



September 2011

Bar Briefs

Calendar:

- **Executive Committee meets Mon, Sept 6, 12:30 at Pisgah Legal**
- **Family Potluck Picnic, Thursday, Sept 8, 5–8 p.m. at Carrier Park**
- **Bar Luncheon Wed., Sept 14, 12:30 p.m. at The Venue, 21 N. Market St.**

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Chief Justice Sarah Parker Opens Local Ethics CLE

The Chief Justice's Commission on Professionalism presented a free CLE for members of the 28th JDB on August 4th. Speakers included judicial officials and attorneys, each providing a personal perspective on ethics and professionalism in the practice of law.

The Honorable Chief Justice of the NC Supreme Court Sarah Parker opened the gathering by detailing the responsibilities of the Commission on Professionalism, including providing "ongoing attention and assistance to ensure the practice of law remains a high calling, dedicated to the service of clients and the public good."



Melvin Wright, Executive Director of the CJCP, encouraged the local speakers to freely discuss the challenges and triumphs of practicing law. The Honorable Alan Z. Thornburg, Senior Resident Superior Court Judge, complimented the local Bar members for their ability to remain cordial. The Honorable Rebecca Knight got a laugh from the crowd of 150 when she threatened to list names of those who had been inappropriate in her courtroom.



A highlight of the afternoon was a panel discussion, led by the Honorable Harry Martin, of the many colorful characters and incidents in the history of the Buncombe County judicial community.

Young Lawyers Division: Focus on Service, Networking & Resources

The Young Lawyers Division (YLD) of the 28th Judicial District is focused on providing programs and events that benefit young lawyers, the local Bar, and the community. The YLD has a three tiered focus: service, networking and member resources. The YLD serves as a means for young attorneys to provide unified support to the local Bar, promote camaraderie among local attorneys and access tools for new attorneys to learn, participate and grow. The YLD will work closely with the members of the 28th Judicial District Bar to further the Bar's objectives and uphold the standards that have made our local bar the exceptional entity that it is today.

A main objective of the YLD is to give back to the community that it serves. The YLD promotes involvement among its members in various legal and non-legal volunteer efforts in the community. The YLD seeks to begin developing lasting programs and joining efforts with local organizations to advocate for the public welfare of our community. The YLD plans to join efforts with Brother Wolf Animal Rescue and host a day of fun with some furry friends where members will take rescue dogs for an afternoon of play time and activity. Additionally, the YLD will be providing support to Pisgah Legal Services in various future pro bono efforts.

The 28th YLD strives to provide young attorneys with a ways to network with local attorneys of all ages. Monthly social events, held on the fourth Thursday of each month, provide a great way for members to mix with local attorneys outside the office and forge new relationships with other legal professionals. The local bar is known for its sincere congeniality and the YLD is dedicated to furthering that tradition. The YLD is committed to providing an open means

President's Perspective



My Dad worked for Big Blue – International Business Machines or IBM. He started with IBM in the mid 1950s and worked there over 35 years. With no college education he went as far as one could go in management without a college degree. We kidded about putting our hand over our heart any time we went by an IBM facility. He was part of that company. And when there was an IBM function at his plant he was there. He took my mom too. He was dedicated to the company and he was proud of it.

IBM was good to my family. My dad was able to educate my two older brothers and he made sure I got a college education and he sent me through law school. He was able to retire at 59 years old.

My dad wasn't part of a profession like a lawyer or a doctor or a minister. But in a lot of ways he treated IBM like it was a profession and not just a job. Unlike my Dad, we are part of a profession. We are part of the legal profession. Whether it is a one man shop or a thirty five lawyer firm or a branch office of a one hundred lawyer firm, we are part of a profession.

Last month we had a rare treat in hearing Chief Justice Sarah Parker and many of our local judges talk about "professionalism." As lawyers we are sometimes inundated with talk of professionalism. Are you courteous to the court, to clients and to opposing counsel? Are you diligent in your craft and return e-mails and phone calls? Are you providing service to government, non-profits and the indigent? We in the 28th Judicial District Bar have professionalism down pat. If you attended the Chief Justice's luncheon on professionalism, you know we are the best bar in the state.

While many talk about "professionalism," few talk about being part of the "profession." Our profession takes shape on a state-wide level as the North Carolina State Bar and the North Carolina Bar Association. Locally it is the 28th Judicial District Bar. The 28th JDB acts as both the Bar and the bar association in Buncombe County. The 28th JDB puts on local, topical and inexpensive CLE programs for its members. This year it also nominated members to fill three district court positions. The 28th JDB is also the social part of the bar. It holds the Bar Luncheons, throws the Holiday Party, the Spring Picnic, the Fall cooking challenge, provides for the 28th JDB Night at the Tourists and memorializes those members that have died.

The 28th JDB has over 650 members and with the exception of the Holiday Party, it averages only about 75 members at any given luncheon, picnic or other event. Part of being a lawyer is serving one's clients, the courts and one's community. But it should also be about being part of the profession. Being a part means attending bar luncheons and other social functions. Being a part means attending the memorial service. Being a part is attending a bar picnic with your family. You just might connect with another lawyer on a level that you couldn't inside litigation or a business deal.

At the start of the 28th JDB's new year I hope you will take time over the next several months to be a part of the profession. We all know how difficult it is to be a lawyer. But take time to reconnect with your fellow lawyers through the local bar. Take time out of your busy schedule to attend a few more bar luncheons. In September Robert Hurley of the Capital Defender's office will speak and in October Attorney General Roy Cooper will discuss the State's litigation with the TVA. Take advantage of the other social opportunities like the fall cook off next week. Come taste some great food and get to know lawyers on a different level.

I think you will find that if you do take time, you will realize that you are not alone and that you are part of something bigger than your solo practice or your firm. And you might realize that being part of a profession makes practicing law a little easier.

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: Ryan Beadle

Secretary: Mae Creadick

State Bar Councilor: Howard Gum

Pro Bono Chair: Tikkun Gottschalk

At-Large Members: Courtney Booth, Alan Coxie, Michael Drye, Jason Gast, Carol Goins, Eileen McMinn, Jason Peltz, Brad Stark and Holly Stiles

Pro Bono Case Referrals Up 37% - Case Closures Up 44 %

As of July 2011, attorney volunteers with the local Mountain Area Volunteer Lawyer (MAVL) program accepted more pro bono cases, closed more pro bono cases, and spent more time working on pro bono cases than they did for the first six months of 2010. The total number of pro bono cases handled by MAVL volunteers in 2011 as of July was 304, which is 37% more than for the same time period in 2010. The total number of cases closed by July 2011 was up 44% from July 2010, with volunteer attorneys closing 80 more. The total number of pro bono hours devoted to pro bono cases was also up by 480, a 42% increase from last year. Thank you to all 28th JDB members for helping make this happen!

In addition to the cases handled for extended service by MAVL, private attorney volunteers also handled 232 advice cases through the MAVL Pro Bono Hotline. In this period when so many people are out of work, the 28th JDB and Pisgah Legal Services are seeking to expand capacity to serve more people in need. In September about 20 volunteer attorneys will initiate advice only service through the new Lifeline Program, providing family law advice to survivors of domestic violence.

The MAVL program is just one of a number of pro bono programs run by Pisgah Legal Services and sponsored by the 28th JDB, through the 28th JDB Pro Bono Committee (PBC). Among other activities, the PBC oversees the Self Help Center at the Courthouse, frequently sponsors local, low-cost CLEs, and recommends local attorneys and firms for pro bono service awards. The PBC recently coordinated the translation of the Self-Help divorce and custody packets into Spanish, and partnered with the NCBA 4All to promote the "ask an attorney" service day on March 4, 2011. The PBC is presently working with PLS to revise the Self-Help Center name change packets and to plan the CLE Pro Bono Training Series, including CLEs on Elder Law, Consumer Law, Family Law, and an overview of PLS's hotline program.

28th JDB Pro Bono Committee Members include: Jim Barrett, Dale Curriden, Ky Delaney, James Ellis, Tikkun Gottschalk (Chair), Toni Grace, Dennis Lanahan, Rendi Mann-Stadt, Andrew Parker, Cindy Strom, Starling Underwood, and Bill Whalen.

Article submitted by Tikkun Gottschalk

Young Lawyers Division, con't

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of communication among group members and expanding the resources available to new attorneys. An email group operates as a ListServ for new attorneys to freely exchange ideas, post questions, gather support, and communicate with group members. It is in its early stages of use and members are encouraged to utilize the group on a wide range of relevant subjects including announcements, job opportunities, local bar news and practice related questions. The YLD plans to provide specialized resources aimed at benefitting solo practitioners and newly admitted attorneys. These programs would offer basic skills information and enrichment activities beneficial to all young lawyers or newly admitted members. The 28th YLD is committed to providing young lawyers with the tools and opportunities for personal and professional success.

In the wake of its revival, the 28th Judicial District YLD will focus during the upcoming year to increase its membership. Membership is open to attorneys licensed in the state of North Carolina and practicing in Buncombe County who are age 36 or younger or in practice less than five years. The YLD plans to attract more members from all segments of the legal profession by providing greater access to member resources for young lawyers. Also, the YLD is committed to partnering with the 28th Judicial District Bar in developing a mentorship program. If you are interested in becoming a member or would like to submit an idea for a YLD event or program, please contact Emily Nenni at emilyl-nenni@gmail.com. If you like to join the 28th YLD googlegroup please sign up at <http://group.google.com/group/28th-young-lawyers-division>. The officers of the YLD are Lynne Davis, President; Tim Tyson, Vice President; Emily Nenni, Secretary; and Christina Call, Treasurer.

Article submitted by Lynne Davis

Member News

Attorney **Annika M. Brock** is now a Shareholder at the Asheville law firm McGuire, Wood & Bisette, P.A. Brock is a member of McGuire, Wood & Bisette's Real Estate Team and has extensive experience assisting individuals and businesses with their residential and commercial real estate closings and negotiations. Prior to joining McGuire, Wood & Bisette as an



associate in 2007, Brock operated and managed a general law practice in Monroe, North Carolina. She is president of the North Carolina Association of Women Attorneys, Western North Carolina Chapter, and a member of the Real Estate Section of the North Carolina Bar Association.

Originally from Salisbury, North Carolina, Brock completed her Bachelor of Arts undergraduate degree at The University of North Carolina

Chapel Hill in 1992 and received her Law degree from Campbell University School of Law in 2000. She is an active member of the Asheville community, serving as secretary to the Asheville Breakfast Rotary Club Board of Directors, of which she is also a member, and volunteering with the Mountain Area Volunteer Lawyers Program for Pisgah Legal Services and Junior Achievement. She is also a member of the Vestry, Endowment Committee and Choir at Grace Episcopal Church.

Attorney **Rod Kight**, a local bankruptcy law specialist and principal of Kight Law Office, PC, is pleased to announce that he finally married his first grade sweetheart, Ashley, in May in a festive Asheville-esque wedding after having lost touch with her for 20 years.

Ashley works as a paralegal and bookkeeper in Rod's office. When not at the office, Rod and Ashley can be found strumming guitars at their home in east Asheville on the Swannanoa River with their 5 children, ages 4-11.

Their unique and homegrown wedding, which included the LaZoom tour bus, the Wedge Brewery, a ceremony atop the Sky Bar, Gypsy jazz bands, a juggling unicyclist, a parade, and fire performers can be viewed here: <http://www.ltoledo.com/>.

Join Pisgah Legal Services for Priced Out!, an evening with donors and community members to examine issues related to work, poverty and justice in our community, our state and our nation. PLS will bring Gene Nichol, Director of UNC's Center for Poverty, Work and Opportunity, to Asheville to stimulate our thinking and challenge our assumptions.

The event will be held on Thursday, September 22nd, at the Century Room at Pack's Tavern. A cocktail reception will be held at 5:30 and the forum will begin at 7 p.m.

Click here to for more information and to make your reservations: <http://www.pisgahlegal.org/news-and-events/events/priced-out>



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PayPal is now accepted for membership dues on our website:

www.28thJDB.com/paydues

Upcoming Continuing Legal Education

Pisgah Legal Services has teamed up with **Ellen Rose** to provide *Divorce Basics for Attorneys Helping Pro Se Clients*, a free one and a half hour CLE on Tuesday, September 27, 2011. The CLE includes an overview of the basics of how to help a client prepare the necessary documents for an absolute divorce and is specifically tailored to pro bono attorneys. The CLE is designed to bridge the gap between the large unmet need for pro bono attorneys to handle simple divorces, and the attorneys whose willingness to assist in meeting this need outweighs their substantive knowledge in this area. The program will include a discussion on the effect of obtaining an absolute divorce on spousal support, equitable distribution, a surviving spouse's share, and a surviving spouse's allowance. The CLE will focus on teaching attorneys about the pro se packet, and the presenter will also provide tips for attorneys representing divorce clients. The CLE will end with a 15 minute question and answer session with the attorney presenter.

Following the CLE, attorneys will be paired with a Pisgah Legal Services client who has been pre-screened. The attorney will assist the client in completing necessary documents for a pro se divorce.

The CLE will be held on Tuesday, September 27, 2011 at Pisgah Legal Services. Registration begins at 3:00 p.m. and the CLE will be held from 3:30 p.m. to 5:00 p.m. Participating attorneys will then have a 30 minute break and will meet with a Pisgah Legal Services client from 5:30 p.m. to 6:30 p.m. The CLE will be free to those willing to participate in the clinic.

To register, contact Ky Delaney at Pisgah Legal Services at 828-210-3779 or email kathleen@pisgahlegal.org.

Pisgah Legal Services has teamed up with **Cathie St. John-Ritzen** and **Susan Russo Klein** to provide a free four hour CLE, *Uncontested Guardianships 101* on October 7, 2011. This course includes an overview of guardianship law specifically tailored for attorneys newly licensed to practice in North Carolina or attorneys practicing in other areas of law who are interested in taking an uncontested guardianship case.

The presenters for this CLE are **Cynthia Alleman, Anne Bamberger, Tammy Case, Susan Dotson-Smith, Victor Garlock, Susan Russo-Klein** and **Cathie St. John-Ritzen**. From the pre-hearing steps to preparing the relevant forms to following up with the Estates Division, this CLE will help prepare attorneys to competently handle an uncontested guardianship case. The day includes several role plays designed so that attorneys leave the CLE with an accurate idea of what to expect at an uncontested guardianship hearing.

The CLE will be held on Friday, October 7, at the Cumbie & Trull School of Real Estate (located at Innsbruck Mall, 85 Tunnel Road, Suite 23A). Registration begins at 9:30 and the CLE will be held from 10:00 a.m. until 3:00 p.m. The CLE will be free to those willing to participate in the Mountain Area Volunteer Lawyer Program, and will cost \$150 for all others.

To register, contact **Ky Delaney** at Pisgah Legal Services at 828-210-3779 or email kathleen@pisgahlegal.org.

For Sale: Current published N.C. Reports, volumes 2-364 (except for a few prior to vol. 91), and N.C. App., volumes 1-197. \$2,500.00. 281-8127.

Marshall, Roth & Gregory, PC has a complete set of West's North Carolina General Statutes for sale for \$200 OBO. The set is updated only through 2008. Contact Greg Gregory at 281-2100.

You are invited to attend a free CLE Seminar on **Charitable Lead Trusts: Structure, Taxation and Regulation**, hosted by The American Red Cross on Friday, September 9, 2011, from 12 noon to 1:10 pm. This CLE is approved for 1 hour, a brown bag lunch is provided, and it is held at Red Cross Headquarters, 100 Edgewood Rd., Asheville. For reservations call Marie McMahan, 828-258-3888, ext. 202; or email McMahanm@usa.redcross.org.

Save the date to attend a five-hour CLE on Lesbian, Gay, Bisexual & Transgender law on Friday, November 4th.

Presented by the 28th JDB and Pisgah Legal Services, **Effective Representation for LGBT Clients in Family Law, Estate Planning and Real Estate Transactions** will feature presentations from six attorneys. More information will be posted to the Bar's website soon.

Member News

A Letter of Thanks from Alan Coxie:

As both an attorney and former City of Asheville firefighter, for years now I have been fortunate to be a bridge between these two great professions. Asked by the Asheville Fire Department, the State of North Carolina, local fire departments and AB Tech; for the past five years I have been an adjunct fire instructor in the Fire Protection Technology program at AB Tech through which so many Asheville, Buncombe and other area firefighters have been trained including Capt. Jeff Bowen. Currently, I also serve as Vice Chair for the City of Asheville Civil Service Board which handles employee issues and grievances in an elected position representing all city employees.

As most of you know, Captain Jeff Bowen of Asheville Fire Department's Rescue Company Three died recently in the line of duty as a result of a heart attack while fighting the fire at 445 Biltmore Avenue. My wife Meg (also a former Asheville firefighter) and I participated in memorial events. Right after the fire, I went to Station One to speak with my friends and fellow firefighters to hear firsthand of the tragedy and to try and provide what little comfort is possible in such circumstances. I also went to Mission Hospital and visited with the injured firefighters, one of whom is a very dear friend of ours. On Friday, on behalf of the Civil Service Board, I attended the Moment of Silence ceremony. Meg and I attended the Monday evening reception and finally on Tuesday, we were honored to attend, as a part of the Asheville Fire Department, what has to be the most dramatic funeral we have ever witnessed.

In one of the largest displays of fire service support we have ever witnessed, fire departments from all over the south were in attendance Tuesday afternoon at Biltmore Baptist church. In a very touching moment, in addition to the presentation of U.S. and North Carolina flags, Jeff's children were presented Rescue Company Three fire helmets by Jeff's fire crew, one of which was his own helmet. At the end of the service, while his body was being loaded onto Engine One for the final procession, helicopters from both Mission Hospital and the State of North Carolina provided a constant flyover while the countless firefighters in attendance paid their last respects.

In order to enable Asheville firefighters to attend this service and mourn the loss of their fallen brother, not only did the various Buncombe County fire departments help out, but fire departments from as far away as Greensboro, Salisbury, Charlotte and Charleston all sent Engine Companies to stand by in Asheville Fire Stations for the last couple of days and also to work Bele Chere. As an Asheville firefighter, I have trained with most of these departments. Asheville Fire and Rescue sent fire companies to Charleston SC to help out during their recent tragic fire and line of duty deaths and so there is a very strong bond between all of these fire departments.

In the past weeks, many judges, attorneys and courthouse staff have taken me aside to both express their condolences on the loss of Captain Bowen and to express concern for Meg and I as we too, have been personally affected by recent events. Although Jeff came to the fire department after Meg and I had left, we knew him. Jeff was a very upbeat person and a real firefighter's kind of guy. While at the courthouse this week, an attorney took me aside and told me of his own very serious, life-threatening call which Jeff had responded to and in so doing, had made the difference. This is everyday stuff for Asheville

(Continued on page 8)

Member News

Please plan to attend the Wednesday, September 14 Bar Luncheon. Our speaker will be Robert M. Hurley, Capital Defender for North Carolina. He is responsible for appointing counsel in every first-degree murder case in the State, for reviewing requests from defendants for expert assistance and, when defendants make the requisite showing, for approving such funds. Mr. Hurley will speak about the Capital Defender's Office and its desire to add attorneys to the list for capital cases and the requirements to be put on the list.

Don't miss the chance to watch WNC doctors and lawyers duke it out on the basketball court in a game that is full of competition and laughter!

Mark your calendar, October 13, 2011 for Sawbones vs. Jawbones--a fundraiser for Pisgah Legal Services and Western Carolina Medical Society's Project Access. A tailgate party and reception begins at 5:30, and the basketball game begins at 7. The event is held at the UNCA Justice Center.

Click here for more information: <http://www.pisgahlegal.org/news-and-events/events/sawbones-v.-jawbones>

Heidi Stewart and Barbara Davis will be conducting a workshop at the International Academy of Collaborative Professionals Annual Meeting in San Francisco, CA, October 27-30th. Their workshop is entitled "Thinking Outside the Box - Tools and Creative Solutions for Collaborative Cases". For more information, or to register, go to www.collaborativepractice.com.

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Briefly... from the Bar Administrator

What fun we are having! Baseball games, continuing education classes with the Chief Justice, picnics and even parties with the newly revived Young Lawyers Division. This Bar has really started to host important and fun events, and I am delighted to be a part of the building of community. I've heard many times that practicing law can be a lonely and stressful endeavor. But it appears that practicing in Buncombe County gives attorneys a chance to form friendships that can take the sting out of this sometimes-difficult profession.

And, when good folks are faced with hard times, such as the family and co-workers of firefighter Jeff Bowen, it's good to know that the attorneys of our Bar will stand beside them.

Lisa-Gaye Hall

(Continued from page 6)

firefighters. Sadly though, too often it is only during times like these that we hear of such heroics. I would like to thank each of you who have taken the time to share with me your personal experiences with the men and women of Asheville Fire and Rescue. I will be sure to pass along your stories and appreciation to the fire department.

After speaking with 28th Judicial Bar President Doug Tate last week, I was honored to be able to express your concerns in addition to my own, and pass along the condolences of our local bar, judiciary and courthouse staff to the Bowen family and Asheville Fire Department. You may not be aware, but Rescue Company Three is on the assignment to the Buncombe County courthouse. So, many of you may have actually seen Jeff and his crew in the courthouse during fire calls. After speaking with them Monday evening; Stacy, the entire Bowen family and the Asheville Fire Department have all asked that I pass along to each of you their appreciation for the outpouring of community support and concern displayed over these past few tragic days.

On behalf of the 28th Judicial Bar, the Bar also extended a very special offer of support to the men and women of the Asheville Fire Department which you may hear more about in the weeks and months ahead. For now, let me close by saying that even though these have indeed been tragic days for the Bowen family, the Asheville Fire Department, the City of Asheville and our community, at least from the perspective of Meg and I, the support expressed by our community, the local bar and the courthouse has been overwhelming. May God bless, comfort and watch over the Bowen family as well as the brave men and women of the Asheville Fire Department.

Signed,
Alan Coxie