



## Bar Briefs

May 2012

### Calendar:

- **Bar Luncheon Wed., May 9, 12:30 at The Venue on Market St.**
- **Spring Picnic, May 17, 5:30–7:30, at Carrier Park**
- **Executive Committee meets Mon, June 4, 12:30 at Pisgah Legal**
- **Annual Meeting with Elections & Awards on June 13, 12:30, The Venue on Market St.**

### Inside this issue:

President's Perspective	2
Member News	3
Member News	4
Member News	5
Briefly ... Bar Administrator	6

### Mentoring Program To Enhance Professionalism

New attorneys will soon have a helping hand as they navigate the difficulties the legal profession in Asheville. The 28th JDB will begin a mentoring program in August for members who have been licensed for less than five years, or have been practicing for less than five years in the 28th Judicial District Bar or in North Carolina. The program is designed to be a resource for networking, provide pointers on substantive issues (or help identify appropriate resources for questions on substantive issues), and guidance on professional conduct. The program will pair experienced attorneys (mentors) with those new to practice in North Carolina (mentees).

Applications for mentors and mentees will be submitted to the Bar in August. Then, a committee of three past Bar presidents will be charged with making appropriate connections between mentors and mentees, and with monitoring the process to make sure that things are running smoothly.

"Due to the economic reality of the practice of law today, there are not many employment options for new lawyer," said Bill Christy, Immediate Past President of the Bar. "Out of necessity many are choosing to 'hang out a shingle' with little or no experience, and a limited network of attorneys to consult. Having gone the same route as a young attorney, I know that it can be a lonely and scary venture; fortunately for me I had developed a great network of experienced lawyers in Durham (through my legal clerking work in law school) who were more than willing to lend advice, refer clients and help me in whatever way necessary, and that made all the difference in the world for me. We all know that law school provides a great education and training in the intellectual ways to approach legal issues, but does not truly prepare you for the actual practice of law in the day to day sense (for example, where to file what documents). This program is not only greatly needed by the inexperienced practitioners, but will be an opportunity for seasoned lawyers to give back to the profession. In the best tradition of our Bar I predict great success for our program in the future."

Mentors will be encouraged to meet with their mentees at least once a month for one year. Once the pairs are chosen, there will be a kick-off event in the fall. Any mentees who are working for a firm must have permission from the firm to participate in this program. The Young Lawyers Division is already taking a poll of its members to determine the amount of interest in this program. Those interested in this opportunity can access the applications on the Bar's website around the first of August.

### Five Local Attorneys Honored for Outstanding Pro Bono Work

The Bar's Pro Bono Committee honored five local attorneys at the April luncheon, noting their dedication to providing free legal assistance to less fortunate community members. The committee's nomination resulted in Susan Russo-Klein and Cathie St. John-Ritzen being awarded the NCBA's "Small Firm Pro Bono Service Award." The two women have closed a combined 160 elder law cases for the Mountain Area Volunteer Lawyers Program since 2001. They will receive the award at the NCBA Annual Meeting in Wilmington on June 22.

Anthony Alan Coxie and Douglas J. Tate were nominated for the Thorp Pro Bono Service Award. The program director for Guardian Ad Litem, Sharon, Cox, detailed Mr. Coxie's tireless work on behalf of his young clients. These children, victims of domestic violence, "could not have a more tireless advocate," she said.

Benson Pitts was also honored by the local Pro Bono Committee with a nomination for the Younger Lawyer Pro Bono Service Award. Mr. Pitts joined the 28th JDB in 2008, and has since closed 54 cases for indigent clients.

## President's Perspective



Many of you know that I own a big, three-year-old, red golden retriever named Cooper. Let's just say Cooper is exuberant, full of life, and happy-go-lucky. Others might say he is untrained, out of control and a clod. He may be all of those things, but he is also very athletic. He can jump.

One night in March 2011 when Cooper was about 18-months-old I took him outside for a walk. When I brought him back into the house he bounded up the stairs and decided instead of going around the couch he would go over it. He cleared it. In one graceful leap he cleared the couch from the back. I thought, "I am too old for this much energy." I knew I needed to find Cooper an activity that could make good use of all that energy and athleticism. My mind said "dock diving."

For years I watched former MLB pitcher Milt Wilcox set up his pool for the Ultimate Air Dog Competition at Bele Chere. Set up in the parking lot behind the BB&T building, dogs run off the "dock" and "dive" into a swimming pool of water. The dog that dives or jumps the farthest wins the competition. It always looked like the dogs were having great fun, so I e-mailed Milt and asked if I could bring Cooper out to try it. Within a day I had my response, "yes."

I didn't know anything about dock diving and neither did Cooper. I took Cooper to a dock on Lake Chatuge to practice before our debut at Bele Chere. I threw a ball in the water and told Cooper to go get it. Cooper ran back on to dry land, waded into the water and then swam to the ball. He got the ball, came on to land and back on to the dock and gave me the ball. He wouldn't jump in. I tried and tried but he wouldn't jump in.

We got to Bele Chere and Cooper had never jumped into the water from a dock. I thought this is going to be miserable. However, Milt had seen hundreds of Coopers before and knew exactly what to do. First, he taught Cooper how to get out of the water through a series of ramps. Second, he had me bring Cooper to the edge of the dock and give him a little push. Cooper fell into the water. Not exactly dock "diving." After a number of pushes, Cooper still wouldn't jump.

Then Milt sent his dog Nash up on the platform with Cooper. I showed Cooper the ball and threw it in the water. There went Nash running down the dock and jumping into the water. All of a sudden, there went Cooper running after Nash and jumping into the water. First jump, three feet, 8 inches.

Isn't it amazing what a little mentoring can do?

At the May Bar Luncheon, in addition to having North Carolina Bar Association President Martin Brinkley talk about the statewide effort to increase mentoring, the 28<sup>th</sup> Judicial District will introduce its new mentoring program for lawyers who have been licensed in North Carolina for five years or less or who have been in the state for five years or less. The project of immediate past President Bill Christy, the mentoring program is modeled on the NCBA's mentoring project with two big changes: (1) it will be administered locally, and (2) it is free to all members of the 28<sup>th</sup> Judicial District.

We can all look back to our time in school or scouts or our legal careers and find that person who was a mentor to us. The person we could ask the stupid questions. The person who told us about how our screw up was not nearly as bad as the one you were about to hear about. The person who answered the question we didn't even know to ask. We can also look back to those times when we wish we had had a mentor. We all need a mentor from time to time and especially at the beginning of one's career. Our profession also makes us unique in that when we get a little gray or grow a little long in the tooth, we can always find someone else to mentor. The profession doesn't change much from year to year so that the insights and mistakes are as relevant today as they were 30 years ago.

Cooper went on to win the Ultimate Air Dog Competition - Novice Category on Sunday at Bele Chere with a jump of 10' 8". Just like Cooper, we were all novices at the beginning of our career, but with a little bit of coaching, or mentoring, we will all be winners too.

*Douglas J. Tate, President*

### 2011-2012 Executive Committee

*President:* Douglas J. Tate

*President Elect:* Ingrid Friesen

*Immediate Past President:* Bill Christy

*Vice President:* James Ellis

*Treasurer:* James Baley

*Secretary:* Mae Creadick

*State Bar Councilor:* Howard Gum

*Pro Bono Chair:* Tikun Gottschalk

*At-Large Members:* Courtney Booth, Alan

Coxie, Michael Drye, Jason Gast, Carol

Goins, Eileen McMinn, Jason Peltz, Brad

Stark and Holly Stiles

## Member News

### Women Attorneys Honored at Women of Wisdom Banquet May 24

The North Carolina Association of Women Attorneys – WNC (NCAWA) honors women attorneys who have been licensed to practice law in North Carolina for more than 25 years with its Women of Wisdom (WOW) Banquet on May 24, 2012, 5:30-7:30 p.m. Everyone is invited to the Century Room at Pack Tavern for drinks, hors d'oeuvres, and the opportunity to celebrate local women attorneys.

NCAWA – WNC Chapter President **Anna Hamrick** said, “We are excited to salute these women who have contributed to the legal profession over such an extended period of time.” This year, WOW honors **Susan Dotson-Smith**, Assistant Clerk of Court of Buncombe County, with the Themis Award for her service to the NCAWA as past president and her other community involvement.

The NCAWA's vision is to build a strong community of women lawyers who make a difference in the profession and in society at large. For more information, to buy tickets to the event, or to learn about sponsorship opportunities, please contact **Susan Russo Klein** at 828-301-9417 or [susan@russokleinlaw.com](mailto:susan@russokleinlaw.com).

### Nicole Applefield Awarded Scholarship To National Conference On Elder Law

The National Academy of Elder Law Attorneys (NAELA) announced that **Nicole Applefield** is the recipient of the 2012 Young/New Attorneys Section Scholarship. The scholarship was established in 2010 as a means to encourage newer NAELA members to attend a national conference. The criteria for the scholarship are 1) The entrant must have never attended a NAELA national conference, and 2) the entrant must be willing to write a brief article regarding their experience at the conference for the Young/New Attorneys Section newsletter.

In addition to being a member of NAELA, Applefield is a member of the Elder Law and Estate Planning Sections of the North Carolina Bar Association, as well as a member of the North Carolina Association of Women Attorneys. She also volunteers her time at "Wills for Heros" events throughout the state, drafting wills

Members of the National Academy of Elder Law Attorneys (NAELA) are attorneys who are experienced and trained in working with the legal problems of aging Americans and individuals of all ages with disabilities. Established in 1987, NAELA is a non-profit association that assists lawyers, bar organizations and others. The mission of NAELA is to establish NAELA members as the premier providers of legal advocacy, guidance and services to enhance the lives of people with special needs and people as they age. NAELA currently has members across the United States, Canada, Australia and the United Kingdom. For more information, visit [NAELA.org](http://NAELA.org).

### Marc Rudow Wins NCBA Citizen Lawyer Award

The NCBA Citizen Lawyer Award was established in 2007 to recognize lawyers who provide exemplary public service to their communities. Honorees include elected and appointed government officials, coaches, mentors and voluntary leaders of non-profit, civic and community organizations.

**Marc Rudow** of Roberts & Stevens was among 13 attorneys throughout the state to win the 2012 award. Mr. Rudow practices commercial and residential real estate law, land conservation, bankruptcy and creditors' rights, and estate planning.

Formal presentation will take place at the NCBA Annual Meeting, scheduled June 21-24 at the Hilton Wilmington Riverside in Wilmington.

### Michael L. Miller Published in ABA Journal

Michael L. Miller of Ward and Smith, P.A. was published in ABA's *Trust & Investments* May/June 2012 issue. His article, "Employee Benefits Communications: Accurate. Complete. Simple. Pick Any Two" was a summary of recent developments in employee benefits communications and a refresher on the basic principles and requirements.

The Asheville Area Paralegal Association cordially invites all Bar members to its Spring Fling Silent Auction and Attorney Appreciation Benefit on Tuesday, June 12, at 5:30 pm. The event takes place at Olive or Twist, 81 Broadway Street. There is no cost for admittance to this event, but an RSVP is mandatory. Please contact Christine Wallace at [Christine@gta-injurylaw.com](mailto:Christine@gta-injurylaw.com) for more information.

## Member News

### Attorneys Emily Nenni & Sabrina Presnell Rockoff Join McGuire, Wood & Bisette, PA

McGuire, Wood & Bisette, P.A. is pleased to announce that attorneys **Emily L. Nenni** and **Sabrina Presnell Rockoff** have joined the firm and are accepting clients. With the addition of Nenni and Rockoff, twenty-one attorneys at McGuire, Wood & Bisette, P.A.'s Asheville and Brevard offices provide a variety of legal services to individuals, families, businesses and organizations throughout Western North Carolina.

Emily Nenni received her law degree from Duquesne University and joins McGuire, Wood & Bisette as the newest member of its Litigation Practice Group. Her practice is focused on assisting individuals and business organizations with all aspects of commercial and civil litigation, family, corporate and entertainment law, and personal injury and estate litigation. In the community Emily is an ongoing contributor to Pisgah Legal Services' Mountain Area Volunteer Lawyers program. She has served as secretary to the Young Lawyers Division of the 28th Judicial District Bar and as Liaison to the Western Chapter of the North Carolina Association of Women Attorneys. Emily is a member of the Leadership Asheville Forum and Young Professionals of Asheville.

A native of Asheville, Sabrina Presnell Rockoff returns to the mountains from the Raleigh office of the international law firm Kilpatrick Townsend & Stockton LLP. Joining the firm's Employment & Labor Law team, Sabrina focuses her practice on advising on employee relations issues, developing human resources practices and policies, defending employment discrimination lawsuits, and representing employers in union matters. She received her both her law and undergraduate degrees from the University of North Carolina – Chapel Hill. In the community Sabrina has served as a Board Member of Community Partnerships, Inc. and as an Executive Board Member and Chair of the Human Resources Committee for the Triangle Chapter of the American Red Cross, both in Raleigh. She is a graduate of Leadership Raleigh.

McGuire, Wood & Bisette, P.A. is the oldest law firm in Asheville, North Carolina continuously in the practice of law since 1894. Since its inception, the firm has engaged in a general civil practice geared toward commerce and industry. McGuire, Wood & Bisette, P.A. is committed to serving its clients' best interests with effective legal services of the highest quality at a reasonable cost, while adhering to the highest ethical standards and contributing to the well-being of the community.

#### Free 1 Hour CLE May 11, Noon—1:30 pm

Pisgah Legal Services will be replaying the one hour CLE on advanced directives presented by Pisgah's Elder Law Project Attorney, Anne Bamberger. The CLE will be replayed in Pisgah's conference room.

Approval from North Carolina State Bar is pending. The CLE is free to MAVL participants, however, all participants will be responsible for paying the \$3 per credit hour North Carolina State Bar fee. Please feel free to bring lunch to the CLE. To register, email [kathleen@pisgahlegal.org](mailto:kathleen@pisgahlegal.org).

#### Advanced Directives Clinic, May 17, 2 pm

The MAVL program is hosting clinics at Aston Park Tower and Bartlett Arms Properties to help seniors prepare advanced directives. Volunteers will be paired with a client who has requested help with advanced directives. Witnesses, notaries and elder law specialists will be on hand to assist. If you would like to participate but have no experience preparing advanced directives, consider attending the free CLE on May 11. To sign up, please email [kathleen@pisgahlegal.org](mailto:kathleen@pisgahlegal.org).

**Office Space Available:** Walking distance to courthouse. Corner office with extra space for secretary. Free parking, handicapped accessible. Two conference rooms available. Contact Rhonda Moorefield at 252-5508 or [rhondamoorefield@aol.com](mailto:rhondamoorefield@aol.com).

**Office Space Available:** Pisgah Legal Services has 377 square feet available for lease at 62 Charlotte Street in its new office building. Space is available now. This office suite includes a bathroom and break area. The space consists of two offices – all on the ground floor adjacent to Starbucks. Use of some furniture provided is an option. For more information, contact Pisgah Legal Services Executive Director Jim Barrett at 210-3408.



**Member News**

Nine attorneys at Roberts & Stevens Law Firm have been honored by their peers in the 2012 editions of the top legal directories in North Carolina.

Attorneys from Roberts & Stevens have been selected for inclusion in the *North Carolina Super Lawyers 2012* edition: **William Clarke** for Environmental Law; **Jacqueline D. Grant**, Top 50 Women Attorneys for Personal Injury Defense: Medical Malpractice, Civil Litigation Defense, Employment & Labor; **Jackson D. Hamilton** for Tax Law, Business/Corporate; **Wyatt S. Stevens** for Personal Injury General Defense, Business Litigation, Civil Litigation Defense; **Sheryl H. Williams**, Top 50 Women Attorneys for Real Estate Law; and **James W. Williams**, Top 100 Attorneys for Personal Injury Defense: Medical Malpractice, Business Litigation, Personal Injury Plaintiff: General.

Four attorneys from Roberts & Stevens have been selected for inclusion in the *North Carolina Super Lawyers-Rising Stars Edition 2012*: **Ann-Patton Hornthal** for Civil Litigation Defense, Appellate Law; **Dennis L. Martin, Jr.** for Personal Injury Defense, Civil Litigation Defense, Business Litigation; and **Rebecca J. Reinhardt** for Real Estate, Land Use/Zoning, Bankruptcy & Creditor/Debtor Rights.

*Super Lawyers*, a Thomson Reuters business, is a rating service of outstanding lawyers from more than 70 practice areas who have attained a high degree of peer recognition and professional achievement. The annual selections are made using a rigorous multi-phased process that includes a statewide survey of lawyers, an independent research evaluation of candidates, and peer reviews by practice area.

**Hayley R. Wells** of Ward and Smith, P.A. sits on the Board of Directors of Helpmate, a local non-profit agency providing 24-hour emergency shelter, counseling, and legal advocacy to women and children who are victims of domestic violence.

For more than 30 years, Helpmate has served as Buncombe County's primary provider of crisis-level services designed specifically for, and offered exclusively to, victims of domestic violence and their children. On Monday, April 30, Verizon Wireless generously awarded Helpmate a \$1,000 grant through its Hope Line Drive Program.

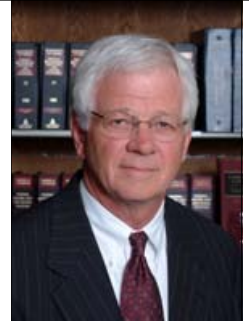


*photo left to right: Hayley R. Wells (Ward and Smith, P.A.), Joe Fishleigh (WLOS), Ann Flynn (Helpmate), Brenda Mills (City of Asheville) and Shannon Wilson, Verizon Wireless District Manager.*

**James W. Williams** has been named the Best Lawyers' 2012 Asheville Medical Malpractice Lawyer of the Year.

As a current member of the Roberts & Stevens' litigation team, Mr. Williams practices Medical and Professional Malpractice, Personal Injury, Products Liability and Business Law and Litigation. He has successfully defended more than 300 civil actions to a jury verdict. Appointed as lead counsel in many ongoing disputes, Jim is passionate about the system of jury trials as the best method for obtaining justice in our society. His clients include several North Carolina healthcare organizations, and he recently won two significant jury trials for a national Top 50 hospital involving brain injuries and quadriplegia.

Best Lawyers compiles lists of outstanding attorneys by conducting peer-review surveys in which thousands of leading lawyers confidentially evaluate their peers. Only a single lawyer in each specialty in each community is being honored as the "Lawyer of the Year."



**J. Harold Seagle** will be inducted into the General Practice Hall of Fame at the NCBA Annual Meeting in June. He is listed the Best Lawyers in America and Who's Who in American Law. Besides the practice of law, Mr. Seagle is the operator of SeaEagleRacing and the primary driver.

[www.28thJDB.com](http://www.28thJDB.com)

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**Briefly... from the Bar Administrator**

Paying annual membership dues may not be your favorite task, but your local Bar leadership is about to make it just a bit easier. Earlier this year, we began taking online payments through PayPal. Now, as we begin to wind down this fiscal year and try to collect the dues of all 650+ members of the district, we are going to try invoicing online, as well. Though we do have some members who prefer to receive a paper invoice, most attorneys are familiar with online invoicing.

To be successful in this effort, it is important that we have the correct email address for you. The easiest way to make sure is to simply email your Bar Administrator at [admin@28thjdb.com](mailto:admin@28thjdb.com). Just say, "This is my correct email address," and I will not only check my list, but I'll forward your correct email address on to the NC State Bar. Since we use their most current list for our mailings, your effort will pay double dividends. Thanks so much for helping us serve our members in the most efficient and cost-effective way.

*Lisa-Gaye Hall*



Tastefully designed office space is available for immediate occupancy at 1550 Hendersonville Road. The Center offers Class A office space in a high income area across from the entrance to The Ramble and adjacent to Biltmore Forest, Biltmore Park, and several retirement communities. Excellent signage and marquee/message board provide outstanding marketing opportunities. Contact Leigh Young 828 691 0586 or [leigh@fugazync.com](mailto:leigh@fugazync.com).