

PARASIGHT

KNOWLEDGE IS POWER



CATAWBA VALLEY PARALEGAL ASSOCIATION, INC.



July 2011

JULY SOCIAL and COMMUNITY OUTREACH PROJECT

Continue celebrating our nation's 235th birthday at the CVPA July 12th Social beginning at 5:30 pm at Winkler Park, 2500 Clement Blvd., Hickory, North Carolina, near L.P. Frans (Crawdads) Stadium. Bring a covered dish, your lawn chairs, and your Community Outreach donation. Everyone bringing a donation for our Community Outreach Project will receive a ticket for a chance to win a \$25 Walmart gift card.

The CVPA Community Outreach project for 2011-2012 is underway with two schools to benefit: Longview Elementary and Maiden Elementary. Need is most great at both these schools, which have suffered big cuts in funding and where a large percentage of students is on the assisted lunch program.

"Wish lists" were compiled by Principals John Black and Lori Reed, of Longview and Maiden respectively, along with their staffs and emailed to the Community Outreach committee. The lists include such items as pencils, glue sticks, Kleenex, hand sanitizer, markers and notebook paper. See complete lists [here](#).

Items have been collected at the May and June



By: Christel East

CPEs and will be collected at the July social and the August CPE. Committee Outreach Chair Cari Burns has planned the first donation delivery for August 15th.

Both schools will also receive a monetary donation of \$235 each. This donation is a result of the CVPA Pampered Chef fundraiser which was held in March. Additionally, CPE speakers Donna Spencer and Kim Whitley both declined their honorariums, and those were donated to the fund as well. Thank you to all those who have made donations so far. For those members who haven't, it isn't too late. A second delivery will be made in January to coincide with the start of the second half of the school year.

PRIVATE ATTORNEYS CAN'T ESCAPE NC BUDGET CUT WRATH

Many headlines have been made regarding the budget shortfall that the state of North Carolina is currently facing. This shortage of funds has forced state lawmakers into the difficult position of deciding which state-funded programs will remain in existence while eliminating others. One such program undergoing change that is of particular note to the legal community is the hour-

ly fee paid to attorneys in court-appointed cases.

Previously, in NC district courts, an attorney received \$75 per hour as compensation for representing indigent clients who would be unable to afford to exercise their Constitutional right to legal representation otherwise. However, in an attempt to trim spending, the NC Office of Indigent Services who is responsible for managing the court-appointed

By Quintin M. McGee, Esq.

system, has been given the authority to decrease the pay rate of court-appointed attorneys in superior and district court cases. Currently, attorneys handling court-appointed cases in district court have seen their hourly rates decrease to \$55 per hour for representing indigent clients.

Although the fee decrease may seem minor at first glance, the legal complications that it

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OFFICERS AND BOARD OF DIRECTORS:

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email: cyndy.adams@live.com

Vice President: Jennifer Koch
email: jennik.1212@yahoo.com

Treasurer: Delores Deal
email: dvdatter15@aol.com

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Kelley Walker
kwalker_cvpa@yahoo.com

Peggy Hallman
phallman@charter.net

Cari Burns
cburns@catawbacountync.gov

Christel East
Christeldoe@yahoo.com

Pamela Hemphill
pamh@legalaiddnc.org

Debbie Miles
debbie4matthewslawfirm@yahoo.com



SCHOOL ZONE SPEEDING – In April the NC House and Senate compromised in setting the fee for those caught speeding in a school zone to increase from \$25 to \$250. This is the same as for speeding in a work zone. So not only for the safety of the students and teachers, watch that speed in those school zones!!

For more information see: <http://www.wxii12.com/r/27708263/detail.html>

OUT OF STATE POLICE HELP – In 2012 Charlotte will be hosting the Democratic National Convention (“DNC”). The estimate is that the DNC will add an additional 30,000 to 35,000 people (delegates, media and political leaders) to the already crowded area. In order to help with keeping the peace, the NC Senate voted 50-0 to “recognize out-of-state law enforcement officers as having the same powers and immunities as local police”.

For more information see: <http://www.charlotteobserver.com/2011/05/12/2290365/across-the-region-the-latest-from.html>



ATV SAFETY – Governor Beverly Perdue did not sign the bill, but it will still take effect on October 1. The bill exempts ADULT drivers of ATVs from being required to wear a helmet and eye protection while riding on private property. This will loosen the 2005 ATV law which required protective gear.

For more information see: <http://www2.nbc17.com/news/2011/apr/21/nc-senate-changes-atv-safety-exceptions-outcome-ar-966610/>



FETUS PROTECTION – On December 1, a new law will take effect that creates separate criminal counts for “causing the death or seriously injuring a fetus inside the mother’s womb at any stage of development”. The law creates new counts of murder, manslaughter, assault and battery for injuries to unborn children. Governor Perdue signed the bill in April. This law does not apply to abortions. With the effective date of this bill, NC will have joined 35 other states as well as the federal government in the recognition that an unborn child is an additional victim of crimes.

For more information see: <http://www.wcnc.com/news/politics/Gov-Perdue-signs-fetus-protection-law-in-NC-121030479.html>



NOTE: A special thanks to CVPA Member Delores Deal for providing information on these new laws!



PRIVATE ATTORNEYS CAN'T ESCAPE NC BUDGET CUT WRATH

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By Quintin M. McGee, Esq.

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could potentially create are devastating. Currently, only 14 out of the 100 NC counties have Public Defender offices to represent indigent criminals charged with crimes in NC. That means that the other 86 counties rely exclusively on the services of private attorneys to represent those charged with crimes who cannot afford to retain an attorney to represent them. However, with the reduction in compensation, many private attorneys in these counties are deciding to remove themselves from court-appointed lists as they are unwilling to give their time to indigent services for lower pay at the expense of higher paying retained work. The resulting situation is that the attorneys remaining on the list will have higher court-appointed case-loads which will undoubtedly increase the average amount of time that it takes a court-

appointed case to reach adjudication. Eventually, if enough attorneys withdraw from the list, counties will face a Constitutional problem in that the indigent clients will not have legal representation to defend them in their cases or their right to a speedy trial will be infringed upon because of the case backlog. The most obvious answer to that problem would be to install Offices of the Public Defender in each county but that would cost the state even more money over the long-term because staffing and maintaining those offices will conceivably cost more money annually than paying private attorneys to do the job.

Ultimately, this dilemma is not an easy one to solve because it must take into account the unique needs of three very different parties. In terms of the state, lawmakers are faced with balancing the health of the state's economy with the

needs of citizens who are in need of indigent services. For attorneys, they are faced with the difficult task of attempting to help indigent clients who desperately need their legal services but also must recognize the need to keep their law practices afloat financially. Lastly, and most importantly, in this scenario are the indigent clients themselves. These individuals, who are caught in this financial power struggle between the state of North Carolina and private attorneys, have a right to and deserve adequate legal representation regardless of who provides those services. While the debate in the legal community about the issue will surely rage on, the overarching point here is that a sustainable resolution must be reached that addresses the concerns of all involved parties.



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UPCOMING CPE'S and MONTHLY MEETING SCHEDULE

Mark your calendars! Plan now to attend our monthly meetings held on the 2nd Tuesday in each month at 6:00 p.m., except for our July social which will begin at 5:30 p.m. There are some very informative CPE's on the schedule:

July 12: Quarterly Social @ 5:30 pm: Covered Dish Picnic at Winkler Park in Hickory, near the Crawdad Stadium, beginning at 5:30 p.m. The social is open to members and their families. PLEASE BRING DONATIONS FOR THE COMMUNITY OUTREACH PROGRAM (LOCAL ELEMENTARY SCHOOLS). Anyone that brings a donation will be entered into drawing for a special give-a-way. DON'T FORGET TO BRING YOUR LAWN CHAIRS!!

Aug. 9: Collections and Judgments presented by Attorney Bill Morgan.

Sept. 13: Estates presented by Attorney Shirley Anthony.

Oct. 11: Election of Officers.

Nov. 8: Attorney Wes Barkley will be presenting our CPE.





“What, Jim, have you learned from going through the experiences in your life that caused you to lose everything, including your law license, and have to start over completely? No lawyer or anyone in the legal profession wants to go through what you did, but they do want to know what you have learned from your unique experiences, and more specifically, what if you were starting over, would you do differently?”

These questions were put to me recently by a former North Carolina Superior Court Judge who had served as such for over 23 (twenty three) years. I had once tried a triple murder case, as a defense lawyer, in which he presided. He knows the law well as his father was a Superior Court judge in this state, and his son is about to enter law school himself. So these questions were really not academic at all but rather an attempt to draw out from me anything he could get at the heart of the matter, much as a trial court judge would do. And I think he succeeded. As a result, I propose a new Continuing Legal Education program based not just on the retelling of my own experiences as a lawyer, both good and bad, but rather an intensive search for what I have learned in the generation since I practiced law, and what I would do differently

now, if I could go “Back to the Future”, be 25 (twenty five) years old again and start all over. Would my personal and professional life have turned out differently? Would I still be practicing law? Would I be happy? Clearly, any program that seeks to teach Ethics and Professionalism, at a minimum, has to include a discussion of integrity, honesty, passion, ethical dealings with other lawyers and the court, and regular and straightforward communication with clients. This program certainly will include such discussions, according to the Rules of Professional Conduct, and a general conversation about what I did wrong, what led to those mistakes and how lawyers can keep themselves from similar situations. But if I were starting over, knowing what I know now, what would I do, and how would I seek to perform as a lawyer?

The following thoughts are what I told to the Judge recently, and what I really believe:

- Treat each legal matter as though it is the most important one in the world, regardless of the station of the client and the fee being paid – it is to the client.
- Do not try to be all things to all people – learn to say no. Take only those cases that can be handled well and within my ability to represent the client well.
- Preparation – leave no stone unturned. Know more about my case or matter than anyone else.
- More honesty – unfortunately some people believe there are degrees of this. Telling the truth to my client, when the news is bad, or when I have not done what I said I would do or could do is absolutely critical. The truth is the most important asset I and/or my client have.
- Do not leave everything to the last minute – be better prepared

along the way – it is good to be a great closer, but the problem is there is no room for error.

- Learn to be happier. Relax. Live in the moment more. Take care of my personal life.
- Do not chase money. It will come best if I am doing the best I can for a client, doing what I said I would do, doing it on time, and letting the client regularly know what I am doing.
- Follow through – this may seem redundant to some of the above, but it cannot be mentioned too often. It means keeping my promises.
- Practice law more simply. Learn what I know how to do and do that. And only that.
- Simplify my life. Do not live above my means. This can lead to disastrous results for me, both personally and professionally.
- As hard as I try, I can always try harder, and make each day count.
- Talk to friends or a professional when not feeling well about myself. I resisted this until it was too late.

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MEET A MEMBER

July's featured member is Betty Winstead, NCCP, who answers some questions for us below:

Where do you work and what is your title/position?

I have worked as a Paralegal for Rufus F. Walker, Jr. since April of 2002.

How long have you been a paralegal?

I started as a legal secretary over 35 years ago and became a paralegal about 23 years ago.

Do you hold any degree or certification?

I graduated from CVCC in 1974 with a legal secretarial degree, and I graduated from Caldwell Community College in 1988 with a paralegal

technology degree. I am a Certified Professional Secretary and have been a North Carolina Certified Paralegal since 2006.

How did you make the decision to become a paralegal?

Right out of high school, I decided to go to school to be a legal secretary. After I had been working as a legal secretary for several years, I learned of the paralegal classes that were being offered locally. I became interested in taking the classes and was encouraged by my employer at that time to do so.

What is the one thing you like most about your line of work?

I enjoy working with people, and my job is always interesting and never boring

Do you have any organizational tips or "good things"

ideas a la Martha Stewart that you would like to share?

I don't really have any tips except that I try to be very careful about using and following up with ticklers. In addition, when I have several foreclosures in process at the same time, I use a "cheat sheet" in addition to our calendar and ticklers to keep up with the various hearing and sale dates.

What is something personal about you that you would like to share?

I am Secretary for my church. I have two grown sons, and I love to spend time with them. My oldest son got married last year, and I am looking forward to grandchildren some day. When I have time, I love to read.



"I enjoy working with people, and my job is always interesting and never boring."

CVPA Treasurer Report As of May 31, 2011

Submitted to Board of Directors 6-13-2011

Prepared by: Delores Deal

Account Balance: **\$3,412.84**

Deposits:

05-11-2011	One renewal membership.....	\$30.00
05-03-2011	Fundraiser:	
	Susan Renfro.....	\$162.20
	Pampered Chef.....	\$258.29
Total Deposits:	\$450.49

Disbursements:

04-11-2011	Honoriums: Andrew Cogdell.....	\$25.00
	NC State Bar-CLE Certification:	
04-26-2011	Andrew Cogdell.....	\$18.00
05-03-2011	Kim Whitley, Susan Matthews.....	\$75.00
	Miscellaneous Expenses: Post office box rental.....	\$96.00

Total Disbursements **\$214.00**



Post Office Box 3068
Hickory, NC 28603

email:
info@catawbavalleyparalegalassoc.org

GOOGLE TIPS

Definitions: Pull up the definition of the word by typing *define* followed by the word you want the definition for. For example, typing: *define bravura* would display the definition of *bravura*.

Phone number lookup: Enter a full phone number with area code to display the name and address associated with that phone number.

Find weather and movies: Type *weather* or *movies* followed by a zip code or city and state to display current weather conditions or movie theaters in your area.

Track airline flights: Enter the airline and flight number to display the status of the flight and its arrival time. For example, *delta 123*.

Track packages: Enter a UPS, FedEx, or USPS tracking number to get a direct link to track your packages.

Pages linked to you: See what other web pages are linking to your website or blogs by typing *link:* followed by your URL. For example, typing *link:http://www.computerhope.com* displays all pages linking to Computer Hope.

Find PDF results only: Add *filetype:* to your search to display results that only match a certain file type. For example, if you want to find PDF files only, type: *"dell xps" filetype:pdf* -this is a great way to find online manuals.

Calculator: Use Google search as a calculator by typing a math problem in the search window. For example, typing *100+200* would display results as 300.

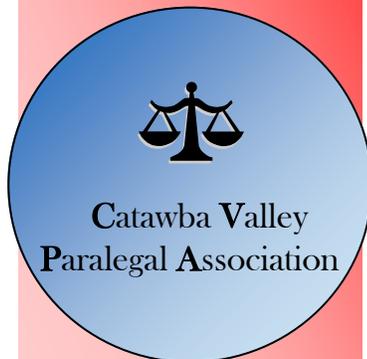
Ethics and Professionalism

We're on the Web:

www.catawbavalleyparalegalassoc.org

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<http://www.facebook.com/cvpa>



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- Working on my self-confidence - this was always a problem for me.

Think, particularly when I am young, how I want to be remembered.

It is not easy being in the legal profession. It is consistently high stress. There are lots of disappointed people every day. If I was starting over, though, and I followed the points I have outlined above, I believe I would be fine. These points are simple. No one can disagree with them. That does not mean they are easy to

follow. But as well as anyone, I know the consequences of not following them all the time. Some of the time will not work.

The goal of this program is to help those in the legal profession stay on the right track and help to insure they fully recognize the honor of being where they are, and how, if they follow these suggestions, they can stay there.

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Jim Blackburn Seminars, LLC  
2201 Tallon Hall Court, #103  
Raleigh, NC 27607  
Phone 919-326-9070  
[www.BlackburnSeminars.com](http://www.BlackburnSeminars.com)

