



# NCPA FORUM

SPRING 2019

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NCPA is an affiliate  
member of the National  
Association of Legal  
Assistants



## NCPA FORUM

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NCPA

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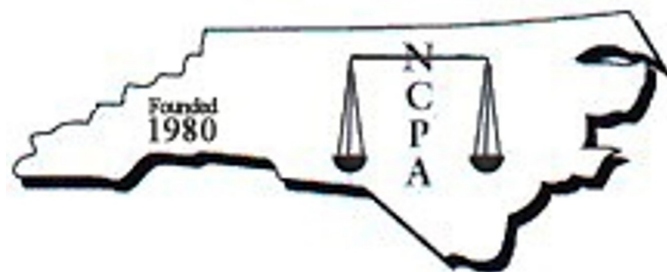
[www.ncparalegal.org](http://www.ncparalegal.org)

To submit materials for publication or to advertise, please contact our Editorial Staff at [ncpaforum@ncparalegal.org](mailto:ncpaforum@ncparalegal.org)

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**Have you moved? Please login to your profile and check your contact information. We use email as our primary means to contact members. Please be sure your information is up to date!**



**President's Message**  
**Beverly K. Moore, NCCP**



*An investment in knowledge pays the best interest.*  
*Benjamin Franklin*

*Two months of 2019 are over. For me, it has not been the best beginning. But, Spring is coming, and I believe it is going to get better. I am so ready for April! April means I get to see an awesome group of Paralegals. I look forward to attending the Annual Seminar and Meeting each year. It is so much more than just a few days away from the office.*

*The Education Committee has worked hard, and I am excited to be going back to the beach. There is nothing like a live seminar. Please join us!!!*

*If you have ever thought about getting more involved in NCPA, now is a great time to make that happen. If you are interested in volunteering on a committee, the Board or as an Officer please contact me at [bev@tissuelaw.com](mailto:bev@tissuelaw.com). We are always looking for volunteers to share ideas to make NCPA the best it can be.*

*Another NCPA year is almost over. The Board and Executive Committee members have done an awesome job and I am so grateful to call each and everyone a friend. I look forward to seeing many of you at Annual.*

*I wish you all the best and hope 2019 is a great year!*

*Beverly K. Moore, NCCP*



**Membership Report**  
**Patricia F Clapper, ACP, NCCP**  
**2nd Vice President**



SECOND VICE PRESIDENT  
ANNUAL MEMBERSHIP REPORT  
February 1, 2019

*We ended the 2018-2019 Membership year with the official membership count as follows:*

<i>General members:</i>	<i>194</i>
<i>Associate members:</i>	<i>35</i>
<i>Student members:</i>	<i>127</i>
<i>Sustaining Members:</i>	<i>5</i>
<i>Affiliate members:</i>	<i>0</i>
<i>Educational Program members:</i>	<i>2</i>
<i>Total</i>	<i>363</i>

*NCPA is most grateful for the support of our Sustaining Members. These members show their support for us in various ways throughout the year. As of February 1, 2019, these are: 4NC Records, Lawyers Mutual Liability Insurance of NC, Ruffin Consulting, Inc. and Alliant National Title Insurance Co.*

*Please remember that Sustaining Members make possible many of the benefits that NCPA provides to our individual members. Whenever possible, please patronize or refer others to our Sustaining Members - we appreciate their support!*

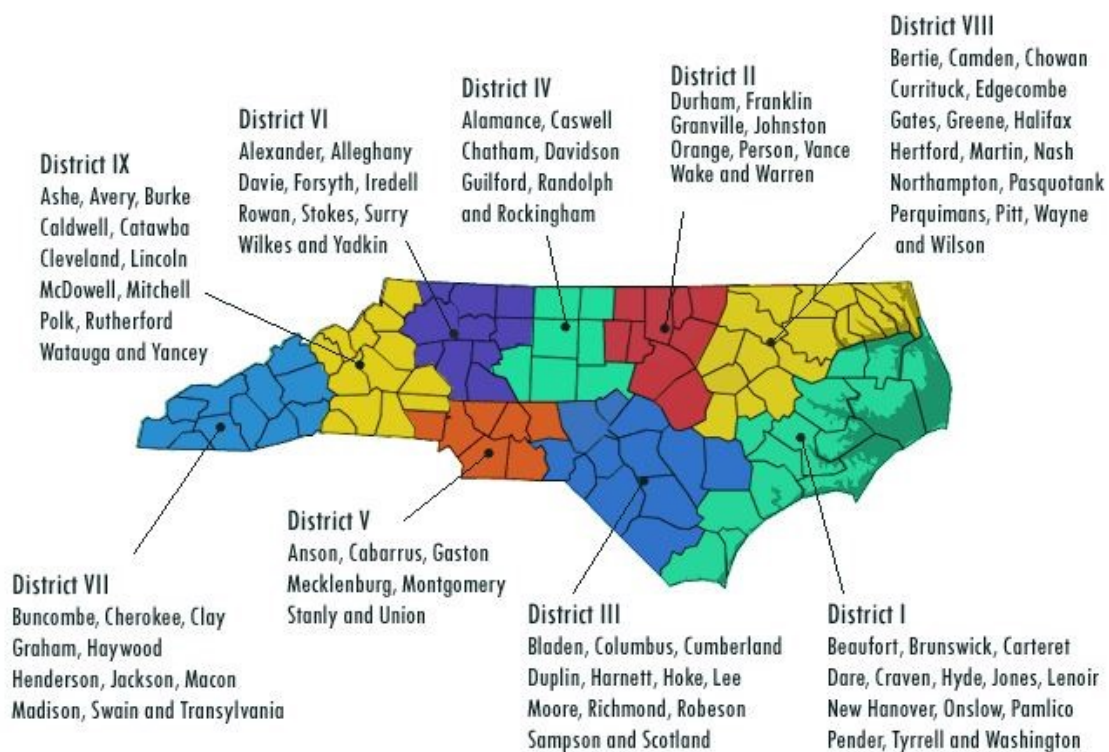
We are also proud to recognize our *Educational Program Members*, *Carteret Community College* and *Guilford Technical Community College*.

*Sincerely,*

*Patti Clapper*

*Patricia F. Clapper, ACP, NCCP*

*Second Vice President*





# NCPA NEWS



## SAVE THE DATE

**We're going back to the  
BEACH!!!**

### **SAVE THE DATE**

**April 11 – April 13, 2019**

**NCPA's 39<sup>th</sup> Annual Seminar &  
Meeting**

**Courtyard Carolina Beach Ocean-  
front**

**COURTYARD By MARRIOTT  
100 Charlotte Avenue, Carolina  
Beach, NC**

NCPA appreciates the support of its Sustaining Members! Please check out their services and let them know you heard about them from NCPA!

CourtLogic

Ruffin Consulting

Lawyers Mutual

Registered Agent Solutions

Alliant National Title Insurance Company



**Did you know that many of our annual seminar sessions are available online, on demand for CPE credit? Each session is 1 hour of CPE credit. Registration information is on our website.**



# DISTRICT HAPPENINGS NEWS

## Chairman's Message Heather Padgett, NCCP



“Spring is the time of plans and projects.” How true are those words by Leo Tolstoy? Although as I write this we are still in the last clutches of winter, we’ve had enough nice days that I can see spring in the distance. As nicer weather arrives, I start making lists of projects, cleaning out closets, throwing open windows, and generally trying to shake off the last parts of the dreary winter season. One plan I hope you have on your agenda is to attend the Annual Seminar in Carolina Beach, April 11 -13, 2019. Spring on the coast is a thing of beauty, plus our Annual Seminar committee has been hard at work pulling together an amazing agenda. It is shaping up to be an incredible weekend of learning, networking, and socializing.

Has everyone seen the new digital badge created by the N.C. State Bar Board of Paralegal Certification? The badge can be displayed personally and professionally by NCCPs, just make sure you link to the “[Certification](#)” page on the on NCCP website when you do so. It’s just one more way to display that you have taken the initiative to invest in yourself and in the overall knowledge, skill, and proficiency of the paralegal profession.

As we gear up for the coming year, it looks like we may have a few director spots opening up, so if you’ve ever thought you might want to be more involved in NCPA, this is an easy way. I’ll be in contact with the membership for those districts very soon, so be on the lookout.

I hope everyone’s spring plans start to come together soon and I hope they definitely include attending Annual. Just in case you need another incentive -Britt’s Donuts in Carolina Beach will be open on Saturdays by the time Annual rolls around. It is a local little treasure on the Carolina Beach boardwalk that will make you question your loyalty to a certain other North Carolina doughnut chain. It should not be missed!

As always, if you have questions or concerns, feel free to reach out. We love hearing from you!

Heather Padgett, NCCP  
padgett.hn@gmail.com





**NALA Liason Report**  
**Michele Bryant, CP, NCCP, CRCP**  
**NALA Liaison**

**Join NALA!**

**July 11-13, 2019 for**

**the Annual Conference**

**to be held at the Wes-**

**tin Kierland Resort &**

**Spa in**

**Scottsdale**







# NCPA's 39th ANNUAL MEETING & SEMINAR

**NORTH CAROLINA PARALEGAL  
ASSOCIATION, INC.**

**39th ANNUAL MEETING & SEMINAR**  
**April 11, 2019 – April 13, 2019**

**COURTYARD MARRIOTT**  
**CAROLINA BEACH, NORTH CAROLINA**



100 Charlotte Avenue  
Carolina Beach, NC 28428  
(910) 458-2030

[www.marriott.com/hotels/travel/ilmcb-courtyard-carolina-beach-oceanfront/](http://www.marriott.com/hotels/travel/ilmcb-courtyard-carolina-beach-oceanfront/)

To attend, complete this registration form OR  
register for the seminar online at  
[www.ncparalegal.org](http://www.ncparalegal.org)



## SCHEDULE OF EVENTS

Thursday, April 11, 2019

6:00 p.m. - 8:00 p.m.

**Early Registration & Exhibitor Exposition***Join us in welcoming our Exhibitors with light hors d'oeuvres and drinks (cash bar).*Friday, April 12, 2019

7:30 a.m. - 8:15 a.m.

**Registration & Buffet Breakfast**

8:15 a.m. - 8:30 a.m.

**Welcome Remarks***Beverly K. Moore, NCCP, NCPA President*

8:30 a.m. - 9:30 a.m.

**GENERAL SESSION***Topic: Law Office Administration**Speaker: Alicia W. Lewis, Firm Administrator / Controller  
Anderson Jones, PLLC*

9:30 a.m. - 9:45 a.m.

**Break - Visit with Exhibitors**

9:45 a.m. - 10:45 a.m.

**CONCURRENT SESSION A***Topic: Estate Planning**Speaker: Jen Woy, NCCP  
Wyrick Robbins Yates & Ponton LLP***CONCURRENT SESSION B***Topic: Family Law**Speaker: Amanda B. Mason, Attorney at Law  
Mason & Mason*

10:45 a.m. - 11:00 a.m.

**Break – Visit with Exhibitors**

11:00 a.m. - 12:00 p.m.

**CONCURRENT SESSION A***Topic: Business Law**Speaker: Stephanie C. Crosby, NCCP  
Ward and Smith PA***CONCURRENT SESSION B***Topic: Personal Injury**Speaker: Nell Wagner, NCCP  
Knott & Boyle*

12:00 p.m. - 1:00 p.m.

**LUNCH**

1:00 p.m. - 2:00 p.m.

**CONCURRENT SESSION A***Topic: Locating and Scheduling Witnesses**Speaker: Bonnie Ruffin, NCCP, CLVS, CVR  
Ruffin Consulting, Inc.***CONCURRENT SESSION B***Topic: Criminal Law**Speaker: W. Gray Smith, Attorney at Law  
Mason & Mason*

2:00 p.m. - 2:15 p.m.

**Break –Visit with Exhibitors**



2:15 p.m. – 3:15 p.m.

**CONCURRENT SESSION A**

*Topic:* Intellectual Property

*Speaker:* Mitch Tuchman, Of Counsel  
Morningstar Law Group

**CONCURRENT SESSION B**

*Topic:* Elder Law

*Speaker:* Leigh Anne Kasias, Attorney at Law  
Wyatt Early Harris Wheeler LLP

3:15 p.m. - 3:30 p.m.

**Annual Meeting Registration**

3:30 p.m. - 4:00 p.m.

**Annual Meeting – Election of Officers**

4:00 p.m. – 5:00 p.m.

**Panel: Q&A with Paralegal leaders sharing a wealth of knowledge and experience**

6:30 p.m. - 9:00 p.m.

**DINNER**

*Please join us for dinner and a chance to win a FREE registration to the 2020 Annual Seminar*

**Saturday, April 13, 2019**

8:30 a.m. - 9:00 a.m.

**Buffet Breakfast**

9:00 a.m. - 10:00 a.m.

**General Session**

*Topic:* Brief Bytes: Organizing the Workplace with Technology

*Speaker:* Jacqueline F. King, MLS, NCCP  
Rose Harrison & Gilreath, P.C.

10:00 a.m. - 10:15 a.m.

**Break**

10:15 a.m. - 11:15 a.m.

**CONCURRENT SESSION A**

*Topic:* Data Protection and Privacy

*Speaker:* Kristen G. Lingo, Assistant General Counsel  
FHI 360

**CONCURRENT SESSION B**

*Topic:* Immigration Law

*Speaker:* Jessica Yanez, Attorney at Law  
Yanez Immigration Law

11:15 a.m. - 11:45 a.m.

**Break (Hotel Checkout)**

11:45 a.m. - 12:45 p.m.

**GENERAL SESSION (Ethics)**

*Topic:* Follow the Ethical Brick Road

*Speaker:* Joy C. Belk, NCCP  
North Carolina State Bar

12:45 p.m. - 1:00 p.m.

**Closing Remarks and Door Prizes  
(must be present to win)**

**CONTINUING LEGAL ASSISTANT EDUCATION CREDIT:****National Association of Legal Assistants, Inc. (NALA):**

This seminar is pending the requirements of the Certifying Board of the National Association of Legal Assistants, Inc. for \_\_\_\_ hours of Continuing Legal Education units toward maintenance of the Certified Legal Assistant credential. (APPROVAL PENDING)

**North Carolina State Bar Board of Paralegal Certification (NCCP):**

This seminar has been approved by the North Carolina State Bar Board of Paralegal Certification for Continuing Paralegal Education for \_\_\_\_ hours of general CPE credits including 1 hour professional responsibility CPE credits. Any NC certification questions should be directed to the North Carolina State Bar's Paralegal Certification Board

(APPROVAL PENDING)

**REFUNDS:**

- If we receive your request by March 31, 2019, we will issue you a full refund, less a \$10.00 cancellation fee.
- If we receive your request between April 1, 2019 and April 5, 2019, we will issue a 50% refund.
- If we receive your request on or after April 6, 2019, no refund will be issued.
- You must notify the 1<sup>st</sup> Vice President, Sue Atti, NCCP at [education@ncparalegal.org](mailto:education@ncparalegal.org).
- Refunds are not issued until after the seminar is completed.

**DISCOUNTS:**

Law offices or corporations with three (3) or more paralegals attending the seminar, or three (3) or more paralegal students registering simultaneously, will be entitled to receive a 10% discount on the registration fee only. Discount does not apply to additional lunch or dinner tickets, CLA breakfast, or manuscript purchase. Registration forms and fees must be received simultaneously to ensure proper credit for discount. Online registration is not eligible for the discount – you must submit paper registration forms.

**MANUSCRIPTS:**

Manuscripts will be provided to you in one of two options:

1. You may choose the download option (where you receive a link with a password upon successful registration and payment). With this option, you are responsible for downloading the manuscript and either bringing a printed copy with you to Annual or bringing your computer. There will be NO copies available to you at the registration table;
2. You may choose to receive a printed manual upon check in for an additional \$25, which is the price of the manuscripts we sell on our website.





**HOTEL INFORMATION:**

**Room Rates:** Rooms rates are \$159.00 a night for a standard room and \$199.00 for Suite, plus tax. Deadline for hotel reservations is March 21, 2019. When making a reservation, please designate that you are attending the NCPA Seminar and provide the applicable group code to receive the discounted rate. After the deadline, you are not guaranteed the discounted rate.

**Please make your own hotel reservations:**

**Via Telephone:** Please call (888) 616-4655 to make reservations. Be sure to designate that you are attending the NCPA Seminar to receive the discounted group rate. NCPA's group code is NCPR. After March 21, 2019, we cannot guarantee the discounted group rate.

**Via Online:** You also may go online and book through this link

[http://www.marriott.com/meeting-event-hotels/groupcorporatetravel/groupCorp.mi?resLinkData=NC%20Paralegal%20Association%5Eilmcb%60NCPNCPA%7CNCPNCPB%60159.00199.00%60USD%60false%60%604/11/19%604/14/19%603/21/19&app=resvlink&stop\\_mobi=yes](http://www.marriott.com/meeting-event-hotels/groupcorporatetravel/groupCorp.mi?resLinkData=NC%20Paralegal%20Association%5Eilmcb%60NCPNCPA%7CNCPNCPB%60159.00199.00%60USD%60false%60%604/11/19%604/14/19%603/21/19&app=resvlink&stop_mobi=yes) . This link will get you directly to a web page set up for NCPA and allow you to book your room(s) with the discounted rate.

If you are booking through Courtyard Marriott's general website, please use the following code(s): NCPNCPA – Queen Standard or NCPNCPB – Queen Suite.

**FOR MORE INFORMATION, CONTACT**

Sue Atti, NCCP  
1<sup>st</sup> Vice President  
[sueatti08@gmail.com](mailto:sueatti08@gmail.com)

Lakisha Chester, NCCP, ACP  
Annual Seminar Co-Chair  
[lkchester@fbi360.org](mailto:lkchester@fbi360.org)

Crystal L. Robinson, NCSB/CP  
Annual Seminar Co-Chair, Patron & Sustaining Chair  
[crystalrobinson1975@gmail.com](mailto:crystalrobinson1975@gmail.com)

Join us in celebrating the North Carolina Paralegal Association, Inc.'s  
39th Annual Meeting & Seminar at Courtyard Marriott Carolina Beach.

Mail in your registration form today!

**REGISTRATION FORM**

NCPA's 39th Annual Meeting and Seminar

April 11, 2019 – April 13, 2019 - Courtyard Marriott Carolina Beach, North Carolina

Registration deadline is March 31, 2019. Please add the late fee if your registration is postmarked on or after this date. Walk-ins are welcome the day of the seminar. Checks should be made payable to NCPA for the total amount of all applicable fees. Your check or credit card statement is your receipt. **We do not send confirmations.** This registration form must be completed and accompany your payment.

Return this form and your payment to:

Registration Chair  
North Carolina Paralegal Association  
P.O. Box 1133  
Holly Springs, NC 27540

NAME: \_\_\_\_\_

(This is how your name will appear on your name tag - please be sure to include any credentials such as CP or NCCP.)

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

CHECK NO.: \_\_\_\_\_ ENCLOSED: \$ \_\_\_\_\_

**CHECK THE CONCURRENT SESSIONS YOU WILL ATTEND:**

Friday, 9:45 a.m.	Session A _____	Session B _____	(choose ONE)
Friday, 11:00 a.m.	Session A _____	Session B _____	(choose ONE)
Friday, 1:00 p.m.	Session A _____	Session B _____	(choose ONE)
Friday, 2:15 p.m.	Session A _____	Session B _____	(choose ONE)
Saturday, 10:15 a.m.	Session A _____	Session B _____	(choose ONE)

**CHECK YOUR MANUSCRIPT PREFERENCE:**

\_\_\_\_ Download the manuscript prior to the seminar

\_\_\_\_ Hard copy of Manuscript, which will be received upon check in for an additional \$25.00

**Fees: Check all that apply:**

(Registration fee includes downloaded version of manuscript, Friday breakfast, Friday lunch, Friday evening event and Saturday breakfast):

\_\_\_\_ \$ 175.00 NCPA or NALA Member\* (or Affiliate Member Delegate)

\_\_\_\_ \$ 260.00 Non-Member

\_\_\_\_ \$ 75.00 NCPA Student Member\*

\_\_\_\_ \$ 75.00 Social (No CLE credit or materials)

\_\_\_\_ \$ 125.00 Paralegal Educator

\_\_\_\_ \$ 25.00 Hard copy of Manuscript received at check in

\_\_\_\_ \$ 20.00 Additional Friday Lunch Ticket

\_\_\_\_ \$ 25.00 Additional Friday Dinner Ticket

\_\_\_\_ \$ 20.00 Late Fee (must be included if sending after March 31, 2019)

\*If you are not an NCPA member but are a NALA member, please include a copy of your NALA membership card showing your status as an "individual member". Contributions or gifts to the North Carolina Paralegal Association, Inc. are not deductible contributions for federal income tax purposes; however, payments may qualify as ordinary and necessary business expenses.



# *Suggestions for the FORUM*

If you have any articles or suggestions of legal interest you would like to see in the next edition, please submit those to [ncpaforum@ncparalegal.org](mailto:ncpaforum@ncparalegal.org) for publication in the next edition.



## CONTEST!!!!

There were no winners for last quarter's contest, so let's try this again! I want to see who will read this newsletter all the way through! The contest this quarter will be an Easter Egg hunt! I have hidden various eggs throughout the newsletter, in addition to the page decorations. The first person to submit the correct TOTAL amount of eggs in this edition of the FORUM will win a prize. Simply send an email to [ncpaforum@ncparalegal.org](mailto:ncpaforum@ncparalegal.org) with your answer. You will be notified if you are the lucky winner, and the winner will be announced in the next edition of the FORUM!

**GOOD LUCK everyone!!!!**

Happy St. Patrick's Day





# **AND THE SCHOLARSHIP WINNERS ARE:**

**1st Place, \$400 - Ketra Swain, Coastal  
Carolina Community College**

**2nd Place, \$300 - Karla Brown, Johnston  
Community College**

**3rd Place, \$200 - Magan Collier, Coastal  
Carolina Community College**

**4th Place, 100 - Johanna Worth, Cape  
Fear Community College**





# 1st Place

## Ketra Swain

### Coastal Community College

#### Why I Have Chosen to be a Paralegal

It was a sunny, late summer morning as I rushed to my local courthouse clutching my summons as I struggled to find the correct courtroom. I was called for jury duty that day and instead of feeling dread, I was surprised to find myself excited and curious as to what this unique day had in store. I was filled with a sense of pride as I heard my name called for the Grand Jury. Not only did I feel extraordinarily honored by my new role, I vowed to do my best to make fair and honest decisions regarding each case that was presented to my fellow jurors and me. The pomp and circumstance of courthouse protocol utterly fascinated me. On that late summer's day an idea has its spark.

After my year as a grand juror, life went on and I found myself grappling with an uninspiring job. The idea that had crept into my consciousness that day in a bustling courtroom began to grow, slowly and steadily. I would imagine myself pursuing a career in the legal field and truly loving it. Yet, the path to working in the legal profession did not seem clear. The timing never seemed right and the financial aspect of pursuing higher education again did not seem feasible.

A few months ago, I came upon information detailing the paralegal program at my local community college. I was instantly intrigued and excited about the prospect of pursuing a career as a paralegal. I was also hesitant about the complexities involved in starting school and perhaps, fearful of the unknown. While I carefully read over the information, I realized that my path to a career in the legal field was now brilliantly clear. "I WANT to be a paralegal!" I said to myself. The idea that had begun as a little spark had finally grown into a real possibility. As I anxiously went through the myriad preparations required for school, I felt delighted as I shared my news with family and friends. I knew the decision to return to school would be challenging, but I felt selfassured in my decision and my certainty grows daily.

My paralegal journey has just begun and as I attend my daily classes and complete my lessons I contemplate the future with enthusiasm. I am convinced the opportunities for growth are bright for all of us pursuing our education or actively engaged in this noble profession. A very wise and plucky jurist by the name of Judith Scheindlin once stated, “Never let anyone or anything define your value or limit your dream.” I have come to realize that it is my refusal to limit my dream that has affected my choice to become a paralegal.



[www.3dpixs.com](http://www.3dpixs.com)



# 2nd Place

## Karla Brown

### Johnston Community College

I have Chosen to be a Paralegal.....

I have chosen to be a paralegal to assist the general public as well as myself. The legal system has fascinated me for many years, not from what I've seen on television shows or movies but from real life situations I see in the news, read in articles, and live on a daily basis. I owe my drive to becoming a paralegal to my father and his situation with authorities. I currently intern with a district attorney and my goal is to obtain a position with one in the future in hopes of keeping people like my father off the streets and the community much safer.

Paralegals are an important part of our legal system. They are the "backbone" of the legal world. Preparing cases to go to trial, talking to a victim of a crime, and assisting attorneys in court, are just some of the duties of a paralegal. I have always enjoyed law enforcement and becoming a paralegal seems to be the perfect progression for me. Following trials in the news and in articles from older cases such as John Wayne Gacy to the more recent Casey Anthony trial has always made me curious to know how the cases develop. What we don't see and hear in the publicized trials is how the case was prepared, what procedures and policies have to be followed, and how many man hours the paralegals and attorneys put into the cases before they go to trial. These are just a few of the details in the legal field that drove me to be a paralegal.

My drive to becoming a paralegal is also derived from my own personal experiences. Just last year my father was arrested and charged with two counts of drug trafficking and was sentenced to forty-two months in prison. I went to court with my father when he was sentenced. I studied the whole procedure and was captivated by it. I watched the attorneys discuss their cases, I observed the way the judge and the attorneys communicated, and I noticed the paralegals when they brought the attorneys the documents they needed. The experience was life changing for me because it opened my eyes and showed me exactly what I wanted to do with my life, become a paralegal.

The motivation I left with the day I went to court with my father was overwhelming and it gave me the push I needed to act on my dream. I currently volunteer with a district attorney and I enjoy every moment of it. I hope to obtain a position with one when I finish my degree so I can assist in keeping people like my father out of the general public. A day at the district attorney's office is very fast paced and there is never a dull moment. I realize when I am there that not only am I aiding the attorneys but the public as well. This realization brings me great satisfaction.

In conclusion, the reasons I want to be a paralegal are both professional and personal. I am driven to help the general public which in turn has helped me. The deep interest I have in the legal field and my determination to become a paralegal has flourished since I have enrolled in the paralegal technology program. Experiencing the courses first hand and learning the material has inspired me all the more to succeed in obtaining my goal of becoming a paralegal.





# 3rd Place

## Magan Collier

### Coastal Carolina Community College

I have chosen to be a paralegal...

There are a few reasons why I chose to become a paralegal. This choice is very new to my career plan, but it is something I am very excited about. My military experience helped me realize what I wanted to study and what path I wanted to take. I have always loved the legal system as well as helping people, and becoming a paralegal is the way I plan to combine those two desires.

My love for the legal system started at a very young age. I can remember being ten years old and wanting to be a police officer. Throughout the years I would tell people I wanted to be a cop, an FBI agent, and an investigator. Those professions vary in many ways, but they all have one thing in common; legal justice. My drive to be a member of the legal system led me to the Marine Corps. I spent time volunteering and working on helicopters to be a part of keeping our country safe. An injury ended my field career plans, but I could not stray away from who I was. After careful consideration I decided to become a paralegal. Now that I have started my paralegal program, I have found myself constantly wanting to learn more and I truly believe this is what I was meant to do. I can still be a part of the legal system and help ensure our rights as citizens.

I have spent a large amount of time volunteering in my life and helping those less fortunate than myself. As human beings, we have a natural urge to help those we know, but not always to help other we do not. I have always found joy in helping people, especially those I do not know. I get a warm feeling when I can make a stranger's day or help them out when they need it. Being a paralegal will give me the ability to help those in need. People depend on their attorneys and their legal team to help them through very stressful times. Most of the time those clients are spending all they have to try and right a wrong that has been done to them. There is a lot of responsibility given to a paralegal that will determine the outcome of a case. Knowing I can help put someone's life back together really drives me to do my best. I have experienced first-hand that not everything will go as planned, but having a team on your side to make things right is very important, and I am excited to be a part of the team one day.

Being a paralegal has not been a dream of mine since I was young kid, but it is a dream of mine now. When I was younger I also wanted to live in a castle, but as a child I did not always have the most down to earth goals. Now that I am an adult, I can naturally make more realistic goals and becoming a paralegal is number one on that list. I plan to utilize all my resources and skills to devote myself to this program and profession.



# 4th Place

## Johanna Worth

### Cape Fear Community College

NCPA Student Scholarship Essay Contest: I Have Chosen to Be a Paralegal Because...

I am one of those people who loves making lists; I have a notebook full of them. List-making is therapeutic for me because it puts the world in order: grouping like things together, remembering what I am likely to forget, or simply gathering thoughts about a topic. Many of my lists are of the commonplace sort like "List of Books to Read" or the ubiquitous "Bucket List". I have also compiled a few offbeat ones: "Odd Things Strangers Have Said to Me", "List of Songs That Make Good Lullabies", and "List of Things That Might Make Me a Bad Person (?)". One of the more in-depth lists, and more to the point of this essay, is entitled "What NOT to Do When I Am an Old Lady". It is based on the (perhaps irrational) fear that I might become stubborn or vitriolic in my old age and, if that happens, I can look to my handy-dandy list to remind me how best to conduct myself. Items on this list range from trivial to thoughtful, for example:

- ☐ Do not become angry if the food/service in a fast food restaurant is less than excellent.
- ☐ Do not assume that you still have a pretty good eye for what is in fashion, give young people clothing as gifts, or (even worse) give your clothing as gifts" (this one is dedicated to my Grandma who once tried to give me a bunch of yellowed camisoles she had saved since the 1950s).
- ☐ Do not hug, pinch, kiss, or otherwise latch onto people who clearly do not wish to be touched, or insist you have a right to this touching because you are an old lady.
- ☐ Do not waste time revisiting old regrets. There is nothing to be done about it now, and if you truly regretted it you would have done something about it already.

This last list item is why I have chosen to make a career change and become a paralegal. For nearly 10 years, I have worked in the office of a private company doing what could be called "drudge work". After so many years at what became a dead end, watching grass grow was more satisfying. Once, when I was complaining of my poor career prospects privately to a coworker, he gently pointed out, "It's because you don't have a career, you have a JOB. That's just the way it is for you." I figured staying there any longer would only add to my future regret as an old lady, as

would any other similar job that I might get with my current experience. I imagined myself reading my “Old Lady” list in 30 years, and concluded that it was high time to rock to boat.

In Civil Torts class, we are learning that negligence can be caused by both an omission or an act. In certain circumstances, the failure to act can be just as damaging as a tangible act. I realized that I should not be negligent of my own potential by failing to act; I do not want to waste time harboring regret and working a job, when I could have had a career. The paralegal profession has impressed me with how many choices are available both in the areas of law in which they can work, and in the different types of organizations in which they can find employment. Additionally, under a lawyer’s supervision, they function in many capacities which adds interest to their work life.

Now that I have begun my paralegal education, I have a few more running lists jotted down. They include “List of Places Paralegals Can Work”, “List of Legal Resources Paralegals Use”, and then a peculiar collection of “Favorite Colorful Legal Terms”. I have chosen to become a paralegal, not for any noble reason, but simply to make a new start so that I may come to a better ending.



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# CHECK IT OUT!!

## NCPA PRO BONO PROJECT Annual Meeting & Seminar April 11 - 13, 2019

NCPA has selected two organizations to support this year:

**Military Missions in Action** and **I Commit 365**

Look for the *ProBono* table in the Exhibitors' Area

We will be collecting cash donations for I Commit 365, whose mission is to support children in Pediatric ICU by praying together and embracing the family's needs with monetary donations for essentials such as parking passes, meals, gas cards, etc. One PICU patient is selected each week, and I Commit 365 provides emotional, spiritual, and monetary support for the child and family.

We will be collecting Back Pack Basics items to be included in care packages for active duty service members and military working dogs serving in combat zones. Please shop from the list below and bring items with you to the seminar.

We will be signing Thank You cards to be included in the military care packages. Please stop by to sign a card and write a personal message to a service member who is far from home.

Please consider multiplying our impact by inviting friends, family, and co-workers to participate! Add their donations to yours and bring them all to the Beach!

*Your participation is voluntary, but we hope you will choose one of these ways to make a big impact.*

### Active-Duty Back Pack Basics

Individual packaging & unscented products are essential.



Gum, hard candy, mints  
Jerky  
Tuna and Chicken Salad  
Breakfast & Protein Bars  
Snacks & Trail Mix, Nuts  
Canned Meats  
Water Flavoring Mixes  
Playing Cards  
Pens, Pencils & Paper

Baby Powder  
Baby Wipes  
Toothpaste  
Mouthwash  
Toothbrushes  
Deodorant  
Chapstick  
Shampoo  
Foot Spray

Hand Sanitizers  
Insect Repellent  
Sun Block  
Aloe Gel  
Tweezers  
Eye Drops  
Q-tips  
Socks: Black or White,  
Calf-Length



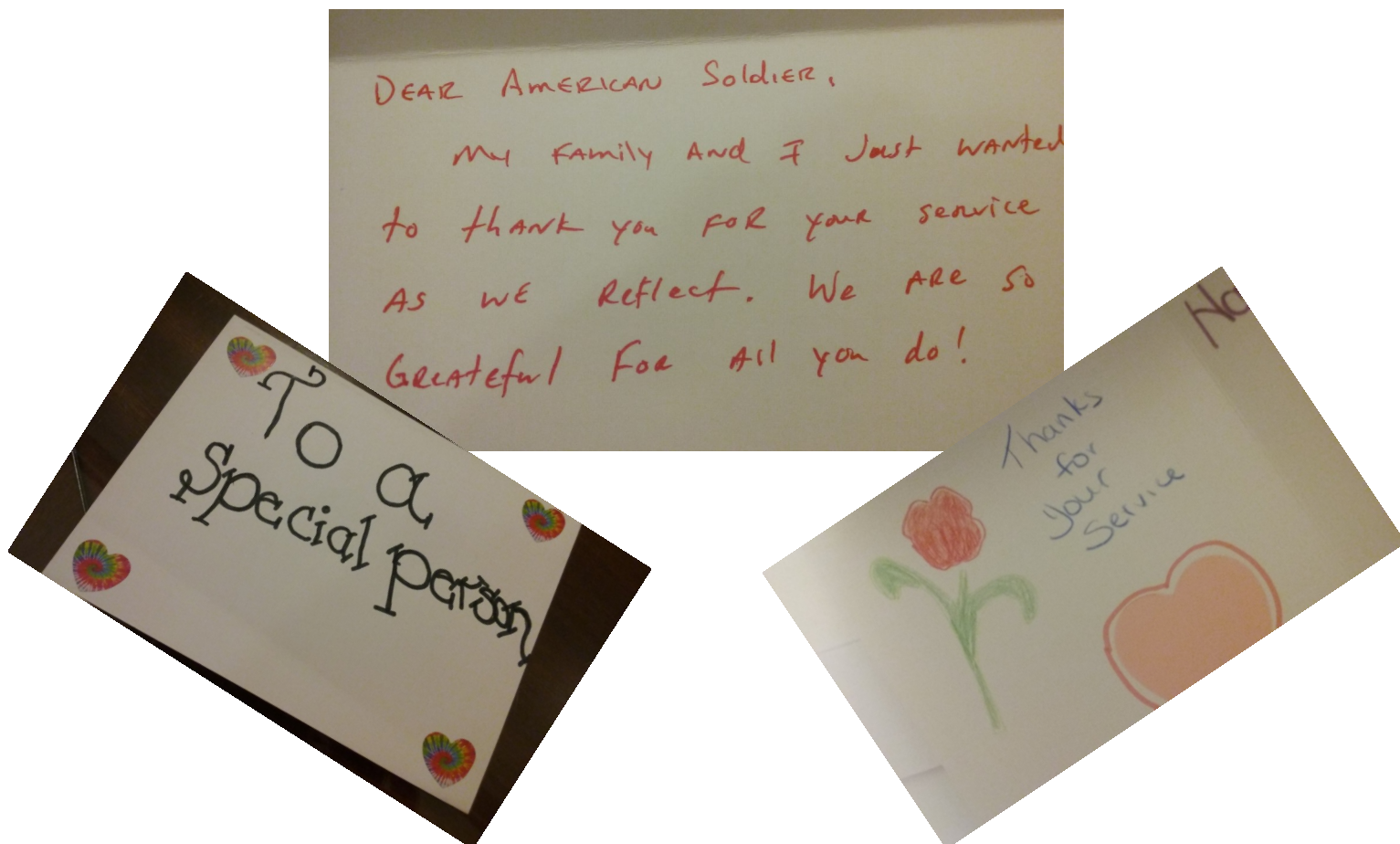


# CHECK IT OUT!!

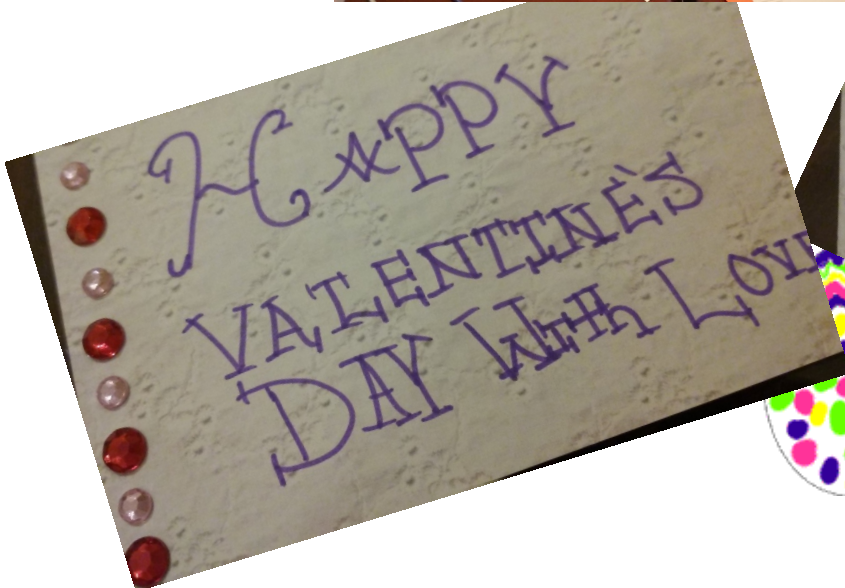
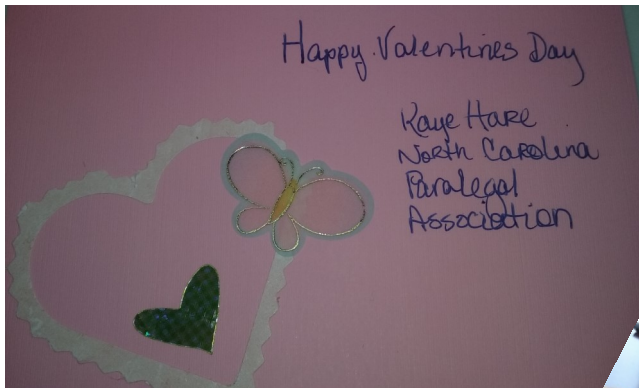
## Valentines for Veterans!

Almost 80 patients in the Veteran's Administration Hospital in Durham recently received hand-made Valentines, thanks to the efforts of NCPA members and friends. NCPA Associate Member Adero Rice coordinated a group of residents in Midland Commons (Charlotte) to create cards, and members of NCPA's Board of Directors and Executive Committee made cards at their January meeting. Valentines for Veterans is part of a nationwide "Salute to Veterans" week and is coordinated by staff at each VA medical facility. The goal of Salute to Veterans is to pay tribute and express appreciation to Veterans; it also helps create community awareness of the role of VA medical centers.

If you would be interested in participating in future activities, contact Pro Bono Chair Elizabeth Vance, [paralegal878@earthlink.net](mailto:paralegal878@earthlink.net) or by phone 336-686-6847.



# CHECK IT OUT!!





# Self-Care vs. Car Wrecks: A Compassion Fatigue Story

By Anonymous

I am smart. I really enjoy using my smarts to solve problems: logic problems, crossword puzzles, strangers needing directions, my clients' problems, my friends' problems, and my family's problems. But, fixing problems has a sinister side, just like any addiction, and one can develop compassion fatigue. The best way to explain "compassion fatigue" comes from my therapist. During a session, as I was throwing off my defensive statements to her regarding "not caring" or "it's not my problem," she openly scoffed that I enjoyed fixing other's problems the same way alcoholics drink beer. She observed that I would never be the person who just didn't care. She is so right. I like helping people. I like being smart and solving problems. I discovered, however, that the bad side of caring too much and about the wrong things can lead to not caring at all about most everything.

My story starts sometime in 2014. On my way to work, I started (at least once a week) contemplating driving my car off a seven-to-eight foot cliff overlooking the railroads. At the time, my family law practice was thriving, and I doubt anyone could have known the feelings and thoughts that I was having. The thoughts increased in frequency, but each time I had these thoughts, I always convinced myself not to do it because I couldn't guarantee that I wouldn't kill myself or inflict life-long trauma, which would just cause more problems. I didn't want to die. I just wanted a break from my life. However, each day I invested a little more time in trying to plan how I could do it and manage to get a short stint in the hospital and a much-needed break.

I tried so many things to stop the thoughts and get over being so tired all the time. I tried vacations. I went to the beach, the mountains, Florida, and New York City. But I'd be exhausted before I left on the trip and even more exhausted upon my return, faced with catching up on the backlog. Not only didn't they fix my problem, vacations seemed to exacerbate it.

Diet and exercise helped somewhat. I was running a 5K a month and participating in Crossfit and Spartan races. I was the most physically fit that I have ever been in my life during this same time. No processed foods for me. This was wonderful compared to my chubby, middle-school days where I hated the PE and would eat an entire pan of Rice Krispy treats in a single sitting. Unfortunately, except for the hour or so that I was participating in the exercise or event, it really didn't change any of my thoughts or my mentally exhausted state.

Sleep was minimal during this time. I routinely woke up at 3 AM and couldn't go back to sleep because of thoughts racing through my head. I stayed up late at night rehearsing my statements for trial, arguments that would usually never even be spoken. I considered going to the doctor, but I had heard strange things about sleep meds like Ambien. I didn't want to murder someone in my sleep or go parading around my neighborhood in the nude, so I stayed on course with my preferred plan—contemplating my car wreck/hospital stay.

This went on for about a year, until I had had enough. I decided I would address my problem, even though I had no idea what my problem actually was at that time. Unaware of how much I was subverting my needs to everyone else's, my life presented the perfect opportunity for me to finally focus on myself. My 11-year-old was going on a school trip for almost a week with no access to a cell phone or me. You see, I didn't want to upset her or inconvenience her, because I was responsible for driving her to school, helping her with homework, and generally making sure her life was good. Plus, her not having a cell phone meant that if she had any problems, then she couldn't call me to fix the problem. In addition, I didn't have court that week either. My clients didn't have pressing problems to fix! So, I dropped her off at school and watched her get on the bus. Now I could finally focus on me and this problem, whatever it was. I was sure a trip to the doctor would somehow fix it all.

My regular doctor couldn't see me. I started to get frazzled and after casting about for ways to avoid doing so, I finally relented and told my husband that I needed to go to the ER. At the ER all went smoothly until the doctor asked me the standard question, "Are you suicidal?" Even though I knew the question was coming, I hadn't rehearsed or even thought about what I'd say. However, the most profound words came to me regarding my current state of mind and problem. I blurted out, "I don't think so, but I don't know what I am going to do if I have to hear another f\*\*\*king person's problems." With that statement I meant "person" to include every single living thing on this earth: family, friends, clients, political activist groups, donation seekers, Leonardo DiCaprio, random strangers asking for directions... EVERYONE! He responded with, "So possibly homicidal or suicidal," and laughed kindly.

I got through that day and was given a prescription for the normal stuff doctors hand out for depression and anxiety. I scheduled some follow-up doctor appointments. It was a lackluster resolution. None of the medications worked for me; they only exacerbated my problems over the following week. I discovered I don't synthesize those medications well, so they were not going to be an option for me, which was thoroughly disappointing. Not to mention, my kid was back and court appearances were looming. This problem seemed to now be out of hand. I couldn't just return to the way things were before, but did not know what to do differently.

It was at my first follow-up appointment with my doctor that my "problem" started getting defined. My doctor said that I didn't have a support system. Eureka! I KNEW IT! I finally had confirmation that I was surrounded by hapless, greedy, needy people that constantly took and took and took from me. So it turns out they were all jerks after all! Then he went on to say, "You have no support system because you don't tell anybody what is going on and instead just try and handle it all on your own."

Wait.

What?

But there it was. I was the jerk. I thought I was so smart. That I was above it all. That I did not need community. You did. But not me. I was different and special. The realization was gut wrenching.

I was told I could resolve my issues by "just sharing." Ah, ok. Maybe "just sharing" is easy for you. Not me.

Here is where my anxiety started amping up. In order to be effective, my sharing had to be regardless of how others responded to what I was sharing. And I needed to share it all, especially the toes-curling-in-my-shoes stuff. I discovered that I was really a people-pleasing, low-self-esteem fraud. I faked life well. I pretended to have it all together, but I was constantly speaking unkindly to myself. I created unrealistic expectations for myself and was way too consumed by others' perception of my life. Or what I imagined their perception to be. In

sharing, I started really discovering what was going on in my head and my life and why I was always so tired. I was exhausted because I was battling this inner jerk. As I shared this with my support people, I realized that I could change the script going through my head. Noteworthy, my support system was and still is a work in progress. Some people didn't make the cut and I limited their role in my life. I am working on me and I need truly supportive friends and allies to help with that project.

The lone soldier approach doesn't work. Neither does working by yourself on problems that you aren't properly trained to fix. Reluctantly, my next step was an appointment for therapy with a psychologist. I hated the thought of talking to a therapist, but it didn't matter, because I needed to talk to one. Just as many people with legal problems need an attorney but hate coming to and paying for one, I knew going to a therapist was the best thing to do. I was sure a therapist would want to talk it out and want me to say that I was depressed, and anxiety-ridden, and admit that attorneys just have sucky lives. Well, she didn't. She told me about "Compassion Fatigue." It's like burnout, but it is from dealing with other peoples' problems. For example, like where you solve people's problems for a living but also put yourself in a position to have everyone come to you with their problems because you really like solving others' problems, and they don't know to stop because you haven't told them to stop and now you're ill because of it. She explained that in her profession, compassion fatigue is common and they have workshops, conferences, and retreats to deal with compassion fatigue/vicarious trauma.

The first thing that she taught me was that I need to put myself first. If I am exhausted, I am of no use to my clients, my family, or anyone. She spoke about the teapot needing to be full in order to pour tea out for others. I left therapy with homework. My homework was to do three things over the weekend that would bring me joy. She could have asked me to murder someone and it would have been easier. I seriously couldn't come up with anything. I gave up golf years ago because I didn't have four to five hours to be detached from the world. This rationale is why I gave up most things that I enjoyed: I was too busy solving others' problems or being there for others to be there for myself. I completed her homework, but not until stressing about it all weekend. I ended up with a nice bath, Rice Krispy treats, and moving furniture around in my house. I stumbled on to the big secret to joy that weekend—it comes from the simplest of things. I am happy to say I can easily come up with three things to do everyday to bring myself joy.

Next, I learned how to prevent compassion fatigue with self-care. Honestly, I had no idea what that meant other than taking a bath and getting my eyebrows done. Being an attorney really put me in a good place to help myself here. I started doing research and reading about self-care. After a few years of managing this, I can say that my self-care seems to be balancing the joys of a 12-year old with the obligations of a 40+ year old. Sleep is first and foremost. I discovered that if I want good sleep, then I need a schedule for sleep, much like my morning schedule to get ready for my waking hours. No matter how good of a parent, attorney, caregiver, or friend that I can be, if I have eight to ten hours of sleep then I can be 500 times better. Second, I deserve just as much love and kindness as everyone else. I buy myself flowers. I skip work on Friday afternoons to watch Star Wars and Marvel movies. I really try to connect with the things that I enjoy. I have found that meditation and mindfulness greatly help me connect to finding those things that bring me joy and understanding the things that impede my joy. Lastly, practicing meditation and mindfulness helps me let go of a lot of useless thoughts and worry.

My new self-care regimen also meant a big change at work. I needed to set up and maintain good boundaries with clients. I don't give my cell phone number to clients anymore. I don't email with my clients on the weekend, and they know upfront to never expect a response from me on the weekend. My clients need to be more invested in their case than I am, and they also



need to have good self-care. I have advised lots of clients to seek therapy because I recognize their mental health issues or poor self-care. It makes so much sense because poor self-care can lead to numerous marital issues, thereby leading them to my office. Being more present to my needs has put me in a good place to give my clients really good advice for their lives and inevitably their cases.

I still really enjoy fixing other's problems, but I really enjoy working on my own, too. For years I have heard the remarks about attorneys fixing others' problems and neglecting their own. While that may be true, I also believe that attorneys have a very good skill set for solving problems, even when those problems are their own. As I look back I have enjoyed my learning experience and am so grateful for where I am today. I still want to solve others' problems, especially in the form of sharing my experience to help peers who may be suffering from compassion fatigue. I am now a LAP volunteer and have shared this story at CLE events. It has been cathartic for me. So many lawyers have told me they relate to my story. It is not so hard sharing now. Not hard at all.

If you think my story sounds even remotely close to what you are going through, please look at the LAP website under "compassion fatigue" for some wonderful info and advice and call LAP. Hindsight being 20/20, if I had looked at that website earlier, then I could have prevented about a year of my suffering and started on the road to recovery sooner.



*The North Carolina Lawyer Assistance Program is a confidential program of assistance for all North Carolina lawyers, judges, and law students, which helps address problems of stress, depression, alcoholism, addiction, or other problems that may impair a lawyer's ability to practice. If you would like more information, go to [nclap.org](http://nclap.org) or call: Cathy Killian (western areas of the state) at 704-910-2310, or Nicole Ellington (for eastern areas of the state) at 919-719-9267.*



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## Helpful Links

NCPA — [www.ncparalegal.org](http://www.ncparalegal.org)

NALA - [www.nala.org](http://www.nala.org)

NC State Bar Board of Paralegal Certification - [www.nccertifiedparalegal.org](http://www.nccertifiedparalegal.org)

NC State Bar — [www.ncbar.gov](http://www.ncbar.gov)

## ETHICS CORNER

NCCPs can now access an online, interactive, one-hour trust account management continuing legal education course on the North Carolina Bar Association's website. The program, a joint project of the North Carolina State Bar and the North Carolina Bar Association, provides the most current explanation of the management duties for a lawyer's trust account, and satisfies the provision in Rule 1.15-2 (s) of the Rules of Professional Conduct requiring anyone with trust account signatory authority to complete a one-hour trust account management CLE course. Each one-hour program includes great content and helpful resources and is available **free of charge to North Carolina State Bar licensed lawyers until February 2018, and until further notice for certified paralegals**. These high quality online trust account management programs were produced by the North Carolina Bar Association and the State Bar and are sponsored in part by Lawyers Mutual Insurance Company, Old Republic National Title Insurance Company, and the Board of Paralegal Certification.

<https://www.ncbar.gov/news-and-publications/news-notice/2017/10/free-trust-account-management-cle-course-available-to-members-paralegals/>

If you have any questions about these or any other ethic issue, you can email Alice Mine at the NC State Bar — [amine@ncbar.gov](mailto:amine@ncbar.gov)





# Talking to the Judge (or Maybe Not)

By Judge Michael L. Robinson and Ellen Murphy

In my two years and three months on the superior court bench, I have been unpleasantly surprised by the frequency with which practicing attorneys attempt to engage in *ex parte* communications with the court. And even where the communications aren't technically *ex parte*, I despair that attorneys fail to grasp the rules regarding informal communications with presiding judges.

As a result, I teamed with Wake Forest University Law Professor Ellen Murphy to, hopefully, shed some practical light on the rules as they relate to this subject.

## Situation No. 1:

It's the week before a motion hearing in state superior court that will have important consequences to your civil case. Based on your previous experience with the judge, you believe providing a memorandum of law would both help the judge more efficiently understand the issue and improve your chances of success. You have dutifully researched the law and have prepared the brief. You would like to email a copy of the relevant motion and your memo to the judge with a request that, to the extent the judge's busy schedule permits, he/she review the materials prior to the hearing. May you do so?

## ***Ex Parte* Communications are Prohibited Except in (Very) Limited Circumstances**

North Carolina Rule 3.5(a), revised in April 2018, prohibits *ex parte* communications about a matter with the presiding judge or official. While the Rule seems clear on its face, in our experience, the general prohibition against *ex parte* communications with a presiding judge is poorly understood and frequently disregarded. Rule 3.5(d) defines *ex parte* communication as "a communication on behalf of a party to a matter pending before a tribunal that occurs (1) in the absence of an opposing party, (2) without notice to that party, and (3) outside the record." If each of these three factors is present, the communication is considered *ex parte*.

The policy behind the prohibition is straightforward: "[a]ll litigants and lawyers should have access to tribunals on an equal basis." Comment [8] to Rule 3.5. When a lawyer communicates with a presiding judge about a pending matter, it "might have the effect *or give the appearance* of granting undue advantage to one party" over another. *Id.* (Emphasis added.)

Comment [8] to Rule 3.5 provides additional guidance:

A lawyer should not communicate with a tribunal by a writing unless a copy thereof is promptly delivered to opposing counsel or to the adverse party if unrepresented.

Neither the Rule nor its comments define "promptly." However, simultaneous delivery (if not delivery to opposing counsel in advance of delivery to a judge) is optimal. In any event, and on a "worst case" basis, opposing counsel and parties should receive the communication with sufficient time to respond.

Lawyers are not alone in their duty to avoid *ex parte* communications. The Code of Judicial Conduct provides guidance to judges as well. Canon 3 A.(4) states that "[a] judge should accord to every person who is legally interested in a proceeding...full right to be heard according to law, and, except as authorized by law, neither knowingly initiate nor knowingly consider *ex parte* or other communications concerning a pending proceeding."

Most simply, with respect to *ex parte* communications, the prohibition is pretty straightforward—lawyers shouldn't do it and judges shouldn't allow it. Therefore, with reference to Situation No. 1, you should not send your memo without simultaneously copying the other side.

## Situation No. 2:

Having decided you couldn't properly send your memo, you attend the hearing, during which opposing counsel argues facts and law that you believe are inaccurate. You didn't think to say so at the time, but following the hearing, you decide it would aid the court in making its decision if you sent a letter to the judge. The purposes of the letter are to point out opposing counsel's misrepresentations and to provide deposition testimony and case law illustrating the true state of the facts and the relevant legal precedents. May you do so?

### Informal Communications with the Court

Often, counsel for all sides of a litigated matter agree that communication with the presiding judge is necessary, or at a minimum advisable. Additionally, when a judge has a disputed motion under advisement, one or more parties may want to bring information to the court's attention because counsel believes there are things the judge should know before ruling. This is often accomplished by a letter delivered to the judge's chambers or, more frequently today, by email.

Some judges worry about the potential onslaught of "informal" communications by email or letter outside of formal proceedings in the case, and the inability of opposing parties to adequately respond. Some of these same jurists believe that informal communications about a disputed issue are improper. They are not without support for their position.

First, Rule 7 of the North Carolina Rules of Civil Procedure sets forth that only certain pleadings and motions are permitted to be filed in a civil proceeding.

Second, 98 Formal Ethics Opinion 13, Written Communications with a Judge or Judicial Official, prohibits informal communications with the court except in limited circumstances.

This formal ethics opinion provides that "to avoid the appearance of improper influence upon a tribunal, informal written communication with a judge or other judicial office should be limited to":

- 1) Communications permitted by law or the rules or written procedures of the tribunal;
- 2) Written communications . . . prepared pursuant to the court's instructions;
- 3) Written communications relative to emergencies, changed circumstances, or scheduling matters . . .; and
- 4) Written communications sent to the tribunal **with the consent** of the opposing lawyer or opposing party if unrepresented.

With respect to exception number 1, some courts have enacted "local" rules of the court to permit informal communications about disputed matters.<sup>2</sup>

In many case management orders entered in the business court, words similar to the following are included: The court will actively monitor the progress of the case through the case management procedures set forth in the BCR and this Order. *To do so efficiently, the court and the parties may utilize the medium of email for some matters where a formal motion or other filing may not be efficient, including, for example, scheduling and BCR 10.9(b) disputes.* Any such email communication remains subject to Rule 3.5 of the North Carolina Rules of Professional Conduct and BCR 6.4, which requires all such communications to be copied to all counsel of record and all unrepresented parties. Unless responding to a court inquiry, the court anticipates that the parties will endeavor, wherever possible, to communicate with the court by email only after prior notice to each other, and the communicating party shall, where appropriate, reflect in their communication with the court the position of all other parties concerning the matter at issue. (Emphasis added.)

Pursuant to Business Court Rule 10.9, a party may not file a motion to compel discovery without first emailing the court, describing the dispute in question, and seeking permission to file a discovery motion. Opposing counsel is provided an opportunity to respond, again expressly by utilizing email. Each of these communications must be simultaneously copied to all counsel of record and unrepresented parties.



Absent a local rule permitting informal communication with the court, the only way for a lawyer to communicate with the judge off the record is: (1) at the court's direction, (2) with consent of all other counsel, or (3) as a result of and relating to an emergency.

As a practical matter, an attorney who has a good relationship with opposing counsel likely can get consent to submitting supplemental information following a hearing. If this is not possible, and there is not a true emergency necessitating the communications, the attorney must attempt to obtain court authorization.

How does a lawyer get the court's permission to send an informal communication? There are several potential ways. First, consider asking for permission during the hearing. If you think there may be merit to supplemental briefing, give the court (and opposing counsel) notice during your argument and ask whether the court would like and permit supplemental briefing. Most judges I know want badly to make a correct decision on the law and the facts, and therefore welcome supplemental briefing.

Second, most judicial districts have local procedural rules about calendaring of motions and trial, and more technical/procedural issues. Consider contacting the leaders of your local bar and the senior resident judge of your judicial district seeking an amendment of these local rules to permit informal communications with the court in appropriate circumstances.

### **A Final Note—Reconsideration of 98 FEO 13**

The North Carolina State Bar Council is considering the continuing advisability of 98 FEO 13 following the revision of Rule 3.5 of the Rules of Professional Conduct. If you have thoughts about the ethics opinion and how it might be improved, you are encouraged to reach out to the State Bar or to your local State Bar councilor.

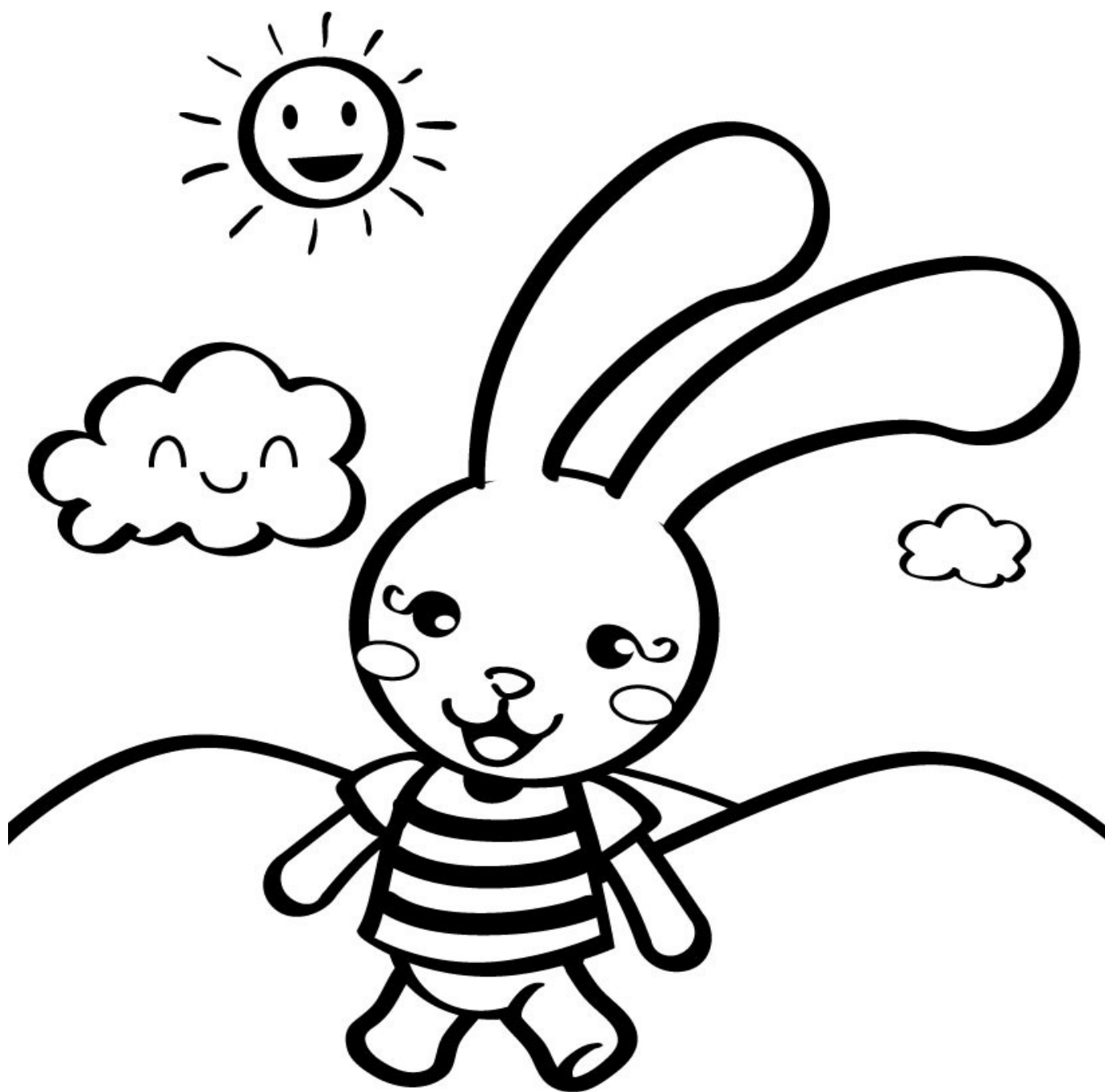
*Michael L. Robinson, a special superior court judge for complex business cases, is former chair of the Ethics Committee of the North Carolina State Bar. Professor Ellen Murphy is assistant dean of instructional technologies and design at Wake Forest University Law School and teaches professional responsibility.*

### **Endnotes**

1. A matter is "pending" before a particular tribunal when that tribunal has been selected to determine the matter or when it is reasonably foreseeable that the tribunal will be so selected. Rule 3.5(d)(2).
2. In the North Carolina Business Court where I work, for example, communication by email is not only an indispensable part of the court's operation, use of email as a mode of communication by parties with the court is expressly incorporated into, and in at least one instance mandated by, the Business Court Rules ("BCR"). BCR 10.9(b)(1) provides: "Before a party files a motion related to discovery, the party must initiate a telephone conference among counsel and the presiding business court judge about the dispute. To initiate this conference, a party must email a summary of the dispute to the judicial assistant and law clerk for the presiding business court judge and to opposing counsel....Any other party may submit a response to the summary...and must be emailed to the judicial assistant and opposing counsel..."

This article is reprinted with the permission of Judge Michael L. Robinson and Ellen Murphy. *Judge Michael L. Robinson and Murphy, Ellen*, Winter 2018, Talking to the Judge (or Maybe Not), in J.R. Duncan, Editor, The Journal, Volume 23, Number 4.

# COLOR ME!!





# Recovering from Disaster: “Helpers” in the Legal Community Respond

By Mary Irvine

On September 14, 2018, Hurricane Florence hit the coast of North Carolina near Wrightsville Beach. When it reached the shore, the Category 1 storm brought winds of 90 miles per hour. Record-breaking storm surge levels were recorded in several coastal communities. Over the next four days, the hurricane lingered and some areas across the state experienced three feet of rain, the wettest tropical cyclone recorded in North Carolina. Catastrophic flooding across North Carolina lasted for several weeks closing major roads and damaging infrastructure, homes, and businesses. A disaster was declared in 31 out of 100 North Carolina counties. Just a few weeks later, a new round of wind, rain, and flooding hit as Tropical Storm Michael passed through North Carolina, impacting western and central North Carolina counties.

## Impact of the Hurricane

As the legal community responds, initial assessments about the impact of Hurricane Florence suggest we will be in this recovery for years to come. The social and economic costs of Hurricane Florence are still being assessed. At least 48 deaths were attributed to the storm, including the loss of 37 North Carolinians. According to Moody's Analytics, the estimated economic cost of the event ranges from \$38 to \$50 billion as of September 21, including property damage, vehicle loss, and lost output. By these estimates, Hurricane Florence is among the ten most costly hurricanes in United States history.

Arriving at the peak of fall harvest season in North Carolina, the storm brought an estimated \$1 billion in crop damages and livestock losses. State and federal officials are still working to determine the extent of the storm's impact on water quality and to address concerns about other environmental contaminations. Another less quantifiable significant cost is the lost educational time for school children in impacted areas where some schools were closed for several weeks.

Even though the daily updates on the local news have subsided, real problems persist in eastern North Carolina following Hurricane Florence. Common sense tells us that the individuals in need before disaster strikes will continue to be among the most vulnerable during and after the event. Using Census data, the Social Vulnerability Index created by the Centers for Disease Control and Prevention seeks to pinpoint the most vulnerable communities expected to need support, a need only exacerbated by disaster. Variables like socioeconomic status, household composition, disability, minority status, language, housing, and transportation are considered. Twenty-one of the 31 counties where disaster has been declared are identified by the index as the most vulnerable.

With support from NC IOLTA, the NC Equal Access to Justice Commission, in partnership with various legal groups in South Carolina, created a website with story maps to help demonstrate the impact and legal needs following Hurricane Florence. For more information, visit [bitly.com/NClegalaid](https://bitly.com/NClegalaid).

## How Legal Aid Helps

Civil legal aid has a critical role in helping communities recover from disasters. In the immediate aftermath of a disaster, attorneys and legal advocates guide victims through administrative processes and identify legal issues. Landlord-tenant questions, issues with applying for FEMA assistance and other benefits, referrals to community services, and replacement of lost documents are among the most pressing concerns. Later, as victims rebuild, other civil legal issues arise: appeals of benefit denials, consumer scams, foreclosure prevention, and insurance claims.



To help respond to these issues, NC IOLTA recently approved grants to two collaborative projects that will provide legal services to Hurricane Florence victims:

- Legal Aid of North Carolina, the North Carolina Bar Foundation, and the North Carolina *Pro Bono* Resource Center were awarded \$161,100 to engage *pro bono* volunteers to help individuals impacted by Hurricane Florence including advice offered through the Disaster Legal Services Hotline and in-person “know your rights” presentations and brief advice clinics.
- The North Carolina Justice Center and the Financial Protection Law Center received \$65,500 to support placement of a bilingual legal services advocate in Wilmington to assist hurricane victims in eastern North Carolina who are immigrants and may not be able to be served by other efforts.

In this moment of crisis in North Carolina, it is heartening to see concern pouring in from outside our state. In the early days after Florence hit, lawyers, law firms, and bar groups across the country began reaching out to offer their support. In response to the need, on October 2, 2018, the North Carolina Supreme Court approved the North Carolina State Bar’s temporary rule amendment allowing lawyers licensed outside of North Carolina to immediately begin providing *pro bono* legal services to indigent victims of Hurricane Florence. This emergency rule streamlines the process by which out of state lawyers can provide *pro bono* services through a nonprofit legal services organization. For more information about the rule and a copy of the form to register with the State Bar, visit the State Bar’s website at [ncbar.gov](http://ncbar.gov).

## Look for the Helpers

Fred Rogers, the longtime PBS host who spent more than 30 years teaching young children through his show *Mister Rogers’ Neighborhood*, relayed a story from his childhood to ease the minds of his watchers in times of tragedy and disaster. Mr. Rogers said his mother always told him that, despite the hardship that accompanies disaster, we should “look for the helpers” because there are always people helping, people who care and want to give of themselves to lift others and ease their suffering.

In the early days following the hurricane, many “helpers” were on the ground to respond to the disaster: rescue teams, firefighters, first responders, police officers, Red Cross workers, neighbors, line crews working to restore power, volunteers serving hot meals in shelters, collecting and transporting supplies to communities in need, and removing debris from yards. The second wave of support encompasses a broader group, including staff of NC’s legal aid providers and private attorney volunteers who are working to help the most vulnerable individuals and communities recover from Hurricane Florence.

If you have not already, considering joining the legal community’s team of “helpers” today.

*Mary Irvine is the executive director of the North Carolina State Bar Plan for Interest on Lawyers’ Trust Accounts (NC IOLTA).*

## Disaster Legal Services Volunteer Opportunities

The North Carolina Bar Association, FEMA, the American Bar Association, and Legal Aid of North Carolina are collaborating to provide immediate *pro bono* assistance to Hurricane Florence victims through the Disaster Legal Services Hotline. Volunteers are needed to provide brief advice and services and assist with phone intake.

Legal Aid of North Carolina, the North Carolina Bar Foundation, and the North Carolina *Pro Bono* Resource Center are also working to staff information and resource tables at disaster recovery centers and host other clinics on the ground with community organizations to answer legal questions.

Visit [ncbar.org/florence](http://ncbar.org/florence) for more information about volunteer opportunities. Additional information and resources for volunteers are available at [ncprobono.org](http://ncprobono.org).



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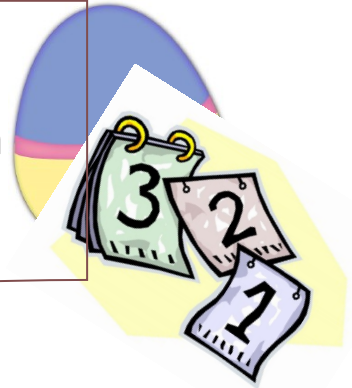





# Calendar of Events

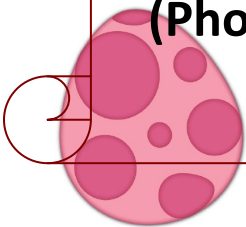
## DEADLINES

- ♦ **March 31, 2019—Registration for NCPA 39th Annual Conference**



## UPCOMING NCPA CALENDAR EVENTS 2018

- ♦ **April 11-13, 2019—NCPA 39th Annual Seminar @ Carolina Beach (woohoo!!)**
- ♦ **July 11-13, 2019—NALA Conference to be held at the Westin Kierland Resort & Spa in Scottsdale (Phoenix), Arizona!**





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