



Bar Briefs

November 2012

Calendar:

- **Executive Committee meets Mon., Dec. 3, 12:30 at Pisgah Legal**
- **Bar Luncheon Wed., November 14, 12:30 at The Venue, 21 North Market Street**
- **Holiday Party, Dec. 7, 5:30–9, at The Venue, 21 North Market Street**

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Fall Crop of New Attorneys Sworn In

The Bar welcomed ten new members to the 28th judicial district in September, with a joint swearing-in ceremony and an all-day CLE and orientation. U.S District Judge Martin Reidinger and Magistrate Dennis Howell, along with federal clerks, introduced the new attorneys to practice in federal court with humor and kindness. "Use all opportunities to be in court, to learn what works and what doesn't," said Reidinger. "Get thrown in the deep end!"

After a luncheon with Jim Barrett, Executive Director of Pisgah Legal Services, the group visited Drew Reisinger at the new Buncombe County Register of Deeds office. A dizzying tour of the courthouse afterwards with Clerk of Superior Court Steve Cogburn ensued, then a conversation with representatives from the judicial bench and various offices. The afternoon was capped off with a joint swearing-in, presided over by the Hon. Marvin Pope and Hon. Martin Reidinger.

For the first time, the new attorneys receive continuing legal education credit for the orientation.



Susan M. "Smitty" Dotson-Smith Appointed To District Court Bench

After a two month wait for news from the governor's office, Susan M. "Smitty" Dotson-Smith was notified in October of her appointment to the 28th Judicial District Court bench. Three candidates were recommended to the governor from the local Bar, after an August special election. Dotson-Smith will be filling a district court seat vacated by the retirement of the Hon. Rebecca Knight.

Chief Justice Sarah Parker will administer the oath of office for Dotson-Smith at a ceremony on Thursday, November 8, at 5 pm in the fifth floor courtroom of the Buncombe County Courthouse. Chief District Court Judge Calvin Hill will preside, and the Hon. Cheri Beasley, NC Court of Appeals, will present Dotson-Smith for her oath.

Dotson-Smith has been assigned to the family court, according to Hill. "We are really happy to have her in that rotation," he said. "She is a great addition to the already good family court bench." She will leave her post as Assistant Clerk of Courts for Buncombe County to join the District Court.



President's Perspective



Ingrid Friesen

Time for Gratitude

So many reasons to be grateful at this time of year! Is it November already? Cold weather is here and the holidays are just around the corner. This year, I have invited my husband's family and OMG they are all coming for the Thanksgiving weekend. I'm very grateful to have such wonderful in-laws, but maybe I need to start taking some Vitamin B12 to "brighten" my day. Vegetarians like me can't rely on the relaxing effect of the tryptophan in the turkey!

I am grateful for the opportunity to practice law, although it can be hectic at times. With too many deadlines it is easy to feel overwhelmed. We all have days when there are just not enough hours to accomplish everything that is on our to-do list. We must allow ourselves the time to seize the opportunities for a balanced life. When we are up against the wall it may be a good time to call the opposing attorney for an extension of time or continuance. If you know your opponent well, it is that much easier to do.

There is no shame in it. Spending time getting to know members of the bar can be beneficial to your health and sanity. As we grow to upwards of 650 attorneys, it is not easy to know everyone in the Bar, but we must spend time nurturing our relationships with other attorneys. They are critical to our happiness.

Time is precious, and not just in billable hours. As a breast cancer survivor of three years, I am ever cognizant of what a gift it is just to be alive. I recently went out on a limb and joined the Asheville Symphony Chorus. This weekend was spent rehearsing and singing in a concert. I wonder why I haven't been doing this all of my life? What could be more joyously important than making beautiful music? (This is where you substitute your most favorite things that you love to do.) Every minute brings another opportunity to live life fully.

I am grateful for my staff who show up every day, manage my business, and keep my clients happy. They are co-workers, family, and friends and, I spend more time with them than anyone else. Lisa and Jean have been with me for 12 and 13 years respectively, and they are a critical part of my happiness. I am also grateful for Shannan Barclay Tuorto, my first ever Associate. Although I gave up on being a school teacher after my first year of college, I now have the opportunity to teach, and it is another source for joy. I am also learning a lot from this Millennium Associate, most notably organization and time management skills.

I am grateful that the Bar has endorsed sponsorship of a Habitat for Humanity house. I hope you will all join in this community action work. Think of ways in which your firm can participate. We will have more information about the project at the November bar lunch. I am honored to work with all of you.

Ingrid Friesen, President

2012-2013 Executive Committee

President: Ingrid Friesen

President Elect: James Ellis

Vice President: Jacqueline Grant

Treasurer: James Baley

Secretary: Annika Brock

Immediate Past President: Douglas J. Tate

State Bar Councilor: Howard Gum

Pro Bono Chair: Tikun Gottschalk

At-Large Members: Michael Drye, Carol Goins, Marion Groat, Eileen McMinn, Pat Patton, Jason Peltz, Jack Poisson, Brad Stark and Holly Stiles

Member News

Attorneys **Leah Broker** and **Anna Hamrick** are pleased to announce the 10th anniversary of their firm, Broker & Hamrick, P.A., on October 1, 2012. Leah also celebrated her 20 year reunion at UNC Law last month.



Please visit the firm's newly designed website at www.brokerandhamrick.com for more information about their practice.

Sarah Patterson “Patsy” Brison is featured on the Girl Scouts [Raise the Bar](#) website. The program is a joint project between North Carolina Girl Scouts and the North Carolina Bar Association in celebration of 100 years of Girl Scouting. The website highlights female attorneys in North Carolina who have been a part of that success story. Patsy Brison, a litigator and partner at Roberts & Stevens, received the North Carolina Bar Association’s 2008 Citizen Lawyer Award for her dedication to the Girl Scouts.



McGuire, Wood & Bisette, P.A. is pleased to announce that attorney **Emily L. Nenni** has passed the Tennessee Bar Exam and was sworn into the Tennessee Bar on Friday, August 17 in Knoxville, Tennessee.

Emily Nenni is a member of the McGuire, Wood & Bisette Litigation Group in the Brevard office, and received her law degree from Duquesne University. In 2010 she joined the North Carolina Bar and the U.S. District Court for the Western District of North Carolina. Her practice is focused on assisting individuals and business organizations with all aspects of commercial and civil litigation, corporate and entertainment law, family and domestic law, and personal injury and estate litigation.

In the community Emily is an ongoing contributor to Pisgah Legal Services’ Mountain Area Volunteer Lawyers program and provides pro bono services through many Pisgah Legal Services and North Carolina Bar Association community clinics. She serves as Secretary of the Young Lawyers Division of the 28th Judicial District Bar; Liaison to the Western Chapter of the North Carolina Association of Women Attorneys; and is a member of Leadership Asheville Forum and Young Professionals of Asheville.



The Van Winkle Law Firm announced the arrival of attorneys **Emma J. Hodson** and **Kathleen C. Rose** to its Asheville office. Hodson and Rose will join the firm’s litigation and trusts and estates practice groups, respectively.

Prior to joining The Van Winkle Law Firm, Hodson served as a judicial clerk to the Honorable Lee M. Jackwig of the United States Bankruptcy Court for the Southern District of Iowa. She received her law degree from the University of North Carolina in 2010. While in law school, Hodson served as an Articles & Notes Editor for the North Carolina Banking Institute Journal, a teaching assistant for a legal research and writing course, and the Chief Justice of the Student Body.

Rose received her law degree from Wake Forest University School of Law. While in law school, she served two years on the staff of the Wake Forest Journal of Business and Intellectual Property Law, including one year as an Executive Editor. Rose also worked as a student attorney in the Wake Forest University Elder Law Clinic, providing free legal assistance to moderate-income seniors in the Winston-Salem area.

Awards & Recognition

Local Lawyers Honored by *Best Lawyers In America*®

Only the highest rated attorney in each practice area in each community is honored as the Lawyer of the Year from 2013 *The Best Lawyers in America*®: The following attorneys in the 28th JDB received this honor:

From the Van Winkle Law Firm:

- Roy Davis** in Mediation
- Craig D. Justus** in Land Use & Zoning Law

From the Roberts & Stevens Law Firm:

- Jacqueline D. Grant** in Medical Malpractice Law - Defendants
- John W. Mason** in Trusts and Estates Law and Litigation

From McGuire, Wood & Bisette:

- W. Louis Bisette** in Administrative/Regulatory Law, Commercial Litigation and Land Use & Zoning Law

From Gum, Hillier & McCroskey:

- David Hillier** in Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law

Best Lawyers compiles lists of outstanding attorneys by conducting exhaustive peer-review surveys in which thousands of leading lawyers confidentially evaluate their professional peers. In the U.S., Best Lawyers publishes an annual referral guide, *The Best Lawyers in America*®, which includes almost 40,000 attorneys in 80 specialties, covering all 50 states and the District of Columbia. Founded in 1981 and first published in 1983, Best Lawyers is the oldest lawyer-rating publication in the U.S., and the gold standard for accuracy and integrity. The current, 19th edition of *The Best Lawyers in America* (2013), is based on nearly 3 million detailed evaluations of lawyers by other lawyers.

Because of the rigorous and transparent methodology used by Best Lawyers, and because lawyers are not required or allowed to pay a fee to be listed, inclusion in Best Lawyers is considered a singular honor. *Corporate Counsel* magazine has called Best Lawyers “the most respected referral list of attorneys in practice.”

Attorney **Clifford C. (“Kip”) Marshall**, of the Asheville law firm **Marshall, Roth & Gregory, P.C.**, has been selected by his peers for inclusion in “The Best Lawyers in America 2013” in the area of government relations practice.

Ward and Smith, P.A. received the highest metropolitan tier rankings in multiple categories in 2013 *U.S. News—Best Lawyers*® Best Law Firms.

Firms with offices in the identified “metropolitan areas” and with the highest overall scores are included on the metropolitan area lists. Ward and Smith's metropolitan area offices include Asheville, Raleigh, and Wilmington. The firm received First-Tier rankings in the Asheville Metropolitan Area Litigation for Land Use & Zoning.

The **Roberts & Stevens Law Firm** has been recognized in the 2013 *U.S. News- Best Lawyers* “Best Law Firm” peer review rankings as a Tier 1 Law Firm in eight categories: Commercial Litigation, Corporate Law, Eminent Domain & Condemnation Litigation, Medical Malpractice Law-Defendants, Personal Injury Litigation-Defendants, Real Estate Law, Tax Law, and Trusts & Estates Law.

The **Van Winkle Law Firm** announced its inclusion as a Tier 1 law firm for the Asheville metropolitan area as ranked by *U.S. News—Best Lawyers* 2013 list of “Best Law Firms.” The highest ranked practice areas include: arbitration; bankruptcy and creditor debtor rights / insolvency and reorganization law; commercial litigation; eminent domain and condemnation law; land use and zoning law; litigation – eminent domain and condemnation; litigation – land use and zoning; litigation – trusts and estates; mediation; tax law; and trusts and estates law.

McGuire, Wood & Bisette has been named in the 2013 *U.S. News – Best Lawyers*® “Best Law Firms” rankings for the Asheville metropolitan area. The firm received Tier 1 rankings in the areas of Administrative/Regulatory Law and Land Use & Zoning Law and a Tier 2 ranking in Commercial Litigation.

Awards and Recognition

McGuire, Wood & Bissette, P.A. is pleased to announce that attorneys **Mary Euler** and **Doug Wilson** have become members of the North Carolina Bar Association Pro Bono Honor Roll. Both Euler and Wilson were invited to join the Honor Roll in recognition of their high level of pro bono work in the 2011 calendar year. According to the N.C. Bar Association, "Members of the Honor Roll are recognized throughout the year, and serve as model attorneys in giving back to their communities."

According to the State Bar N.C. Rules of Professional Conduct, lawyers have a professional responsibility to provide pro bono legal services, and should seek to provide at least 50 such hours per year. Lawyers who meet or exceed this expectation are invited to join the N.C. Bar Association's Pro Bono Honor Roll.

Euler is a trial attorney and Co-Chair of the firm's Litigation Practice Group. Her practice is focused on solving disputes concerning powers of attorney, estates, wills, and trusts whether those disputes require trial, mediation or less formal resolution. She also has wide experience in both trial and pre-trial resolution of serious and catastrophic personal injury matters.

Wilson has a civil litigation practice and represents clients in industries including banking, securities, real estate, construction, manufacturing and intellectual property. His cases have involved issues such as antitrust and trade regulation, trade secrets, Uniform Commercial Code disputes, zoning issues, condemnation and personal injury. Wilson is also a Certified Mediator for the North Carolina Superior Court.



Walter L. Currie, a member of the 28th Judicial District Bar and a Town of Weaverville councilman, has been elected to a two year term on the Board of Directors of the North Carolina League of Municipalities. The election took place on October 23rd at the League's Annual Conference. Currie is also a member of the League's Planning and Environment Legislative Action Committee. Currie is Of Counsel to the Asheville law firm of Campbell Shatley, PLLC.

Classified Ads

Office Space available at 75 Church Street: One office for \$450.00 (approx. 10x10) available immediately and one office (approx. 15x16) with two closets, one closet 5 x 5 ft. for \$710.00 available December 1st.

Both offices include shared approx. 700 square feet, including waiting room, conference room, kitchen, copier area and restrooms. Rent Includes utilities, janitorial and security system.

Email Cynthia Alleman at Cynthia@ashevillelaw.us or call 828-253-6092 if interested.

Office space for rent on Charlotte Street. One lawyer's office plus one assistant's work station, plus use of large conference room. Call Scott Carter at 273-3784.

Two office spaces for rent. Approximately 300 square feet per office, with space for secretary. Two conference rooms at your disposal. 168 S. Liberty Street, close to courthouse. Call Bill McDowall at 712-9746 or email Bill@mcdowallandmoorefield.net.

Goosmann Rose Colvard & Cramer, P.A. has an immediate opening for a paralegal experienced in title examinations and general real estate law. The position is full time with annual salary and benefits based upon experience. Please submit resumes to AshevilleLawFirm@gmail.com.

For rent: renovated Victorian house at 23 Orange Street, next to Staples. Five spacious offices, 1875 square feet, hardwood floors, handicapped accessible, galley kitchen, plenty of storage, off street parking. Call Bill McDowall at 712-9746 or email Bill@mcdowallandmoorefield.net.

News

THREE MINUTE CLE: HOW VETERANS' BENEFITS CAN HELP YOUR CLIENTS

by Cindy Harbin Holman, Veterans' Disability attorney at Chitwood & Fairbairn, P.A.

North Carolina has a large population of military veterans. Statistics show that veterans as a group experience poverty, poor health status, unemployment, criminal charges, and homelessness at a greater rate than other groups. Veteran status triggers additional services for addressing those problems that are not available to the general public. Consider these as you serve individual clients, since those can be part of the solution to the problems they bring to you.

Cash benefits for the veteran include:

- Education benefits www.gibill.va.gov;
- Pension benefits (based on disabling health conditions regardless of service connection, wartime service and low income) <http://www.vba.va.gov/bln/21/pension/vetpen.htm#1>. These are especially valuable to older veterans, whose health conditions qualify them for VA-defined "aid and attendance." <http://www.vba.va.gov/bln/21/pension/vetpen.htm#9>; and
- Disability compensation benefits (payable when service connection is proven for a current physical or mental health condition, at rates set by statute). <http://www.vba.va.gov/bln/21/compensation/>

Non-cash benefits for veterans include:

- VA home loans (<http://www.benefits.va.gov/homeloans>)
- VA healthcare (scope is determined by complex priority matrix that considers VA resources, mandates, service-connected disability, era of military service, and ability to pay) <http://www.va.gov/healthbenefits/>

Cash benefits for dependents and survivors of deceased veterans include:

- Education benefits,
- Small increases in a veteran's disability compensation benefits for each dependent;
- Death benefits for a veteran's surviving spouse or child <http://www.vba.va.gov/survivors/>; and
- Burial benefits <http://www.cem.va.gov/>.

The VA provides assistance programs, and regulations provide unique protections for veterans facing homelessness, certain criminal charges, and unemployment.

The starting point in seeking these valuable benefits is proof of veteran status via a DD-214 issued upon discharge from any branch of service. If necessary, you may find it at the Register of Deeds office, or through <http://www.archives.gov/veterans/military-service-records>. An honorable discharge is an eligibility threshold for most VA benefits. Veterans can seek an upgrade to the character of a discharge through the Discharge Review Board (via [DD Form 293](http://www.va.gov)), or the Board for Correction of Military Records (via [DD Form 149](http://www.va.gov)) of their respective branch of service. www.va.gov.

The author is an attorney with the veteran's practice of Chitwood & Fairbairn., P.A.

The Van Winkle Law Firm announced the arrival of attorneys **David M. Carter**, **Steven C. Schnedler** and **Elizabeth C. Franks**. Carter and Schnedler, formerly of Carter and Schnedler, P.A., have merged their patent, trademark and copyright law practice with The Van Winkle Law Firm's intellectual property team. Franks will join the litigation practice group.

Carter and Schnedler are licensed patent attorneys and have been in practice for over 40 years. They are registered to practice before the U.S. Patent and Trademark Office and are members of the North Carolina State Bar and the Carolina Patent, Trademark & Copyright Association. Schnedler is also a member of the American Intellectual Property Law Association.

Franks previously practiced law in Ohio before relocating to Asheville in 2008 where she worked at the U.S. Attorney's Office for over four years. Most recently, Franks served as a law clerk to the Honorable Max O. Cogburn, Jr., United States District Judge for the Western District of North Carolina. Franks received her law degree from the University of Dayton School of Law.

Awards and Recognition

Roberts & Stevens is pleased to welcome **Robin A. Seelbach** as the newest member of our litigation team. Born and raised in Western North Carolina, Seelbach graduated *cum laude*, Phi Beta Kappa, from Coe College in Cedar Rapids, Iowa before attending the University of North Carolina School of Law in Chapel Hill, NC. Seelbach spent his last two summers as a Law Clerk at Roberts & Stevens.

As part of the litigation group at Roberts and Stevens, Seelbach focuses on a variety of civil litigation matters including: commercial and business litigation, personal injury and wrongful death, and construction law.

In law school, Seelbach was a volunteer member of the UNC School of Law Innocence Project and a student representative for the UNC School of Law Student Bar Association. In addition, he worked from 2011 to 2012 in the UNC School of Law Civil Litigation Clinic – a program dedicated to providing low income populations with outstanding legal representation.

Today Seelbach continues his commitment to service as a volunteer at Pisgah Legal Services Mountain Area Volunteer Lawyer Program. He is a member of the 28th Judicial District Bar Association and the North Carolina Bar Association’s Young Lawyers Division.



McGuire, Wood & Bissette, P.A. is pleased to announce that attorney **Murphy P. Horne** has joined the firm’s Litigation Practice Group.



Horne was admitted to the North Carolina Bar Association in 2012 after receiving her law degree from Wake Forest University School of Law, and her Bachelor of Science degree from Sweet Briar College, where she graduated Magna Cum Laude. While at Wake Forest, she worked as a judicial extern for Special Master Denise Vowell of the Office of Special Masters, a division of the United States Court of Federal Claims. She served as the Senior Articles Editor of the Wake Forest Law Review and as a member of the Moot Court Board. She also co-authored an empirical study entitled *The Uphill Battle of the Toxic Tort Plaintiff: Assessing the Admissibility of Experts in Toxic Tort Litigation*, which received the Brooks Pierce Empirical Studies Award. Horne is a member of the North Carolina Association of Women Attorneys.

The Van Winkle Law Firm announced the arrival of attorney **R. Brian Johnson** to its Asheville office. He will join the firm’s patents, copyrights and trademarks intellectual property practice group. As an undergraduate at Duke University, Johnson majored in Electrical Engineering serving as the basis for his work in patents, trademarks and copyrights. He completed his juris doctor at the University of South Carolina.

Johnson began his legal career with the United States Patent Office in the Washington, D.C. area before moving to private practice. His work as an attorney has encompassed all aspects of intellectual property, including patent and trademark prosecution, opinion work, assisting litigators, as well as advising clients in regard to copyrights, trade secrets and licensing initiatives.

For the past decade, Johnson has practiced privately in the U.S. and internationally in patent and trademark prosecution and litigation, patentability searches and opinions, clearance searches, prior art analysis, invalidity and non-infringement opinions, licensing and intellectual property portfolio management.



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

Briefly... from the Bar Administrator

What's the difference between a Bar and a Bar Association? So glad you asked! The 28th Judicial District Bar is not an association, but a mandatory Bar. Often, folks confuse the two, but they are quite different.

All attorneys living and practicing in North Carolina are required to belong to a district. But not all districts have an association. In the 28th judicial district, your leadership has opted not to create an association. We are a mandatory Bar, but we do many things that an association might do, like offer CLE and a mentoring program. Mecklenburg County is similar, though they are quite a bit larger and offer many more services than we can.

Many districts choose to have both a mandatory Bar and an association. Sometimes, that means two separate sets of dues for their members. The association is usually a not-for-profit corporation that offers events like parties and luncheons for its members.

It's always instructive to attend the Bar Leadership Institute in January at the North Carolina Bar Association center in Cary. There, volunteer leaders and paid staff from different Bars and associations across the state meet to discuss issues and learn from NC State Bar officials. As I have attended over the past few years, I've come to respect the vision of the leaders in the 28th judicial district. They have created a mandatory Bar that serves members well, without installing another layer of unneeded bureaucracy.

Lisa-Gaye Hall



Holiday Party & Toy Drive

Friday, December 7th, 5:30 - 9:00 p.m.
 The Venue, 21 N. Market Street



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