



PARA SIGHT

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Pampered Chef Fund Raiser Great Success

CVPA did well with the Pampered Chef fund raiser held in June. We had total sales of \$2,462.00 which would give the Association \$655.48. There were also seven bookings which can give us the potential of an additional \$70.00 if all the shows are held.

Lynn Price won the prize for the most parties booked and **Leah Poovey** won the prize for the largest amount of sales.

Thanks to everyone who participated in this fund raiser and especially to our member and Pampered Chef Consultant, **Susan Renfro**.



CVPA would like to thank **Terry M. Taylor** and **Henry S. Morphis** of Young, Morphis, Bach & Taylor, LLP for their presentation of 'Update on Wills, HealthCare Powers of Attorney and Living Wills in North Carolina' at our meeting held on August 12, 2008. This meeting was approved for 1 hour of CPE for all attending members.

It was a very interesting topic and quiet relative to many of us.

The attendance was outstanding with quite a few guests and new or potentially new members.

Again, thank you Ms. Taylor and Mr. Morphis for taking time out of your busy schedules to give this presentation to our organizations.

Rule 45 – Subpoenas

Submitted by: Cyndy Adams

Pursuant to Rules of Civil Procedure, Chapter 1A, Article 6, Rule 45(d1), anytime you receive material as a result of having issued a *Subpoena Duces Tecum* for particular documents, information, etc., you must notify the other party within five (5) business days of the receipt of such. They must be afforded a reasonable opportunity to inspect and/or copy the material, at their expense. It is suggested that you notify the other side in writing, so that you have proof that you notified and offered the other party the chance to review and/or copy the material.

Following are a few tips for preparing and serving Subpoenas with success:

The Catawba County Sheriff's Office has a website that you can access online to check on service of Subpoenas, Civil Summons, or other legal papers. Print out and highlight the name of the person who was served, date, etc., and make this page a part of your client file. Proof of service is essential in a trial or discovery situation.

<http://www.co.catawba.nc.us/depts/shf/CivProcessByDef.pdf>

One local attorney customarily issues only *Subpoenas Duces Tecum*. He may ask for “any handwritten or typed notes, audio material, video material, or photographs in your possession or control relating to...” from every witness. The reasoning behind this is (1) the deputy must hand-deliver the *Subpoena Duces Tecum* to the witness rather than serving it by telephone; and (2), the intimidation factor of having an officer appear at the door is persuasive. Service of a subpoena for the production of documentary evidence may also be by registered or certified mail, return receipt requested. If service is by certified mail, photocopy the addressed envelope (with postage affixed) and place that in the file, along with a copy of the Subpoena, as further proof of mailing.

When serving a physician, accountant, or anyone who maintains an office, check the property tax records and use their home address as an alternate address. Many times, someone “dodging” service will simply have their receptionist or staff tell the deputy that the person is not in, not available, etc. By using a home address, the deputy stands a better chance of finding the witness as the witness usually doesn't expect service at their home, particularly early in the morning or late evening hours. Be sure to note on the face of the Subpoena the best time to attempt service, i.e., “after 4:00 p.m. week days.”

http://www.gis.catawba.nc.us/nomap/parcel_search.asp

It is a good idea to place language on the Subpoena that indicates a Subpoena is continuing in nature and is not only valid during that particular term, (set out the duration of the term), but is also valid until the witness either testifies (in the event of a continuation) or is ultimately released by the Court. Not being required to pay an additional \$15 each time for a continued Court date to subpoena the same witness to appear, saves your client money. You may place the witness on telephone stand-by, depending on the circumstances, but be specific in the language that you use on the Subpoena. Set out strict parameters, i.e., they must call a particular telephone number by a certain time on an identified date to make arrangements; they must be able to arrive to Court within one hour from the time called, etc.



Helpful Hint: PUT YOUR CAR KEYS BESIDE YOUR BED AT NIGHT
Submitted by Debbie White

Tell your spouse, your children, your neighbors, your parents, your Dr Office, the check out Girl at the market, everyone you run across.

Put your car keys beside your bed at night. If you hear a noise outside your home or someone trying to get in your house, just press the panic button for your car. The alarm will be set off, and the horn will continue to sound until either you turn it off or the car battery dies.

This tip came from a neighborhood watch coordinator. Next time you come home for the night and you start to put your keys away, think of this:

It's a security alarm system that you probably already have and requires no installation. Test it. It will go off from most everywhere inside your house and will keep honking until your battery runs down or until you reset it with the button on the key fob chain. It works if you park in your driveway or garage. If your car alarm goes off when someone is trying to break in your house, odds are the burglar rapist won't stick around... after a few seconds all the neighbors will be looking out their windows to see who is out there and sure enough the criminal won't want that. And remember to carry your keys while walking to your car in a parking lot. The alarm can work the same way there.....

This is something that should really be shared with everyone. Maybe it could save a life or a sexual abuse crime.



Congratulations to **Sandra Shuman** of the Catawba County Clerk of Courts Office. Sandra has been accepted to George Washington University in the Master Degree Paralegal Program.

Good Luck and Best Wishes!

Paralegal Name Change by North Carolina Bar Association

Submitted by: Cyndy Adams

In 1977, the North Carolina Bar Association created the “Legal Assistants Division”. After 10 years, on July 1, 2008, the NCBA Board of Governors officially changed the name of the Legal Assistants Division to the “Paralegal Division.” The name change was adopted at the summer meeting of the Board of Governors on June 20, 2008 in Atlantic Beach.

According to Teri Bowling, incoming chair of the division, the terms “legal assistant” and “paralegal” were previously referred to interchangeably to describe the work of non-lawyers who perform “substantive legal work.” But, during the last 10 years, an increasing number of law firms, government entities and corporations have adopted the term “paralegal” to define our work. Bowling added that only the name has changed, and that “our mission, membership criteria and dedication to the profession remain the same.”

The fastest growing division within the NCBA, Paralegal Division membership has nearly doubled in the last two years, and currently has some 1,125 members.

Source: The NCBA Webpage – Article Date: 7/20/2008



Upcoming Events

September 9, 2008: CVPA Business/Nomination Meeting at CVCC Auditorium

October 14, 2008: CVPA Business/Officer Election Meeting at Wachovia Bank, 2nd Floor Board Room, 200 1st Avenue NW, Hickory.

Tentative Topic: Elder Law presented by Martin Steele, Attorney at Law
(CVPA CPE committee will apply to NC State Bar for CPE Credit for Elder Law)

November 11, 2008: CVPA Business/Speaker Meeting

The newsletter is a bi-monthly publication; we welcome your stories and ideas for our newsletter. If you would like to be a part of the newsletter team or have something that you wish to share please email your information to: dmiller@ci.hickory.nc.us or contact her at 828-323-7508. We request that all information be submitted by the 15th of the month preceding the next issue. *Next Issue November 2008*