



PARASIGHT

April 2019

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President's Message *Are you a Fred? . . . The Fred Factor*

The book, The Fred Factor by Mark Sanborn (A Currency Book, Doubleday, 2004), is about a postman named Fred. However, this postman is unlike any other because he consistently goes above and beyond the call of duty in order to make sure that the people to whom he delivers the mail receive the highest service he can offer. In the beginning of the book, the author has just moved into a new house in Denver, Colorado. A couple days after moving in his postman, Fred, knocks on his door, introduces himself and during the conversation asks Mark what he does for a living. When he discovers that Mark is a professional speaker and is out of town a lot, Fred tells him that he will make sure on the days Mark is out of town, his mail is bundled and saved until he returns from his speaking engagements. A few weeks later, after Mark comes home from a trip he finds a note from Fred that says a courier service delivered a package addressed to Mark to a house down the street. Fred noticed this mistake when he dropped off the mail at the other house so Fred delivered the package to Mark's house. To top it off, Fred is always cheery and

polite and takes a real interest in the people to whom he delivers the mail. While some people may think that being a postman is boring and tedious, Fred makes his job exciting and fresh each day. He looks forward to his mail delivery route.

Mark Sanborn has learned four principles from Fred: (1) Everyone makes a

You can turn each day into anything you want it to be.

Mark Sanborn

difference; (2) Success is built on relationships; (3) You must continually create value for others; and (4) You can reinvent yourself regularly.

An individual can make a big difference in an organization, no matter the size of the organization. One person can even change the perception of an organization by the general public. Mark Sanborn quotes Martin Luther King who said, "If a man is called to be a street sweeper, he should sweep streets even as Michelangelo painted or Bee-

thoven composed music or Shakespeare wrote poetry." In other words, if you have a job to do, do it well. Turn the ordinary into the extraordinary. Make a difference in the lives of your co-workers, employers and clients. In turn, you may make an unexpected difference in your own life.

Mark states that, "Indifferent people deliver impersonal service. Service becomes personalized when a relationship exists between the provider and the customer." Think about the service you give your clients. Are you impatient with them? Hurried in your conversations because

you want to get on with your other work? Or do you treat each client personally in order to build a relationship? Even if you have a short-term client, a relationship can be built in as little as a few days. In addition, building relationships with co-workers and employers is equally important. You want to make sure that both know they can count on you in all aspects of your job.

You don't need a lot of resources to create value in your workplace. You just

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REVISED STANDARDS FOR PARALEGAL CERTIFICATION

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(a) To qualify for certification as a paralegal, an applicant must pay any required fee, and comply with the following standards:

(1) Education. The applicant must have earned one of the following:

(A) an associate's, bachelor's, or master's degree from a qualified paralegal studies program;

(B) a certificate from a qualified paralegal studies program and an associate's or bachelor's degree in any discipline from any institution of post-secondary education that is accredited by an accrediting body recognized by the United States Department of Education (an accredited US institution) or an equivalent degree from a foreign educational institution if the degree is determined to be equivalent to a degree from an accredited US institution by an organization that is a member of the National Association of Credential Evaluation Services (NACES) or the Association of International Credentials Evaluators (AICE); or

(C) a juris doctorate degree from a law school accredited by the American Bar Association.

(2) National Certification. If an applicant has obtained and thereafter maintains in active status at all times prior to application (i) the designation Certified Legal Assistant (CLA)/Certified Paralegal (CP) from the National Association of Legal Assistants; (ii) the designation PACE-Registered Paralegal (RP)/Certified Registered Paralegal (CRP) from the National Federation of Paralegal Associations; or (iii) another national paralegal credential approved by the board, the applicant is not required to satisfy the educational standard in paragraph (a)(1).

(3) Examination. The applicant must achieve a satisfactory score on a written examination designed to test the applicant's knowledge and ability. The board shall assure that the contents and grading of the examinations are designed to produce a uniform minimum level of competence among the certified paralegals.

(b) Notwithstanding an applicant's satisfaction of the

standards set forth in Rule .0119(a), no individual may be certified as a paralegal if:

(1) the individual's certification or license as a paralegal in any state is under suspension or revocation;

(2) the individual's license to practice law in any state is under suspension or revocation;

(3) the individual

(A) was convicted of a criminal act that reflects adversely on the individual's honesty, trustworthiness, or fitness as a paralegal;

(B) engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation;

(C) engaged in the unauthorized practice of law; or

(D) has had a nonlegal state or federal occupational or professional license suspended or revoked for misconduct; however, the board may certify an applicant whose application discloses conduct described in Rule .0119(c)(3) if, after consideration of mitigating factors, including remorse, reformation of character, and the passage of time, the board determines that the individual is honest, trustworthy, and fit to be a certified paralegal; or

(4) the individual is not a legal resident of the United States.

(c) All matters concerning the qualification of an applicant for certification, including, but not limited to, applications, examinations and examination scores, files, reports, investigations, hearings, findings, recommendations, and adverse determinations shall be confidential so far as is consistent with the effective administration of this plan, fairness to the applicant and due process of law.

(d) Qualified Paralegal Studies Program. A qualified paralegal studies program is a program of paralegal or legal assistant studies that is an institutional member of the Southern Association of Colleges and Schools or other regional or national accrediting agency

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C. J. SAUNDERS

Member Spotlight

Q: Where is your hometown? If not in North Carolina, what brought you here?

A: Gastonia, NC

Q: What prompted you to choose a paralegal career?

A: I was always interested in the legal field, but didn't feel strongly about becoming an attorney. I had a friend that really enjoyed her paralegal program and when I graduated from UNCG, and wasn't quite sure what to do next, I decided to give it a shot!

Q: Do you have a college degree or paralegal certification?

A: I have a BA in Sociology from UNCG and an AAS in Paralegal Studies from King's College.

Q: What experiences or skills have your current or previous legal positions given you?

A: Understanding how important it is to find a work/life balance. I've worked at firms where the attorneys will work themselves and their staff to death, and you burn out quickly. Finding a firm with the same work/life balance mentality is truly a breath of fresh air.

Q: What do you like most about your job?

A: Helping clients start their new beginnings. Even when it's for the best, divorce is never easy and it's difficult to close that door, but necessary to move forward and start the next chapter.

Q: What do you like least about your job?



C. J. Saunders

A: You do have those cases where no matter how hard you work and how hard the attorney fights, the outcome is never good enough for the client. That can be disheartening, but you have to try not to take it personally.

Q: How has your membership in the CVPA benefited you?

A: The CLE credits are certainly nice J, but I've also enjoyed learning about different aspects of the law. I've worked almost my entire paralegal career in family law so it's nice to be exposed to different areas of the law as well.

Q: What has been the highlight of your career?

A: Finding my law firm "home". It's a simple thing, but so important when you think about how much time we all spend at work. After working in a couple different firms for different kinds of attorneys, it has been nice to find my place with my current firm, where I've been for five (5) years now.

Q: If someone contemplating a paralegal career asked you for career advice, what would you say?

A: It's not like TV! Like everything, the day to day can be a little boring, but if you are curious, there is always something new to learn. Also, don't be afraid to speak up when you have a question and know that with the law, you can always look it up!

Q: What tips do you have on how a paralegal can keep her career interesting?

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CARTERET COUNTY COURTHOUSE

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Carteret County was created in 1722 as Carteret Precinct. It was given county standing in 1739. It was named for Sir John Carteret, 2nd Earl of Granville and one of the Lords Proprietors of North Carolina. The county seat is Beaufort, which is the third oldest town in North Carolina. Beaufort was originally called *Fishtown* because the fishing industry was one of the main trades. The town was later named for Henry Somerset, Duke of Beaufort.

The first courthouse was built in 1724. Three months after the courthouse was completed, the roof was blown off during a hurricane. The courthouse was not used after that. A year later, the structure was completely destroyed by fire. The second courthouse was built in 1728 by William Davis. This courthouse also doubled as a church.

Needing a newer and larger building, Colonel William Thomson who was a Beaufort town official was tasked with acquiring funds to build the third courthouse which was completed in 1796. This courthouse was used until 1837 when it was moved to the northeast corner of the same street and sold for \$170. Up until 1976 this building had a number of owners, all of whom used the building as a private home. In 2001, the wooden structure was completely restored as a one-room courthouse and is now a museum and the

oldest remaining public building in Carteret County.

In 1837, a new courthouse was erected on the former spot of the third courthouse at the corner of Turner and Broad Streets. Built by James Ward who hired brick masons who had probably come to Beaufort three years earlier to build Fort Macon and remained in the area. The cost of this courthouse was \$4,400. This new courthouse was two stories high with walls 15 inches thick. The second floor courtroom occupied the entire space. The first floor housed the register of deeds office, clerk of court and the library. Around 1895, the exterior of the courthouse was completely encased in stucco because the mortar had begun crumbling and people were concerned that the building would collapse. The courthouse was used as a public school and as a library, but in 1914 it was sold and demolished. Unfortunately, when it was demolished, it still held many old books and papers.

Worries about the condition of the 1837 courthouse resulted in the building of a new brick courthouse in 1907. The new courthouse was built by New Bern architect Herbert Woodley-Simpson at a cost of \$32,000. It sits in the center of Broad Street. It was built in the Classic Revival style with Corinthian porticos facing the street and a tall octagonal cupola. This courthouse is still used today.



Carteret County Courthouse (c. 1907)



ARTICLES OF VALIDATION

On October 1, 2018, the North Carolina Business Corporation Act was amended to add Articles of Validation and a section called *Ratification of Defective Corporation Actions*. This amendment is NCGS §55-1-60 through §55-1-67. A Defective Corporation Action is defined as “Any corporate action purportedly taken that is and at the time the corporate action was purportedly taken would have been within the power of the corporation, but is void or voidable due to a failure of authorization”. Any failure by the shareholders, Board of Directors, officers or a committee to authorize or approve a corporate action in compliance with the Act, the Articles of Incorporation or the corporation’s bylaws that could render the corporate action void or voidable can be validated by the later of (1) the time which the ratification of the defective corporate action is approved by the shareholders, or if

approval by the shareholders is not required, the time when the notice required by §55-1-64 becomes effective or (2) the effective date of the Articles of Validation that are filed with the Secretary of State.

For instance, if a corporation accidentally issues more shares than are authorized in the Articles of Incorporation, the shareholders can ratify the action by authorizing additional shares and requesting that the directors or officers file Articles of Validation with the Secretary of State increasing the number of authorized shares. Articles of Validation can be used as an amendment or as a substitute for any other filing that would have been filed with the Secretary of State.

The fee to file Articles of Validation is \$150.

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MEMBER SPOTLIGHT (continued)

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A: The exciting (and sometimes frustrating) part of the law is that it’s always changing. I continue to learn new things everyday about family law. I think we tend to pigeon hole ourselves into certain areas, but our skills as paralegals

are easily transferable to all parts of the law. So, if you feel like you’re in a rut and find your particular section of the law mundane, you might try your hand in a different area.

Q: What nonlegal jobs have you had in your lifetime?

A: I’ve also been a lifeguard and a waitress.

Q: What is your favorite vacation spot?

A: Ocracoke Island, NC. It’s my family’s favorite beach, and we do our best to make it down there every year.



The More You Know!

WHAT IS AN APOSTILLE?

An apostille is a form of authenticating documents (both public and private) so they can be recognized internationally in foreign countries that are members of the 1961 Hague Convention Treaty. Documents are authenticated with an apostille issued by the Secretary of State's Office or by other authorities such as a U.S. Federal Clerk of Court or the U.S. Department of State. Apostilled documents do not typically require the need for additional certification by the embassy or consulate of the foreign country in which the document is to be filed.

office by a courier service such as Federal Express or UPS and a return courier service envelope is included, the turnaround time is a little faster.

If a document that is on file with the North Carolina Secretary of State's Office (i.e. Articles of Incorporation) needs to be authenticated with an apostille, then you would order a certified copy of the filing and the apostille. The Secretary of State's office must obtain the certified copy for the requestor for it to be valid. The fee would be \$20.00 (\$10 for the certified copy and \$10 for the apostille).

Once the person located in the foreign country who requested the Apostille (such as an attorney) is in possession of it, a notary or similar officer will translate the apostille and attached documents so they can be filed with the appropriate foreign governmental authority.

It is important to note that an apostille is not an authentication. If a country is not a member of the 1961 Hague Convention Treaty like China or Canada, then you would obtain an authentication which has more steps and is more time consuming.

To obtain an apostille in North Carolina, you would first have the document signed by the respective party or parties and notarized by a North Carolina notary. If the notary on the document is from another state, the Secretary of State of that particular state will have to issue the apostille. The signed and notarized document is delivered to the North Carolina Secretary of State Authentications Office along with a cover memo that can be found on the Secretary of State's website and a check for \$10. The cover memo will state in which country the apostille is required. It typically takes 3 – 5 days for the apostilled document to be processed, but if the document is mailed to the Secretary of State's

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Medallion Signature Guarantee

A medallion signature guarantee is one of several special certification stamps that guarantees that a signature that authorizes a transfer of securities is authentic. Parties will generally require a medallion signature guarantee when an owner wants to sell or transfer securities, such as stocks or bonds, held in physical certificate form or the book entry. If an owner holds securities through a broker, he or she will not need to obtain a signature guarantee to sell or transfer the securities.

Financial institutions are the only entities that can issue medallion signature guarantees, including:

1. Securities Transfer Agents Medallion Program (STAMP) whose participants include more than 7,000 U.S. and Canadian financial institutions (banks and credit unions).

2. Stock Exchanges Medallion Program (SEMP) whose participants include the regional

stock exchange member firms, and clearing and trust companies.

3. New York Stock Exchange Medallion Signature Program (MSP) whose participants include NYSE member firms.

US Securities and Exchange Commission and Definition and Data from www.investopedia.com



PARALEGAL UPDATE (continued)

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recognized by the United States Department of Education, and is either

(1) approved by the American Bar Association;

(2) an institutional member of the American Association for Paralegal Education; or

(3) offers at least the equivalent of 18 semester credits of coursework in paralegal studies as prescribed by the American Bar Association Guidelines for the Approval of Paralegal Education including the equivalent of one semester credit in legal ethics.

(e) Designation as a Qualified Paralegal Studies Program. The board shall determine whether a paralegal studies program is a qualified paralegal studies program

upon submission by the program of an application to the board provided, however, a paralegal studies program is not required to submit an application for qualification as long as the program satisfies the requirements of Rule .0119(e)(1) or (2).

(1) A program designated by the board as a qualified paralegal studies program shall renew its application for designation every five years.

(2) An applicant for certification who lists on a certification application a paralegal studies program that does not satisfy the requirements of Rule .0119(e) (1) or (2) or that has not been designated by the board as a qualified paralegal studies program shall be responsible for obtaining a completed application for designation from the program or shall submit the information required

on the application for determination that the program is a qualified paralegal studies program.

(3) Designation of a paralegal studies program as a qualified paralegal studies program under this section does not constitute an approval or an endorsement of the program by the board or the North Carolina State Bar.

History Note: Statutory Authority G.S. 84-23

Adopted by the Supreme Court October 6, 2004

Amendments Approved by the Supreme Court: March 2, 2006; March 8, 2007; February 5, 2009; March 11, 2010; March 6, 2014; March 5, 2015; June 9, 2016; April 5, 2018

The above material is the property of the North Carolina State Bar.

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PRESIDENT'S MESSAGE (continued)

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need some ingenuity. Devise a creative way to fix a problem or issue. Always think outside the box. Find a better, faster or more cost effective solution. Make each day better than the one before.

Mark Sanborn points out that each day you wake up to a clean slate. You have the

power to make each day better than the last. You can do just enough work to get the job done or you can go the extra mile. You can plod through the day waiting for 5:00 to arrive or you can work with exuberance. You can turn each day into anything you want it to be.

The Fred Factor can also be carried over into your per-

sonal life. Have you ever done a random act of kindness for a stranger? Have you ever phoned a friend you haven't seen in a while? Instead of watching television, sit down with your children, spouse or significant other and talk about their day. Small things make a big impact on those around you and in turn will make a big impact on your life as well.



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UPCOMING SEMINARS



May 14, 2019

Special Needs Trusts
Presented by Kimberly H. Whitley,
Esq.
Patrick, Harper & Dixon L.L.P.

June 11, 2019 (Ethics)

*Social Media Ethics in Private
Investigations*
Presented by John LaRue
Larue and Rogers Investigations, LLC

August 13, 2019

Appellate Procedure
Presented by Michael J. Barnett
Patrick, Harper & Dixon L.L.P.

September 10, 2019

TBD

The Future of Paralegals

The United States Bureau of Labor Statistics projects that job opportunities for paralegals and legal assistants will grow 15% during the next 10 years. According to Robert Half, the most in-demand practice areas are litigation, business/commercial law and real estate. Both law firms and corporate law departments have a growing demand for tech-savvy legal support staff.

The *Robert Half 2019 Salary Guide* for legal services can be downloaded at:

<https://www.roberthalf.com/salary-guide>

Thank you!

Special Guest
Renee Habrack, RPR, CCR





CVPA ROSTER OF COMMITTEE MEMBERS

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