



May 2011

Calendar:

- **Memorial Event, Friday, May 6, 4 p.m. in 5th Floor Courtroom**
- **Bar Luncheon Wed., May 11, 12:30, The Venue**
- **Executive Committee meets Mon, June 6, 12:30 at Pisgah Legal**
- **Annual Meeting Wed., June 15, 12:30, The Venue**

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Bar Briefs

Pro Bono Awards

Five local lawyers were honored at the April Bar Luncheon for their contributions to indigent clients, and their nominations submitted to the NCBA for statewide awards.

Starling B. Underwood practices at McGuire, Wood & Bisette, and is the 28th Judicial District Bar's nominee for the Young Lawyers Division Award for Pro Bono Service. Since joining the MAVL pro bono panel on September 25, 2009, Underwood has spent over 154 hours volunteering to serve Pisgah Legal Services clients.

Matthew Roberson was nominated for the William L. Thorpe Pro Bono Service Award. He practices at Adams, Hendon, Carson, Crow and Saenger, and has volunteered 110 hours and saved indigent clients more than \$3500 in debt reduction cases.

Eleanor Powers was also nominated for the Thorpe Pro Bono Service Award. She dedicated 150 hours in 2010 to serving the area's poor. She spent most of her volunteer hours last year advocating for a client who needed to establish that her husband was deceased in order for the client to receive Social Security benefits and clear the title of her house. Eleanor successfully received a declaration of death. She has been an active member of the MAVL panel since 2009.



The firm of Chitwood & Fairbairn, P.A. was nominated for Outstanding Law Firm Pro Bono Service: Smaller Law Firms. The firm serves injured and disabled Western North Carolina clients.

The founders, Susan Chitwood-Barton and Holly Fairbairn, dedicate their practice to Social Security, Medicare & Medicaid cases and Veterans' disability claims. The founders' dedication to the MAVL program is evidenced by their combined total contribution of 825.25 hours to serve Pisgah clients. In 2010, Fairbairn volunteered a total of 82.5 hours and closed 25 cases. Chitwood-Barton also specializes in Medicaid cases and is currently working on three MAVL cases.

Governor Appoints Scott, Clontz For District Court Judicial Seats

Two judicial vacancies in the 28th District were filled in April when Gov. Bev Perdue appointed Edwin Clontz and Ward Scott to serve as District Court judges.

"I am pleased to appoint Ed Clontz and Ward Scott to the District Court bench," Perdue said. "They have demonstrated the respect of their colleagues in being nominated for the District Court and their service will be of great benefit to this State."

Judge Scott filled a vacancy created when Judge Shirley Brown retired on January 1, 2011. The vacancy filled by Judge Clontz occurred when Judge Sharon Barrett was appointed to serve as a Special Superior Court Judge.

Before his appointment, Judge Clontz served as Chief Assistant Clerk of Superior Court in Buncombe County. Prior to joining the clerk's office, he served as a Magistrate in Buncombe County. He received his undergraduate degree from Western Carolina University and his law degree from the Southern Illinois University School of Law.

Judge Scott was in private practice in Asheville. An Army veteran, he has practiced extensively in district, superior and federal courts on a variety of criminal and civil cases. He also served as the Child Support Attorney for Madison and Yancey counties, the DSS Attorney for Buncombe, Yancey and Madison Counties, and County Attorney for Madison County. Judge Scott received his undergraduate degree from the University of North Carolina-Asheville and graduated from the University of North Carolina School of Law.

President's Perspective



It is hard to believe that the fiscal year for the Bar is winding down, but spring is now fully here and summer is not far behind. At our June 15 Bar luncheon you will elect a new slate of officers and 3 new members of the Executive Committee, and Doug Tate, as President-Elect, will take the helm. In my view you will be well served by that slate; it is heartening to know that the nominating committee received over 20 nominations for 3 slots, and thanks to all who expressed an interest in serving.

My goals when I began as president were modest - to keep the 28 JDB relevant by making sure that we were good stewards of our resources, and by using multiple means to offer opportunities for the Bar to gather and strengthen bonds among ourselves. To the extent that has happened, and I think that it has, recognition is due to the entire Executive Committee; a great group of hard working folk who were serious about doing their jobs well. In particular, I want to thank the committee chairs who worked hard to make sure that their tasks were performed: Alan Coxie (special events), Mae Craedick (CLE), Cindy Holman (communications) and Suzannah Justus (finance). Doug Tate has done a great job of bringing interesting and relevant speakers and programs for our monthly luncheons - from having all judicial candidates (statewide to local) to training on public speaking; by the way, this month's speaker, Frank Goldsmith, will be excellent as he speaks of his experiences representing Guantanamo prisoners.

We are just beginning to expand our CLE offerings, as the Executive Committee believes that bringing local (and reasonably priced) CLE opportunities is a way that the 28 JDB can best serve its members. We have done a good job in our first year of expanded offerings, and I am confident that as we continue in our efforts to better gauge the interests and needs of our members the value of this effort will redound to

the benefit of our members. As usual, any thoughts on how we can do a better job are always welcome.

I mentioned the idea of "social capital" in my last column, and references to the book Bowling Alone in America that I kept seeing. Since that last column I have embarked upon the journey of reading Putnam's book, and it is fascinating and illuminating. It is a scholarly book full of charts and summaries of research, and not light beach reading. His analysis of the research confirms what may already be a hunch to many: that civic engagement and social connectedness have declined markedly, in almost every measurable way, since the sixties. Mark Merritt, an attorney with Robinson, Bradshaw & Hinson summarized the seriousness of these issues to the legal profession well in a presentation at the 2011 Bar Leadership Institute: "The goal within any bar organization is the development of social capital - the trust, reciprocity, mutual aid and information flows with social networks - that is critical to the success of our organizations - and ultimately to our society.....How well we as lawyers deal with these issues will likely determine whether we can be an esteemed profession that improves our justice system or become legal technocrats who have abdicated their role to engage in America's civic life."

A point of privilege: I believe that the legal profession, in particular as practiced here in Buncombe County, is an esteemed profession. In a prior column I asked anyone who wished to be involved to contact us, and none other than O.E. Starnes called me immediately to offer his services in whatever way we deemed needed. We have put him to work and he has done a wonderful job of heading up the ceremony to be held this Friday at 4 pm in the 5th Floor courtroom to honor those sisters and brothers at the bar who have passed. As we look to the future it is critical to remember the past; thanks so much to O.E. for his kind offer and excellent leadership in this endeavor. I'll see you on Friday!

Bill Christy, President

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

Jacqueline Grant Elected to NCBA Board of Governors

Jacqueline D. Grant, partner at Roberts & Stevens Law Firm in Asheville, NC has been elected to the governing body of the North Carolina Bar Association. This is a high honor, as an officer of the Board of Governors defines and revises the bylaws of the North Carolina Bar Association, as well as nominates the officers of the Board of Directors. Grant will also serve on the Board of Directors of the North Carolina Bar Association Foundation.

Grant has been very active in the legal, civic, and African American community since she became an attorney 15 years ago. She is a litigator at Roberts & Stevens Law Firm, successfully representing individuals, businesses, health care entities, insurance companies and organizations in complex legal disputes.

Grant has been an active member of the North Carolina Bar Association since 1995 and an active member of the American Bar Association since 1996. She is a current member and former board member of the N.C. Association of Defense Attorneys. She is also a member of Defense Research Institute, the Federal Bar Association and the N.C. Association of Women Attorneys. Grant is the former Chair of the North Carolina Bar Association Medico-Legal Liaison Committee. She also serves on the Litigation Section Council of the North Carolina Bar Association. Grant was named as a 2010 *North Carolina Super Lawyers-Rising Star* for Personal Injury Defense: Medical Malpractice, Civil Litigation Defense, Employment and Labor.

As an Asheville native, being very involved in her local community comes naturally. Grant has served on the Board of Directors for Big Brothers/Big Sisters of Western North Carolina, YWCA of Asheville, Mountain Area Hospice Foundation, Mountain Area Child & Family Center, and Pisgah Legal Services. Grant is a former member of the City of Asheville's Sustainable Economic Development Task Force. Currently she serves on the Board of Directors and the Executive Committee of the YMCA of Western North Carolina.

In addition to Grant's long standing community service, she strives to serve as a role model for African American youth. Being one of a few African American females practicing law in Buncombe County, Grant was one of the original Officers of the Epps-Dailey-Harrell Law Society, which was organized to serve the community at large through programs that broaden the understanding of the role of a lawyer and to encourage minority students to enter the practice of law.

Grant serves on the Board of Directors for the Asheville-Buncombe Institute of Parity Achievement, which was organized for the purpose of improving the health and wellness among African American and other populations of color through collaboration with community based agencies to reduce or eliminate racial disparities in health, employment, social services, and education. She is also a member of the Asheville Alumnae Chapter of Delta Sigma Theta Sorority, which is committed to providing programs and projects which foster the educational, health, economic, cultural, and social development of students and adults, with the primary focus on the minority community.

"Being a part of my community and giving back is a very important part of my life," says Grant. "I was born and raised in this town and worked very hard to achieve my dreams of becoming an attorney. Today I want all children to realize that they, too, can reach their goals."



Member News

Advanced Directives: End of Life Planning Documents CLE and Clinic

Pisgah Legal Services will host a free CLE on advanced directives from 1 – 2:30 pm at Pisgah Legal Services on Friday, May 6.

The presentation will be followed immediately by an opportunity to put this information into practice by preparing advanced directives for the elderly at Asheville Terrace, Battery Park and Vanderbilt Apartments.

To sign up or learn more, please contact Ky Delaney at Kathleen@pisgahlegal.org or 210-3779.

Disaster Legal Services Activated

The NCBA, through its Young Lawyers Division, will provide free legal assistance to persons in North Carolina affected by the severe storms, tornadoes and flooding of April 16. Activation of the Disaster Legal Services program follows President Obama’s recent declaration of a major disaster.

Storm victims needing help with legal problems may call the NCBA weekdays from 9 a.m. to 5 p.m. at 1-800-662-7407 and ask for Disaster Legal Services. Attorneys who wish to volunteer should call that same number or e-mail sections@ncbar.org.

Access the link below for more information.:

<http://www.ncbar.org/about/communications/news/2011-news-articles/disaster-legal-services-program-activated.aspx>

FOR RENT — Office and amenities for one attorney. Amenities include use of spacious waiting room, high speed internet connection, shared use of conference room and access to law library. Office located on 15th floor of the BB&T building; office and other space has mountain views to the west. Contact Joel Stevenson at 255-7703.

Marshall, Roth & Gregory, PC

Asheville attorneys **Clifford (“Kip”) Marshall, Philip Roth and Lyman (“Greg”) Gregory** are pleased to announce the change of their law firm name to **Marshall, Roth & Gregory, PC**, which was formerly known as Miller Marshall Roth, PC.

Additionally, **Marshall, Roth & Gregory, PC** is proud to announce the appointment of **Gay P. Vinson** as Senior Associate and lead attorney in its Trusts and Estates practice area.

Marshall, Roth & Gregory, P.C. provides a broad range of legal services to individuals and businesses throughout Western North Carolina, including federal and state litigation, commercial and construction disputes, real property, business transactions and closings, complex personal injury and contract disputes, trusts and estates planning and administration, will caveats, real property litigation and mediation and arbitration services.

The firm’s offices remain at 90 Southside Avenue and the new website address is www.MRGLawFirm.com.

NORTH CAROLINA BAR ASSOCIATION
Pursuing Liberty & Justice

LAWYERS AS LEADERS:
Moving
North Carolina **Forward**

NCBA Annual Meeting
Grove Park Inn | Asheville, NC
Thurs., June 23 - Sun., June 26

Special discounts for local bar members
Register online at www.ncbar.org/am11

Member News

James W. Williams named Medical Malpractice Lawyer of the Year

James W. Williams, Roberts & Stevens' attorney has been named as the "Asheville *Best Lawyers* Medical Malpractice Lawyer of the Year" for 2011.

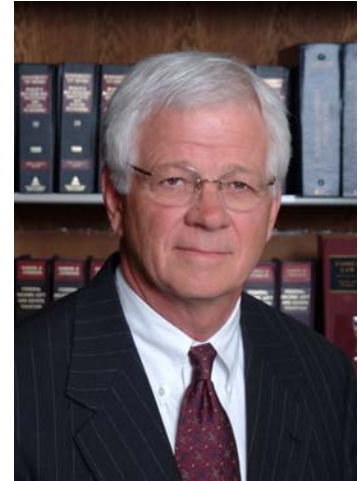
Only a single lawyer in each specialty in each community is being honored as the "Lawyer of the Year" who has received particularly high ratings in the *Best Lawyers* surveys by earning a high level of respect among their peers for his abilities, professionalism, and integrity.

Williams, a partner at Roberts & Stevens since 1976, has successfully defended hundreds of businesses including several North Carolina healthcare organizations. As a member of the Roberts & Stevens' litigation team, Williams practices Medical and Professional Malpractice, Personal Injury, Products Liability and Business Law.

During his career, Williams has served as a Member of the Board of Governors of the North Carolina Bar Association; President of the North Carolina Association of Defense Attorneys; the National Chair of State and Local Organizations Committee for the Defense Research Institute; and President of the 28th Judicial District (Buncombe County) Bar.

Among his accomplishments, Williams is AV Preeminent Peer Review Rated by Martindale-Hubbell; named *Business North Carolina* magazine's Legal Elite, Top 100 Lawyers; named *Best Lawyers in America* (10 consecutive years) in Medical Malpractice Law and Personal Injury Litigation; named Best Commercial Lawyer in North Carolina and named a *North Carolina Super Lawyer* in Personal Injury Defense, Medical Malpractice, Business Litigation and Personal Injury Plaintiff.

First published in 1983, *Best Lawyers* is based on an exhaustive annual peer-review survey of more than 3.1 million votes on the legal abilities of other lawyers in the same and related specialties.



POSITION ANNOUNCEMENT

Federal Defenders of Western North Carolina, Inc. ("FDWNC"), a community defender organization, is accepting applications for the position of Executive Director. FDWNC is a nonprofit corporation, funded by the Administrative Office of the United States Courts. The organization is not an agency of the federal government; staff members are not federal employees. FDWNC provides legal representation and criminal defense services to individuals charged with federal crimes who are financially unable to retain counsel.

The Executive Director is responsible for managing the defender program and maintaining a caseload. The current maximum salary is \$155,500 per annum and a comprehensive benefits package is provided. An applicant must be/have:

- A member in good standing of the North Carolina State Bar or in the bar of the state in which he/she is admitted to practice (the successful candidate will be required to become a member of the North Carolina State Bar if not currently a member);
- A minimum of five years criminal practice experience, preferably with significant federal criminal trial experience, which demonstrates an ability to provide zealous representation of consistently high quality to criminal defendants;
- An ability to effectively administer the office;
- A reputation for integrity; and
- A commitment to the representation of those unable to afford counsel.

The Federal Defenders of Western North Carolina, Inc. is an equal opportunity employer. Please send a cover letter stating reasons for your interest in the position, resume, writing samples, and application to: Landon J. Carter, Administrative Officer, Federal Defenders of Western North Carolina, 129 West Trade Street, Suite 300, Charlotte, NC 28202, or call (704) 374-0720. Application materials are available at <http://ncw.fd.org>. Applications due by June 3, 2011.

Member News



Photos above:

Left-ABA President-Elect Bill Robinson at the reception hosted by Van Winkle Law Firm and the 28th JDB Center-Mr. Robinson seated at the "Ethics of Law" luncheon where he was the keynote speaker for Jr. Achievement's students and local supporters and teachers
Right-Alan Coxie, Executive Committee member of the 28th JDB, discusses legal ethics with students

North Carolina Bar Association 113th Annual Meeting

The countdown is on for the 113th Annual Meeting of the North Carolina Bar Association, scheduled June 23-26, 2011, at the Grove Park Inn Resort & Spa in Asheville. The four-day event promises to be memorable and remarkable with an outstanding array of special events and programs on tap, not to mention a number of awards ceremonies honoring some of North Carolina's most exemplary lawyers.

Online registration is now open, and printed registration materials will be mailed to members in early spring. [Click here or at the link provided above to register online.](#)

Accommodations, which are booked separately by members, are now being reserved at the Grove Park Inn and other hotels that are providing special NCBA Annual Meeting rates for members and attendees. [Click here for information regarding accommodations.](#)

The highlight of this and every NCBA Annual Meeting, the installation of the new president, will take place on Saturday evening, June 25, when Martin Brinkley of Raleigh succeeds Gene Pridgen of Charlotte as the 117th president of the NCBA.

Election of the new president-elect, who will serve as president in 2012-13, will transpire on Saturday morning during the second General Session. Also appearing on Saturday morning will be keynote speaker Barry Richard, who will present "Security, Pseudo-Patriotism and the Erosion of American Liberties," and Chapel Hill native Blair Berk, also known as "Celebrity Lawyer to the Stars" and the daughter of attorneys Steve and Dottie Bernholz.

Attorney Eileen McMinn

announces that she is opening an office as a sole practitioner at 144 East Chestnut Street. She was formerly with Patla, Straus, Robinson and Moore, P.A. Her new contact information is 828-329-9809, and her email address is: eileenmcminn@yahoo.com.

Building Healthy and Sustainable Communities Conference

The Building Healthy and Sustainable Communities Conference is scheduled for June 2-3, 2011 at MAHEC on Thursday evening and on the campus of Warren Wilson College on Friday. The conference will have keynote addresses, workshops and lectures that educate for the best practices that result in vibrant, healthy and sustainable communities. The addresses will cover innovations in healthy communities, building sustainable healthcare facilities, the WNC Livable Communities Initiative, sustainable school design, building a green workforce, liability and other legal issues of green construction, and more.




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Briefly... from the Bar Administrator

Using the Bar's continuing education requirements to your advantage seems to be a struggle for a lot of attorneys. The local Bar has embarked on an effort to provide four CLEs each year, offering them for a really low rate, and making sure to offer the 12 hours that are required of the NC State Bar. But at the CLE classes, I've noticed that many attorneys are checking their emails, writing or editing on their computers or on paper, or they are reading documents from their offices. The obvious conclusion? You all are too busy to pause and enjoy learning!

It's hard to pause, take a breath, reflect on the bigger picture. The pressures of the practice of law must be enormous. But taking a moment to learn about new issues, or reflect on how you manage your time, or even a field of law that is outside your daily routine, can help you feel energized and alive.

Your district Bar's CLE committee is working diligently to provide interesting and relevant continuing legal education courses. As your Bar Administrator, I encourage you to take a break from your daily responsibilities. I'll see you at the next CLE! *Lisa-Gaye Hall*

Roberts & Stevens Attorneys Honored by State Publications

Nine attorneys at Roberts & Stevens Law Firm have been honored by their peers in the latest editions of the top legal directories in North Carolina.

Six attorneys from Roberts & Stevens have been selected for inclusion in the *North Carolina Super Lawyers 2011* edition: **William Clarke** for Environmental Law; **Jacqueline D. Grant** for Personal Injury Defense: Medical Malpractice, Civil Litigation Defense, Employment & Labor; **Jackson D. Hamilton** for Tax Law, Business/Corporate Law; **Wyatt S. Stevens** for Personal Injury General Defense, Business Litigation, Civil Litigation Defense; **Sheryl H. Williams** for Real Estate Law; and **James W. Williams** for Personal Injury Defense: Medical Malpractice, Business Litigation and Personal Injury Plaintiff: General.

Three attorneys from Roberts & Stevens have been selected for inclusion in the *North Carolina Super Lawyers-Rising Stars Edition 2011*: **Ann-Patton Hornthal** for Civil Litigation Defense; **Kevin P. Kopp** for Employment & Labor Law; and **Dennis L. Martin, Jr.** for Personal Injury Defense Law. *Super Lawyers* names North Carolina's top lawyers as chosen by a survey of active attorneys across the state in practice for five years or more. While up to five percent of the lawyers in the state are named to *Super Lawyers*, no more than 2.5 percent are named to the Rising Stars list.

Two attorneys from Roberts & Stevens have been named to *Business North Carolina* magazine's Legal Elite 2011: **William Clarke** for Environmental Law and **James W. Williams** for Litigation. The results of *Business North Carolina* magazine's Legal Elite are based on a survey sent to each of the more than 20,373 active members of the North Carolina State Bar living in North Carolina. Less than three percent of the state's attorneys are recognized in this publication.