

PARASIGHT

KNOWLEDGE IS POWER



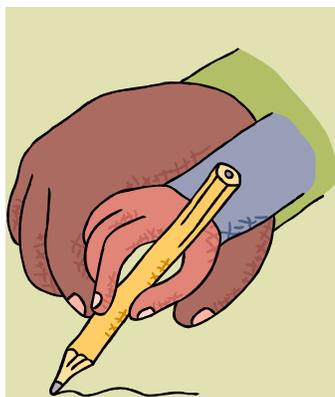
CATAWBA VALLEY PARALEGAL ASSOCIATION, INC.

May 2011

Community Outreach Projects Announced

Submitted by *Cyndy Adams*

With input from the Community Outreach Committee, the Board of Directors has



determined that we will "adopt" a couple of needy schools as our projects this year. We will be supporting 2 schools: Longview Elementary and Maiden Elementary by collecting vari-

ous items that are badly needed by students. We understand that some of the students who attend these schools are financially challenged, and there is a great need for supplies that their families may not be able to purchase.

Following are some of the items that we will be collecting at the May and June CPE's and also at the July social:

- Facial Tissue ●Pencil Pouches ●Pocket Folders
- Erasers ● Glue Sticks
- Composition Books ● Pencils ●Highlighters ● Hand Sanitizer ●Construction Paper ●Copy Paper ●Rulers
- crayon waterproof markers

In addition, we will be making a monetary donation to the schools, the source of which is the profits from the Pampered Chef Fundraiser we just completed. Thanks to Susan Renfro, Pampered Chef representative, for her time and gracious donation in connection with our fundraiser. The amount of donation to each school will follow. We are very appreciative of the time that the Community Outreach Committee has invested in researching our projects for this year.

Committee members include Debbie Miles, Christel East, and chair, Cari Burns.

OFFICERS AND BOARD OF DIRECTORS:

President: Cyndy Adams
email: cyndy.adams@live.com

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

Treasurer: Delores Deal
email: dvdfatter15@aol.com

Secretary: Ellen Cranford
email: ellen@sib-law.com

Asst. Treasurer: Leah Poovey
email: lpoovey@phd-law.com

Asst. Secretary: Cheryl Barker
email: cheryl@sib-law.com

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

CPE COMMITTEE SENDS THANK YOU

Submitted by *Leah Poovey*

The CPE Committee recently surveyed CPVA members regarding upcoming topics and speakers for Continuing Paralegal Education. Thanks to all members for giving their input. If you weren't contacted and would like to provide some input, please contact one of the following CPE committee members:

Jennifer Koch, jennik.1212@yahoo.com

Leah Poovey, lpoovey@phd-law.com

Phebe McClellan, pbmcclellan@yahoo.com

Stephanie Clawson, Stephanie@delklawfirm.com

Editor's note: CVPA members have been the recipient of some wonderful educational experiences this year. Please contact the CPE Committee members and let each of them know how much we appreciate their hard work and dedication to our association.

Senate Bill 33 was filed February 2, 2011. It is called:



**“A BILL TO BE ENTITLED
AN ACT TO REFORM THE LAWS RELATING TO MEDICAL LIABILITY BY PROVIDING LIMITED PROTECTION FROM LIABILITY TO THOSE PROVIDING EMERGENCY MEDICAL CARE, BY AUTHORIZING THE BIFURCATION OF TRIALS ON ISSUES OF LIABILITY AND DAMAGES IN CERTAIN ACTIONS, BY LIMITING THE AMOUNT OF NONECONOMIC DAMAGES THAT MAY BE AWARDED, BY AUTHORIZING THE PERIODIC PAYMENT OF FUTURE ECONOMIC DAMAGES IN LIEU OF A LUMP-SUM PAYMENT, AND BY MODIFYING APPEAL BONDS IN MEDICAL MALPRACTICE ACTIONS.”**

And it has many, including NC Supreme Court Justice I. Beverly Lake, Jr., NC Advocates for Justice and the North Carolina Coalition for Patient Safety working hard to get the word out and to fight this proposed Bill.

According to NC Attorney Michael A. Demayo's blog, Senate Bill 33, will place a “\$250,000 cap on NC medical malpractice damages for injuries involving mutilation, disfigurement, paralysis, loss of limb, pain, suffering and death.”

But that is not the issue that has most of the Bill's advocates in an uproar. Senate Bill 33 would grant emergency room doctors and hospital emergency personal medical malpractice immunity unless the patient can prove “gross negligence or wanton conduct or intentional wrongdoing”. Currently NC medical malpractice law requires that

injured patients prove that the emergency room care did not “meet the standard of care required by ER health care professionals”. The new burden of proof is a lot more strict and tougher to prove.

A family physician from Raleigh, Dr. John Faulkner chairs the board of the North Carolina Coalition for Patient Safety and has firsthand experience in dealing with results of mistakes in an operating room due to his wife being severely burned during a fire in the operating room. Mr. Faulkner says: Every year, thousands of patients are severely injured or killed in North Carolina hospitals because of preventable medical mistakes. This bill [Senate Bill 33] will not encourage physicians to practice safer medicine or reduce the number of medical errors. IT will have precisely the opposite effect.” I for one want my doctor to take every pre-

caution possible. Doctors and other hospital personnel are human, and mistakes will happen, but should we let them be immune from liability. It will be interesting to see where this Bill goes from here.

Currently Senate Bill 33 is on its Third Edition and has been re-referred to the Committee on House Select Committee on Tort Reform as of March 22, 2011.

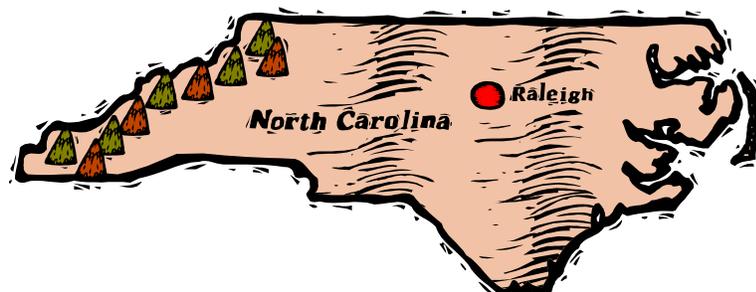
For more information see:

www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2011&BillID=S33

www.prweb.com/releases/2011/02/prweb5067784.htm

www.northcarolinainjurylawyerblog.com/2011/02/nc_senate_bill_33_proposes_to.html

SENATE BILL 33,
WILL PLACE A
“\$250,000 CAP
ON NC MEDICAL
MALPRACTICE
DAMAGES. . .”



BACK TO THE MOVIES

BY KELLEY WALKER, NCCP

Page 3

The Lincoln Lawyer

Spoiler Alert...Matthew McConaughey does not take off his shirt in this movie. If the only reason you were going to see this was to see Mr. McConaughey shirtless, save your money. He plays a lawyer, Mickey Haller, who conducts business from the back of his Lincoln town car. Hence the title "Lincoln Lawyer". Although, I have personally never known an attorney who would be comfortable being driven around and conducting business out of his briefcase, the character Matthew McConaughey plays seems to not only enjoy it, but thrives on it. Marisa Tomei plays his very friendly ex-wife and William H. Macy his investigator. This is Matthew McConaughey at his best, playing the lawyer he almost became in college. If you loved him in "A Time to Kill" you will love him in

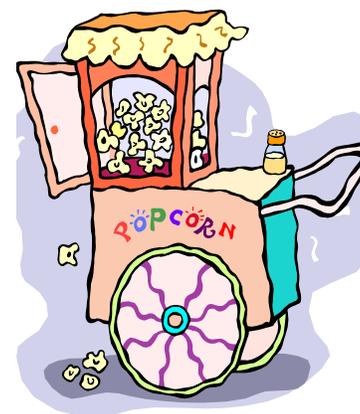
this. His character is a little older and a lot more jaded, but he will keep you on the edge of your seat. Those of us in the legal field will feel really at home with the wrangling between the district attorney and Mickey Haller. Ryan Phillippe is scary and pathetic at the same time. Is it worth seeing, you bet. If you love Matthew McConaughey, you will own this movie at some point. If you just like him, you will love this movie.

~~~~~

### Limitless

Limitless stars Bradley Cooper as Edward Morra and is the story of a ne'er-do-well writer who is given a magic pill that allows him to use all of his mind, rather than the 10 percent or so that most people use. (I must admit, some days, I would be ecstatic to have 10 percent of my brain function-

ing.) Things go like gangbusters for Eddie. He is able to finish his book in 4 days, learn foreign languages in hours and turns \$200,000 into \$12 million (or something like that) in a matter of weeks by studying some kind of really hard to follow formula on the stock market. The drug, of course, has side effects and before you can say "Mensa," Eddie is in real trouble. Robert De Niro plays a big league Wall Street guy who takes Eddie on as a protégé and Abby Cornish plays Eddie's girlfriend who has a whole lot more common sense than any of the men in the movie. It creates a lot of good afterthought. It is an exciting ride. I wasn't fond of the way the movie was shot. Some of the scenes looked as if you were looking at them through the wrong end of a telescope. However, all in all, it's definitely worth the nearly \$12 million it costs to go to a movie nowadays.



THIS IS MATTHEW  
MCCONAUGHEY  
AT HIS BEST,  
PLAYING THE  
LAWYER HE  
ALMOST BECAME  
IN COLLEGE.

## 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:

- June 14:** Foreclosures is the topic of our June CPE presented by Kimberly H. Whitley and Susan W. Matthews.
- 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.



By Kelley Walker, NCCP

Page 4



Do you need E&O insurance?

As a freelance paralegal, I am interested in finding out about E & O Insurance for the Paralegal. At this time, Lawyer's Mutual does not offer E & O Insurance for a paralegal. However, they do offer it through their subsidiary, Lawyer's Insurance. Because freelance paralegals perform paralegal work with attorney supervision, they usually are covered under the supervising attorney's E & O policy. The paralegal work is legally substantive, delegated and reviewed by the supervising attorney, delivered to the attorney and would be accomplished by an attorney, but for the par-

alegal performing the work.

The wise freelance paralegal should never attempt to work outside the parameter of an attorney's supervision. However, there may be circumstances where they perform work that falls outside the realm of an attorney's office and is work that could be done by any member of the general public and would not be considered a UPL (unauthorized practice of law). For those instances, it may be advisable to have an E & O policy that covers any person performing a professional service to the general public.

Two other companies that offer professional E&O Insurance are:

1. Complete Markets:  
[www.completemarkets.com](http://www.completemarkets.com)

2. Amicus:

I have not investigated these companies to know if they are reliable or how much the premiums may run.

There is also a lot of good information on the National Federation of Paralegals website:

[www.paralegals.org](http://www.paralegals.org).

**THE HIGH COST OF A LEGAL DEFENSE COULD PUT YOU OUT OF BUSINESS.**

**REASONS FOR NEEDING PROFESSIONAL LIABILITY INSURANCE**

By Adam Pierce, AAI, Lawyers Mutual Insurance

**Mistakes Happen.** Even the most skilled professionals are likely to make an error at some point.

**You Can't Be All Places At Once.** As your firm becomes more successful, you may not be able to personally handle every job. Errors & Omissions coverage insures not only your mistakes, but also the mistakes of the employees and independent contractors you hire.

Some of your clients may require that you and your sub-contractors carry **Errors & Omissions insurance**. The right kind of E&O policy can protect both the firm and sub-contractors from claims of a perceived error or omission, even if the problem occurs months after the initial consultation.

The high cost of a legal defense could put you out of

**business.** Your company's survival and your personal financial security depend upon protecting yourself against the impact of a lawsuit.

Individual Insurance

1. The minimum premium range is about \$800 - \$1,000 per year. This is the lowest premium an insurer will charge for this policy.

2. The policies are rated based on amount of work done (typically in the form of annual revenue). This is the most likely factor to affect the premium, along with the area of practice. In short, the larger the annual revenue, the larger the premium could be. I have written a few policies for paralegals though, and most (possibly all) have not exceeded the minimum premiums.

Possibilities for group insurance: There are 2 ways this could work.

1. Write a policy in the name of the association.

a. Each paralegal in the association can participate in the group policy, and the paralegals would be an insured under the group policy - so they would be protected personally.

b. The policy would be written in the name of the association, and the association would pay the premiums (the individual paralegals that participate could perhaps pay a portion of the premium to the association?)

c. The limit of liability would be shared among the paralegals participating in the coverage.

For example, the policy may have a \$1,000,000 per occurrence limit with a \$3,000,000 aggregate (policy term) limit.

Continued on page 7



# MEET OUR ASSISTANT TREASURER

*Leah Poovey, NCCP, CVPA  
Assistant Treasurer, and  
former CVPA Vice President,  
agreed to answer some ques-  
tions for the ParaSight:*

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

I am the litigation paralegal at Patrick, Harper & Dixon, LLP, Hickory, NC.

**How long have you been a paralegal?**

I have worked as a paralegal since 2003. This is actually my 2nd career. Up until that time, I was a computer analyst.

**Do you hold any degree or certification? Please list.**

I am a North Carolina Certified Paralegal and graduated from the Paralegal Technology program at Western Piedmont Community College.

In my former career, I obtained a couple of degrees in computers, and a Master of Business Administration from Gardner-Webb University.

**How did you make the decision to become a paralegal?**

The technology industry beefed up for Y2K, as many of you know. Not long after that, many technology jobs were cut since the world continued to turn, pretty much just fine. My job was one of those cut. Looking for a job in a small town was daunting. I was faced with either retraining to freshen up my computer skills, or moving. I didn't want to do either. And, I certainly never wanted to have to look for a job again. So, I thought, 'What could I do that earns enough to live on, and that has a certain employability for the future?' Well, it seemed that lawyers would be around forever. Looking at the pay ranges, it seemed that the pay was okay ... "I'm going to be a paralegal."

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

I like the fact-finding. I work mostly with discovery, so it's like putting together a puzzle – just like what I've always done, I analyze things.

**Do you have any organizational tips or "good things" ideas a la Martha Stewart that you would like to share?**

I don't think I have any traits that resemble Martha Stewart, not even a molecule, but here are some of the things that I try to keep in mind:

1. Treat your attorneys like a client.
2. Get along with all of your coworkers.
3. When is it okay to do less than a 100% bang-up job? Never.

**What is something personal about you that you would like to share? For example, do you have an interesting hobby? Do you have a second job—whether it is as a volunteer or to earn extra money?**

Other than work and the stuff I do for the paralegal association, I enjoy walking, hiking, bird watching, reading, golf and just hanging out with my boyfriend Randy, and my best friend, Bullet, at home in Newton.



Bullet, Leah's Best Friend

**"I LIKE THE FACT-FINDING. I WORK MOSTLY WITH DISCOVERY, SO IT'S LIKE PUTTING TOGETHER A PUZZLE – JUST LIKE WHAT I'VE ALWAYS DONE, I ANALYZE THINGS."**

## PAMPERED CHEF FUND RAISER UPDATE:

**Our total sales for the fundraiser are \$1,621.95. That means just over \$400 for CVPA! Thanks to everyone who participated and a special thank you to all the members who gave their time and hard work to make our fundraiser a success.**

*CVPA received a most wonderful "thank you" from George Hausen, Jr., Executive of Legal Aid of North Carolina, Inc. His letter in its entirety is set out below.*

**Legal Aid of North Carolina, Inc.**

**Administrative Office**

224 statewide South Dawson Street - 27601 • P.O. Box 26087 • Raleigh, North Carolina 27611  
919.856.2564 • Fax 919.856.2120

*Serving low-income clients in all 100 counties of North Carolina*

George R. Hausen, Jr., Esq.  
Executive Director

[www.legalaidnc.org](http://www.legalaidnc.org)

April 26, 2011

Catawba Valley Paralegal Association  
238 5th Street, S.E.  
Hickory, NC 28602

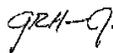
Dear Friends,

Food to eat. A warm place to live. Protection from domestic violence. These are but a few examples of what your recent gift of **\$25.00** to Legal Aid of North Carolina means to our clients.

On behalf of the Board of Directors, the staff and the clients to whom they are so dedicated, thank you for your generous response to our recent solicitation. Your thoughtfulness will make it possible for low-income families, elderly people and those with disabilities to have their voices heard and their basic human needs met.

I appreciate your commitment to fairness and equality for all people, including the poorest residents of our state and your community. Your gift this year is especially welcome. For poor people the recession continues in full force and every gift helps us meet the increased need for our services.

Sincerely,



George R. Hausen, Jr.  
Executive Director

*Thanks so much for supporting Legal Aid & for the work you all do every day! ~ Janeen*

We acknowledge that Legal Aid of North Carolina(LANC), a 501(c)(3) organization, did not provide any goods or services to you in consideration for your donation.

*Legal Aid of NC is a statewide, nonprofit law firm that provides free legal services in civil matters to low-income people in order to ensure equal access to justice and to remove legal barriers to economic opportunity.*



CATAWBA VALLEY PARALEGAL ASSOCIATION, INC



It is the spirit and not the form of law that keeps justice alive.

~Earl Warren

Post Office Box 3068 Hickory, NC 28603

email: info@catawbavalleyparalegalassoc.org

WANTED!

VOLUNTEERS TO HELP FAX MONTHLY FLIERS.

CONTACT ELLEN CRANFORD ellen@sib-law.com

Treasurer's Report:

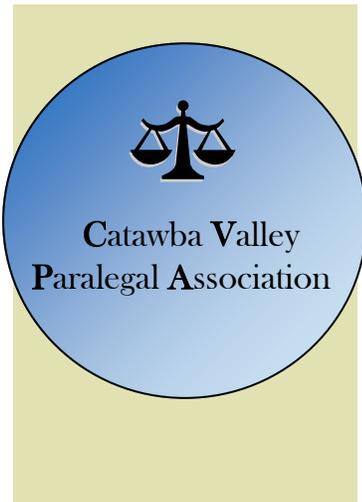
Our current balance as of April 29, 2011, is \$3,176.35



We're on the Web: www.catawbavalleyparalegalassoc.org

Visit us on Facebook: http://www.facebook.com/cvpa

E&O Insurance continued from Page 4



- d. Only one application would need to be submitted each year for the whole group
2. Write policies in individual names, for members of the association
a. Each paralegal would have their own policy and liability limits.
b. Each paralegal would be responsible for paying their premium
c. A separate application would be needed each year for each member participating in coverage
d. The insurance carrier that puts this together would likely require a lot of participation to make this work (say 50 - 75% of the members).

General notes about group insurance

- The coverage will be essentially the same as what an individual would purchase (except in scenario 1, in which they would share the limit)
- You can expect the premiums to be lower on a per person basis than if purchased on an individual basis - however, the actual savings may depend on the amount of participation
- Scenario 1 may require all members (that are not covered by a firm) to participate
- As you can see, there are advantages and disadvantages to both scenarios for group insurance.