

COMMENTS FROM THE PRESIDENT



Greetings:

I am proud of our association for its generous support of Legal Aid. Our first Legal Aid fundraiser garnered over \$12,000 in contributions, including a \$5,000 anonymous gift from one law firm. Afi Johnson-Parris, who was leader of the project, delivered the check to Janet McAuley-Blue at our luncheon meeting on March 20, 2014. Janet

said, "It was just a wonderful event. The amount raised was really impressive and will go a long way toward helping us serve more clients. Thank you so much for your support and the support of the GBA."

Indeed, a good time was had by all at the fundraiser on February 28th. The Greensboro Historical Museum was the right venue for the reception and the movie. Mark Ethridge, the author of the screen play for the movie, *Deadline*, shared the story behind the story of how he helped to solve a cold case about a racially motivated murder in a small Alabama town.

Afi's committee deserves special recognition for the excellent work they did on the fundraiser. They are Emma Baggett, Chris Jackson, Eloise Hassell, Chris Gumbiner, and one of our newest members, Chelsea Anderson.

My aspiration is that we will make Legal Aid fundraisers a recurring activity of the GBA. Our system of justice is dedicated to the idea of equal justice for all. But equality in theory must be translated into equality in practice. Anatole France once said, "The law in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread."

Despair and lawlessness are cousins. Edmund Burke concluded as much when he contemplated the French Revolution from across the English Channel: "People crushed by laws have no hope but to evade power. If the laws are their enemies, they will be enemies to the law; and those who have most to hope and nothing to lose will always be dangerous." To have a stable, prosperous nation, the laws must be fair, and must be seen to be so by all people.

We lawyers know very well that unrepresented people have a high barrier to surmount in contested court cases. Thurgood Marshall expressed it this way: "Mere access to the courthouse doors does not by itself assure a proper functioning of the adversary process."

Legal Aid lawyers are on the front lines of the struggle to ensure that equal justice under the law is not just a slogan on a courthouse wall. They are worthy of our gratitude and, I hope, the continuing support of our association for years to come. Our community will be the better for it.

I am pleased to announce that Diane Lowe will become our new Office Administrator upon the retirement of Chris Gumbiner in May. Diane will be assisting Chris at the dinner meeting at Starmount County Club on April 17th, and you will be able to meet her then. Diane has excellent executive and administrative skills. The GBA board is very pleased that she has accepted our offer to take the job.

At the April 17th meeting, we will elect new officers for the GBA and the 18th Judicial District. On behalf of the Nominating Committee, John Morgan has placed the following names in nomination: Afi Johnson-Parris as President-Elect; Eloise Hassell, Judge Teresa Vincent, Doug Henderson, and Bill Davis as Directors; Damon Duncan as Secretary; Collins Pickup as Treasurer of the GBA; and Christina Johnson as Treasurer of the 18th Judicial District. Jim Bryan is currently serving as President-Elect and will assume his duties in June along with the new officers.

The Young Lawyers Section under the leadership of Emma Baggett is putting on the annual GBA picnic on Sunday, May 4, 2014, at 4:00 p.m. at NewBridge Bank Park. All members of your family are invited. Natty's Hill, which is next to the Grandstand, is reserved for the GBA. An all-you-can-eat picnic buffet is from 4:00 p.m. to 5:30 p.m. Your free admission to the park includes the baseball game between the Greensboro Grasshoppers and the West Virginia Power. Make reservations by e-mail to greensborobar@bellsouth.net or by calling 378-0300. Good weather is guaranteed.

Vance Barron,
President of the Greensboro Bar Association.

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

By Camille Stell

Part 1

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?

This two-part article will focus on the steps necessary to protect your clients' interest in the event of your disability or death.

Step 1: Designate An Assisting Attorney and Authorized Signer

The first step in the planning process is to find an attorney to manage or close your practice in the event of your disability, incapacity, retirement or death. Your arrangement with the Assisting Attorney can be established through a limited power of attorney, a comprehensive agreement with detailed powers, or a short form authorization and consent form to close or manage a law practice.

Not only do you need to have at least one Assisting Attorney, you also need to recruit an Authorized Signer who can sign on your trust account under these circumstances. This should be someone other than the Assisting Attorney to provide for checks and balances, since two people will have access to your records and information. It also avoids the potential for any conflicting fiduciary duties that could arise if the trust account does not balance.

Step 2: Prepare the Necessary Authorizations and Instructions

The arrangements you make for closure of your office, or the temporary takeover of your practice, should include a signed consent form authorizing the Assisting Attorney to contact your clients for instructions on transferring their files, authorization to obtain extensions of time in litigation matters when needed, and authorization to provide all relevant people with notice of closure of your practice.

The agreement should also include provisions that give the Assisting Attorney authority to:

- wind down your financial affairs;
- provide your clients with a final accounting and statement;
- collect fees on your behalf; and
- liquidate or sell your practice.

Your plans can also include instructions as to:

- disposition of closed files;
- disposition of your office furnishings and equipment;
- authorization to draw checks on your office and trust accounts; payment of current liabilities of the office;
- billing fees on open files;
- collecting accounts receivable;

- access to important information (e.g. account numbers, passwords, and usernames); and
- insurance matters.

Step 3: Discuss Your Plans with the Appropriate Parties

It is important to inform your family, your designated Assisting Attorney, your nominated executor, and your key office staff of your plans to avoid confusion or delay in the event of your disability, incapacity, or death.

If you are incapacitated, you may not be able to give consent to someone to assist you. Have you determined under what circumstances you want someone to assert the right to help you or take over your practice? Who decides that you are incapacitated and what criteria will be used?

One suggested approach is to give the Assisting Attorney and/or the Authorized Signer access during a specific time period or after a specific event and to allow the Assisting Attorney and/or the Authorized Signer to determine whether the contingency has occurred. Another approach is to have someone else (such as a spouse, trusted friend, or family member) keep the applicable documents (such as a limited power of attorney for the Assisting Attorney and/or the Authorized Signer) until he or she determines that the specific event has occurred. A third approach is to provide the Assisting Attorney and/or Authorized Signer with access to records and accounts at all times.

Step 5: Determine the Scope of Your Agreement with the Assisting Attorney

It is important at the outset of the planning process to nail down the scope of the Assisting Attorney's duties to you and your clients. If the Assisting Attorney is representing your interests as your attorney, he or she may be prohibited from also representing your clients on some, or possibly all, matters. Under this arrangement, the Assisting Attorney would owe his or her fiduciary obligations to you. For example, the Assisting Attorney could not inform a client of your legal malpractice or ethical violations, unless you consented in writing. However, if the Assisting Attorney is expected to represent your clients, he or she may have an ethical obligation to inform the client of your errors or omissions.

In either event, the Assisting Attorney must be aware of conflict of interest issues and must check for conflicts if he or she (1) is providing legal services to your clients or (2) must review confidential file information to assist in transferring clients' files. In the latter case, the conflicts check must occur before the file review.

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Step 6: Determine How the Assisting Attorney Will Be Compensated

Your plan should include an arrangement for payment by you or your estate to your Assisting Attorney and staff for services rendered on your behalf in closing, temporarily managing until your return, or managing your practice pending its sale. For example, the agreement with your Assisting Attorney may provide for compensation based on an hourly rate, for reimbursement of reasonably necessary expenses, and for billing on a monthly basis.

You also will need to address the funding of this compensation to your Assisting Attorney and support staff. You can direct that payment be made from your office receipts. If you are concerned that your law practice income will be insufficient to defray this expense, you may want to consider disability insurance in an amount sufficient to cover this potential liability. Business Overhead Expense Insurance is a variation on Disability Income Insurance that specifically covers the ongoing expenses of running your office (including non-lawyer staff salaries, rent, equipment leasing, etc.), in the event of your disability.

In the case of death, since your estate will be responsible for payment to the Assisting Attorney, your executor or other personal representative should be notified in advance of any arrangements you may have made with regard to this issue. You may want to consider purchasing an insurance policy naming the estate as beneficiary and specify in your will that the proceeds from the policy be used for this purpose.

Step 7: Client Notification

Once you have made arrangements with an Assisting Attorney and/or Authorized Signer, the next step is to provide your clients with information about your plan. The easiest way to do this is to include the information in your retainer agreements and engagement letters. This provides clients with information about your arrangements and gives them an opportunity to object. Your client's signature on a retainer agreement provides written authorization for the Assisting Attorney to proceed on the client's behalf, if necessary.

Start Now

Lawyers Mutual has put together a handbook with forms and checklists (located 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 for Lawyers Mutual. Camille has more than 20 years of experience in the legal field and has learned many lessons in etiquette by reaching for the wrong napkin at networking events. Contact Camille at camille@lawyersmutualinc.com or 800.662.8843.



SEEKING CLIENT FEEDBACK: MORE CRITICAL THAN EVER

(Reprinted from Tom's LegalMarketingBlog.com dated March 11, 2014)

By Tom Kane

It's been awhile since I harped on how important client satisfaction with their legal service provider is. Since starting this blog in January 2005, I have preached many, many times on how important feedback is for firms to retain existing clients or obtain referrals from them (See a few posts below on the subject). It started with my [Top Ten Marketing Tips](#) posts; and ranked [No. 3 on the list](#) in terms of prominence when it comes to developing (and holding on to) business IMHO.

With the significant changes in the legal profession that have occurred since the "second" great depression, client feedback is needed even more now. In fact, I should probably move it up to No. 2 on my list of best practices.

The topic has been mentioned in the Citi/Hildebrandt client advisory before, and it is again in the ["2014 Client Advisory."](#) This year's advisory addresses, under the topic of firm growth, three areas: organic growth, laterals and mergers. And under organic growth, it covers the issue of client feedback and the interrelationship with cross-selling, to wit: ["In Citi's 2013 Law Firm Leaders Survey](#) (LexisNexis® subscription req.)...57 managing partners of predominantly Am Law (sic) 100 firms described how critical cross-selling efforts have become.... (T)he survey also found that while a substantial number of firms have a formal client feedback program, the majority (53%) do not."

Two-thirds of those that have a formal program talk with clients about cross-selling; and those who don't often talk about price. The advisory states that law firm clients more often "talk about the importance of relationships with their firms."

"Implementing a formal client feedback program is a key means by which firms can further cement their client relationships and capture greater market share."

In today's new world, it is important to solidify as many client relationships as possible in order to avoid reducing your firm's market share. Nah, more than that, it's critical.

Add titles below to search engine on my blog to read:

- [Client Satisfaction Surveys for Law Firms](#)
- [How Satisfied Are Your Clients? Ask Them](#)
- [Client Interviews: Think Defensively](#)
- [Client Interviews: Why They Really Are Necessary](#)



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.

GBA 2014 ANNUAL PICNIC

Bring your family (kids too!) for an afternoon
of food, fun, and BASEBALL!!!

Sunday, May 4 at 4:00

NewBridge Bank Park

Natty's Hill (next to the Grandstand)

All-You-Can-Eat Picnic Buffet from 4:00 to 5:30 p.m.

as the Greensboro Grasshoppers play the West Virginia Power

RSVP by **April 23: 378-0300 or greensborobar@bellsouth.net**

When reserving, please indicate no. of adults and children,
and please specify children's ages.



Your admission tickets to the game will be at
Will Call (Plaza Gate) for pick-up upon your arrival.

ASK-A-LAWYER

Twelve Greensboro volunteer attorneys participated in the Young Lawyers Division of the North Carolina Bar Association's annual Ask-A-Lawyer Day event, which was held at the Greensboro Central Library on February 1, 2014.



The Greensboro event, which was one of 10 event locations across the state, provided forty-six (46) area residents with the opportunity to meet face-to-face with local attorneys to discuss specific legal issues or the legal system in general, all free of charge.

Jeffrey Reichard, a commercial litigation, construction, and intellectual property attorney at Nexsen Pruet in Greensboro, organized this year's Greensboro event. The twelve Greensboro attorneys who participated in this year's event were:

Mark York, Adam White, Whit Pierce, Peter O'Connell, Grant Sigmon, Danielle Godfrey, Jenny Sweet, Craig Hensel, Ashley Bennington, Adam Arthur, Barbara Silver and Jeff Reichard.

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

REPORT OF THE GBA NOMINATING COMMITTEE

The GBA Nominating Committee met recently and is pleased to announce the nomination of the following Officers and Directors:

President-Elect	Afi Johnson-Parris
Directors	Eloise Hassel
	Teresa Vincent
	Doug Henderson
	Bill Davis (to fill the remaining term of Afi Johnson-Parris)

Secretary Damon Duncan, Treasurer Collins Pickup and 18 JD Treasurer Christina Johnson, have all agreed to continue to serve in their current capacities for another year.

The GBA membership will formally vote on the nominations of new Officers and Directors at its regularly scheduled membership meeting on April 17th.

NEW MEMBERS

Two new members were approved at the March 12 board meeting:

Jennifer A. Crissman, Legal Aid of NC, Sponsored by N. Adam Spivey

Paul L. Zucchini, Law Office of Cheryl David, Sponsored by Cheryl David

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RONALD P. JOHNSON RECEIVES 2014 EQUALITY AWARD



Johnson, Peddrick and McDonald, PLLC is pleased to announce that one of its founding members, Ron Johnson, has been awarded the 2014 Equality Award by Human Rights Campaign. HRC's Equality Award recognizes individual and organizational leadership in the LGBT community in North Carolina. Ron was presented with the honor on Saturday, February 22, 2014 at the 19th annual Human Rights Campaign North Carolina gala held at Charlotte Convention Center before an audience of over 1,500 attendees. Senator Kay Hagan provided the introductory remarks at the Gala. Please join us in congratulating Ron on this honor!

THE NORTH CAROLINA STATE BAR

TO: Attorneys in the 18th Judicial District

FROM: Vance Barron Jr., President
District Bar of the 18th Judicial District Bar

RE: Annual Meeting Election of Officers

This official notice is sent to you pursuant to Article VII, Section 1 of the Bylaws of the 18th Judicial District Bar. Our annual meeting and the election of officers will be held as follows:

EVENT: Annual Meeting of the 18th Judicial District Bar
DATE: Thursday, April 17, 2014
TIME: 5:30 p.m. – Social Hour; 6:15 p.m. – Dinner and Meeting
PLACE: Starmount Forest Country Club
1 Sam Snead Dr. Greensboro, NC 27410

Additional nominations for the offices of president, president-elect, secretary, treasurer, and councilor may be made from the floor at the meeting. In the event of multiple nominations for a given position, election to that position will be by majority of the votes cast by those present by secret ballot. Use of proxies is prohibited.

The Greensboro Bar Association will pay for the meals of their members. Reservations must be made no later than 5:00 p.m. on Friday, April 11, 2014. If you are not a member of the Greensboro Bar Association, you will be required to pay a meal fee of \$30.00 at the door.

Reservations may be made to the Greensboro Bar Association by e-mail at greensborobar@bellsouth.net or telephone call (378-0300). If you require a vegetarian entrée, please note that in your response.

We look forward to seeing you at the meeting.



FUNDRAISER NETS THOUSANDS FOR LEGAL AID OF NORTH CAROLINA

Thanks to the enduring generosity of our members, the Greensboro Bar Association's fundraiser on February 28 at the Greensboro Historical Museum was a huge success. The event raised over \$12,000 to support the work of Legal Aid of North Carolina.

We were honored to have many other distinguished guests, including Chief Justice Sarah Parker, GBA President Vance Barron, former Chief Justice Henry Frye, and Judges James Gale and A. Robinson Hassell.

Because of your generosity, families facing foreclosure will be able to preserve their homes, victims of domestic violence and their children will be safer from abuse, children and adults with disabilities will receive health care through Medicaid, and many other low-income people will receive legal services that meet critical needs.

The planning committee made this an event that had something for everyone. A one hour ethics CLE was offered at 4 p.m, followed by a reception at 5 p.m. The last event was the screening of "Deadline," a 2012 thriller about the 19-year-old unsolved murder of an African-American youth in rural Alabama. Mark Ethridge, the author of the screenplay and the book on which the movie is based attended. The book and movie are based on true events, and Mark was the young reporter who uncovered the truth about the murder. Before the movie started, Mark spoke about his experiences living the events of the movie, and writing the book and screenplay. Following the movie, he answered questions from the audience.

Special thanks go to the members of the planning committee, Afi Johnson-Parris, Emma Baggett, Chris Jackson, Chelsea Anderson, Eloise Hassell, and Chris Gumbiner, as well as GBA President Vance Barron, without whose support this project would not have been possible. On behalf of all our clients, the staff of the Greensboro Office of LANC extends our sincere thanks to all of you who made this event such a success.

LANC FUNDRAISER FEB. 28, 2014 CONTRIBUTORS

Michael R. Abel
Chelsea Anderson
Richard Andrews
Anonymous
Kent Auberry
Vance Barron
Gary Beaver
Kristen Belton
Bill Benjamin
Brenda Bergeron
Fred Berry
William Blake
Diane Brady
Brooks Pierce
Jim Bryan
William Burgin
James Carter
Barbara Christy
Bob Cone
Tom Cone
Richard Craig
Paul A. Daniels
Wanda Daughtry
Gerard Davidson
Alan Duncan
Melany Earnhardt
Alicia Edwards
Ellis & Winters
Marcella Farmer
Alan B. Felts
Lisa Forbes
Richard C. Forman
Michael S. Fox
Henry Frye
Erwin Fuller
James L. Gale
Ken Gumbiner
Charles T. Hagan III
A. Robinson Hassell
Eloise Hassell
Sarah J. Hayward
Patrice A. Hinnant
Thomas P. Hockman
Denis Jacobson
Laura Jeffries

Kenneth M. Johnson
& M. Jo Joyce
Samuel Johnson
Afi Johnson-Parris
Corinne Jones
Pat Kane
Margaret Kantlehner
Ken Keller
Robert King
Fred Lind
Henry Mangum
Janet McAuley-Blue
Letitia McGeough
David Meschan
John R. Morgan
Tanisha Palvia
Justice Sarah Parker
Collins Pickup
Christina F. Pearsall
Parrish L. Peddrick
Whit Pierce
Caitlin & Christopher Poe
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