

OFFICERS

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Vice President: Debbie Miles
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Treasurer: Delores Deal
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Asst. Treasurer: Sandra Shuman
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Asst. Secretary: Kelley Walker
kwalker_cvpa@yahoo.com

ADDITIONAL
BOARD
MEMBERS

Cyndy Adams
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Jerri Lee Craig
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PARA SIGHT

KNOWLEDGE IS POWER

SEPTEMBER 2012

October: Election Month

As we approach the end of CVPA's 6th year, it is once again time to make plans for the future. Each October we begin our new year with the annual meeting and election of officers. This year on October 9, 2012, we will hold our annual meeting and election of officers but, in addition, CVPA will host a special gathering celebrating the legal profession. The details of the special gathering will be announced at a later date, but now is the time to "save the date" of October 9 and make your plans now to attend. Rumors are that this is a meeting you won't want to miss.

Kelley Walker, Betty Winstead, and Jerri Lee Craig, members of the nominating and elections committee, will present to the CVPA membership a slate of officers recommended by them. Nominations are also accepted from the floor by any member in good standing at the annual meeting. Officers must be active professional/general members of CVPA. Article VII of the bylaws is set out below. Please take a minute to read it so that you will be familiar with CVPA's election process.

Officers

1. Term of Office. The term of office shall be for twelve (12) months and shall be limited to two successive terms.
2. Compensation. No officer or member shall be compensated for CVPA duties. However, upon majority vote of the Executive Board, persons may be reimbursed for out-of-pocket expenses in connection with CVPA related activities. Expenditures in excess of any budgeted amount must be approved in advance by the Board if they are to be reimbursable.
3. Election of Officers. The Board shall appoint a Nominations and Elections Committee not less than thirty (30) days prior to the annual October meeting of CVPA to present a slate of officers to the membership at the annual meeting. No name shall be on the slate without consent of the candidate. Nominations from the floor shall be accepted. Officers must be active professional/general members of CVPA.
4. Ten days prior to annual October meeting a list of a slate of Officers recommended by the nominations and elections committee and proxy will be sent to members.
5. To vote by proxy, a member must present the proxy vote at the annual meeting.
6. Voting. Voting may be by ballot at the October meeting. The Nominations and Elections Committee shall be on hand to tally the votes, including all proxy votes. After the votes have all been assembled, the President shall announce the results to the assembly. Election shall be by majority vote of the members present in person or by proxy. In event of a tie, the members may immediately proceed to vote by ballot to dissolve such a tie.

NC Legislature Update

By: Cyndy Adams, NCCP

On July 3, 2012, the short session adjourned with a flurry of end-of-session activity. The House and Senate overrode 3 of Governor Perdue's vetoes: state budget (which included a 3-day debate), legislation on racial justice act reform bill and alternate



energy exploration known as "fracking." The final state budget was good for the legal profession, with funding for family courts restored. However, \$5M was cut from Administrative Office of the Court's budget. Officials at the AOC believe they can absorb this budget decrease without personnel layoffs.

Family Law : Session Law ("SL") 2012-16, House Bill ("HB") 637 addresses amendments to adoption laws, as recommended by the NCBA. HB 589 adds new parameters for DVO and child support. This bill became SL 2012-20 which amends the laws relating to domestic violence protective orders. Specifically, it amends G.S. 50B-2(c) to provide that in an ex parte domestic violence protective order, a hearing shall be held within 10 days from the date of issuance of the order or within seven days from the date of service of process on the other party, whichever occurs later. A continuance shall be limited to one extension of no more than 10 days unless all parties con-

sent or good cause is shown, and the hearing shall have priority on the court's calendar. The bill also provides for the termination of child support when a child is enrolled in an early college program

Real Property: SL 2012-76, Senate Bill ("SB") 518: Landlord/State Bar Notice of Lease Default. An act requiring landlords to give notice to the North Carolina State Bar of an attorney's default on a lease, in order to protect the confidentiality of the attorney's files.

Estate Planning: SL 2012-18, HB 707: Register of Deeds/Directed Trustee/Estates. An act to eliminate obsolete Register of Deeds Provisions from the NCGS, to amend local agency charges for vital records searches, to clarify the law governing persons holding the power to direct trustees, trust protectors and directed trustees and other fiduciaries, to make technical changes in the law governing trustees and decedents' estates, and to authorize the revisor of statutes to print official comments to the Uniform Trust Code.

Construction and Real Property Sections of the North Carolina Bar Association worked on HB 1052 - Mechanics' Liens/Payment Bond Reforms and SB 42 Mechanics' Liens/PVT Lien Agent Both were enacted, which laws address bankruptcy and double payments, and hidden lien problems. SL 2012-175 and SL 2012-158, respectively.

Racial Justice Act SB 416: Under the 2009 RJA, inmates were afforded a chance to escape death row by arguing that racial bias played a role in their prosecution and sentencing. Defense attorneys used statistics to make their cases; one N. C. inmate was removed from death row to serve life in prison without parole. However, the new RJA limits the data search to the prosecutorial district or county where the racial bias is alleged to have occurred. There are strict time limits within which data may be collected. The bill makes it clear that statistics alone cannot prove race was a significant factor. The law is effective immediately and covers inmates convicted in the past as well as those yet to be tried.

A long session will resume on January 30, 2013. Budget and tax reform, with tax on legal services will be issues.

For complete text on NC laws: <http://www.ncleg.net>
The [North Carolina Bar Association website](#) contains a wealth of information.

(Continued on page 3)





What is Fracking?



On July 1, 2012, N. C. Governor Bev Perdue (D) vetoed the legislation for legalized hydraulic fracturing, known as “fracking.” Gov. Perdue said the measure approved by the Republican-led legislature would not ensure adequate environmental protections. Republicans successfully overrode Gov. Perdue’s veto on July 2, 2012, after gathering a few Democrats to side with them.

But, the key vote was Rep. Becky Carney, (Dem. Mecklenburg Co.) who opposed fracking. However, Rep. Carney mistakenly selected the wrong button and she voted with pro-fracking Republicans. Paul “Skip” Stam (Rep. Wake Co.) prevented Rep. Carney from changing her vote. This inadvertent action by Rep. Carney gave Republicans the final vote needed to override Gov. Perdue’s veto.

Rep. Carney chose the wrong fracking button.



Though fracking is now legal, is it probably not eminent. According to the new law, a 15-member board will be established to develop certain regulations. Potential groundwater contamination will be a point of special interest. Further, no permits will be issued before October 2014. Experts believe that North Carolina has nearly 1.7 trillion cubic feet of natural gas. Lee, Moore, and Chatham Counties, which were formerly known for coal mining, are the counties where the natural gas may be concentrated. Property owners would receive a royalty rate for gas extracted off their property.

(Continued on page 4)

IN MEMORIAM: CATAWBA COUNTY ATTORNEYS

Marshall V. Yount
January 21, 1917 - February 7, 2012

Robert (Bob) E. Thomas
August 14, 1929 - February 22, 2012

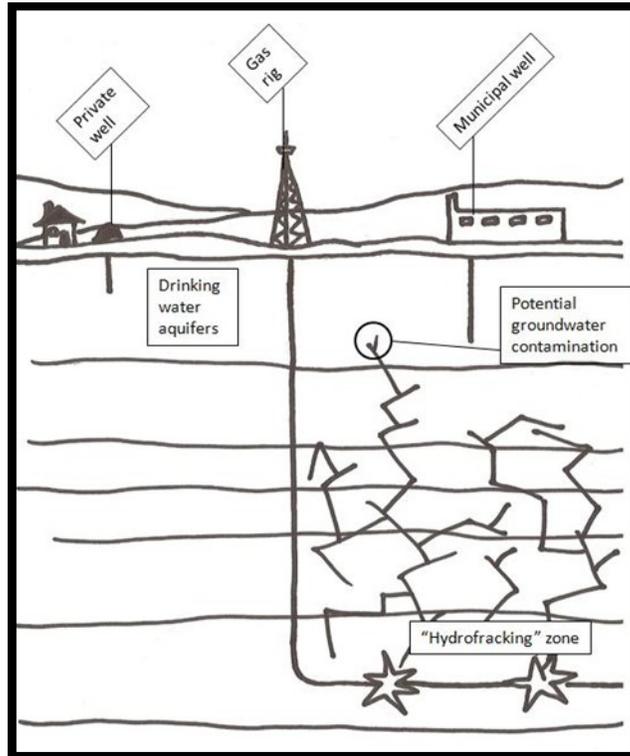
Lewis E. Waddell, Jr.
August 3, 1942 - February 26, 2012

J. Richardson Rudisill, Jr.
April 3, 1947 - March 15, 2012





“The concerns and unanswered questions about fracking should lead to careful study first instead of rushing headlong as the result may have grave consequences for North Carolina water quality and drinking water,” said Geoff Gisler, an attorney at the Southern Environmental Law Center.



Opinion of the Southern Environmental Law Center on Fracking: http://www.southernenvironment.org/cases/fracking_in_north_carolina/

BRING A FRIEND MEMBERSHIP DRIVE

CVPA BRING A FRIEND MEMBERSHIP DRIVE CONTINUES. INVITE A FRIEND AS A GUEST OF CVPA. GIVE YOUR FRIENDS THE OPPORTUNITY TO LEARN ABOUT ALL THE ADVANTAGES OF BEING A MEMBER OF CVPA. MEMBERS GET AN ADDITIONAL CHANCE TO WIN THE DOOR PRIZE DRAWING FOR EACH GUEST THEY BRING.

(A GUEST MAY ATTEND ONE MEETING AT NO COST and WITHOUT RECEIVING CPE CREDIT.)



K-9

By: Beverly King Moore, NCCP

While thumbing through the June 2012 Woman's Day, a picture caught my eye. It was of a beautiful German shepherd in some type of contraption with wheels on the back ("To Protect and Serve," Attoun, Woman's Day, June 2012). I love animals and seeing this picture made me want to know more.

The dog is named Major and he is the partner of Officer John Jorgensen of the Roseville Police Department in Minnesota. Major was injured (stabbed four times which punctured his lung and damaged his spinal cord, causing him to be partially paralyzed) by an intruder that had set off the security alarms at a truck-parts company in November 2010. Thanks to Major the intruder was caught. The intruder received a one year and one day stay of sentence for attempted theft and for "causing harm to a public safety animal." When all was said and done the intruder was expected to serve 120 days.

Officer Jorgensen was outraged that the penalty for the injuries the intruder caused Major were so light. Office Jorgensen took the matters into his own hands and fought for tougher laws in Minnesota for anyone that injured a police dog. Minnesota law did have it as a felony to kill a police dog, but only a misdemeanor if it was classified as an assault. In March 2011, the Minnesota Governor signed a bill that those that injure police dogs may be sentenced up to two years.

This got me to thinking, how does North Carolina treat our police dogs.

N.C. Gen. Stat. §14-163.1(a1) states that it is a Class H felony to willfully kill an animal that is a law enforcement agency

animal, an assistance animal, or a search and rescue animal.

Furthermore, N.C. Gen. Stat. §14-163.1(b) states that it is a Class I felony to willfully cause or attempt to cause serious harm (substantial risk of death, maiming, loss or impairment of bodily function, or acute pain) that results in substantial suffering, requires retraining, or requires retirement (N.C. Gen. Stat. §14-163.1(a)(4)) to law enforcement agency animal, an assistance animal or a search and rescue animal.

If the animal is harmed ("injury, illness, or other physiological impairment; or any behavioral impairment that impedes or interferes with duties. . .")(N.C. Gen. Stat. §14-163.1(a)(3)) then pursuant to N.C. Gen. Stat. §14-163.1(c) it is a Class 1 misdemeanor.

North Carolina even goes so far to make it a Class 2 misdemeanor if someone "willfully taunts, teases, harasses, delays, obstructs, or attempts to delay or obstruct the animal in the performance of its duty" of a law enforcement agency animal, an assistance animal or a search and rescue animal N.C. Gen. Stat §14-163.1(d).

I am not really current only punishments for felonies and misdemeanors, but I think North Carolina is looking out for those animals that look out for us.

So, what happened to Major? Well, he lost the use of his back legs, but he still gets around with a harness and wheels. He now travels with Officer Jorgensen and teaches kids about K-9 police work.

Treasurer's Report



Submitted to Board of Directors

July 2, 2012 to July 31, 2012

Prepared by:

Delores Deal, Treasurer

**Account Balance as of
July 31, 2012: \$2,162.21**

Balance Forwarded from 07/01/2012: \$3,041.21

DEPOSITS:

Heather Misenheimer –new member dues 30.00

Total Deposits: \$ 30.00

DISBURSEMENTS:

NC State Bar CPE :

Debra Bechtel 75.00

CLE, Rachel LeClair 18.00

Twin City Insurance Agency 198.00

The Corner Table 600.00

Cost of Post Office Box key 9.00

Total Disbursements \$ 909.00

July 31, 2012 Balance: \$2,162.21





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Website: catawbavalleyparalegalassoc.org

Facebook:
<http://www.facebook.com/catawbavalley.paralegalasn>

ATTEND TO WIN

MONTHLY DOOR PRIZE!

\$25 Gift Card

Attendance at the CVPA monthly meeting and payment for any CPE for non-members is required for a chance to win.

You don't have to be a member for a chance to win—just your attendance is required (and payment for any CPE if you are not a CVPA member).

Congratulations to the winners!

WILL YOU BE NEXT?

Up-coming CPE's and Monthly Meetings

Mark your calendars!

Plan now to attend our monthly meetings held on the 2nd Tuesday in each month at 6:00 pm at Catawba Valley Community College Auditorium.

Door Prize drawing at each meeting for a \$25 gift card. Bring a friend and/or a donation for The Corner Table for an additional chance at door prize.

September 11: Foreclosure Defense by Rufus Walker

October 9: **ANNUAL MEETING, ELECTION OF OFFICERS, AND LEGAL PROFESSION APPRECIATION EVENT**—Location TBA

November 13: Derek Mace

December 11: Holiday Social—Location TBA

January 8: Ethics CPE