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PARA SIGHT

KNOWLEDGE IS POWER

APRIL 2013

COUNTY TAX OFFICE ANNOUNCES CHANGES IN MOTOR VEHICLE TAX PAYMENT METHOD

Contributed by Anita Sigmon

The Catawba County Tax Office is announcing to motor vehicle owners that the method for collecting motor vehicle taxes will change later in 2013 as a new State law takes effect. Counties will no longer be responsible for sending motor vehicle tax bills or collecting motor vehicle taxes. That responsibility has been shifted to the North Carolina Division Of Motor Vehicles by the State legislature.

“Under House Bill 1779 ratified by the North Carolina General Assembly, the State of North Carolina has created a combined motor vehicle registration renewal and property tax collection system,” said Mark Logan, Catawba County’s Tax Administrator. “The legislation gives the responsibility for motor vehicle property tax collection in all North Carolina counties to the North Carolina Division Of Motor Vehicles (NCDMV). These changes should make things more convenient for motor vehicle owners because their license tag registration renewal and motor vehicle property tax bill will now be on a single form mailed at the same time from NCDMV. The new system will allow motor vehicle owners to make one payment for both.”

All motor vehicle owners whose mailing address is current will receive what NCDMV is referring to as a “Tax and Tag Notice”, listing both vehicle registration fees and taxes due, about 60 days before that vehicle’s registration expires, just as in the past. The new system is scheduled to be phased into effect with vehicle registration renewals due in July 2013. All North Carolina vehicles are expected to be in the new system by June 2014.

WELCOME

New Members:

Rose Humphrey

Julie Follman

And

Returning Members:

Jeanne Loudin

Erin Banks

WHO KNEW BANKRUPTCY COULD BE ENTERTAINING?

By Kelley Walker, NCCP

Steven Tate presented a bankruptcy seminar for the Paralegal Association on April 9th. As a real estate paralegal, I have seen his name for all my 20+ years searching titles. I was not completely positive he was a real person and not just some made up entity and a rubber stamp signature. Not only is he a real person, but he is the son of the late Murray Tate, one of Hickory's most respected attorneys. He presented a seminar that was not only informative, but highly entertaining. I believe if he ever does get the dreaded fewer case load experience that so many trustees receive when they have angered the bankruptcy judge, he may have a career in stand up comedy.

There were many facts about bankruptcy that I did not know. For most of my time in the legal field, I have not had to deal with bankruptcy, except to note it in my title notes when a Lis Pendens has been filed. I guess if I thought much about it, I just believed it was a way people

tried to get out of paying their debts. Mr. Tate told us that bankruptcy actually sprang from a biblical concept about forgiveness of debt every seven years. It is actually a tool to help an individual be able to continue to contribute to society after an event that causes that person to be unable to pay their debts.

I came away from the seminar feeling somewhat relieved that a person such as Steven Tate is in control of helping people regain their lives and start over. I think he puts the "trust" in trustee.

Another interesting Steven Tate fact—Tate Boulevard is named for his illustrious family.



JUDGE

MARK KILLIAN

By Kelley L. Walker, NCCP

Honesty, integrity, and fairness are words often used to describe Mark Killian, who was appointed as a judge to the 25th District Court system on December 28, 2012. Judge Killian was appointed to fill a vacancy in the District Court system when Judge Beverly Beal, who was a Superior Court judge, retired and Judge Thomas Edwards was elevated to Superior Court judge.

Judge Killian began practicing law in 1988. He was born in Burke County, raised in Caldwell County, and now he lives in Catawba County. He did not set out to become an attorney when he began attending Lees-McRae college. He transferred to Chapel Hill after two years at Lees-McRae , and it was not until he was mid-way through his senior year that the desire to practice law struck him.

Debbie Miles worked for Judge Killian for four years, and she calls him the most family oriented, honest man she has ever known. She spoke at his swearing in ceremony, and the admiration she feels for him is evident when she speaks about him. Nichole Jones was elated when he was appointed as a judge. "I know he will be an excellent judge. He is the most honest man I have ever met."

Indeed, Judge Killian says that his goal is to be fair to both sides and in criminal cases to be fair to the state and to the defendant and to just apply the law. He says that he has a good dose of common sense to mete out.



Did you know credits can be treated as “Wild Cards”???

If you have fulfilled your annual ethics requirement, ethics credits may be applied as general credits to fulfill your overall annual CLE requirement.



TREASURER’S REPORT

March 2013	
Beginning Balance: 3/1/2013	\$ 1,521.56
Deposits:	30.00
Expenditures:	75.00
Ending Balance: 3/31/2013	\$ 1,476.56



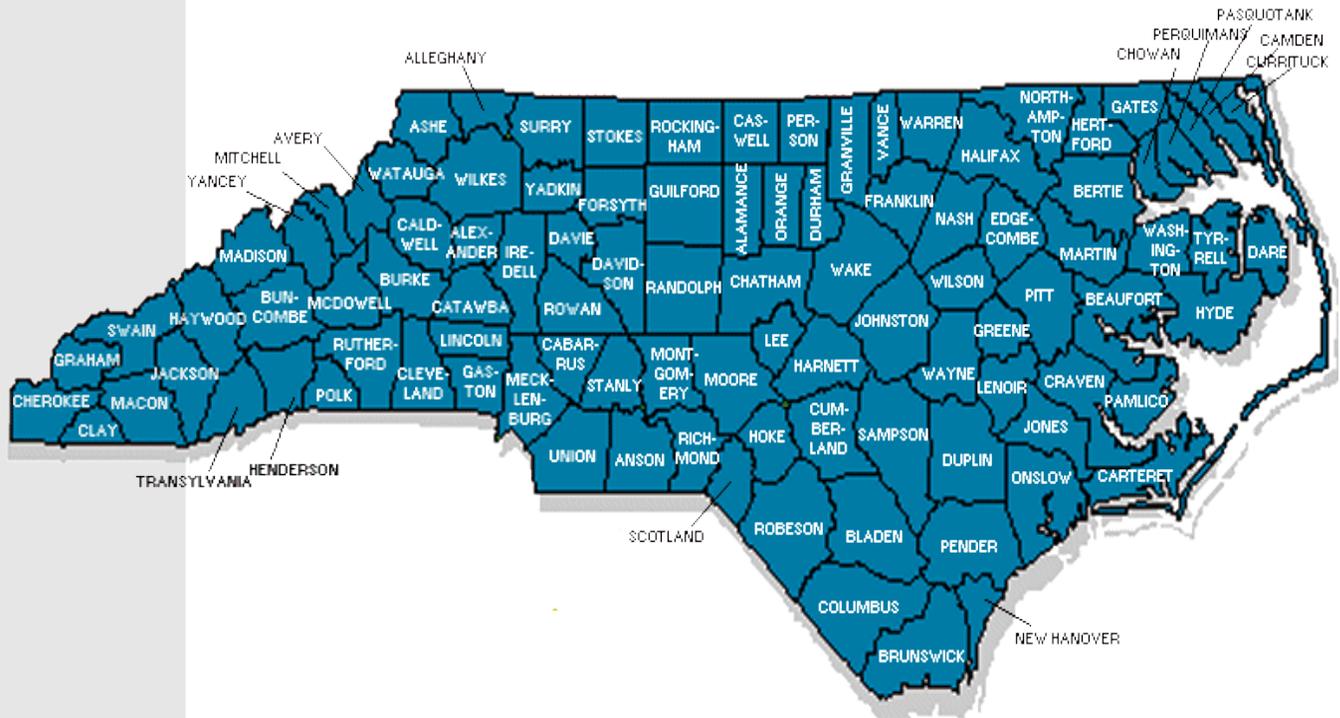
Pro Bono Attorneys Needed for North Carolina Guardian ad Litem Cases of Abused and Neglected Children

In recognition of North Carolina Guardian ad Litem Child Advocate Month, attorneys are encouraged to join in the fight to prevent and remedy child abuse in our state through being the voice for a child on appeal. If your firm or your attorney is interested, they can contact Tawanda Foster, GAL appellate counsel, at (919) 890-1255 or e-mail her at twanda.n.foster@nccourts.org. To learn more about the Guardian ad Litem Program, visit www.ncgal.org, call 1-800-982-4041, or go to www.facebook.com/ncGuardianAdLitem.

The North Carolina General Court of Justice

The North Carolina has a unified court system (General Court of Justice) consisting of an Appellate Division and two Trial Divisions: the Superior Court Division and the District Court Division.

The North Carolina Trial Courts pages present information such as court calendars, local rules, and contact information for court offices and programs in the counties and districts throughout the state.





DON'T FORGET we will hold our June and August CPE's during the lunch hour. The Golden Corral in Hickory will be the location for our presentations, beginning at 12:30 p.m. We plan to have an Ethics CPE on Tuesday, June 11, and Civil Litigation on Tuesday, August 13, 2013. The cost of the food buffet will be \$11.11, which includes tax. I believe the cost of drinks is extra, but we will confirm this prior to June. Gratuity for servers is in addition to the \$11.11. Minimum number of people required to reserve the room is 20. We will ask for your RSVP in early May.

Our Pampered Chef fundraiser was a huge success. Many kudos to Jerri Lee Craig who arranged it, to Cyndy Adams who procured the lovely (and manly) residence of Blair Cody for the party, to Susan Renfro, and to all who participated by attending, buying and getting outside orders. I do not know the final tally, but I believe we raised more than we did last year. Also, we took in an additional \$67.35 at our April CPE towards our scholarship. Let's keep this trend going!

NO PINK STRIPE ON LICENSE

On March 25, 2013, the North Carolina Department of Motor Vehicles began issuing driver's license to undocumented immigrants who were brought to the United States as children. As part of the Obama administration's Deferred Action for Childhood Arrivals program, undocumented immigrants who were brought here as children are allowed to have a federal work permit and obtain a driver's license if they qualify. Under current state law, anyone who holds valid federal documentation of their "legal presence" in the United States can obtain a driver's license.

Initially, the license in North Carolina for illegal immigrants who qualify under this program was going to have a bright pink stripe on the top and have the words "NO LAWFUL STATUS" in bold. The American Civil Liberties Union of North Carolina among others took issue with the bright pink stripe and bold lettering. They argued that the pink stripe would be the equivalent of a "scarlet letter" and would bring undue attention to people carrying the license. Transportation officials decided on a different course, and the final license design does not have the stripe, but does have the words "LEGAL PRESENCE NO LAWFUL STATUS" in red and "limited term" on the side.

Some in favor of the new license, including immigrants who qualify for one under the DACA program, say that the license is a good thing. They argue that it's safer for the roads to have more drivers trained, insured and licensed. They are also able to get a job if they have the work permit and license and become a contributing member of society.

Contributed by: Phebe McClellan

SOURCES

<http://www.cnn.com/2013/03/25/us/north-carolina-immigrant-licenses>

<http://news.yahoo.com/pink-stripe-nc-illegal-immigrant-licenses-eyed-204800831.html>



Contributed by:
Beverly K. Moore



Sweepstakes

They seemed to appear overnight, bringing new life to abandoned store fronts. Since the sweepstake locations opened, they seemed to be on the radar of lawmakers. I can remember when video poker was outlawed in 2007. Well, it appeared to lawmakers and the Supreme Court that the sweepstake operators found a loophole, and North Carolina would have none of that.

In 2012 State lawmakers passed a law that banned sweepstakes machines as a form of gambling. In December 2012, the Supreme Court upheld the law and sweepstake businesses had until January 3, 2013 to shut down. The majority did shut down, but many found a loophole and reopened their doors.

Those who reopened did software changes that they believed complied with the State law. Local law enforcement agencies sent notices out to the ones that did encouraging them to make sure that they were in compliance.

While the sweepstakes industry took a big hit with the 2010 law and 2012 Supreme Court ruling, they have not given up. They continue to ask lawmakers to consider legislation to regulate and tax their games. In April, 2013 a bill was introduced to legalize and tax the sweepstakes cafes in North Carolina. However, one sweepstakes gaming company left North Carolina stating “it’s getting too hard to do business in this state”.

While most remain closed, the gaming community has not given up. This will be an interesting matter to keep watching.

Sources:

North Carolinas Lawyers Weekly Daily Alert – March 21, 2013, March 27, 2013 and April 3, 2013.

Charlotte Observer – CMPD Sends Notices to Sweepstakes Operators, January 10, 2013.



LAW UPDATE By John Rubin

Below are summaries of recently enacted legislation affecting criminal law and procedure. To obtain the text of the legislation, click on the link provided or go to the North Carolina General Assembly's website, www.ncleg.net. (Once there, click on session laws on the right side of the page and then 2013-2014 Session under Browse Session Laws.) Be careful to note the effective date of each piece of legislation. I will send out additional summaries of criminal law legislation as enacted. (The summaries were prepared by retired faculty member Bob Farb. If you have questions about the legislation, please direct your questions to me.)

S.L. 2013-3 (H 66): Captivity licenses and permits. Effective March 6, 2013, the act: (1) amends G.S. 113-274(c)(1b) to authorize the Wildlife Resources Commission to issue a temporary permit to possess wild animals and birds for scientific, exhibition, or other purposes; (2) exempts from Article 1 (Civil Remedy for Protection of Animals) of G.S. Chapter 19A the taking and holding in captivity of a wild animal by a licensed sportsman for use or display in an annual, seasonal, or cultural event, as long as the animal is captured from the wild and returned to the wild at or near the area where it was captured; and (3) amends G.S. 19A-2 to provide that the venue for any action shall be only in the superior court in the county where a violation is alleged to have occurred.

S.L. 2013-6 (H 19): Disorderly conduct at a funeral. Effective for offenses committed on or after December 1, 2013, the act amends G.S. 14-288.4(a)(8), the disorderly conduct offense at a funeral or memorial service. The impermissible conduct will apply within two hours (now, one hour) preceding, during, or after the funeral or memorial service, and will be prohibited within 500 feet (now, 300 feet) of the ceremonial site, location of the funeral or memorial service, or the family's processional route. A violation of this subdivision is increased from a Class 2 misdemeanor to a Class 1 misdemeanor for a first offense, from a Class 1 misdemeanor to a Class I felony for a second offense, and from a Class I felony to a Class H felony for a third or subsequent offense.

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