



March 2011

Calendar:

- **Executive Committee meets Mon, April 4, 12:30 at Pisgah Legal**
- **Bar Luncheon Wed., April 13, 12:30, The Venue, 21 N. Market Street**
- **Memorial Event, Friday, May 6, 4 p.m. in 5th Floor Court-room**

Inside this issue:

- President's Perspective 2
- 4ALL for Justice story and photos 3
- Jazz for Justice 4
- Member News 5
- Member News 6

Bar Briefs

Judicial Elections One, Two, Three....

Three judicial vacancies in the past three months caused special elections in Buncombe County, resulting in the District Bar submitting the top vote-getters' names to Governor Beverly Perdue for appointments.

"Our Bar is going through substantial change right now with regard to our judges," said Chief District Court Judge Calvin Hill. "I have talked to many of the bar members who have observed this bar for many many years and none have seen this type of turn-over . We lost four distinguished judges in a very short period of time ...two were elevated to superior court and two retired. The vacancies that were created have been filled mostly by emergency judges provided by AOC and all have done a fabulous job. Our challenges have been to be certain that all our courts are covered and to ensure that the citizens of this county have their matters heard as quickly as possible. We have been able to meet that challenge with the cooperation of all the components of our court system to include Steve Cogburn and the clerks' office and Ron Moore and the DA's office. Additionally the attorneys who practice here have assisted in every possible way to make things run as smoothly as possible in these trying times. We still have two vacancies to be filled and we will hopefully get those filled quickly. After those positions are filled by the Governor I will begin the process of making long term assignments to the various courts."

The first vacancy resulted from Judge Marvin Pope winning a seat on the Superior Court bench in the November, 2010 election. His seat was filled by Andrea Dray, who was appointed by the Governor on February 1, 2011 after four names were submitted for her consideration.

The second vacancy occurred when Judge Shirley Brown retired on January 1, 2011. A Special Meeting was held on February 4, 2011 and three names were submitted to the Governor for her consideration. Those names were: Ward Scott, Faye Burner, and John "Jay" Watson. The Governor has yet to

choose from among those names to fill the seat.

The third vacancy requiring a Special Meeting of the Bar occurred when Judge Sharon Barrett was appointed by the Governor to serve as a Special Superior Court Judge. That meeting was held on February 24, 2011. The names submitted to the Governor from that meeting were: Faye Burner, Dennis Redwing, and Edwin Clontz. The Governor has not chosen a successor for the Barrett seat yet.

Bar President Bill Christy commented, "The Buncombe County courts are in a transition period. During the last few years we have gained two new Superior Court Judges, a new Clerk of Court, a new Register of Deeds and soon we will have four new District Court Judges. What is impressive is how smoothly the system has run in the face of these changes. Particularly impressive to me has been the level of interest and participation of the local Bar in the selection of nominees for the three District Court seats that are or will be appointed by the Governor. We have had a number of very qualified candidates and spirited presentations by those candidates; clearly the Bar takes its role seriously and is the real "winner" by virtue of its response to these challenges."



Above right: Dennis Redwing, Rhonda Moorefield and Ed Clontz wait for their turn to speak at the Feb. 24 Special Meeting.

Left: Bar members wait for their ballots to vote for three candidates to on February 24.

Right: Bar members, including Chief District Court Judge Calvin Hill, chat with colleagues after voting for their favorite three candidates.



President's Perspective



I keep seeing references to a book by Robert Putnam entitled Bowling Alone in America. Putnam apparently documents, through an array of statistical information, an alarming trend that Americans are becoming increasingly disconnected from families, neighbors, communities and indeed the entire society (e.g., people are still bowling, but not in leagues as before):

Television, two-career families, suburban sprawl, generational changes in values-these and other changes in American society have meant that fewer and fewer of us find that the League of Women Voters, or the United Way, or the Shriners, or the monthly bridge club, or even a Sunday picnic with friends fits the way we have come to live. Our growing social-capital deficit threatens educational performance, safe neighborhoods, equitable tax collection, democratic responsiveness, everyday honesty, and even our health and happiness.

The idea that all of our various associations with people create "social capital" that we use in times of need and plenty, and indeed that substantially enriches our lives, is an interesting one.

Recently the 14th annual Black Mountain Marathon and Black Mountain Challenge was held. This is a great event in which 400 or so runners gather at 7 a.m. on the last Saturday in February with the intention of running either 26 miles or 40 miles, and seem reasonably happy with that decision. While last year's race featured artic-like conditions on Mt. Mitchell, this year the weather was tolerable and was not a factor. While the attention is rightfully focused on the runners, an event like this requires many volunteers to support the event. For the last few years I have happily joined the "bean cookers" -

several men who gather at 5:30 in the morning to begin cooking around 20 pounds of pinto beans. Before the runners finish hot dogs, soups and other foods are prepared as well, and the day doesn't end for this hardy group until the last runner is in, usually around 6 in the afternoon. These men have been at this task the whole time that the race has existed, and they go about their tasks cheerfully (probably just happy not to be a runner on that day) and with no expectation of return, save some recognition from tired and hungry runners; they are simply content to do their part to make the day a great event.

One of my favorite local groups is the Asheville Jazz Orchestra which is a 15 + member big band. Since the demise of the Rocket Club, they have landed in Black Mountain at the White Horse for regular events on the first Friday of each month. Although I am no musician, nor an educated fan, I have always enjoyed and appreciated big band music mostly for the collective effort required. In contrast to some more popular and modern genres, this style requires the subjugation of the individual to the collective effort. This style of music certainly reflects the society at the height of its popularity (around WW II), and the imperative necessity for collective effort.

Our modern society, with all of its benefits, does seem to pull us all away from the collective and the focus is increasingly on the individual; the explosion of technology further exacerbates this drift. In our profession, perhaps more than most, we need to be about increasing our social capital, and expanding links with each other and community groups. Our individual health, and perhaps even the very fabric of society, require that we renew our efforts to be involved with our community. Take advantage of Bar events to create and deepen ties with your sisters and brothers of the bar, continue with all of the many ways that you are involved with community organizations.....and pass the beans and put on the music!

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

4All Statewide Service Day

By Susan Smith-Dotson

What do you get when you literally cross wires for 12 hours? Well, if the wires crossed are attached to the 4ALL phones, you get volunteer lawyers serving the public, networking during breaks, speaking out for the needs of the indigent, and sharing expertise over caffeine and pizza.

On March 4th, lawyers throughout the state gathered for the fourth year to take calls from the people of North Carolina. "Justice 4ALL" started early for the Asheville Site Co-Chairs, Asheville attorney Susan "Smitty" Dotson-Smith and Boone Paralegal Sharon Robertson, as they prepared for first shift volunteers and early morning show interviews. NCBA Executive Director Allan Head traveled from Raleigh to take his first calls of the day at the Asheville site. The day ran very smoothly with logistical support from NCBA staff Ashley Mills and Eric Mazzone and with the help of our local Pisgah Legal Services Volunteer Coordinator Kathleen Delaney ("Ky").

For these folks, the 14-16 hour day passed quickly as volunteer lawyers from WNC arrived bringing energy and excitement to the day. At the end of the day, the unofficial statistics revealed that over 850 calls were taken by over forty volunteers at the WLOS Asheville Call Center – an increase of 6% from last year. Statewide, an estimated 8500 calls were handled by 460 attorneys at seven call centers.



Tikkun Gottschalk, Greg Boyer, Bill Wolcott, Tim Tyson across Zach Lamb: March Madness has a whole new look.

Smitty and Sharon want to thank all of the participants who helped make this day a great success. The strong training of Pisgah Legal Services volunteers through the Mountain Area Volunteer Lawyers program, and the expertise offered by Legal Aid of North Carolina, Pisgah Legal Services and area private attorneys provided experienced volunteers and "floaters".

Financial support from the 28th Judicial Bar helped to provide much needed coffee and food. Special thanks also to the 28th JDB Pro Bono committee and to the WNC Chapter of NC Association of Women Attorneys for their support and participation. The Asheville site was one of the first sites to completely fill its roster which is a testament to local attorneys and their commitment to public service.



Derrick Bailey and Patsy Brison work the phones at 4ALL.



NCAWA Shift: Aleece Hiller, Anne Winner, Carol Goins, Cathie St. John-Ritzen forefront; Smitty, Cynthia Alleman, Susan Russo

Member News

OFFICE SPACE FOR RENT

Prime office space for rent on Hendersonville Road in Walden Ridge Professional Park. 1,591 square feet includes reception area, 2 private offices, conference room and break area. Fully renovated in 2007. Ground level with plentiful front door parking and two entrances. Fully furnished.

Lease entire space for \$11/square foot NNN (\$1,458 NNN/mo), or lease one of the two private offices and share common areas for \$750/mo total. Questions, call 251-1752.

The Asheville law firm of McGuire, Wood & Bissette, P.A. is pleased to announce that attorneys **Joseph P. McGuire** and **Douglas O. Thigpen** have been selected as 2010 Super Lawyers by *Super Lawyers* magazine, a listing of outstanding lawyers from more than 70 practice areas who have attained a high degree of peer recognition and professional achievement. McGuire is honored in the area of Business Litigation, and Thigpen in the area of Real Estate. McGuire, Wood & Bissette, P.A. proudly provides a variety of legal services throughout Western North Carolina.

OFFICE SPACE FOR RENT — Recently renovated Victorian at 23 Orange Street. 1800 square feet, with an additional 1000 square feet of dry storage included. Seven rooms, two baths. Lease for \$2150. Call Bill McDowall at 712-9746.



The Venue
21 North Market Street
Tuesday, March 29, 2011
5:30 P.M.

Cocktail Reception Silent Auction
and Awards honoring:
The Honorable Gary Cash
T. Douglas Wilson, Jr.
Leah Karpen

For more information:
(828)210-3444
betsy@pisgahlegal.org
www.pisgahlegal.org

Entertainment by
The Rich Willey Jazz Band
Tickets \$50

Member News

McGuire, Wood & Bisette, P.A. announces that **James M. Kimzey** has joined the firm and is accepting clients at the firm's new Brevard office, located at 137 North Broad Street, and at its Asheville headquarters. Kimzey is an attorney, of counsel, in the firm's Litigation Practice Group in matters of civil and commercial litigation, as well as mediation.

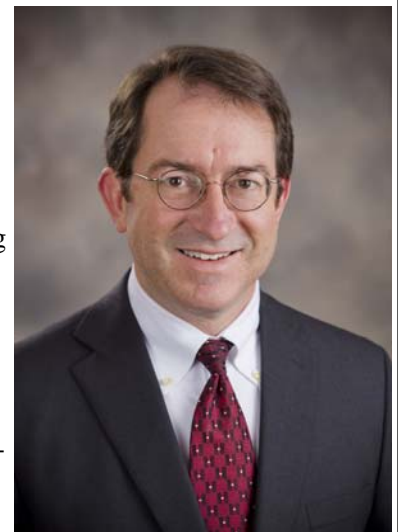


Having been certified by the Dispute Resolution Commission as a Superior Court Mediator in 1996, Kimzey has maintained an active practice as a Civil Superior Court Mediator, as well as his civil litigation practice. He is available as a mediator for Superior Court cases throughout western North Carolina. In 2008, Kimzey was inducted into the North Carolina Bar Association's Hall of Fame, which recognizes lawyers who "have exhibited throughout their practice the highest standards of ethics and professional competency and have rendered a high level of service to the Bar and to their communities." In 2009, Kimzey received the North Carolina State Bar Distinguished Service Award which honors members of the board who have demonstrated outstanding service to the legal profession and the public. With the addition of Kimzey, 26 attorneys at McGuire, Wood & Bisette, P.A.'s Asheville and Brevard offices provide a variety of legal services.

Estate planning and administration law firm, Strauss & Associates, P.A., has added attorney, **Steven J. Allen**, to its professional staff of estate law advisors. Strauss & Associates founder, Andy Strauss, hired Flat Rock attorney, Steven J. Allen, to support the firm's estate planning practice and to lead its estate and tax controversy litigation practice, for which there is a growing demand.

Allen is a 1986 graduate of the Paul M. Hebert Law Center at Louisiana State University. He began his legal career as law clerk to the Hon. Emmett R. Cox, a United States District Judge for the Southern District of Alabama, who was promoted by President Ronald Reagan to the United States Court of Appeals, Eleventh Circuit. Mr. Allen remained on the Cox staff, serving as clerk to the court for 18 months. Following his clerkship, Steve worked with large law firms that represent Fortune 500 companies, as well as small businesses and entrepreneurs. After locating in North Carolina, Steve opened his own private law practice Hendersonville, NC, in 2008, where he successfully represented a wide variety of clients.

Strauss & Associates, P.A. is a leading estate planning law firm in Western North Carolina and maintains offices in Asheville and Hendersonville, NC. The firm offers dedicated and informative representation in estate planning, transfer tax planning, probate administration, asset protection, elder law services, and related areas. For more information, visit www.strauslaw.com.



Asheville attorney **Michael L. Miller** of **Miller Marshall Roth** was named a "Super Lawyer" in the 2011 edition of "North Carolina Super Lawyers." Miller is a North Carolina State Bar Board Certified Specialist in Estate Planning and Probate, and practices in the areas of Wills, Trusts, Estates, Estate and Trust Mediation and Litigation, Taxation, Non-Profits, and Employee Benefits/ERISA.

Member News

Nominees for 2011-2012 Executive Committee Announced

The Nominating Committee is pleased to announce the slate of nominees for the Bar's Executive Committee for 2011-2012. The nominees will be presented to the membership for approval at the Bar's Annual Meeting on June 15, 2011.

The nominees are: Ingrid Friesen, President-Elect; James Ellis, Vice-President; Mae Creadick, Secretary; Ryan Beadle, Treasurer; and Holly Stiles, Eileen McMinn and Carol Goins, members-at-large.

As required by the bylaws of the 28th JDB, official notice will be given of the meeting time and place ten days before the meeting.



Annika Brock and Elaine Potter are the proud new parents of William Bryant Potter, born November 18, 2010.

Jennifer Belter Formichella of Asheville Law Offices is pleased to announce that **Jean Lee**, formerly Jean Kim, has joined the firm. Jean was admitted to practice in North Carolina in 2010 after earning her J.D. from the Benjamin N. Cardozo School of Law. Together, Jennifer and Jean will handle matters in the areas of residential and commercial real estate, corporate and business law, and estate planning.

What lawyers are reading now...

Emily Harrell

Suzanne Collins: *The Hunger Games*
 "It's the first of a young adult series, which is about a futuristic world in which there is a lottery of kids chosen to duel to their deaths. Great!"

Barry Master

- On recommendation of daughters and niece, young adult fiction, soon to be a movie:

Suzanne Collins, *The Hunger Games*

- On recommendation of Steve Cogburn, Clerk of Court: already a monument in the new Yankee Stadium to the old owner:

Bill Madden, *Steinbrenner*

- Asheville Tourists baseball reading:

Bob Terrell, *John Henry Moss*

(biography of the late President of the South Atlantic League)

SEEKING SHARED OFFICE SPACE

Attorney Paul Newton is looking for an office sharing arrangement where he might rent an office and have shared use of a conference room. Paul's cell is (910) 232-2925. He will limit his practice to Consumer Protection, Debtor representation, focusing on Chapter 7 and 13 bankruptcies.

HELP WANTED

Small Asheville law firm needs attorney for busy litigation practice. Focus is on complex civil litigation in state and federal courts. Ideal candidate will have 4-7 years of litigation and trial experience, coupled with excellent briefing skills. Please send resume and writing sample (if available) to mwimer@wimerjobe.com

INVESTORS WANTED

Greg Gregory of Miller Marshall Roth, PC has a client seeking interested private investors in a commercial real estate project as part of a loan modification and foreclosure prevention effort. Please contact him at 281-2100 if you have any clients who might be interested.

www.28thJDB.com

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Judicial District Bar**

Briefly... from the Bar Administrator

"The nonviolent approach does not immediately change the heart of the oppressor, it first does something to the hearts and souls of those committed to it. It gives them a new self-respect; It calls up resources of strength and courage that they did not know they had." Martin Luther King, Jr.

On the recent anniversary of the "Bloody Sunday" march from Selma to Montgomery, I reflected on the lives of those who eschew violence. There seem to be precious few of them getting air time these days. I've heard the maxim that if you want peace, you should work for justice. So who are the modern-day heroes working for justice? Why don't we hear more about them?

I'm not sure, but I think the current heroes don't make the newspaper. They are the social workers knocking on doors to investigate a report of abuse; the lawyers volunteering their time on the MAVL hotline; the paralegal following up on a disability claim for the 8th time in a month; the AA volunteer taking a meeting into a detention facility. The current heroes are not easy to spot in the check-out line at the grocery store, but they are alive and well. If you meet one, make sure to say "thanks" for the rest of us.

Lisa-Gaye Hall



Taking a break from the 4All Statewide Service Day is NCBA staffer Sharon Robertson, Susan Dotson-Smith, 28th JDB President Bill Christy, and NCBA President Allan Head.

You are Invited to a Reception for:
Bill Robinson, ABA President-Elect
Thursday, March 17, 5–7 p.m.
Pack's Tavern in downtown Asheville

The Mecklenberg County Bar Will Sponsor These State Bar Mandated New Admittee Professionalism Programs in 2011:

Friday, April 29 and Saturday, April 30, 2011

9 a.m. – 4 p.m. on 4/29/11 followed by reception and 8 a.m. – 2:15 p.m. on 4/30/11

Crowne Plaza Charlotte, 201 S. McDowell Street, Charlotte, NC 28204

New Admittee Tuition: \$199

Attorney Tuition: \$449

Friday, September 30, and Saturday, October 1, 2011

9 a.m. – 4 p.m. on 9/30/11 followed by reception and 8 a.m. – 2:15 p.m. on 10/1/11

Crowne Plaza Charlotte, 201 S. McDowell Street, Charlotte, NC 28204
New Admittee Tuition: \$199

Attorney Tuition: \$449

For More information, visit www.MeckBar.org