Charlotte, NC on August 27, 2008. Please contact them directly to register at (800) 930-6182 or at their website www.nbi-sems.com. Our own bar member **Stanford K. Clontz** is one of the presenters at this continuing education opportunity.

INTERESTED IN FORMING A COLLABORATIVE LAW PRACTICE GROUP?

An informational lunch meeting will be held at the offices of **Heidi Stewart**, Attorney/Mediator on Tuesday, August 19th from 12:30 to 1:30 pm. Please RSVP your attendance by Monday, August 18th to: mail@heidistewart.com or telephone 225-6030. As Superior Court Mediations, Family Custody and Family Financial Mediations are an attempt to get the parties in a lawsuit to work out an equitable agreement between them (and thereby avoid the high cost and time of litigation in court), so the incorporation of Collaborative Law Statutes is an attempt made by the N.C. Legislature to provide a method for separating couples to work out the details of divorce, distribution of marital property, child custody and financial matters prior to ever filing a lawsuit. For more information regarding Collaborative Law, go to collaborativepractice.com.

Wills On Wheels

The 28th JDB, Pisgah Legal Services, and MAVL Partner with Meals On Wheels. The Pro Bono Committee of the 28th JDB, in conjunction with Pisgah Legal Services and the Mountain Area Volunteer Lawyers (MAVL) Program, announce an exciting community collaboration with Meals On Wheels of Asheville-Buncombe County. The mission of Meals On Wheels is to deliver hot, nutritious meals and friendly visits to homebound elderly at-risk citizens, thus alleviating malnutrition and isolation, while preserving their dignity. Questionnaires for legal assistance were sent out on local delivery routes and, not surprisingly, numerous Meals On Wheels clients requested wills and end of life directives.

The MAVL Wills TEAM jumped into action, responding to the initial two dozen requests for pro bono assistance, including home visits. Non-TEAM members also volunteered, including transactional attorneys who meet the suggested two cases or twenty hours a year by providing end of life directives.

These are truly appreciative clients and our pro bono service directly impacts their well-being and quality of life. Please consider volunteering to bring peace of mind and comfort to these elderly homebound clients by contacting Jennifer Foster at 210-3440 or jennifer@pisgahlegal.org. Please indicate whether you can provide a home visit.

Thank you to **Jennifer Foster**, Administrator for Mountain Area Volunteer Lawyers Program (MAVLP) & Staff Attorney at Pisgah Legal Services for contributing this article.

Letter from Howard Gum - State Bar Councilor

July 22, 2008

Members of the 28th Judicial District Bar

For the last several years there has been great confusion amongst lawyers of this State with regard to the ethical parameters associated with fee agreements that call for fees to be paid in advance or at the inception of the establishment of the attorney client relationship. There have been several ethics opinions on the ethical requirements with regard to such fees some of which appear to provide contradictory or inconsistent advice. Not only has this been an area of difficulty for the practicing bar, it is a regular source of difficulty for the Ethics, Grievance, and Attorney Client Assistance Committees (the latter of which administers the Fee Dispute Resolution Program) of the North Carolina State Bar.

In response to the requests of several State Bar Councilors (me included), the Ethics Committee has recently approved for publication proposed 2008 Formal Ethics Opinion 10 "Guidelines for Fees Paid in Advance".

Please understand that at this point these are only proposed guidelines. In accordance with the rules and regulations of the State Bar, these proposed Ethics Opinions must first be published for comment and after comment has been received, they are again considered by the Ethics Committee. The Ethics Committee may withdraw, revise, or otherwise change any aspect of a proposed formal Ethics Opinion.

Nevertheless, in order to make as many of you as possible aware of what I believe is a very important ethics issue, I am attaching hereto a copy of proposed 2008 Formal Ethics Opinion 10 "Guidelines for Fees Paid in Advance" for your review. This same proposed Formal Ethics Opinion will be published in the next issue of the North Carolina State Bar Journal. Any interested person or group may submit a written comment or request to be heard concerning a proposed opinion. Any comment or request should be directed to the Ethics Committee at PO Box 25908, Raleigh, North Carolina 27611.

The State Bar Council recently concluded its July Quarterly Meeting and a summary of the business of the Council will shortly be posted on the web-site of the North Carolina State Bar by the State Bar's Executive Director, Tom Lunsford. As always, I invite you to review the summary of each quarterly meeting.

If any of you have any questions or concerns about the operation of the North Carolina State Bar, please feel free to contact me.

With my best regards, I am

Very truly yours,

Howard L. Gum
State Bar Councilor
28th Judicial District

HLG/sc

Enclosure [Please see our Bar's website "News" for copy of Proposed Formal Ethics Opinion 10.](#)