

GOVERNMENT & PUBLIC SECTOR

NORTH CAROLINA
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SEEKING LIBERTY & JUSTICE

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THE CHAIR'S COMMENTS

THIS YEAR MARKS THE THIRD ANNIVERSARY of the Government & Public Sector (G&PS) Section. Under the able leadership of past Chairs Dan McLawhorn and Linda Miles, and with the support of many section members, the section has grown and developed. The development of the section was most evident in the section's response to *McCormick v. Hanson*



GILL P. BECK

Aggregates South, Inc., 596 S.E.2d 431 (N.C. App. 2004), which interpreted the N.C. Public Records Law to abrogate the work-product privilege for city, county and many state attorneys throughout North Carolina.

Immediately after the decision, Linda Miles, Patsy Brison, Blair Carr, Mary Penny Thompson, Dan McLawhorn and other members of the section took steps to inform section members of the decision and to seek support from the North Carolina Bar Association Board of Governors and organizations throughout the state. Within days of the decision, Mary Penny drafted an excellent article and published it in our section newsletter to notify section members. Linda, Patsy, Blair, Dan and others conducted an active outreach campaign to educate and obtain the support of affected organizations from throughout the state.

While we did not convince the Board of Governors to authorize an amicus brief on behalf of the NCBA, we did educate members of the Board of Governors regarding the important role of city, county and state attorneys, the problems that we face without work-product protection,

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Annexation

BY MICHAEL CROWELL

NATIONALLY, NORTH CAROLINA'S ANNEXATION law long has been viewed as a sound, thoughtful approach to urban development. As far back as the 1960s, for example, Harvard Law School's local government course featured the North Carolina annexation statutes as a model for legislation in this area. Since 1967, the United States Advisory Commission on Intergovernmental Relations has recommended the North Carolina procedure for the rest of the country. Here at home, the League of Municipalities credits the annexation statutes for orderly growth of our cities, avoiding the clutter of too many governmental units with overlapping jurisdictions. Yet, in recent years, more and more citizens, and lawmakers, have decried what they see as the unfairness of "forced" annexation—adding citizens to a municipality without a vote on whether they want to be included.

Annexation of territory into a city can occur three ways: by act of the legislature; by the voluntary request to be annexed by the affected property owners; and involuntarily, by action of the city council. This article gives an overview of the last method, the involuntary annexation process.

The philosophy of the involuntary annexation law is simple: For orderly growth, a city should be able to add territory when that area has become urbanized—and once the territory is added, the city should be obligated to provide services at the same level as within the existing city. Thus, if an area adjoins an existing municipality and meets very specific urbanization tests — subdivision of lots, population, percentage of land occupied and so on—it may be annexed by the city, and upon annexation the city must provide to the new area the same kind of water, sewer, fire, police and other services as enjoyed by the existing city.

The process begins with the city's adop-

tion of a resolution and publication of notice that it is considering an area for annexation. See G.S. 160A-49.¹ The notice must be published, and must be sent to all affected landowners, at least 45 days before the first required public event, a public informational meeting at which city representatives explain the annexation. At least 30 days before the public informational meeting, the city must have an annexation report prepared.

The annexation report, usually done by the city's planning department, is the basis for all future action. It must describe in detail the area to be annexed, with maps; analyze whether the various tests for urbanization have been met; and must state how and when the city intends to provide the essential services of police, fire protection, garbage collection and street maintenance to the area. See G.S. 160A-47.

The annexation report also must state which urbanization test is met by the annexation area. First, the annexation area must adjoin the current city boundaries, with at least one-eighth of the annexation area boundary coinciding with city limits. Then, the area must meet at least one of several alter-

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COMMENTS *from page 1*

and most importantly, how the public and our governmental agencies suffer as a result of the loss of work-product protection. In addition to educating the Board of Governors, we also found support from throughout the NCBA in addressing the issue and established a firm foundation for future actions.

In consultation with Gray Styers, Ray Ruppert and the NCBA CLE Department, Dan McLawhorn quickly developed a CLE to address lessons learned from the *McCormick v. Hanson* decision. In an almost unbelievably short time from the N.C. Supreme Court's denial of review of the decision on Aug. 23, 2004, McLawhorn organized and conducted a live CLE on Oct. 18, 2004. Not only was the CLE well-attended but also it was Webcast throughout the state. I can think of no person other than McLawhorn who could have planned and conducted a CLE in that compressed period of time. This accomplishment reflects very favorably on our section's development and responsiveness to the needs of our section members.

Equally impressive was the work of Andy Romanet, who chaired an ad hoc committee to draft proposed legislation to address the *McCormick v. Hanson* decision. Having received the task of developing and coordinating a section legislative proposal, at our Aug. 26, 2004, section

meeting, Romanet had only approximately one month to accomplish this herculean task in order to meet the Oct. 1, 2004, deadline for submission to the NCBA. I will confess that I had doubts regarding whether it was possible and was already looking into whether the deadline could be extended. Somehow, Andy and the members of the committee, Jim Blackburn, Mark Payne, Michael Crowell, Nick Fountain and Dan McLawhorn, were able to do the seemingly impossible. Again, this accomplishment reflects the emergence of the section as an organization that is responsive and capable of performing great services for our section's membership.

While this column does not allow me the space to recognize all of the contributions of all of our section members, I would like to close by saying "Thank you" to all of our section members who have helped our section get off to a great start, and in particular, a special thank you to Dan and Linda for the great foundation they have built for our section. The future is bright for the G&PS Section, and Vice-Chair Jeff Grey and I look forward to working with each of you in the upcoming year. ■

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Upcoming CLE Programs

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Feb. 5: Preparing for the Life Cycle of a Law Practice
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March 1: U.S. Implementation of the Madrid Protocol
N.C. Bar Center
CLE Credit: 4.75 hours

April 29 & 30: Government/Public Sector and Environmental Law Sections Joint Annual Meetings
Courtyard by Marriott, Carolina Beach
CLE Credit: 6.0 hours

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www.ncbar.org/cle.**

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native tests for development. The tests are somewhat complicated, but the essentials are that the area being annexed must either:

1. have at least 2.3 residents per acre;
2. have at least one person per acre and be subdivided so that at least 60 percent of the total *acreage* is in lots that are no larger than three acres and 65 percent of the total *number of lots* are no larger than one acre; or
3. regardless of population, 60 percent of the total *number of lots* are used for residential, commercial, industrial, institutional or governmental purposes—i.e., are not used for agriculture and are not vacant—and 60 percent of the vacant or agricultural acreage is in lots no bigger than three acres.

See G.S. 160A-48. It is not difficult to see that city planners must be careful in assessing the qualification of an area for annexation. It also is not difficult to see how lawyers can argue over whether a property's use is residential, commercial or vacant.

The other key portion of the annexation report is the plan for providing services. The city must describe the current level of service in the city—e.g., number of police officers per 1,000 residents; number of garbage pickups per week; response time for fire calls—and must commit itself to comparable performance in the annexation area. The report must say, too, how the services are to be financed. The fiscal calculations will show the new tax revenue expected from the annexed area, the charges to be imposed for services, whether the revenue will be sufficient to cover the work and, if not, how the difference will be financed. See G.S. 160A-47(3), (5).

Areas being annexed often do not have the lines in place for water and sewer service. In that situation, the city does not have to have the lines installed at the time of annexation but must have plans for doing so within two years of the annexation. G.S. 160A-47(3)d. Likewise, if, as is often the case, existing-city-level fire service cannot be provided immediately upon annexation because the necessary water trunk lines and fire hydrants are not in place, the city may temporarily contract with a volunteer fire department (which likely already was providing service to the annexation area) for coverage until the trunk lines and hydrants are constructed. G.S. 160A-47(3)a.

Once the annexation report is prepared the city must hold, first, the public informational meeting explaining the report and,

next, a public hearing. The public hearing must be within 60 to 90 days after the city council passes the resolution stating its intent to consider annexation. G.S. 160A-49. Notice of both events must be sent to all affected property owners. When residents are not pleased with prospect of annexation, and the accompanying increases in their property taxes, these meetings can be crowded, emotional and unruly.

After the public hearing, the city council may reduce the area being annexed and amend the annexation report accordingly. When it is satisfied with the area to be included, and that services can be provided, the council adopts an annexation ordinance specifically describing the annexation area, stating how the urbanization test has been satisfied, and committing to the provision of essential city services. See G.S. 160A-49(e). Typically the ordinance provides for the annexation to be effective several months into the future, accepting that legal challenges are likely and will have to be satisfied before the annexation actually happens.

Now the fun begins. The statutes contemplate a quick, abbreviated appeal process, but in practice the pace often is tortoise-like and the judicial review is broader than intended. As often as not, the final outcome can be clearly seen—the annexation will be upheld—but the opponents view the costs of litigation as far less than the taxes they would pay during that period of time. With the statute declaring that an annexation cannot take effect until all appeals are resolved (G.S. 160A-50(i)), the litigation can become more of a tug-of-war over the scheduling of hearings than a real test of the merits.

The petition contesting the annexation must be filed in Superior Court within 60 days of adoption of the annexation ordinance. G.S. 160A-50(a). The statute declares that the hearing is to be expedited and “shall preferably be within 30 days following the last day for receiving petitions to the end that review shall be expeditious and without unnecessary delays.” G.S. 160A-50(f). At the same time, however, the law allows discovery. **Campbell v. City of Greensboro**, 70 N.C. App. 252, cert. denied and appeal dismissed, 312 N.C. 492 (1984). Accommodation of discovery necessarily means at least several months of delay before the hearing. Opponents will submit interrogatories on all the details of urbanization and provision of services; will ask for all the many documents

the city will have created on those issues; and will want to depose all the key players in the development of the annexation report.

At the hearing itself the law is stacked in favor of the municipality. Various constitutional challenges, such as the lack of jury trial, have been rejected. **In re Annexation Ordinance No. D-21927**, 303 N.C. 220 (1981). Federal due process and equal protection claims have failed. **Baldwin v. City of Winston-Salem**, 544 F.Supp. 123 (M.D.N.C. 1982), aff'd, 710 F.2d 132 (4th Cir. 1983). The Superior Court's review is to be limited to whether the annexation proceedings substantially comply with the statutory requirements. **Thrash v. City of Asheville**, 95 N.C. App. 457 (1989); **Huyck Corp. v. Town of Wake Forest**, 86 N.C. App. 13 (1987). If the annexation record submitted by the city to the court shows substantial compliance, the burden is on the protesters to show that the statutory requirements were not met and that their substantive rights were materially prejudiced as a result. **Huyck**.

For the city, the key phrase is “substantial compliance” with the annexation statutes:

Absolute and literal compliance with a statute enacted describing the conditions of annexation is unnecessary; substantial compliance only is required. The reason is clear. Absolute and literal compliance with the statute would result in defeating the purpose of the statute in situations where no one has been or could be misled.

In re Annexation Ordinance (New Bern), 278 N.C. 641, 648 (1971). Thus, an annexation report is acceptable, and the annexation upheld, even if the description of current service levels are only general in nature, without detail as to number of police calls, number of officers, response times or so forth. **In re Annexation Ordinance** (Charlotte), 304 N.C. 549 (1981); **In re Annexation Ordinance** (Jacksonville), 255 N.C. 633 (1961). If the report states the city's commitment to provide the same level of service, even without discussing the specifics, that usually will be sufficient. See **Sonopress, Inc., v. Town of Weaverville**, 149 N.C. 492 (2002); **Parkwood Assoc. v. City of Durham**, 124 N.C. App. 603 (1996). As to property use, the burden is on the petitioners to show that the use assigned by the

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A Bit of Corporations Law: Revenue Suspensions

BY ANN WALL

GOVERNMENT AGENCIES THAT ENGAGE IN LICENSURE OR ACTIVITIES involving an inquiry into corporate status are not always aware of the actual nuts and bolts of corporate law. If you or your client check the Secretary of State's Web page, you may find that a corporation applying for a license or permit is under revenue suspension. A revenue suspension may constitute grounds for denying a license or permit, or initiating negative action such as a revocation.

The Secretary of the N.C. Department of Revenue is required to notify the Secretary of State of certain corporate deficiencies such as failure to pay taxes for 90 days. N.C.G.S. Section 105-230 (2004) The Secretary of State then places the corporation on revenue suspension. "Any act performed or attempted to be performed during the period of suspension is invalid and of no effect, unless the Secretary of State reinstates the corporation or limited liability company pursuant to G.S. 105-232." N.C.G.S. Section 105-230(b)(2004) The Court of Appeals has held that *a suspended corporation "simply may not 'conduct . . . business as usual.'* *South Mecklenburg Painting Contractors, Inc. v. the Cunnane Group, Inc.*, 134 N.C. App. 307 (1999) (emphasis added) A suspended corporation cannot, for example, enter into an enforceable contract during a period of suspension. *South Mecklenburg Painting Contractors, Inc. v. the Cunnane*

Group, Inc., 134 N.C. App. 307 (1999) A corporation under revenue suspension is, therefore, not legally authorized to apply for a license or permit to engage in business.

If the corporation pays up, the Secretary of Revenue notifies the Secretary of State, who lifts the revenue suspension. N.C.G.S. Section 105-232(a) (2004) "Upon entry of reinstatement, it relates back to and takes effect as of the date of the suspension by the Secretary of State and the corporation or limited liability company resumes carrying on its business as if the suspension had never occurred, subject to the rights of any person who reasonably relied, to that person's prejudice, upon the suspension." N.C.G.S. Section 105-232(a) (2004) (emphasis added) Thus, an agency should be entitled to rely upon the revenue suspension to take action against the suspended corporation.

■

WALL SERVES AS A MEMBER OF THE SECTION COUNCIL AND PRACTICES LAW AS AN ASSISTANT ATTORNEY GENERAL IN THE ATTORNEY GENERAL'S OFFICE. THE OPINIONS CONTAINED HEREIN ARE THOSE OF THE AUTHOR AND MUST NOT BE CONSTRUED TO BE OPINIONS OF THE ATTORNEY GENERAL'S OFFICE.

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city is insignificant as compared to other uses. *Shackelford v. City of Wilmington*, 127 N.C. App. 449 (1997). A parcel may be classified as industrial, for example, even when the majority of the tract is vacant. *Scovill Manufacturing Co., Inc., v. Town of Wake Forest*, 58 N.C. App. 15 91982).

Given the state of the law favoring annexation, and the care planning departments usually take with annexations, the odds usually are with the city at the annexation hearing. If the court finds that the statutory requirements have not been met but can be fixed by the city—e.g., revising the plans for providing services or deleting a tract of land to satisfy the urbanization tests—the court can remand the annexation ordinance to the city council to make those changes within 90 days. G.S. 160A-50(g).

The portion of the annexation law that strongly favors protesters is the provision that the annexation cannot take effect until all appeals are exhausted. See G.S. 160A-50(i). That includes the lengthy time in the Court of Appeals, which usually consists of several months compiling the record on appeal, a few more months for briefs to be filed, a break of several months before oral argument, then another few months before a decision appears. Time in the Court of Appeals, thus, can delay a final decision, and

annexation, for a year to year and a half, regardless of the merits of the appeal, and there is no good way to make the process go quicker. Taking full advantage of G.S. 160A-50(i), the opponents usually can delay an annexation for nearly two years, with the value of their tax savings more than offsetting the costs of litigation.

For cities in 40 counties, there is yet another step after the appeals are concluded. For counties covered by Section 5 of the federal Voting Rights Act, most of which are in the eastern part of the state, an annexation must be precleared before it can take effect. The preclearance process, which usually is through the United States Justice Department, is intended to ensure that the annexation, by adding voters to the city, does not diminish the opportunity of African American voters to elect candidates. The preclearance test does not preclude a city from adding territory which includes a lower percentage of black voters than the current city, but when that occurs it can lead to harder questions from the reviewers in Washington, especially if the opponents see this process as another chance to make mischief and delay the annexation. Even an ordinary, noncontroversial preclearance usually takes at least 60 days, and typically the Justice Department will not begin the formal review

until the state appeals are concluded. Consequently, the timeline for an annexation can be stretched several months more in those 40 preclearance counties.

In sum, North Carolina has an annexation process which is admired among local government advocates around the country but remains controversial at home. The statutory and case law generally backs up the legislative policy favoring annexations and clearly favors municipalities when an annexation is tested. Nevertheless, the opportunity for and financial gain from delay of the annexation encourages litigation regardless of the seriousness of the objections. For that reason, once litigation begins, cities sometimes negotiate with petitioners to modify and reduce annexations to dispose of the most troublesome opponents. ■

Endnote

1. The citations given in this article will be to the statutes applying to cities of more than 5,000 population. The provisions for cities under 5,000 are essentially the same.

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Paralegal Certification

Setting the Bar in North Carolina

BY FRANCES. S. CARRAWAY, CLAS

LET'S START WITH A LITTLE BACKGROUND. Voluntary paralegal certification has been around for many years—just not in North Carolina. The National Association of Legal Assistants, incorporated in 1975, has offered national certification (“CLA”) via testing since 1976. Certification is achieved by passing a two-day, five-part exam, and is maintained through continuing education. The credential is recognized by legal assistant organizations and bar associations across the country and by the American Bar Association as representative of a high level of professional development. Out of the almost 12,500 CLAs in the country, 339 of them are in North Carolina. Florida introduced paralegal certification at a state level in 1983, followed by California in 1995 and Louisiana in 1996. Wisconsin is currently exploring regulatory licensure for the paralegals in that state.

In North Carolina, discussions began in various groups, including the North Carolina Paralegal Association, in the 1990s. In 2001, these groups (Metrolina Paralegal Association, North Carolina Academy of Trial Lawyers Legal Assistants Division, North Carolina Bar Association Legal Assistants Division, North Carolina Paralegal Association, Inc., the Raleigh-Wake Paralegal Association, freelance paralegal representatives and paralegal educators) formed the Alliance for Paralegal Professional Standards (“APPS”) to identify and implement professional standards for North Carolina’s paralegals. In 2002, APPS approved the “Paralegal Profession Act,” intending it to be a voluntary title act rather than a licensure act. The act was introduced into the Legislature in 2003. Due to some concerns by the State Bar, action on the bill was postponed and further discussions were held by the State Bar’s Legislative Study Committee on Paralegal Regulation in which APPS participated. As a result of the efforts of the APPS constituents, the State Bar, the Academy of Trial Lawyers and the Bar Association, we have a Plan for Certification of Paralegals which was adopted by the State Bar Council at its July 16, 2004, meeting, passed by the North Carolina General Assembly in the 2004 Short Session, signed by Gov. Easley on

Aug. 2 and approved by the North Carolina Supreme Court on Oct. 11. On Oct. 22, the State Bar Council appointed the initial Board of Paralegal Certification.

Certification was chosen over licensure because it is thought there is no demonstrated public need to regulate paralegals. This is since paralegal work is ultimately the product of the supervising attorney and, because of that, the public is protected from unprofessional work product. Additionally, licensure could be costly to paralegals, a cost which would be passed on to the firms and ultimately the public. Nor was licensure viewed as encouraging growth in the paralegal profession and the utilization of paralegals by their employers in providing legal services. Certification, on the other hand, would establish a standard for which paralegals could strive. That standard will be created by a combination of education, experience and testing, and maintained by required continuing legal education as set out by the Board.

The purpose of the Plan, as detailed in 27 N.C.A.C. 1G.0101 is as follows:

The purpose of this plan for certification of paralegals (plan) is to assist in the delivery of legal services to the public by identifying individuals who are qualified by education and training and have demonstrated knowledge, skill, and proficiency to perform substantive legal work under the direction and supervision of a licensed lawyer, and including any individual who may be otherwise authorized by applicable state or federal law to provide legal services directly to the public; and to improve the competency of those individuals by establishing mandatory continuing education and other requirements of certification.

The Plan does not affect the rights of any attorney to delegate tasks to their paralegal. Certification will not be a requirement to assist an attorney with his/her work. Also, all requirements for and benefits derived from certification are individual in nature and cannot be fulfilled by or attributed to the paralegal’s employer.

The Plan does restrict the use of the terms “North Carolina Certified Paralegal” (“NCCP”), “North Carolina State Bar

Certified Paralegal” (“NCSB/CP”), and “Paralegal Certified by the North Carolina State Bar Board of Paralegal Certification.” Other terms, such as “legal assistant,” “legal secretary” and “paralegal” are available for use by those who chose not to pursue certification. The Plan also establishes a Board-appointed certification committee whose duties include making recommendations for certification, continued education, denial, suspension or revocation of certification and administering examinations and testing procedures.

In order to qualify for certification during the first two years that applications are accepted, applicants must have: (1) a high school diploma or equivalent, worked at least 5,000 hours as a paralegal in North Carolina during the previous five years, and completed three hours of Board-approved continuing legal education in professional responsibility; OR (2) obtained and maintained a Board approved national paralegal credential and worked in North Carolina as a paralegal for no less than 2,000 hours in the previous two years; OR (3) fulfilled the educational requirements set forth in 27 N.C.A.C. 1G.0119(a)(1)a. or b. and worked in North Carolina as a paralegal for no less than 2,000 hours in the previous two years.

After the two-year “grandfathering period,” applicants must have: (1) a degree or certificate from a qualified paralegal studies program, or (2) an associate or bachelor’s degree and have successfully completed at least 18 semester credits in a qualified paralegal studies program; AND achieve a satisfactory score on the written examination. The goal of such an exam is to establish a uniform minimum level of competence among the applicants. Rule .0119(c) sets out bars to certification. Certification will be for one year, with approval for continued certification required annually and dependant upon the completion of six hours of Board-approved continuing legal education, or its equivalent.

Application, examination, annual and/or recertification fees as established by the Board will provide the funds for this program.

The initial Board consists of four paralegals—Grace Carter of Nelson, Mullins,

Riley & Scarborough in Raleigh; Tammy Moldovan of Bentley Law Offices, P.A., in Durham; Marguerite "Mardy" Watson of Duke Power; and Sherri Wall of Highwoods Properties in Raleigh, four attorneys—Mike Booe of Kennedy Covington Lobdell & Hickman in Charlotte; Renny Deese of Reid Lewis Deese Nance & Person, LLP, in Fayetteville; John Harris of The Harris Law Firm, Morehead City; and Barry Mann of Manning, Fulton & Skinner, PA, in Raleigh, and one attorney who is a program director at a qualified paralegal studies program—Marisa Campbell, the director of the paralegal program at Meredith. Mike Booe was appointed as chair of the Board. The Board members will serve terms ranging from one to three years. In the future, each term will be for three years.

The powers and duties of the Board include, among others: the administration of

the plan of certification for paralegals; the appointment and supervision of committees; the establishment of procedures, rules, regulations and bylaws; the proposal/request for amendments to the Plan; the evaluation and approval of continuing legal education relative to the requirements established by the Board; and the cooperation with other boards, agencies and organizations regarding enforcement of standards and recognition education and/or regulation of paralegals.

At this point, it is not known when the Board will have all the necessary procedures in place for certification.

For additional information I would refer you to an article by J. Michael Booe, Chair Legislative Study Commission on Paralegal Regulation, "Council Proposes Plan for Certification of Paralegals," *The North Carolina State Bar Journal*, Summer 2004, at 39-43, in which you will find the full text of

the rules pertaining to paralegal certification. Other resources include both the Chair's Comments and Paralegal Certification Overview, *LAD News*, Vol. 8, No. 1; Regulation of Paralegals in North Carolina, *The Paralegal Times*, Vol. XIX, No. 3 at 23-25; and the following Web sites: www.apps-nc.org, <http://legalassistantsdivision.ncbar.org/Default.aspx>, www.nala.org/cert.htm#, and www.ncbar.com/home/outlook.asp. ■

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| 9:30-9:55 a.m. | Registration and LAW TECHNOLOGY EXPO® |
| 9:55-10:00 a.m. | Welcome and Introduction |
| 10:00-11:50 a.m. | How To Put Happiness Back in Your Practice and Stay Out of Trouble ♦ Jay G. Foonberg |
| 11:50-1:15 p.m. | Lunch ♦ 2005 LAW TECHNOLOGY EXPO® Tour ♦ Annual Meeting |
| 1:15-2:05 p.m. | Making Sense of It All: Client Relationship Management—Best Practices for Client Service ♦ Thomas S. Clay |
| 2:15-3:05 p.m. | Looking Through the One Way Mirror: How Your Clients View Your Law Firm ♦ Marshal H. Fletcher |
| 3:15-4:05 p.m. | Lawyers are From Mars, Paralegals are From Venus ♦ Cheryl J. Leone |

For more information or to register, call (919) 677-8745 or (800) 228-3402 or visit www.ncbar.org/cle.

G&PS Section CLE Wins National Award

THE GOVERNMENT & PUBLIC SECTOR (G&PS) SECTION WON THE 2004 ACLEA (International Association for Continuing Legal Education) Award for Outstanding Achievement in Programming for its "Homeland Security at Home" program. Jeff Gray, Vice Chair of the G&PS Section, served as the program planner. The program, which was planned and presented under the leadership of Jeff Gray and Chair Dan McLawhorn in April 2003 at Atlantic Beach, featured an evolving scenario of a mock terrorist attack on a North Carolina city. Incorporating speakers from the Department of Homeland Security, United States Attorney's Office, North Carolina Attorney General's Office and local government, the program included video excerpts of "late-breaking news" which unfolded during the scenario and allowed program attendees to participate in the discussion of the roles of government attorneys in response to a terrorist event.

The purpose of the program was to encourage greater communication between federal, state and local government attorneys in understanding their shared responsibilities in aiding first responders and others in responding to terrorist activity. Assisting Jeff Gray on the Program Planning Committee were Kimberly E. Gunter, N.C. Associate Attorney General; Christopher D. McCoy of Kennedy Covington Lobdell & Hickman; Jeffrey C. Sugg, City Attorney for Asheboro; Eugenia Celia, Assistant Secretary of Revenue; Eric M. Braun of Womble Carlyle Sandridge & Rice, PLLC; and Gill P. Beck, Assistant U.S. Attorney.

Not only was this the first time the NCBA has won a national CLE award for programming but also it was the first CLE sponsored



(From left) Gill Beck and Jeff Gray of the section council, NCBA President Gray Wilson, and Gray Styers and Ray Ruppert of the NCBA CLE Committee accept the award.

by the G&PS Section. Chair Dan McLawhorn and CLE Program Planner Jeff Gray have set an exceedingly high standard for those who follow them, but through their actions have demonstrated that government and public sector attorneys working together in North Carolina can accomplish great things. ■

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