



January 2011

Calendar:

- **Executive Committee meets Mon, Jan 10, 12:30 at Pisgah Legal**
- **Bar Luncheon Wed., Jan 12, 12:30, The Venue, 21 N. Market Street**
- **CLE-Rights & Responsibilities of Landlords & Tenants, Feb 4, 8:30–3:30 p.m.**

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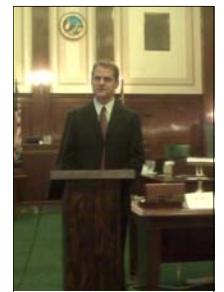
Judicial Elections Launch Nomination Process

November judicial elections resulted in a rare situation for the 28th Judicial District Bar. The Pope District Court seat was vacated when Judge Marvin Pope was successful in his bid for the Superior Court seat vacated by Retired Judge Dennis Winner. In that circumstance, the district is charged with submitting three nominees to the Governor for her consideration; four if there is a tie for third place. So, following the 28th JDB's bylaws, a special meeting was called on December 2 for members to choose from seven self-nominated candidates.

After an hour of introductions and speeches, ballots were cast by the 264 Bar members present in the courtroom, and members of the Executive Committee retired to the judges' chambers with the box of ballots. The unofficial results were released an hour later in the courtroom. However, when the votes were certified on Friday morning, it was discovered that one provisional ballot was invalid, and the results changed. Consequently, the vote totals that were transmitted to the Governor are as follows: Faye Burner 174, Andrea Dray 153, Joe Knight 88, and Alan Coxie 88.



28th JDB President Bill Christy writes down the order of speakers as nominees report the numbers they drew from a hat..



Candidates address the Bar members regarding their qualifications for District Court Judge on December 2, 2010.

President's Perspective



The holiday season and the end of the year are natural times to reflect on the year that has passed and see what lessons we can learn, and look forward to the year to come and see what we can alter as a result of observing the lessons of the year that has passed. This is a useful exercise, and I am sure that we all engage in that, though the degree of intentionality may vary quite a bit. In my practice at this time of year we try to evaluate employees, cases, financial health of the firm and the general administrative tasks that it takes to run our firm, to see in what ways we can improve and make for a better future. Similarly in my personal life I try to consider my current condition and see how it might improve for the future; this often leads to those dreaded resolutions, some of which are reasonable and attainable and some of which are doomed to fail.

Likewise, in considering the past year for the 28th Judicial District Bar, we can see that this has indeed been a very busy year! The foremost observation that I have about our Bar is that this is a Bar that cares about important issues. This was seen in the turnout for the luncheon where all judicial candidates came to let us know about their candidacy - this was the highest turnout for a luncheon in recent memory. This was also seen in the tremendous turnout for the election to send nominations to the governor for the district court seat vacated by Judge Pope. The 5th Floor courtroom was filled to capacity and the candidates acquitted themselves quite well in front of their sisters and brothers of the Bar. Finally, this was seen in the tremendous turnout for the Holiday Party. This was a great event, and our Bar responded wonderfully to the requests for gifts for Santa Pal and food for Manna Food Bank. I thank everyone who played a part in these events; it takes the efforts of many to have events like these come off smoothly.

For the coming year, we will be busy as well. There are CLEs coming up, sponsored by the our Bar, that can help you get those CLE hours in a convenient and affordable manner. The monthly luncheons continue; make an effort to come to those and see your fellow lawyers and enjoy an informative program. A highlight will be our program in June when various awards are presented and a new slate of officers of the Bar is inducted. The Bar is increasingly a more complicated creature, and the Executive Committee is working hard to insure that we maximize the benefits to the members. In addition to opportunities for CLE and fellowship, we will continue with our efforts to fine tune the delivery of relevant and useful information. As always, we encourage your comments and suggestions on how we can do a better job. Additionally, I would encourage you to consider getting involved with a committee of the Bar; it is a great opportunity to work with folks you may not regularly come in contact with and to provide your ideas for improvement.

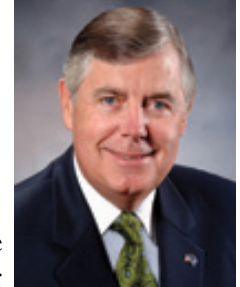
I sincerely believe that it is an honor and a privilege to be a member of the 28th Judicial District Bar. Concomitant with that privilege is a responsibility to understand and honor those who came before us in the Bar, and to lay the foundation for those who will follow us in the Bar. I hope that you will join me in 2011 in considering new ways to live up to those responsibilities.

Bill Christy, President

ABA President-Elect William T. Robinson To Speak at March Luncheon

Junior Achievement (JA) of Western North Carolina and the 28th District Judicial Bar are partnering for an exciting educational event in the upcoming year – the *2011 JA Business Ethics Luncheon*. This unique luncheon, scheduled for Friday, March 18 from 11:30-2:00 at Grove Park Inn Resort & Spa, will focus on ethical issues associated with the legal system.

The American Bar Association President-Elect, Wm. T. (Bill) Robinson III, will serve as keynote speaker, providing insight into the world of legal ethics. Robinson is member-in-charge of the Northern Kentucky offices of Frost Brown Todd LLC, a regional law firm with over 450 lawyers in nine offices located in Kentucky, Ohio, Tennessee, West Virginia and Indiana. He is president-elect of the American Bar Association and will become ABA president for a one-year term in August 2011.



Throughout his career, Robinson has served as a leader in his profession and in his community. An ABA member since 1972, he has been active in the association for more than 25 years in various leadership roles, including a three-year term as association treasurer and seven years on the ABA Board of Governors. Robinson is a past president of the Kentucky Bar Association, a past president of the Kentucky Bar Foundation and founding chair of Kentucky's Interest on Lawyer Trust Accounts (IOLTA) program.

Following Mr. Robinson's keynote address, area business and community leaders will engage in roundtable discussions with high school students from over 20 schools about various ethical dilemmas. Participants will also have the opportunity to network during this time. For more information, please call Jr. Achievement at 828-252-5842.

Self Help Packets available to the public have been revised, with the input of Pisgah Legal Services and the Pro Bono Committee of the 28th JDB. Currently available are pro se packets for Absolute Divorce, Contempt, and Child Custody, Visitation and Support, as well as explanations in Spanish for some packets.

The self help packets, available at the Public Information Booth at the courthouse, are financially self supporting. The packets help to ensure meaningful access to justice for those who cannot afford an attorney. They also help manage the pro se traffic experienced by the court by increasing the probability that pro se litigants have access to accurate information. The packages and the Self Help Center are a part of our local bar's pro bono efforts, and the Clerk of Court staffs the Self Help Center with no reimbursement for that cost from the state. "The clerk's continued staffing of the Self Help window is appreciated by the 28th, PLS and the PBC," said Pro Bono Committee Chairman James Ellis.

2010-2011 Executive Committee

President: William Christy

President Elect: Douglas J. Tate

Immediate Past President: Heidi Stewart

Vice President: Ingrid Friesen

Treasurer: Suzannah Plemmons Justus

Secretary: Mae Creadick

State Bar Councilor: Howard Gum

Pro Bono Chair: James Ellis

At-Large Members:

Courtney Booth, Alan Coxie, Michael Drye, Jason Gast, Tikkun Gottschalk, Cynthia Harbin Holman, Eileen McMinn, Jason Peltz, and Brad Stark

Clarification: In the article about Bill Auman in the November issue, an error was made. Mr. Auman has tried over 250 cases, which includes district court, but that does not include 53 murder trials. As of the present time, he has represented 53 different defendants on murder cases (including appeals), but less than 20 have actually gone to trial. We regret the error.

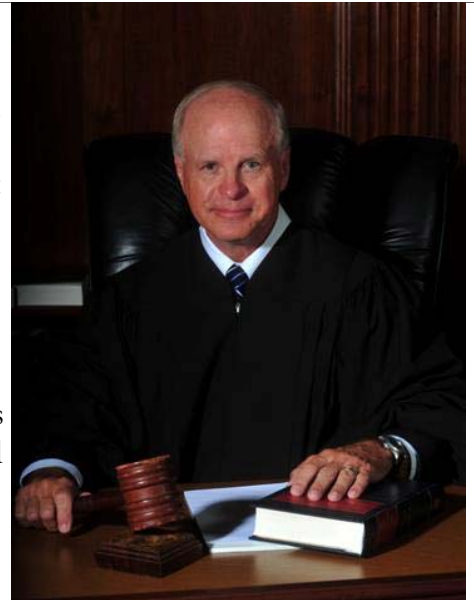
Chief District Court Judge Gary S. Cash Retires From Bench

Upon his retirement, Judge Cash answered a few questions: "As to my most interesting or noteworthy case, there have been many. There are so many families in our area who I feel a connection with, some positive and some negative, as a result of being so intimately involved in their struggles. Some of the most memorable of those have involved challenging fact situations such as cases involving parents who have been absent from a child's life for many years and who seeks to again become parents, and cases involving same sex parents or opposite sex but gay parents who have agreed to have a child conceived but then cannot agree on how to share that child.

As to what is the most lasting memory I have of my tenure, I believe it is of the kaleidoscope of unique individuals who I have worked with over all of these nearly twenty five years including Bailiffs, Deputy Clerks, Assistant Clerks, Assistant District Attorneys and other courthouse personnel. It is a wonderful collection of memories particularly involving my relationships with so many fine individuals.

I certainly am proud of what we have been able to achieve together, particularly in the last ten years, here in Buncombe County that has made this judicial district truly outstanding across the State: the creation of special Courts such as Family Court, Family Drug Treatment Court, and Nuisance Court. Our development of and support for a pro se Self Help Center here in the courthouse has been another unique accomplishment for this judicial district that is recognized statewide.

Again, I would sincerely and most humbly give my deep thanks to the members of the 28th Judicial District Bar for their wise counsel, encouragement and support over all of these many years."



Gary S. Cash has been the Chief District Court Judge in the 28th Judicial District since December of 2002. He attended Davidson College, during which time he was an International Rotary Scholar at the University of Muenster, West Germany. Following his graduation from Davidson in 1971, he was a Rockefeller Fellow at Yale University Divinity School before earning his law degree from the UNC School of Law in 1976.

Prior to being first elected to the bench in 1986, Judge Cash worked in Asheville as a general practitioner in the private practice of law. He has held numerous judicial leadership positions including serving as President of the Conference of Chief District Court Judges, President of the N.C. Association of District Court Judges, and as a Director of the N.C. Joint Judicial Conference.

Other professional and community activities include his serving as Chair of the N.C. Custody Mediation Advisory Committee, as a member of the N.C. Domestic Violence Commission, on the N.C. Family Court Advisory Committee, on the Z. Smith Reynolds Foundation Advisory Panel, and as a founding member of the board of directors of the Child Abuse Center of Asheville. Judge Cash has been awarded the 2008 - 2009 28th Judicial District Bar Professionalism Award, the 2009 Outstanding N.C. Trial Judge Award presented by the N.C. Advocates for Justice (N.C. Academy of Trial Lawyers), and the 2009 Champion of the Family Award from the North Carolina Association for Marriage and Family Therapists.

Low-Cost CLE in February Features Landlord/Tenant Rights

The 28th JDB and Pisgah Legal Services are pleased to co-sponsor *Rights and Responsibilities of Landlords and Tenants*, a 5-hour CLE program on Friday, February 4, 2011 from 8:30am – 3:30pm. This CLE is designed to recruit and support attorneys who volunteer through the Pisgah Legal Services Mountain Area Volunteer Lawyer (MAVL) Program to assist low-income clients, but will be of interest to all attorneys.

The cost for MAVL volunteers is \$50, and \$250 for non-MAVL volunteers. The CLE will be held at Cumbie & Trull School of Real Estate classroom at Innsbruck Mall.

This course will include an overview of landlord-tenant law of North Carolina for residential tenancies; substantive and procedural law of summary ejection, developments on new federal rights of all tenants in foreclosed properties; equitable defenses in private housing, implied warranty of habitability, self-help eviction, and unfair and deceptive trade practices. This program will also include considerations when advocating for landlords, and helping landlords understand fair housing law.

The CLE will end with a 30 minute panel question and answer session with the attorney presenters: Pisgah Legal Services attorneys Robin Merrell, Mae Creadick and Shelley Pew Brown, and McGuire Wood & Bisette partner, Doug Tate.

Interested in attending? Log on to our website at www.28thJDB.com and click on “For Lawyers,” then “Continuing Legal Education” and follow the prompts.

Speaker Biographies

Doug Tate is a Partner with McGuire Wood & Bisette, P.A. His main area of practice is creditor’s rights, including landlord-tenant, foreclosure, bankruptcy and debt collection. He also practices in the area of animal law.

Mae Creadick is a generalist attorney at Pisgah Legal Services. She has practiced in nonprofit law for 11 years. Her areas of practice have included domestic violence victim advocacy, family law, immigration law, public benefits and private and subsidized housing law.

Shelley Pew Brown has been a generalist attorney with PLS for 6 years, practicing primarily housing law working out of the Hendersonville office of Pisgah. Previously Shelley was at the Van Winkle Firm and then was a volunteer lawyer in Michigan.

Robin Merrell is a managing attorney at Pisgah Legal Services. Her main area of practice is landlord-tenant law including private and subsidized housing. She also advocates for laws and policies that promote affordable housing and prevent homelessness.

Agenda

8:30am – 9:00 am

Registration; Coffee and Doughnuts

9:00am – 10:00am

Summary Ejection and Defenses – Robin Merrell

10:00am – 10:10am

Break

10:10am – 11:10am

Protection for Tenants at Foreclosure and Updates in Housing Law—Mae Creadick

11:10am – 11:20am Break

11:20am – 12:20pm

Retaliatory Eviction; Rent Abatement – Shelley Brown

12:20pm – 1:30pm Lunch on your own

1:30pm – 2:00pm

Landlord Rights and Responsibilities – Doug Tate

2:00pm – 3:00pm

Fair Housing Law – Doug Tate

3:00pm – 3:30pm Panel Q & A

Member News

The Begley Law Firm is pleased to announce that **Megan Silver** has joined the firm as a family law practitioner. Megan graduated *magna cum laude* from Elon University School of Law in 2009. While at Elon Law, she served as the Executive Notes and Comments Editor of the Elon Law Review. She holds a Bachelor of Arts in Communication from Wake Forest University.

Megan is a native of Buncombe County. Prior to returning home, she practiced law in Greensboro with Higgins Benjamin Eagles & Adams, PLLC. Megan has joined Attorney Mike Begley at the Begley Law Firm, PA and practices family law.



Roberts & Stevens is pleased to announce that the firm has hired **Toni J. Grace** as a member of the public sector law team. A native of Winston-Salem, NC, she earned her Bachelor of Arts degree from Duke University and her Juris Doctor from Wake Forest University School of Law.

As a member of the firm's public sector law team, Toni will be practicing all aspects of education law, municipal and government law, landlord/tenant law, and civil litigation.

Toni has assisted in trial cases in state court on matters of special education and human rights and was named a top student in the Wake Forest University School of Law's litigation clinical program in 2010. She also served as Vice President of Community Outreach for the Domestic Violence Advocacy Center in Winston Salem for two years. Toni is currently a member of the North Carolina Bar Association, the North Carolina Bar Association's Young Lawyers Division and the North Carolina Association of Women Attorneys.

Adam W. Bull and Christopher B. Reinhardt of Bull & Reinhardt, PLLC are pleased to announce the addition of our new associate, **Brenda Coppede**. Brenda is a 2006 graduate of the Dickinson School of Law at the Pennsylvania State University and has most recently practiced for the firm of Kasting, Kauffman & Mersen, PC in Bozeman, Montana, where she concentrated in civil litigation and family law.

Previously Brenda clerked for the Sussex County Family Court from 2006-2007 in Georgetown, Delaware and for the Gallatin County District Court in Bozeman, Montana from 2007-2008. She grew up in Charlotte, North Carolina, where her parents still reside. Brenda attended North Carolina State University, graduating *cum laude* and receiving a degree in Public Relations and a minor in Spanish.

WORKING ARRANGEMENT DESIRED:

Senior business lawyer with comprehensive commercial, corporate, M&A, real estate, taxation and estate planning, and sophisticated transactional law background would appreciate the opportunity to affiliate with an Asheville law firm or practitioner on a full-time, part-time or contract basis. Flexible; all proposals welcomed. Rick Merl. 828-230-7367.

emerl@bellsouth.net

Member News

Pro Bono Committee Appointments

The 28th JDB Pro Bono Committee is pleased to announce that the Executive Committee appointed **Toni Grace**, of the Roberts & Stevens Firm, **Andrew Parker**, of the Long, Parker, Warren, Anderson & Payne Firm, and **Starling Underwood**, of the McGuire, Wood, and Bissette Firm, to the Pro Bono Committee. The Executive Committee also reappointed to the Committee current members **James Ellis** (Chair), **Tikkun Gottschalk** (Chair-elect), **Bill Whalen**, **Cindy Strom**, **Dale Curriden**, **Ellen Rose**, **Jim Barrett**, **Garrett Artz**, and **Rendi Mann-Stadt**.

The Pro Bono Committee is a standing committee of the 28th JDB, tasked with supporting and encouraging pro bono legal services in the 28th Judicial District. If you would like to join the Committee, or just want to share your ideas with the Committee, please email Tikkun Gottschalk at tikkun@bobdeutschlaw.com.

What lawyers are reading now...

Ingrid Friesen

Jonathan Franzen: *Freedom*

“My good friend Karen Scott said it best: “If you've ever been through a hellish patch of life and seen the worst of yourself in the mirror AND like to pick a scab.... you'll love the first chapter of 'Freedom' by Jonathan Franzen!”

Ruth C. Smith

Mike Michalowicz: *The Toilet Paper Entrepreneur*

“It has some rather innovative ideas for running your business.”

Joe McGuire

John Hart: *The Last Child*

“Excellent!”

Allan R. Tarleton

Wallace Stegner: *Crossing to Safety*

“Latest selection in the book club I'm in with fellow bar members Roy Davis, P. J. Roth, and Lach Zemp. It was already a part of our library because of my well-read, librarian wife.”

Save the Date— Justice 4All Statewide Service Day

Friday, March 4, 2011

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**Bar Briefs is published
 Bi-Monthly by the 28th
 Judicial District Bar**

Briefly... from the Bar Administrator

When a gratitude list fails me, and I'm feeling blue, sometimes I remember a comment my father made about his childhood in Appalachia. "I'd see those coal trucks coming by our house, and I always thought I'd wind up driving one. It was either that or farming, and I hated hoeing those rocky hillsides." It helps me regain perspective on my life. Though my parents' future looked bleak, they made a comfortable home for our family by working hard and being frugal.

Because the Bar's office is adjacent to Pisgah Legal Services, I see people every day who are living in poverty turn to volunteer lawyers for help. The members of this Bar are generous with their time, and the PLS office is a haven in the storm for many in our community. Clearly, times are very tough for WNC residents who weren't doing well before the economic downturn, and now may be truly down to their last dime.

I can't help but wonder how many of the children in our community don't see a bright future for themselves, just like my father. What is their heritage? My parents were ambitious, and saved enough money to send me to college. Of course, they rode a wave of American prosperity that ensured a better life for their family. It appears it may be up to us as a community to keep that hope alive for the children of our neighbors.

Lisa-Gaye Hall

SaveThe Date

PAMPER YOURSELF AND BENEFIT THE WOMEN AT RISK PROGRAM

CUT THE RISK

January 17, 2011

Martin Luther King, Jr. Day

On Monday, January 17, 2011 area salons and spas are generously donating their services at reduced rates for Cut-The-Risk. All proceeds of this one-day benefit go to Women At Risk, a community-based program of Western Carolinians for Criminal Justice that offers mental health and substance abuse treatment, clinical case management and sentencing alternatives to women at risk of incarceration. Women At Risk saves lives and keeps families intact.

\$25 FOR A HAIRCUT & STYLE

Half-hour and hour-long services vary at salons and may include manicures, pedicures, facials, massages and electrolysis.

\$40 FOR HALF-HOUR SERVICES

\$70 FOR HOUR SERVICES

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Cut-The-Risk salons and spas book quickly. You may also purchase an appointment for a Women At Risk client (charitable contribution). Payment is expected when the appointment is made.

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Ananda Hair Studio	Chestnut Hill Spa & Salon	Lola Salon & Gallery	Salon Red
At Last Salon and Spa	Cottage of Compassionate Hands	Marc Edward and Company	Secret Spa
Aubergine	Eclipse Salon	PI Salon.Spa	Spa at Biltmore Village
Carmen! Carmen! Prestige Salon & Spa at Belk	Infusion Hair Salon		Willow's Dream

CUT-THE-RISK BENEFACTOR	CUT-THE-RISK SPONSORS
The Genesis Alliance	28th Judicial District Bar • John Byrd, Attorney At Law
CUT-THE-RISK UNDERWRITERS	Wells Fargo/Wachovia Bank
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