



Bar Briefs E-Newsletter

March 2008

We still need your email address! You will need email address so that we can send you an email invite to log on to our member directory. See **Page 8** for more information. Get the news in a more timely manner by contacting our Bar Administrator by email at greta@ashevillebuncombela.com or call Greta at 828-252-5733.

NOTICE OF March 12, 2008 Bar Lunch Meeting

The next monthly luncheon meeting of the 28th Judicial District Bar will convene at 12:30 p.m. on **Wednesday, March 12, 2008** at the YMI Cultural Center, 39 South Market St. Cost of the luncheon is \$10 for members and \$18 for guests. Please **RSVP** by **Monday, March 10, 2008** to greta@ashevillebuncombela.com. You may pay by cash or check at the door.

President's Message: Judge Calvin Hill



Judge Hill pictured with his daughter Kallison after his swearing in ceremony last year.

Thank you all who were able to attend last months meeting. The speakers were very entertaining and were a change of topic from what we normally have. **Ed Krause** spoke

about one of his latest books and gave the group some tips about different avenues to publish. **Mark Gibney** shared some interesting facts about cause and effect of immigration.

This month we will have the **Honorable Judge Arrowood** of the NC Court of Appeals and **Justice Newby** of the N.C. supreme Court. **Justice Newby** is formerly of the law firm **Van Winkle**. **Roy Davis**, a senior Partner at **Van Winkle** has agreed to introduce him. Please be mindful of the State Bar effort to recruit lawyers from our area to man telephone lines on **April 4th** to answer the questions of local people who may not be able to afford attorneys. Our own **Pisgah Legal Services** has agreed to assist in the effort. **WLOS** is also involved and we are hoping to recognize the firms or individuals who participate. See page 2 for details on how to participate.

CALENDAR

3/03	Executive Committee Meeting 12:30 pm
3/12	Bar Lunch & Meeting
3/19	Women Attorney' Luncheon
4/04	Justice 4ALL at WLOS 7 a.m. -7 p.m.
4/07	Executive Committee Meeting 12:30 pm
4/09	Bar Lunch & Meeting Pro Bono Awards
4/16	Women Attorney' Luncheon
5/01	Law Day, WOW Awards 6 p.m.
5/05	Executive Committee Meeting 12:30 pm
5/14	Bar Lunch & Meeting

★★★★★★★★★★★★★★★★★★
 ★ A special thanks to our ★
 ★ holiday party sponsors: ★
 ★ **HomeTrust Bank** ★
 ★ **Attorney's Title** ★
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 ★ **William F. Wolcott,** ★
 ★ **III, DRC Superior** ★
 ★ **Court Mediator** ★
 ★★★★★★★★★★★★★★★★★★

Upcoming Events

Our next monthly luncheon meeting of the 28th Judicial District Bar will convene at 12:30 p.m. on **Wednesday, March 13, 2008** at the YMI Cultural Center, 39 South Market St. The cost of the luncheon is \$10 for members and \$18 for guests. We will have two speakers: **John S. Arrowood, Associate Judge for our North Carolina Court of Appeals** and **Justice Paul Newby, Associate Justice**.

Justice Arrowood was appointed by Governor Michael F. Easley and assumed office on September 7, 2007. Justice Arrowood has served as the Special Superior Court Judge, Twenty-sixth Judicial District of North Carolina, 2007. He is a member of North Carolina State Bar, United States Supreme Court, Fourth Circuit Court of Appeals, Western, Middle and Eastern District of the United States District Court of North Carolina, the North Carolina Bar Association and was awarded Outstanding Young Lawyer of the Young Lawyer Division (1988-1989), American Bar Association, Mecklenburg County Bar (served on the 2006 Law and Society Committee), and Wake County Bar. Justice Arrowood has served on many state boards and commissions and has held leadership positions in civic organizations in his community as well.



Justice Newby has served as a judicial intern in the United States Supreme Court and interned in the 18th Judicial District Public Defenders Office (Greensboro/High Point). He began his law practice in Asheville with **Van Winkle, Buck, Wall, Starnes and Davis, P.A.** He was Vice President and General Counsel of Cannon Mills Realty and Development Corporation in Kannapolis. In 1985, Justice Newby was appointed as an Assistant United States Attorney in Raleigh where he served for over 19 years. He has taught many courses for the United States Department of Justice and received the “Crime Victims Fund Award”. Justice Newby is an Eagle Scout and serves as Scoutmaster Emeritus of Troop 11. He is the recipient of both the “Heroism Award” for rescuing nine people from a rip tide and of the God and Service Award. Justice Newby has been married to Macon Tucker Newby since 1983. He and his wife have four children,

Samuel, Ruth, Peter and Sarah. He and his family attend Christ Baptist Church in Raleigh where he is an Elder, Sunday School teacher and youth leader.

Volunteers Needed for April 4, 2008, 4ALL Service Day “Ask A Lawyer” Project

At the request of the North Carolina Bar Association (NCNB), the 28th **Judicial District Bar Pro Bono Committee** and **Pisgah Legal Services** are pleased to support and to encourage local attorneys to participate in the statewide NCBA 4ALL Service Day “Ask a Lawyer” project to be held on April 4, 2008. Volunteer attorneys statewide will staff eight regional call-in centers which will offer the public free time to speak with an attorney confidentially throughout the day. Locally, **WLOS** has agreed to provide our local call-in center, which will have 8 phone lines to be covered by volunteer attorneys serving in 3 hour shifts from 7:00 AM to 7:00 PM. PLS has committed it’s staff attorneys to participate throughout the day.

The 4ALL Service Day is part of the NCBA’s “**Justice 4 ALL of North Carolina**” Campaign committing its resources in support of making legal services available to all North Carolinians. The event will be advertised statewide and promoted by WLOS Television. Given the exemplary tradition of pro bono service by our bar, we hope all members who can will volunteer for the event. “**Information for Attorney Volunteers on 4-4 Service Day**” and email registration forms are available at the NCBA’s website, NCBar.org (click on the 4ALL logo, then go to “Participate” on the next page. See <https://4allnc.ncbar.org/participate/online-participation-form.aspx>. All registration must be submitted directly to the NCBA. We will monitor registrations locally and keep the membership informed about our progress in filling out the volunteer slots. If you have any questions, etc., please contact Pro Bono Committee Chair **James Ellis (Stone & Christy, PA, (828) 669-7642)** or **Bill Whalen (Pisgah Legal Services, (828) 210-3413)**.

Upcoming Events & Member News

The Community Foundation of WNC Hosts the 17th Annual Estate and Tax Seminar

The seminar will be on the “*Retirement Assets and Charitable Remainder Trusts: Planning Techniques and Recent Developments*” on **Thursday, May 1, 2008 from 2:00 pm – 5:15 pm** at Lioncrest on Biltmore Estate, Asheville. Our presenter, **Sandy Schlesinger**, of **Schlesinger Gannon & Lazetera LLP**, is a fellow of the *American College of Trust and Estate Counsel*. Sandy is a nationally recognized expert in estate and tax planning; estate administration; family-owned business planning; and charitable planning. Approvals for continuing education credit are pending from the **NC State Bar**, the NC Board of CPA Examiners, and the NC Department of Insurance. CFP credit is available. Registration is \$100/person by April 25; \$120 after or at the door. Registration materials will be mailed mid-March. For more information, visit www.cfwnc.org, call (828) 254-4960 or email aikman@cfwnc.org.

News from your WNC Chapter of the North Carolina Association of Women Attorneys (NCAWA)

If there are women attorneys who wish to participate as a group in the Asheville Habitat for Humanity Women Build Project 2008, they can email **Aleece Hiller**, wallstreetmediator@gmail.com. Project begins February 14, 2008.

Save the date - **May 1, 2008**, Law Day - WOW [Women of Wisdom] reception and women's panel at Coleman Place, Asheville Chamber of Commerce, **6:00 -7:30pm**. The local chapter of **NCAWA** will honor women attorneys who have been licensed in NC for 25 or more years. If you know of attorneys who are in this category or wish to be a part of the planning process, please contact Smitty at susan@dotson-smithlaw.com.

A mid year state **NCAWA** reception will be held in Charlotte on **May 8, 2008**. Here's a chance to network with your colleagues across the state and make decisions on the direction of the state organization.

Mark your calendars for the **NCAWA** Annual Conference being held in Asheville **October 2-4, 2008** and **NCAWA's** 30th anniversary party, being hosted by Susan Dobson-Smith “Smitty”, President of **NCAWA**.

J. Thomas Diepenbrock announces the opening of Diepenbrock Law Office

Tom Diepenbrock recently opened his law office in the Chestnut Legal Building, in the same building with **Jim Siemens** of **Siemens Law Office, P.A.**, which is located at 202 E. Chestnut Street, Asheville, NC 28801. His phone number is (828) 252-7478 and his number is fax (828) 252-7857. He may also be reached by email jtdlegal@aol.com. A practicing attorney in California for over 22 years, Tom was admitted to the North Carolina Bar in May 2006. Tom’s practice emphasizes litigation (business, real estate, construction and estate, estate planning and probate, employment law). He is also available for mediations in these areas. Tom looks forward to meeting and getting to know the members our local bar.

Tom and his wife Caroline, moved here to help establish a church community with close friends they have known for many years. Resurrection Christian Center, is a non-denominational, Bible-based church where Tom is one of the pastor elders. His church seeks to make a difference in the lives of its members, in the community and beyond.

Membership News

Share your news! Whether professional or personal, we want to share your significant news with other members of the bar. Contact greta@ashevillebuncombela.com or 252-5733 by 3/15 for April news.

Moves & Address Changes

John C. Hensley, Jr., has joined the firm of **Janet, Jenner & Suggs, LLC**, and the firm has opened a North Carolina office, in addition to their offices in Baltimore, MD, and Columbia, SC. Janet, Jenner & Suggs, LLC, represents clients in the areas of complex medical malpractice, catastrophic personal injury, pharmaceutical product liability, mass tort actions and complex business litigation. John continues to practice from his same office location at 366 Merrimon Avenue, Asheville, but with new phone number and e-mail of 771-0500 and jhensley@medlawlegalteam.com.

Jane Soboleski (*formerly Soboleski Law, P.C.*) has joined a new practice: **The Hart Law Group, P.C.** with **Mary Hart**. Their office is located at 93 Church Street, Asheville, NC 28801. The new numbers are: **828-271-4278, 828-258-1031 (facsimile), and web address is: www.thehartlawgroup.com**. You can reach Jane by email at: jane@thehartlawgroup.com.

Office Space Available

Available in March., office space of approximately 400 sq. ft. plus shared waiting room upstairs with utilities included. Ample, off-street parking, with a rent of \$450/mo. The use of downstairs conference room, copier can be arranged. The location is 245 S. French Broad Ave. Call **Holly Fairbairn**, 252-0492 or email holly@wncdisability.com.

Beautiful turn of the century home in downtown Asheville is now available for professional office lease. There are three plus offices, a reception area on front porch or living room, dining room, conference room, kitchen and lots of available storage! You can lease the whole house or just part of the space. Live and work in one place. Call **Roger Smith** at 828-254-4658. for more information.

You're Invited:

28th District Bar Member, **Steve Agan**, of **Hylar & Lopez, PA**, is interested in establishing an e-mail listserv for local attorneys practicing non-domestic civil litigation and civil trials for the purpose of sharing practical advice and information related to substantive and procedural aspects of North Carolina civil law. The list would be open to all attorneys, not just the plaintiffs' bar (like the NCATL lists). If you are interested in joining an e-mail listserv like this or if you have ideas on how such a list could be properly managed, please contact Steve Agan directly at stevea@hylerlopez.com.

A Request from the Old Buncombe County Genealogical Society

In conjunction with our forthcoming quarterly journal of May, 2008, the **Old Buncombe County Genealogical Society** wishes to get information on the date and origin of the Asheville Bar Association/Buncombe County Bar Association and its early officers. A recently uncovered group photo circa 1898 shows thirty members of the association. The 1900 U.S. Census for Buncombe county indicates that some sixty-eight lawyers were living in the area. Please reply to obcgs_editor@bellsouth.net, or write to the Old Buncombe County Genealogical Society: P.O. Box 2122; Asheville, NC 28802-2122, or come by the Society's office in the Innsbruck Mall, 2nd floor.

Membership News

Pro Bono Committee Creates New Pro Se Forms by James Ellis

Over the last several years, Judges, Attorneys, Clerks of Court, and Family Court staff have been overwhelmed by the influx of *pro se* litigants who have improper, outdated, or incorrect forms and pleadings in family matters. A majority of these litigants are instituting actions with little or no instruction, obtaining their legal guidance from websites or books promising free legal advice, friends who may have gone through a divorce, or other such sources. Numerous litigants merely use pleadings from other jurisdictions that do not comport with proper local procedure or simply copy pleadings from other Court files which may be inappropriate for their particular actions. These *pro se* litigants are possibly putting their rights, property, and children at risk, merely because they cannot afford legal counsel.

Realizing that something needed to be done to assist these *pro se* litigants, Buncombe County court officials contacted the **28th Judicial District Bar's Pro Bono Committee** for assistance in developing a constructive response to this problem. Upon an investigation into the issue, the Pro Bono Committee learned that this was not a predicament unique to Buncombe County but a growing statewide problem. The collective statewide response to this issue has been the creation and distribution of *pro se* packets for several family law matters, including absolute divorce, either by sale at the county courthouse or for download. In fact, nearly every family court jurisdiction in North Carolina has implemented such a policy.

After months of discussing potential avenues with the 28th Judicial District's family law bar, the Pro Bono Committee, chaired by **James Ellis** of **Stone & Christy, P.A.**, began collaboration with **Pisgah Legal Services** to revise the existing *Pro Se* Packets, and to create a packet for Absolute Divorces.

The packets were created in a manner that provides safeguards to the *pro se* litigant: each set of instructions clearly explains the need for an attorney, and the rights that may be waived as a result of the ensuing litigation. If the legal action becomes too confusing or overwhelming, litigants can also obtain a list of area family law attorneys whom they can consult or retain. The Committee hopes that the clarity of the instructions and the uniformity of the pleadings and forms will significantly benefit *pro se* litigants in their quest for equal access to the court system, in addition to streamlining the process for all those whom may come into contact with a *pro se* litigant.

As many know, the "Self-Help Center", on the ground floor of the Buncombe County Courthouse, provides information to *pro se* litigants in Buncombe County. The Center was created by the 28th Judicial District Bar in partnership with Buncombe County Clerk of Court **Bob Christy**. In 2007, the responsibility of the Center was shifted to the Pro Bono Committee.

As of March 15, 2008, the Pro Bono Committee of the 28th Judicial District is proud to announce that the newly-revised *Pro Se* Packets are now available at the "Self-Help Center" for a cost of \$5.00 in the following family law actions: Instituting an Action for Child Custody, Filing an Answer and Counterclaim in a Child Custody Action, Filing a Motion for Contempt in a Child Custody Action, Filing a Motion to Modify an Existing Child Custody Order, and Instituting an Action for Absolute Divorce.

Pisgah Legal Services Update

Saving Lives with Legal Aid

Pisgah Legal Services' (PLS) staff attorneys and the 120 Mountain Area Volunteer Lawyers Program (MAVLP) attorneys that accept PLS domestic violence cases know that free civil aid can literally be a life-saver.

Legal assistance may have saved the life of "Joanna" (name changed to protect confidentiality), a mother of two young sons and a criminal justice student at a technical college. She has a promising future and her life looked great from the outside. However, last fall Joanna's husband wasn't working and instead spent his days checking on her. He called her while she was at school, and she had to leave class to take his calls or face his anger. Behind closed doors her husband constantly berated her and often assaulted her, attempting to strangle her. Once she nearly passed out as he squeezed her throat.

One afternoon in September, Joanna's husband called her at school and told her to "get home now." She obeyed and he met her as she pulled into the driveway. He grabbed her by the shirt and dragged her into the house; Joanna resisted the whole way because she was sure by the look in his eye that if he got her inside he would kill her. Joanna managed to escape the house and filed for a Domestic Violence Protective Order. Still afraid and unsure how to rebuild her life, she contacted PLS for help. Staff attorney **Julie Klipp Nicholson** negotiated a one year order that grants Joanna the couple's residence, gives her custody of their children, limits her husband's visitation and requires him to pay substantial child support. Most important of all, the order protects Joanna from her abusive husband, and she is now free to pursue her education and her future.

Together PLS staff and MAVLP attorneys assisted 818 victims of domestic violence and their children in 2007. Domestic violence case outcomes made up one-third of PLS' total case results. A layperson may not think of legal services as the first line of defense against abuse but a 2002 study by economists at Colgate and Arkansas Universities concluded that "legal services are the most expensive support services, the service to which the fewest women have access, and according to [their] research, **the only service that decreases the likelihood women will be battered.**"

When we help abuse victims stay safe and regain their self-sufficiency, we not only prevent tragedies such as the domestic homicides that make the news, but we also can have a society-wide impact. Children raised in violent homes are more likely to become abusers or victims in their adult relationships. When we as a community intervene in a timely way to offer support and protection, we can keep the cycle of violence from reaching into the next generation.

Thank you to the members of the **28th Judicial District Bar** that make this important work possible through your contributions of time, leadership and financial support. The Bar provided leadership to establish Pisgah Legal Services as a community resource for people in crisis in 1978 and has sustained the program as a staff and volunteer effort for more than thirty years.

Awards and Honors

Governor Easley appoints David Gantt to the North Carolina Employment Security Commission

RALEIGH (February 8, 2008) **Governor Mike Easley** appointed Buncombe County Commissioner and Asheville lawyer **David Gantt** to the **North Carolina Employment Security Commission (ESC)**. Gantt, 51, is partner in David Gantt Law Office and has served three (3) terms on the Buncombe County Commission. Governor Easley appointed Gantt to a four (4) year term on the ESC. The ESC is charged with promoting and sustaining the economic well being of NC in the world marketplace by providing high quality and accessible workforce-related services. The ESC provides employment services, unemployment insurance, and labor market information to the State's workers, employers, and the public. Specific duties of the ESC include:



Serve as the recognized source for job matching, unemployment insurance, and labor market information for North Carolina's workers, employers, and public. Preserve the integrity of the trust and reserve funds that assist qualified unemployed workers, and ensure a level of funding that will support high quality workforce services for the citizens of North Carolina. Maximize the effective use of technology in the delivery of workforce services to North Carolina's workers, employers, and the public through real time, Internet-based, job search registration, job recruitment, unemployment insurance benefit claims, and labor market information access.

Gantt, who represents and advocates politically for working people in his law and elective office, is thrilled to represent western North Carolina on this important Board. *"I am grateful to Governor Easley for this chance to help set policies that impact the working and unemployed people of NC. The ESC is a critical source of important information access that has earned our State recognition as a national model of openness and efficiency in data collection."*

For more background on the ESC please visit www.ncesc.com. Please contact Lawrel Banks at 828-252-2852 or by email: lawrel@davidgantt.com for any questions.

Doug Claxton is named the 2007-2008 Affiliate Member of the Year by the Mortgage Bankers Association of Western North Carolina



"Thanks to the Mortgage Bankers Association of WNC for recognizing me as its 2007-2008 Affiliate Member of the Year. I am honored. I have enjoyed my membership in the association and the friendships I've made. As an Attorney Affiliate Member, I have benefited in many ways by being a part of the association. Being an active member in the association has strengthened friendships and business relationships, helped me to be aware of and understand the changes and developments in the mortgage lending industry and broadened my opportunities to be of service in the mortgage lending industry and to the association. Thanks again for a truly meaningful and appreciated honor."

Web Page Update From Your Bar Administrator Cont.

Dear Members:

Please remember to put us in your computer's contact list. Often times your email filters, firewalls, and servers provide protection against group emails. By letting your operating systems accept our group emails you can receive the latest and greatest in news from your bar. The following may appear in your inbox members@main.nc.us or members-bounces@main.nc.us and of course greta@ashevillebuncombelow.net as a contact for individual emails from me. I handle hundreds of your emails every week and try to respond as quickly as possible. Occasionally, I do not respond right away because I need to research or wait on communication from others to be able to answer your questions and request. Please realize that I want to do the best work possible for this bar. (I am in a part-time position with a staff of one.)

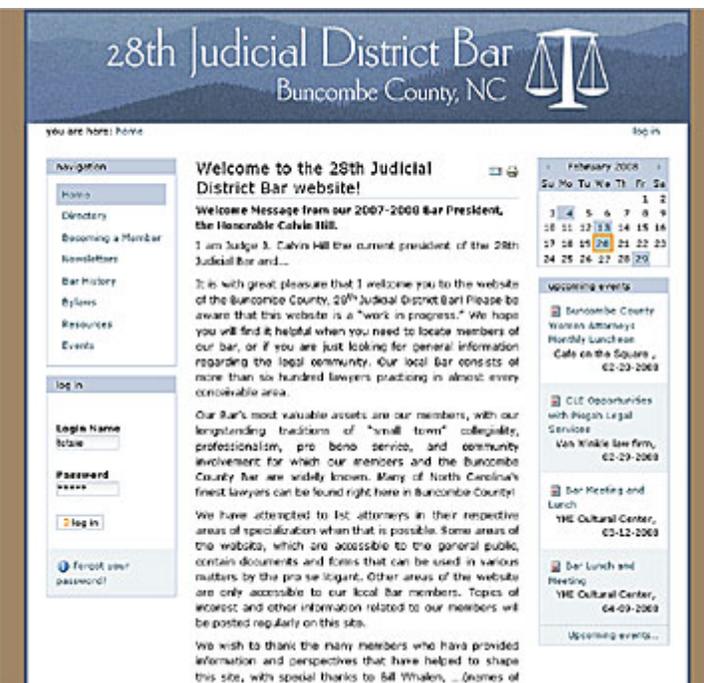


New Bar Website Launched

The new site has been published and is viewable online. Enter the following URL into your browser's address bar: <http://www.ashevillebuncombelow.net>.

Sometime this month you will receive an email from me letting you know that an account has been created for you on the 28th Judicial Bar website. The email will contain your pre-assigned username and a link to the website. Clicking on the link will take you to a page where you can create a password to go with your username.

Then you'll be prompted to log in to the site and update your profile. Your profile will have already been partially completed based on information you have given the Bar in the past. You'll check this information for accuracy and then complete your profile by adding additional information such as



your *Areas of Practice* and *States of Licensure*. We do not have this information on file for any of you.

You can also upload a photo of yourself. The photo should be a professional head shot, rather than, say, a snapshot taken of you with your dog in the backyard. The exact specifications will be listed on the web site. Don't worry if you don't have all the info you need in front of you the first time you update your profile. You'll always be able to log in at a later time to make additional changes.

All of these profiles will become part of a search-able directory. Initially this directory will only be available to members but we will soon we'll make it available to the general public. The public will be able to search by name, company name, language fluency, states of licensure, and areas of practice, as well as a general keyword search. Until then, as a member you will still be able to see and search the Directory once you log in.

Web Page Update From Your Bar Administrator Cont.

IMPORTANT: Many of you have *never* given the Bar your email address. As a member you will of course be part of the directory, but we cannot set you up with a password without an email address to send it to. This system is designed by the web page creator Winn King. Without a *password* you will be unable to complete your profile. Please *contact* me so that I can add this critical information to our database.

For example, if you choose to add a cell phone number to your profile, it will not be included in the search results if the search is performed by a non-member. Your email address will **NOT** be viewable by the public. When you edit your profile you'll see that some fields are designated as viewable by admin-only or members-only.

We respect the sensitive nature of some of the data. With that in mind, the search function has been designed so that the results of a search will reveal only such information that is appropriate to be seen by the person that is searching. As a logged in member, your search results will show more information than would be seen by a non-member, but less than would be seen by the Bar administrator. (continues on p.9)

A special thanks to **Cathie St.John-Ritzen** for helping out with the registration at the bar luncheon this last month and for **Derrick Bailey** on counting the cash and checks for our verification of receipts. Also thank you to **Cindy Holman's** efforts for her research regarding our bar's minutes and history of deceased members and to **Mr. Charles R. Haller** who provided me a digital copy of some of our bar members (picture dated 1898) which will be posted on our website. And a special thanks to Winn King and Totsie Marine of Totsie.com Website Development Studio for our new website! This modern Plone content management website helps bring our organization into the 21st century and will improve our communications with members as well as providing information for the general public. We'd also like to thank our web page committee members **Bill Whalen, Heidi Stewart,** and **Cindy Holman** in their efforts to help create a website for our bar.

And last, but not least, we'd like to thank the staff and owners of the **Ritz Restaurant** for their excellent service at our bar lunch meetings. In the future, we will be served by the new Jamaican Restaurant that has leased the space from the Ritz. .

Greta Camp, Bar Administrator

EXECUTIVE COMMITTEE BOARD

President: Judge Calvin Hill
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Vice President: Heidi Stewart
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