

COMMENTS FROM THE PRESIDENT



Greetings:

If you act right away when you get this newsletter, it is not too late to make reservations for the bar picnic at NewBridge Bank Park on Sunday, May 4, 2014, at 4:00 p.m. Bring your children or grandchildren to watch a Grasshoppers baseball game and indulge in hot dogs, hamburgers, and fried chicken.

You can e-mail your reservations to greensborobar@bell-south.net. Please list the number of adults and children (with the ages of the children). Your free tickets will be held for your arrival at the "Will Call" window at the Plaza Gate of the ball park. Then wend your way to Natty's Hill for the picnic. The youngsters can watch the game or play on the lawn-- whatever strikes their fancy.

Thanks go to the Young Lawyers Section under the leadership of Emma Merritt for planning the picnic.

The YLS has had a very successful year. They began in October with the Swearing-in Ceremony for thirty new lawyers, several of whom have now joined our association. In November they joined with the Young CPA Cabinet to put on a cornhole tournament to raise money for Junior Achievement of North Carolina. In December they served dinner at Urban Ministry. In February they participated in the "Ask a Lawyer" day at the Greensboro Central Library. In April they co-sponsored a Child Safety Day at the Greensboro Children's Museum. And in between those service projects, they have fostered friendships among members at social gatherings in local restaurants.

Emma Merritt praises her fellow section members for their participation and their "enthusiasm for our community." Steve Russell takes over as the new president of the YLS in July and looks forward to another good year.

Come celebrate Law Day at noon on Tuesday, May 6, 2014, at the Governmental Plaza in front of the courthouse. Jim Weeks has assembled an impressive lineup of speakers on the theme "American Democracy and the Rule of Law: Why Every Vote Matters." The Sheriff's Honor Guard will open the ceremony, followed by the national anthem led by Ken Free. The Law Day speakers will include Judge Bob Hunter

of the North Carolina Court of Appeals, District Attorney Doug Henderson, public defender Bill Davis, legal aid attorney Richard Craig, and Register of Deeds Jeff Thigpen. Jim Weeks has been the impresario for this inspiring ceremony for a number of years and does it up right.

Jim Bryan, our president-elect, is leading a work day at Sussmans Park Saturday, May 17, from 9:00 a.m. to noon. GBA volunteers will plant flowers, pick up trash, spread mulch, and do some park cleanup. Jim says that it is a great way to enjoy the outdoors and do a good turn for the Hampton Homes neighborhood. There is a group of regulars who turn out for this event because they have such a good time at it. E-mail Jim at jbryan@nexenpruet.com if you can come.

Nick Bakatsias and Matt Covington continue to expand the capabilities of our new web site. One of the significant new features is that the GBA web site is designed to view on smart phones. Here's how to put a button on your home screen that will take you directly to the GBA web site with one stroke:

If you have an iPhone, use the Safari browser to go to greensborobar.org. Then click on the share button (a box at the bottom with an upward facing arrow). Your next screen will be an "Add" menu. Click on the "Add to Home Screen." That's all there is to it. Our new logo will appear on the button.

If you have an Android phone, such as the Samsung Galaxy, use the Google Chrome browser to go to greensborobar.org. You should then press on the settings button (three vertical dots on the upper right of the screen, next to the search box). Then press on the star symbol on the popup menu. Edit the name of the bookmark (e.g., "GBA" or "Greensboro Bar") and select the folder in which the bookmark is to be stored. The home page is the the best folder to choose.

Now you will have our web site logo on your phone for easy access to GBA information. See how easy it is to read and navigate on your smart phone.

Our new Office Administrator, Diane Lowe, is now at work. Many of you met her at the dinner meeting on April 17. Be sure to seek her out at the picnic to say hello. Thank you, Diane, for signing on with the GBA!

Vance Barron,
President of the Greensboro Bar Association

NEW MEMBERS

The Greensboro Bar Association approved the following new members at its April 2014 board meeting:

Antonette Barilla, Elon U. School of Law
Sponsored by Andrew J. Haile

Justin Plummer, Law Offices of Cheryl David
Sponsored by Cheryl David

Zeb E. Barnhardt
Sponsored by G. Steve Crihfield

HASELL RECEIVES COMMUNITY SERVICE AWARD



Eloise McCain Hassell, a long-time faculty member at the University of North Carolina at Greensboro's Bryan School of Business, was honored at the Greensboro Bar Association's March 2014 meeting with the Association's Community Service Award.

Hassell is a former GBA Young Lawyers Section Chair, a former GBA Alternative Dispute Resolution Section Chair, and a GBA Herb Falk Society member. She has served as a Master of the Guilford Inn of Court, has served as a board member for the United Arts Council, as well as a member of its Grass Roots Grants Committee, and has served the community in various other capacities, including the following: Greensboro Historical Museum Trustee; Carolina Theater Commission member; Co-President of the Wiley Elementary School PTA; a Life Member of the Future Fund of the Community Foundation of Greater Greensboro. In addition, she has served in various ministries at First Presbyterian Church in Greensboro.

WILLIAMS RECEIVES DISTINGUISHED SERVICE AWARD



James T. Williams, Jr., a senior litigation partner at Brooks, Pierce, McLendon, Humphrey & Leonard LLP, was honored with the Greensboro Bar Association's Distinguished Service Award at the Association's April 2014 membership meeting. Established in 1993, the

Distinguished Service Award recognizes lawyers with a deep devotion and constant commitment to the law, the administration of justice, the highest ethical principles, and a dedication to public service. Previous honorees include L.P. McLendon, Jr., McNeill Smith, Herbert S. Falk, Jr., James G. Exum, Jr., and Henry E. Frye.

In 2012, Williams received the John B. McMillian Distinguished Service Award from the North Carolina State Bar. He also has been honored as a recipient of the North Carolina Bar Association's Advocate's Award. He is a fellow in the American College of Trial Lawyers and has been honored on numerous occasions by North Carolina Super Lawyers and Woodward & White's The Best Lawyers in America.

FREE

CLE SPONSORED BY
FIRST CITIZENS AND
THE GREENSBORO BAR

Elder Law for the NON-Elder Law Attorney

Upcoming May CLE – Date TBA
11:30am – 1:00pm
First Citizens Bank

Please keep an eye out for a detailed announcement via email and Paperless Post later this month regarding a free CLE that we will be offering in late May.

Our speaker will give us tips and hints for issue spotting elder law issues and how to know when you need to refer to an expert!

We hope to see many of you there at the lunch meeting.

Questions: Abigail Peoples
336-333-7907
or
apeoples@connorsmorgan.com



PLANNING AHEAD: PROTECTING YOUR CLIENTS' INTERESTS IN THE EVENT OF DISABILITY OR DEATH

By Camille Stell

Part 2

We do not like to think about unexpected events that could cause us to abruptly cease practicing law. However, events such as accidents, unexpected illnesses, and untimely death unfortunately do occur. If any of these events were to happen to you, have you made adequate plans to assure that your clients' interests will be protected?

Last month, we focused on the first 7 steps of proactive planning. This second article of a two-part series will focus on the remaining steps necessary to protect your clients' interest in the event of your disability or death.

Step 8: Effective Practice Management Today Protects You Tomorrow

You can take a number of steps while you are still practicing to make the process of closing your office smooth and inexpensive. These steps include:

- Making sure that your office procedures manual explains how to produce a list of client names and addresses for open files;
- Keeping all deadlines and follow-up dates on your calendaring system;
- Thoroughly documenting client files;
- Keeping your time and billing records up to date;
- Familiarizing your Assisting Attorney and/or Authorized Signer with your office systems;
- Renewing your written agreement with the Assisting Attorney and/or Authorized Signer each year; and
- Periodically communicating with clients for whom wills or other original documents are held by your firm to confirm that addresses are up-to-date and documents are still relevant.

Access To Your Trust Account

When arranging to have someone take over or wind down your financial affairs, you should also consider whether you want someone to have access to your trust account. If you do not make arrangements to allow someone access to the trust account, your clients' money will remain in the account until a court orders access. This is likely to cause delay and put your client and you in a difficult position if you are unable to conduct your practice.

Allowing access to your trust account is a serious matter. You must give careful consideration to whom you give access and under what circumstances. If someone has access to your trust account and that person misappropriates money, your clients will suffer damages, and you will be held responsible.

If you want the Assisting Attorney and/or the Authorized Signer to have access to your accounts contingent on a specific event or during a particular time period, you have to decide how you are going to document the agreement. Most banks prefer a power of attorney. Signing a separate limited power of attorney increases the likelihood that the bank will honor the agreement. It also provides you and the Assisting Attorney and/or the Authorized Signer with a document limited to bank business that can be given to the bank. (The bank does not need to know all the terms and conditions of the agreement between you and the Assisting Attorney and/or the Authorized Signer.)

If you choose this approach, be aware that the power of attorney forms provided by the bank are generally unconditional authorizations to sign on your account and may include an agreement to indemnify the bank. Get written confirmation that the bank will honor your limited power of attorney or other written agreement. Otherwise, you may think you have taken all necessary steps to allow access to your accounts, yet when the time comes the bank may not allow the access you intended.

Death of a Sole Practitioner: Special Considerations

If you authorize another lawyer to administer your practice in the event of death, disability, impairment, or incapacity, that authority terminates when you die. The personal representative of your estate has the legal authority to bring your practice to a close. He or she must be told about your arrangement with the Assisting Attorney and/or Authorized Signer and about your desire to have the Assisting Attorney and/or Authorized Signer carry out the duties of your agreement.

The personal representative can then authorize the Assisting Attorney and/or Authorized Signer to proceed.

It is imperative that you have an up-to-date will nominating a personal representative (and alternates if the first nominee cannot or will not serve) so that management and closure of your law practice can be addressed without delay and attendant harm to clients.

You also should consider a source of funding to compensate your designated Assisting Attorney, office staff, or attorney and staff retained by your executor who will be working during this transition period. Since your practice may be your only probate asset and your operating account may not have sufficient funds for this purpose, you may want to consider an insurance policy as a source of funding to defray this expense. The beneficiary of the policy could be the estate with specific instructions in your will that proceeds be used for this purpose. Alternatively, the beneficiary could be your spouse with instructions on how the money is to be used.

You may want to include language in your will that expressly addresses the handling of your law practice. The appropriate language will depend on the nature of the practice and the arrangements you make ahead of time.

Start Now

Lawyers Mutual has put together a handbook with forms and checklists (available on our website) to assist in the process of planning ahead. This is something you can do now, at little or no expense, to plan for your future and protect your assets and your clients. Don't put it off, start the process today.

Camille Stell is the Vice President of Client Services and Laura Loyek is a claims attorney for Lawyers Mutual. Camille and Laura serve on Lawyers Mutual's HELP team, a program designed to provide quick response in a crisis situation such as medical emergency or unexpected death. To learn more about our HELP team, visit our website at www.lawyersmutualinc.com.



CHAPMAN FIRM OFFERING REPRESENTATION TO SPANISH SPEAKING CLIENTS

Chapman Law Firm has attorneys and several staff members who speak Spanish. The firm is now offering attorney representation to Spanish-speaking clients seeking uncontested divorces. The firm will not advise clients on the merits of support, alimony or property rights, or related strategic issues or considerations.

In our representation of clients in such uncontested cases, Chapman Law Firm will advise clients regarding the immigration consequences of divorce. If the client wishes more information about immigration options that the client may have, the firm also can help the client explore alternative avenues of obtaining or preserving his or her immigration status, absent a qualifying marriage.

If your office has any clients who speak Spanish and we can assist them with an uncontested divorce, please let us know. Our office number is 336-334-0034.

The Greensboro Bar Association, Inc.
Post Office Box 1825
Greensboro, North Carolina 27402

GREENSBORO BAR ASSOCIATION JOIN US FOR A FREE LUNCH AND LEARN

- All attendees will be entered into a door prize drawing
- One hour of North Carolina CLE credit is available.
- All attendees will also receive a complimentary 14 day Lexis Advance trial ID for unlimited access to virtually everything we offer using our easy to use new User Interface.

SPACE IS LIMITED TO 30 SO REGISTER NOW!

To register: <http://www.lexisnexis.com/166462reg>

Whether you are an experienced LexisNexis user or haven't seen LexisNexis in years, you will learn more about exclusive resources that can make a difference to your success and your client's success.

LexisNexis provides more of the must-have sources you need to make the most informed decisions on behalf of your clients including:

- Lexis® for Microsoft Office. The new innovative way to have your research and Lexis in one location. Work in Word and Outlook as Lexis will bring the research to you rather than you looking for it in a different application. Great for both litigators and transactional attorneys. Table of Authorities with one click.
- Lexis Advance - Our newest research platform that is more like Google searching. Added benefits of Clients Folders, Legal Issue Trail and more. If you can Google, you can Lexis!
- Over 50% more summarized cases in the last 20 years than Westlaw®. In fact, all cases include case summaries and case headnotes.
- Exclusive Shepard's® Validation Tools - the only Citator that allows you to uncover potential splits of authority through a full spectrum of analysis not offered by KeyCite® or any other Citator. One click and you'll instantly uncover the status of your case or your code section.
- Powered by our easy-to-use software tool Smartlinx®, LexisNexis Public Records allows you to not only find judgment debtors, lost witnesses, hidden assets and more but also finds associated information such as relatives, neighbors, etc. Use the same comprehensive tools used by the FBI, CIA, Homeland Security Department, and The Center for Missing and Exploited Children and ICE along with, hundreds of state and local law enforcement agencies and many more.
- Exclusive North Carolina followed treatises like Lee's Family Law, Brandis and Braun on Evidence, and Gray Wilson's Civil Procedures

WHEN: Tuesday May 13th, 2014 12 pm to 2 pm.

WHERE: Marriott Courtyard Airport, 7811 National Service Rd, Greensboro, NC 27409

Speakers: **Amy Hotchkiss** received her B.A. in Sociology with a Minor in Criminal Justice from North Carolina State University. She worked at the Administrative Office of the Courts of North Carolina before joining LexisNexis in 2003. Amy has consulted with many types of customers from CPAs to Federal Judges, to attorneys and staff in firms of all sizes. She currently partners with law firms throughout North Carolina.

Timothy Horan - received his Bachelor of Arts Degree from Virginia Commonwealth University. Eight years with LexisNexis as Legal Consultant serving hundreds of firm across Virginia and North Carolina.

To register: <http://www.lexisnexis.com/effectiveresearch>

For questions or more information call Timothy Horan - Legal Consultant - (540) 314-0579 or timothy.horan@lexisnexis.com

PARTNERS: DEVELOP BUSINESS OR START LOOKING FOR ANOTHER JOB*(Reprinted from Tom's LegalMarketingBlog.com dated April 9, 2014)*

By Tom Kane

I'm serious! The world has changed. In my 27 years as a legal marketer and in-house in several positions I have never seen the situation more serious in terms of lawyers being de-equitized or flat-out fired for not bringing in business. Back in the nineties I was with law firms that quietly – very quietly – would advise partners to leave because they were not pulling their weight in terms of bringing in work.

That was the inspiration behind a post I did in the first month of this blog in January 2005. My post "Rainmakers Don't Get Fired" discussed a messy firing of a partner at then named Sidley Austin Brown & Wood. As I pointed out then, I had not seen a rainmaker who developed significant business for themselves or other lawyers in a firm ever be let go.

And it is no different today. But, more and more lawyers will be let go in today's tough, competitive legal world. The reason is simple. Clients are more demanding and less willing to pay whatever a firm wants to charge. Accordingly, there is and will continue to be much smaller pies to share, and too many partners do not want to "sell" or don't know how. In the the "good ole days" most lawyers didn't have to market, because their plates were usually pretty full, especially in BigLaw firms. So, not to worry. Things will be fine.

With the definite move to outsourcing specific work to smaller or foreign firms, and to the use of high quality, mid-size regional firms, it is only going to get worse for the non-producers in any size firm. It is time partners woke up to the need to develop business NOW!

Further, if your firm has a marketing department, don't fool yourself into thinking that they will (or should) solve the problem. Developing business (selling) is primarily up to the individual lawyer. The marketing/business development staff is there to assist, guide and otherwise support the lawyers' efforts.

Fellow legal marketing coach, Mike O'Horo had an interesting article last week about how lawyers avoid selling in favor of the latest marketing fad, which, of course, they hope means they won't have to personally sell.

Well, folks. That ain't going to cut it. More and more partners will get fired, if they do not get involved in serious business development efforts directly. Planning to do it won't work alone. If you haven't been developing business all along, you will need a coach to help you IMHO. He/she could be an internal coach (if you are

lucky enough to have one in-house) or an external one that you feel comfortable working with. Because chances are you won't pull it off by yourself.

Bottom line: time to start developing business or looking for a new job.



Tom Kane, a member of the Greensboro Bar Association and former NC Assistant Attorney General, has spent the past 25 years as an in-house legal marketer and consultant to law firms throughout the U.S. He is author of *LegalMarketingBlog.com* and *Letters for Lawyers: Essential Communications for Clients, Prospects and Others*, 2nd Edition published by the ABA. He can be reached at (336) 833-5450.

**FEDERAL BAR ASSOCIATION,
MIDDLE DISTRICT
OF NORTH CAROLINA CHAPTER**

2014 Spring Luncheon

Featuring Robin Shea and Richard D. Dietz
Thursday, May 22, 2014

Registration 11: 45 a.m. - 12:00 p.m.
Luncheon 12:00 p.m. – 1:45 p.m.

Sheraton Greensboro Hotel at Four Seasons
Joseph S. Koury Convention Center
Entry F from parking lot, Imperial Room

The Middle District of North Carolina Chapter of the Federal Bar Association cordially invites you to attend the 2014 Spring Luncheon and 1.5 hours CLE. Robin Shea will discuss "Federal Subpoena Practice under the new Rule 45" and Richard D. Dietz will discuss his recent Supreme Court Argument, [Abramski v. US](#)

Please RSVP by May 15, 2014

To register, contact Susan Clark

email: SCLARK@kilpatricktownsend.com.

For more information about the FBA, or to join,
please visit www.fedbar.org

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regardless of FBA membership