



PARASIGHT

JANUARY 2016



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President's Message

HAPPY NEW YEAR!

Can you believe it's been 10 years (and 4 months) since North Carolina began certifying paralegals? On July 1, 2005, the North Carolina State Bar received the first paralegal certification application and in September 2005, the first paralegal was certified. I remember that time, although it doesn't seem like 10 years ago. Our office was all abuzz with secretaries and paralegals alike talking to each other and with the attorneys about submitting the application so we could be "grandfathered in" as certified paralegals. Back then, to be a certified paralegal, you only had to have a high school diploma and work full-time for an attorney in a law firm, governmental agency or business entity where the person's function involved performing a substantial amount of legal work that would normally be performed by an attorney. Pretty vague, thus many individuals were able to get their foot in the door and move up the ladder.

Beginning July 1, 2007, the qualifications changed quite a bit and a person seeking paralegal certification had to sit for a certification examination after satisfying the following criteria:

1. Be a legal resident of the United States.
2. 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...; or
 - (c) a juris doctorate degree from a law school accredited by the American Bar Association.

I have to admit that I am glad I did not have to sit for an exam. In addition, the school from which I received my paralegal certification is no longer in existence. So, the Bar did us old timers a favor.

I am not sure that the attorneys at our office took certification seriously 10 years ago. However, when they can now say that 7 out of 10 staff members are certified

paralegals, it brings some weight to the professionalism of the firm and skills of our staff. Not everyone in the community actually knows what a paralegal is, however. I have been asked by clients what the difference is between a paralegal and an attorney. After explaining that paralegals cannot give legal advice, my answer is summed up as paralegals do all the work and attorneys get all the credit, which is quite evident when clients ask me to thank my attorney for all the work he or she did on their loved one's estate administration, when in fact, I did 90% of the work.

As members of the CVPA, we can implement change and alter attitudes toward paralegals. We can, individually and as a group, uphold high levels of professionalism and ethical standards; attend CPEs to learn about new laws or subject matters so we can stay on top of our specialty; provide our attorneys and clients with our best work product; and never say "it's not my job" because our job is to give 110% of ourselves to the firms we work for and the clients we serve.

So, here's to providing the best quality work, maintaining our certification and seeing where the next 10 years takes us.



MEMBER SPOTLIGHT - LISA M. TRICKEY

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Lisa M. Trickey works for Aerotek, a recruiting and staffing agency in Charlotte. She reviews contracts for Aerotek's third party professional services vendors.

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

A. Western New York – small town: Cassadaga, New York. I was transferred to Charlotte, NC by my job at the time with ALLTEL Communications.

Q. What prompted you to choose a paralegal career?

A. After encountering a personal legal issue where, at the conclusion of our relationship, the attorney said to me 'you did all the research, you did all the work for me are you sure you don't want to be a lawyer – do you need a job?' – (ask me who the attorney was, you may have known him). A few years later after getting a Bachelor's degree in Business Administration, I received a promotion in the regulatory department when I came across the paralegal certificate program at UNC Charlotte and felt it was appropriate for the work I was doing.

Q. What do you like most about your job?

A. Helping find source of issues and assist with solutions.

Q. What do you like least about your job?

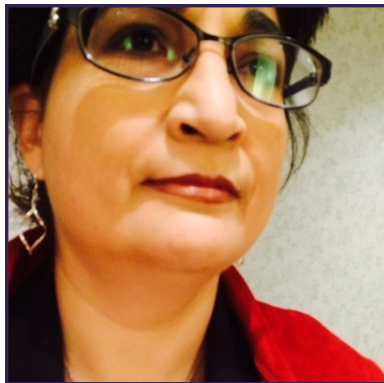
A. Too much or too little independence.

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

A. It's been great to come to see organization and focus on keeping us up to date with presentations that also serve as CPEs for annual certification requirements.

Q. What has been the highlight of your career?

A. Finding diversity with my paralegal certification. I can utilize it with a direct paralegal position and it has



been beneficial in other industries as well in financial and regulatory careers.

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

A. Research the different "legal" focus you'd like to do, area job markets and salary as the title can fit and pay at various levels.

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

A. Network, always continue education, explore and volunteer.

Q. Do you attribute your success as a paralegal to a specific person or event?

A. I'd say while many events in my life lead the way, when the opportunity to get into the legal field showed up – the events of #2 above surely gave me the confidence that it was the right choice.

Q. What other jobs have you had in your lifetime?

A. Accounting, Engineer CAD/E, Corporate Paralegal, Supply Chain.

Q. What hobbies or activities do you enjoy doing?

A. Walking my dogs, activities with friends and family, working on getting a 'green thumb for gardening.

Q. What is your favorite vacation spot?

A. I don't pick a favorite spot; I always pick a favorite memory of what I did at that spot such as Egypt: exploring inside the pyramids and camping on the ground overnight on Mt. Sinai.; Tasmania: watching the Penguins come in from the Ocean at dark; New Zealand: swimming with dolphins; Peru: hiking an Inca trail and catching a Piranha on the Amazon. Relaxing on the NC/SC beaches and staying at a cabin in the NC mountains makes NC a favorite place to live and vacation!!

Q. What worries you the most?

A. Losing the energy to look at what's in store for me next, but I don't think that will happen.



SESSION LAW CHANGES/IRS

**Compiled By: Laurie J. Hayden,
NCCP**

Session Law 2015 – 202; Senate Bill 233

An Act To Provide For The Automatic Expunction Of Certain Record Of A Person When The Charges Against The Person Are Dismissed As A Result Of Identity Theft Or Mistaken Identity.

Section 15A-147(a1) has been added to provide that any person named in a charge for a crime, which is either a misdemeanor or felony as a result of another person using the identifying information of the named person or due to mistaken identity, and the charge against the

named person is dismissed, the prosecutor or judicial officer who ordered the dismissal shall provide notice to the court of the dismissal and the court shall order the expunction of all official records containing any entries relating the person's apprehension, charge or trial.

Section 15A-147(g) has been added to define the term "mistaken identity" to mean the erroneous arrest of a person for a crime as a result of misidentification by a witness or law enforcement, confusion on the

part of a witness or law enforcement as to the identity of the person who committed the crime, misinformation provided to law enforcement as to the identity of the person who committed the crime, or some other mistake on the part of a witness or law enforcement as to the identity of the person who committed the crime.

This act became effective on December 1, 2015, and applies to charges filed on or after that date.

Session Law 2015 – 89; Senate Bill 161

An Act To Amend The Law Governing Sessions Of The Supreme Court To Authorize Sessions To Be Held In Morganton.

Section 7A-10(a) now includes the following sentence:

"The court may by rule hold sessions not more than twice annually in the City of Morganton; unless a more suitable site is identified by the court, the court shall meet in the Old

Burke County Courthouse, the location of summer sessions of the Supreme Court from 1847 – 1862."

Internal Revenue Code

Beginning January 1, 2016, the federal gift and estate tax exemption increases to \$5.45 million (up from \$5.43 million for 2015). However, the annual gift tax exclusion remains at \$14,000.

The Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 addressed an inconsis-

tency in the tax estate tax laws that previously did not mandate that the value of an asset being transferred to an heir must match the fair market value of that asset shown on the estate tax return (Form 706). Beginning with estate tax returns filed after July 31, 2015, the fair market value of an asset shown on Form 706 must be the

same as the value of an heir's inherited asset. So, the value of the inherited asset shown on the estate's Final Account and receipt of an heir must be the same as was shown on Form 706. This change helps the IRS better track income tax liabilities when inherited assets are eventually sold.

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THE BURKE COUNTY COURTHOUSE

Local Interest



Original Courthouse built in 1791

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The original Burke County Courthouse was built on the public square in 1791. It was constructed with wood planks. In 1830, the General Assembly authorized the Burke County Court of Pleas and Quarter Sessions to spend \$8,000 on the construction of a new Courthouse. In 1832, the General Assembly increased the amount to \$12,000.

James Binnie, a Scottish builder, was awarded the contract in 1833 and enlisted Frederick Roderick, a German stonemason, to assist him with the construction. Binnie built the Courthouse of native stone quarried on the Forney plantation about four miles north of Morganton. The building was opened in 1837.

From 1847 until 1862, the North Carolina Supreme Court held its August session in the Courthouse. During the Civil War, Major General George Stoneman occupied the

Courthouse and destroyed most of the county's records.

Beginning in 1885, many changes were made to the building, including the exterior being covered with stucco, the porticos were raised, and the original cupola was replaced with an ornate cupola of the Baroque style, which remains today.



Restored Old Burke County Courthouse Today

The Courthouse was in continuous use until 1976 when the more modern Burke County Courthouse located on South Green Street was completed. Restoration of the old Courthouse which began in 1978, was completed in 1984.

In 2015, Governor McCrory signed Senate Bill 161 into law, allowing the Supreme Court to meet in the Old Burke County Courthouse. Starting in 2016, 154 years since the last August session was held, the North Carolina Supreme Court will once again hold sessions in the old Courthouse.



LET'S END GUN VIOLENCE IN OUR LIFETIME

By: Kelley Walker
NCCP

The U.S. has higher rates of homicides from guns than Pakistan. At 4.5 deaths per 100,000 people, the U.S. rates aren't much lower than gun homicide rates in the Democratic Republic of the Congo (5.2 deaths per 100,000 people). Annually, the U.S. has about two fewer gun homicide deaths per 100,000 people than Iraq, which has 6.5 deaths per 100,000.

I asked a group of young people (ages 6 to 14) what they would do to end gun violence. They unanimously replied, "Make stricter gun laws." They also had other ideas. "Do better background checks, take all the guns away, Chicago and Detroit are the worst cities for violence", were some of their thoughts. They were right about Detroit which had the highest incidents of gun violence in 2012. They were wrong about Chicago, which was behind Baltimore, Maryland, New Orleans, Louisiana and Philadelphia, Pennsylvania. They were all troubled by the violence they see in the world around them.

While stricter laws might not be the answer, enforcing the laws already on the books may very well be. Background checks are required on gun purchasers; however, this does not apply to purchases made between individuals or at gun shows. The law does not clearly designate who is a gun dealer, and many guns are bought at gun shows without the proper background checks necessary to protect the public. *On Point*, an NPR radio show, recently talked about this topic with their listeners. One woman called in to rebut a prior caller who was concerned about "Universal Background Checks" which would require anyone owning or purchasing a gun to be registered with the federal government. "They say that they are worried about their rights to own and bear arms being taken away, but what about my right to feel safe to go the movies or a shopping mall?"

In 1996, 35 people were shot in Australia. The government took immediate action to ban auto and semi-automatic rifles and pump action shot guns. In Switzerland, which has widespread gun ownership, gun owners are required to renew their licenses 14 times a year. They also place limits on how many guns a person can own. The most interesting response to gun violence came from the mayor of Cali, Colombia. When he took office, Dr. Rodrigo Guerrero Velasco decided to use science and data to approach the problem of gun violence. He used a tracking system to determine risk factors for gun violence. He found that alcohol, youth, holidays, elections and weekends following pay days played a big part in the increase of gun violence. He enacted legislation limiting the hours alcohol could be sold along with curfews of those under the age of 18 and short-term gun bans on select weekends and election days. In 1994, Cali had 124 deaths per 100,000 people (before Velasco took office). In 1997, there were 86 deaths per 100,000 and the rate continued to decline.

There are no easy answers to this problem. Common sense tells us all that this is a problem that is growing worse with each and every year. Call me simple, but I believe in the power of our police force and armies to keep me safe. I don't own a gun and cannot ever foresee owning one. Do I want to take that right away from others? Never. Do I want our government to do a better job of addressing gun violence? You bet. Doing nothing or worse yet, going back to the way things were so many years ago, now that would be a true crime.

See Graphic on Page 7

Disclaimer: Any views or opinions presented in this article are solely those of the author and do not necessarily represent the views or opinions of the directors or officers of the CVPA or the objectives of the CVPA.

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OCTOBER NOVEMBER DECEMBER - 2015

CVPA Treasurer's Report: October 2015

Date	Beginning Balance	Deposit	Reason	Checks Paid	Ending Balance
	\$831.62				
10/13/15		\$25.00	Deposit - membership		
10/13/15		\$670.00	Deposit - memberships		
10/30/15		\$180.00	Deposit - memberships		
10/29/15			NC State Bar - Killian - CPE Credit App. (1271)	\$18.00	
10/16/15			NC State Bar - Eckard - CPE Credit App. (1273)	\$18.00	
10/28/15			Western Piedmont Foundation - Lynn Price Scholarship (1274)	\$260.00	
10/21/15			NC State Bar - Starnes - CPE App. (1275)	\$75.00	
Totals		\$875.00		\$371.00	
					\$1,335.62

CVPA Treasurer's Report: November 2015

Date	Beginning Balance	Deposit	Reason	Checks Paid	Ending Balance
	\$1,335.62				
11/20/15		\$118.00	Deposit - donation		
11/20/15		\$210.00	Deposit - memberships		
11/27/15			NC State Bar - Starnes - CPE Credit App. (1272)	\$18.00	
11/17/15			Wesley E. Starnes - Honorarium (1278)	\$25.00	
11/17/15			Patrick Harper & Dixon - raffle postage (1279)	\$12.78	
Totals		\$328.00		\$55.78	
					\$1,607.84

CVPA Treasurer's Report: December 2015

Date	Beginning Balance	Deposit	Reason	Checks Paid	Ending Balance
	\$1,607.84				
12/15/15		\$40.00	Deposit - fundraiser - grab bags		
12/15/15		\$77.00	Deposit - raffle		
12/18/15		\$229.00	Deposit - membership and raffle		
12/17/15			NC State Bar - Mofford - CPE App. (1276)	\$75.00	
Totals		\$346.00		\$75.00	
					\$1,878.84

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PRE-TRIAL CALENDAR CHANGE

The following is taken from a memo written by Judge Nathaniel J. Poovey, Senior Resident Superior Court Judge, to all Catawba County attorneys dated January 7, 2016.

Judge Poovey is proposing to amend the civil case management plan such that the pre-trial sessions of court are no longer necessary. This would eliminate the need for attorneys to appear at pre-trial sessions of court and would, in the vast majority of cases, conform the Catawba County rules to current practice. Under the amended plan, the Trial Court Coordinator (TCC) would, once per quarter, email the pre-trial calendar to all attorneys with pending cases along with a schedule of available trial dates. Opposing counsel would then have a period of thirty days to confer with each other in an attempt to agree upon a trial date. If the parties agree upon a trial date, every effort would be made to set the case on that agreed upon date. In the event the parties cannot agree upon a trial date, then each party would

submit proposed dates to the TCC and the court would then set a trial date. Obviously, there will be circumstances in exceptional cases when a conference call or meeting with the court may be needed prior to setting a case for trial, and Judge Poovey says he would always be available for that purpose.

The biggest change Judge Poovey is proposing is that the scheduling of a trial date be done using email or a phone call to the TCC rather than in person in court. As mentioned, in practice, this is the way the vast majority of cases are set for trial now.

Judge Poovey would like to hear from the Catawba County attorneys regarding this proposed change. His goal is to make the process easier for all involved. He can be reached via email at:

Nathaniel.J.Poovey@nccourts.org, or
by calling his office at 828-695-6116.

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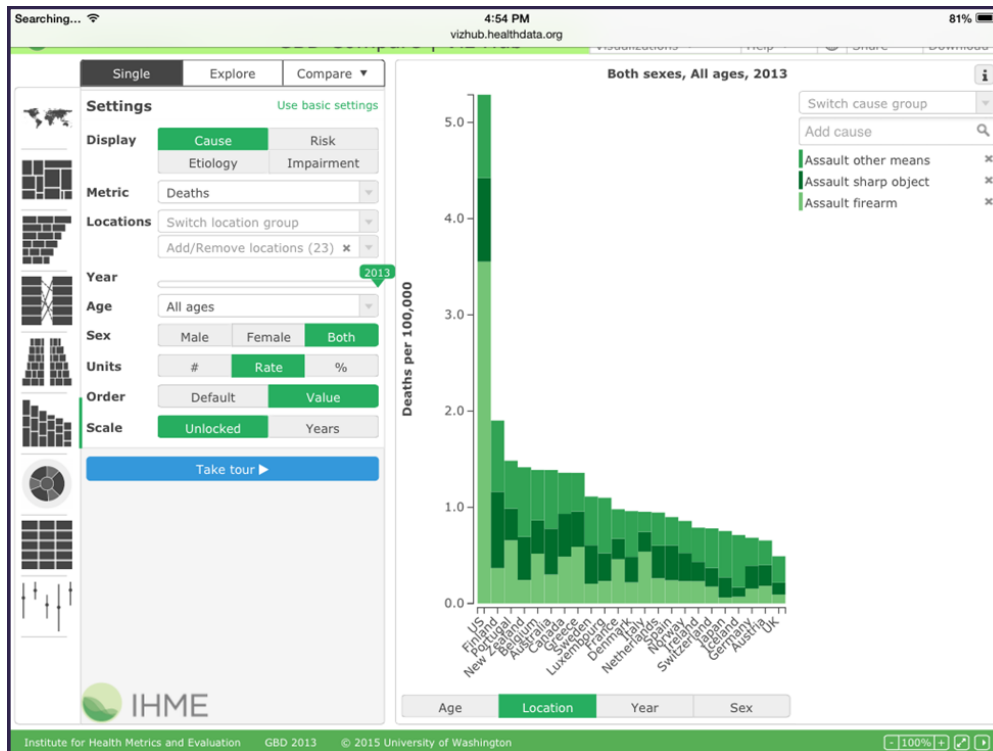
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2016 CALENDAR

Mark your Calendars . . .

February 9, 2016:

Family Contracts v. Court Orders –
Pros and Cons of Each
Presented by Derek L. Mace, Esq.

March 8, 2016:

Social
(Details Pending)

April 12, 2016:

Differences Among Custody Mediation,
Arbitration and Financial Mediation
in District and Superior Courts
Presented by Vanessa B. Hawkins, Esq.

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CHARITABLE FOCUS



Amanda Bentley (pictured left) delivered the CVPA donations to the Pregnancy Care Center and they were very much appreciated. A picture of Amanda and the CVPA's donations will be featured in the Pregnancy Care Center's newsletter which comes out in June.

The Pregnancy Care Center has an onsite "store" and the women they serve can earn additional free items through a point system. The women earn points by attending child care classes or Bible study and those points go towards extra items. In addition, the Center has an in-house doctor, sonographer and nurse practitioner. They have numerous counselors who deal with anything from rape crisis to depression. A new program they are hosting deals with the loss of a child, whether it is through miscarriage or early death, which is offered to men and women.

THANK YOU/UPCOMING CPE

Thank you

David F. Mofford, Esq.

for presenting
CPE on

Ethics Update 2016

Thank you

Wesley E. Starnes, Esq.

for presenting
CPE on

Third Party Custody Rights

Thank you



for sponsoring
CPE on

Ethics Update 2016

UPCOMING SEMINAR



February 9, 2016

**Family Contracts v. Court Orders –
Pros and Cons of Each**

Presented by **Derek Mace, Esq.**

**Thank
You/
Upcoming
CPE**

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Calling All Writers!

If you would like to submit an article for the newsletter,
please contact **Kelley Walker, Beverly Cook or Laurie Hayden.**



CVPA ROSTER OF COMMITTEE MEMBERS

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