



# THE PARAVIEW

Quarterly Publication of the  
Metrolina Paralegal Association  
Winter 2018 Edition

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Metrolina Paralegal Association  
[www.charlotteareaparalegals.com](http://www.charlotteareaparalegals.com)

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## President's Greeting

Hello Members and Patrons –

Happy New Year!! I hope that 2018 has been good to you thus far.

The Metrolina Paralegal Association is excited to announce that our Annual CLE Seminar will be held in a few weeks. It will be held on Friday, February 16, 2018 from 7:30 am - 4:20 pm, at the Harris Conference Center located at 3216 CPCC Harris Campus Drive, Charlotte, NC 28208. Registration information and the Agenda for the seminar can be found at our website: [www.charlotteareaparalegals.com](http://www.charlotteareaparalegals.com). Please register early to get your spot reserved.

Additionally, we are planning to hold our next meetings for the fiscal year in April 2018 and May 2018. More details will follow in the upcoming months regarding the location, date and speakers. In December, we had a great meeting with a delicious baked potato and chili bar. Our speaker from Urban Ministries spoke about how they help those who need assistance in our city. Our awesome members donated many items and money to the Urban Ministries organization, and the food that was left over was also donated. Our meetings are always a great way to network with other paralegals in our area!

We look forward to seeing you at our upcoming events.

Best wishes for the upcoming year!!

Carrie J. Marshall, NCCP  
MPA President



## **MPA ANNUAL CLE SEMINAR**

**Friday, February 16, 2018**  
*Harris Conference Center*  
 3216 CPCC Harris Campus Drive  
 Charlotte, NC 28208, 704-330-4674

### **AGENDA**

7:30am – 8:30am	Registration, breakfast and opening remarks
8:30am – 9:30am	SESSION 1: Colin Lerch, IST Management “Current Trends in eDiscovery”
9:30am – 10:30am	SESSION 2: Spencer B. Merriweather III, Mecklenburg County District Attorney “Getting to know your District Attorney’s Office”
10:30am – 10:45am	Morning break
10:45am – 11:45pm	SESSION 3: David Baker, Esq., Forsyth County Assistant Clerk of Court “Powers of Attorney and new Power of Attorney Law”
11:45pm – 1:00pm	Lunch
1:00pm – 2:00pm	SESSION 4: Sarah Hutchins Esq., Parker, Poe, Adams & Bernstein “Data Security Ethics: The Attorney and Paralegal’s Guide to Security and Client Data”
2:00pm – 3:00pm	SESSION 5: Bill Moore, Esq., Gray, Layton, Kersh, Solomon, Furr & Smith “Noticing, Preparation, & Taking Depositions: Tips for Paralegals”
3:00pm – 3:15pm	Afternoon Break
3:15pm – 4:15pm	SESSION 6: Judge Jesse B. Caldwell, Gaston County Superior Court Judge. “A View from the Bench: What Superior Court Judges want Paralegals to Know.”
4:15pm – 4:20pm	Closing remarks and dismissal

## Listen Up! My Favorite Podcasts

I enjoy talking about my favorite podcasts. These podcasts represent my favorite legal podcasts, as well as new podcasts I discovered this year. I hope you will add some of my picks to your playlist and share your own favorites with me.

***S-Town***. *S-Town* is an investigative journalism show created by the producers of the award-winning podcast, *Serial*. The host, Brian Reed, created *S-Town* in seven chapters and unlike the common form of releasing a chapter a week, released all seven chapters at once allowing followers to binge listen. The podcast was downloaded a record-breaking 10 million times in four days.

Reed lets us in on a secret; *S-Town* is actually a euphemism for “Shit Town”, the colorful name bestowed on the town of Woodstock, Alabama by the show’s even more colorful protagonist, John B. McLemore.

McLemore sends an email to Reed, a staff member of *This American Life*, asking him to investigate a murder in Woodstock. The journey Reed and McLemore takes is breathtaking with shocking turns of events. If you have ever lived in the rural south, you will recognize the characters and their stories, and your hearts will rise and break along with theirs.

***Stay Tuned With Preet with Preet Bharara***. Preet Bharara is the former U.S. Attorney for the Southern District of New York. Bharara fought corruption, financial fraud and violent crime. His podcast launched in mid-2017 and his guests have included Senator Jeff Flake, Leon Panetta, and Catherine Hoke discussing her work in moving inmates to entrepreneurs. Bharara’s show chronicles the Mueller investigation and breaking news stories as well.

***Sex at Work with Leto Copely and Valerie Johnson, The Law Sisters***. While Leto and Valerie are not actual sisters, they have practiced law together in Durham, North Carolina for 20 years. Their comfortable banter and easy repartee make learning about the law a lot easier. *Sex at Work* is an entertaining and informative look at the world of employment law played out each week in discussions of recent scandals, cases in the news (Uber we are looking at you) and segments such as “Bad Boss of the Week”. This is the Law Sisters first go at a podcast but it certainly does not feel that way.

***Ear Hustle***. An intriguing name, to ear hustle is to eavesdrop. Or as the Urban Dictionary says, “all up in somebody else’s business without knowing the details”. When you finish *Ear Hustle*, you know the details. Co-produced by San Quentin inmates Earlonne Woods and Antwan Williams, along with Bay Area artist, Nigel Poor, the series explores life as a prisoner inside San Quentin.

The podcast does not preach against the ills of mass incarceration or of a justice system that has glaring faults, instead, the show humanizes men who are spending decades in prison. They talk about everything from family and heartbreak to the difficulties of finding a compatible roommate.

With no training in the medium, rudimentary equipment, and boatloads of bureaucracy and red tape, Woods, Williams and Poor are becoming master storytellers and I am hooked. As I listen, I am reminded of Bryan Stevenson's quote in his excellent book on social justice, *Just Mercy*, "Each of us is more than the worst thing we've ever done."

**Legal Talk Network.** *Legal Talk Network* is a curated collection of podcasts featuring some of the best known names in practice management, marketing and legal news reporting. There are podcasts for law students, new lawyers, senior lawyers, in-house counsel and paralegals. This is a "must add" to your podcast feed as new content is created daily.

**Bulldog Bites with Mark Enriques.** Mark is a business litigator in the Charlotte office of Womble Bond Dickinson (formerly Womble Carlyle). *Bulldog Bites* provides corporate attorneys with tips and insights from general counsel, politicians, analysts and leading business professionals. Mark's show about Womble's combination with the UK firm Bond Dickinson is an interesting inside look at how two firms across the pond met and fell in love.

**Revisionist History.** One of my favorite social scientists and authors, Malcolm Gladwell, examines the way the passage of time "changes and enlightens our understanding of the world around us." Or as Malcolm says of the show, "my podcast about things overlooked and misunderstood."

One of my favorite episodes from last season was "My Little Hundred Million". This episode looks at the ideologies behind charitable giving and educational philanthropy. This season features a fascinating look at some of the biggest names in the civil rights movement, along with names we may not know, but stories we will not forget.

**The Gen Why Lawyer with Nicole Abboud.** Nicole practiced law for 5 years before acknowledging a shocking revelation; she hated practicing law. She launched a podcast and a business, Abboud Media, where she works with lawyers to build their brands and grow their businesses. Each week, Nicole talks with lawyers who are sharing courageous stories and offering tactical advice about practicing law in unconventional ways.

**The West Wing Weekly with Joshua Malina (actor from *The West Wing* and currently *Scandal* along with Hrishikesh Hirway (of *Song Exploder* podcast).** The WWW is an episode-by-episode discussion of my favorite TV show of all time, *The West Wing*. If you loved the show, you will love the podcast. If you are new to the show, watch it on Netflix and follow along with the podcast. Josh and Hrishi are entertaining, have good banter and the show has high production value. The guest stars include actors from the show, politicians, staffers from former White House administrations and the fabulous creator of the *West Wing*, Aaron Sorkin.

**Masters of Scale with Reid Hoffman.** Internet entrepreneur, venture capitalist and LinkedIn co-founder Reid Hoffman interviews famous founders such as Mark Zuckerberg of Facebook, Sheryl Sandberg of Facebook and Lean In, Eric Schmidt of Google and Sara Blakely of Spanx.

Hoffman explores ideas such as leadership, building company culture, critical problem solving and gender equality in the workplace. I'm currently reading Hoffman's book, *The Start-up of You*.

***The Secret to Victory***. This podcast is about how the most competitive athletes in the world use defeat to fuel their next win. Host Domonique Foxworth, ESPN writer and former NFL player, interviews sports royalty such as Serena Williams, and Peyton and Eli Manning.

***WDW Prep to Go***. Walt Disney World. Enough said. Well, perhaps a little more. Shannon Albert, the host of this delightful podcast offers tips to planning the most magical Disney vacation. Her website, WDW Prep School, is a "must visit" if you are planning a trip and her six step planning process is a great model.

I hope you will get a chance to listen to some of these great stories and share your favorite podcasts with me.

*Camille Stell is the Vice President of Client Services for Lawyers Mutual. Continue this conversation by contacting Camille at [camille@lawyersmutualinc.com](mailto:camille@lawyersmutualinc.com) or 800.662.8843.*

# Cell Phone Extraction for the Small Firm

*Written by Lauren Doucette, ACP*

In our digital age, almost all practice areas have seen a significant shift in the type of evidence provided by clients during the initial client meeting. Family law, employment, business disputes, and personal injury now rely heavily on communications among the parties and witnesses via text message. For years, our clients have emailed screen shots of their iPhone's litigation-relevant text messages to our firm. Recently, I've discovered an alternative to collecting text messages: an incredibly helpful ESI (electronically stored information) tool called Tansee iPhone® Transfer SMS. I briefly introduced this tool at the San Diego Paralegal Association's CLE on eDiscovery Ethics for the Paralegal this past May, and the attendees had the same first reaction that I did—utter amazement!

In an ideal situation, the client authorizes the cost of hiring a forensic expert to perform the ESI collection, but many smaller business clients cannot afford this "best practice." Tansee iPhone Transfer SMS produces legible text message collection without burdening the smaller client with vendor expenses they cannot afford.

This inexpensive tool (less than \$30 for the full version) allows litigators to seamlessly transfer litigation-relevant ESI to their discovery platform in a way that preserves the responsive information, captures some metadata, and allows for a smooth and efficient production. Our firm uses this tool during the client's initial or subsequent meeting, when the client indicates he or she has relevant text messages. Without causing the client excessive delay, a litigation paralegal is able to plug the client's phone directly into the firm's desktop computer, start the Tansee software, select the relevant threads, and download the conversation into the firm's discovery database.

The greatest advantage of this software is the ability to produce conversation threads in a single, organized printout, complete with information regarding:

- Sender's name and phone number
- Receiver's name and phone number
- Date message was sent
- Time message was sent
- All attachments sent via text message, such as photos, videos, screenshots, etc.

The clean printout rendered by the program allows for a seamless production. The litigation paralegal has the ability to Bates-stamp each PDF page and produce the thread in one comprehensive file, rather than in disjointed screenshot images pieced together in an unorganized manner. Use of this software allows for a more efficient in-house review process, as well as a more transparent production set to opposing counsel.

A disadvantage of this software is that it does not retain the actual native file, merely an organized photocopy with some of the relevant metadata attached to each message, and that it requires the client to come to the firm's office for the exchange.

For more ESI collection tools for smaller cases, visit my eDiscovery blog at [www.ediscoveryblog.tech](http://www.ediscoveryblog.tech).



*Lauren Doucette is a litigation paralegal at Ferris & Britton, APC, specializing in e-discovery and legal technology. She provides clients with cutting edge technology through each step of their litigation matter, using tools such as TrialDirector, Timeline 3D, iJuror, Adobe Creative Suite, Adobe Acrobat, PowerPoint, WestLaw, WorldDox, Tabs3, and various ESI databases. Throughout the litigation process, she works with the client to collect the necessary documents held on all potential devices, assisting them in-person, if needed, with the collection of native files. She assisted attorneys in the review, processing, and production of e-discovery in native format as well as tracking native file ESI as produced in various sets from opposing counsel by custodians.*

# Filming Police in Action

By *Tabitha Clark, Esq.*

**T**amir Rice, Eric Garner, Michael Brown, Sandra Brown. The outcries for justice in the wakes of these individuals' deaths and others would not have been nearly as deafening had the last few moments of their lives not been captured on film. Whether taken by private citizens, local business security cameras, news outlets, or dash and body cameras, video footage has been invaluable used after the fact to analyze police actions and the consequences that flowed therefrom.

## Black Lives Matter

In the wake of these incidents, the Black Lives Matter movement and other initiatives have pushed the legal community to examine more closely the practices and policies that have shaped the current state of citizen and police relations. These forces at work aim to better those relations, and create policies that provide for the interests and safety of both groups. The right to film police in public spaces is protected by the First Amendment and critical to these efforts. U.S. District Judge Mark Kearney's recent decision out of the District Court of Pennsylvania swings wide of the mark on this issue and should not be left unchecked by the higher courts.

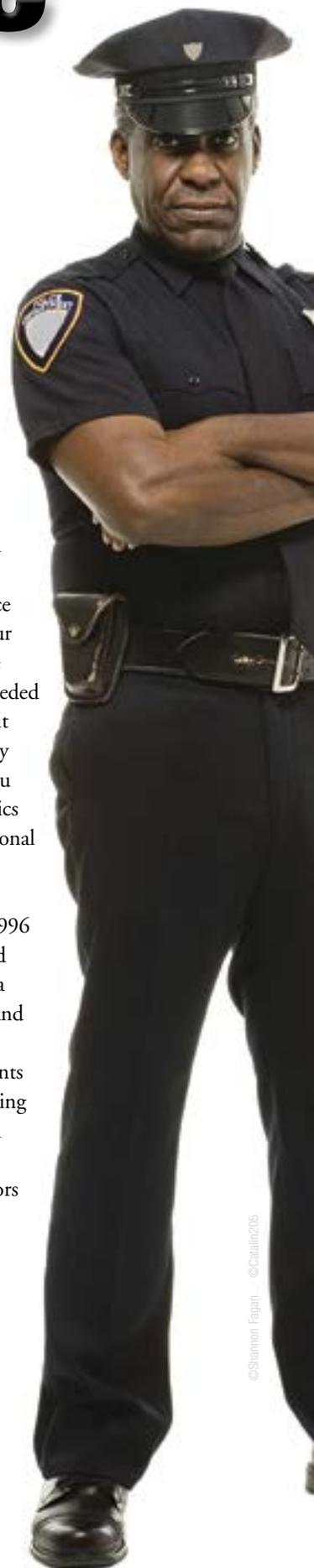
## Fourth Amendment Rights

The Fourth Amendment of the Constitution endows the Federal Government with the legitimate use of force to protect its people and to enforce the laws created under it. It states "The right of the people to be secure in their persons... against unreasonable searches and seizure, shall not be violated..." The Supreme Court held in *Tennessee v. Garner* (1985) and *Graham v. Connor* (1989) that police use of deadly and non-deadly force is a seizure and therefore only governed under the Fourth Amendment. The Fourth Amendment is violated only when police act unreasonably.

In the cases that followed *Garner* and *Graham*, the Supreme Court has held that the legal question is, "Was the level of force used, under the totality of the circumstances and facts known to the officer at the time, viewed from the perspective of the officer, reasonable?"

In answering that question, the Supreme Court has made clear that the Fourth Amendment analysis is not subject to retrospection and does not consider whether the officer was in fact right or wrong in assessing the situation. In cases where there is doubt, the officer is afforded greater credibility and receives the benefit of the doubt.

In the course of duty when and how often does the use of force cross the line and become "excessive" or an abuse of force? Millions of police interactions occur every year where force was not needed or when it was, it was appropriately used. The Bureau of Justice Statistics (BJS) in its National Data Collection on Use of Force highlighted in 1996 that tracking and maintaining data on use of force and trends over time allows departments to monitor training effectiveness and provide early warning indicators for officers who exhibit repeated



troublesome patterns. However, the complexities and subtleties involved in reporting these incidences makes collecting accurate data difficult.

The areas of concern highlighted in the 1996 BJS report still remain inadequately addressed across the country. Campaign Zero ([www.campaignzero.org](http://www.campaignzero.org)) is a grassroots policy initiative started in August 2015 by Black Lives Matter activists in response to the unrest across the country aimed at improved police and civilian interactions. The campaign offers policy solutions in 10 categories including police use of force. According to their report, one of the most prevalent issues is that use of force by officers continues to lack transparency. Use of force policies are routinely not made available to the public, and when they are, they may be heavily redacted. ([www.useofforceproject.org](http://www.useofforceproject.org)). Police departments typically self-report use of force data and therefore what gets reported and how varies from department to department.

In October 2015, the New York Police Department (NYPD) announced major changes to its use-of-force rules that included tracking all instances when an officer uses force (the type and intensity) and when force is used against an officer. This initiative takes one of the methodologies from the 1996 BJS report almost word for word. A number of precincts of the NYPD have also begun expanding their use of body cameras.

### First Amendment Rights

Accountability is an important component of any initiative designed to address this issue and video footage has been a key instrument in exposing which practices are effective and which are not. In a decision issued earlier this year, U.S. District Judge Mark Kearney ruled that citizens are not afforded First Amendment

## In the course of duty when and how often does the use of force cross the line...

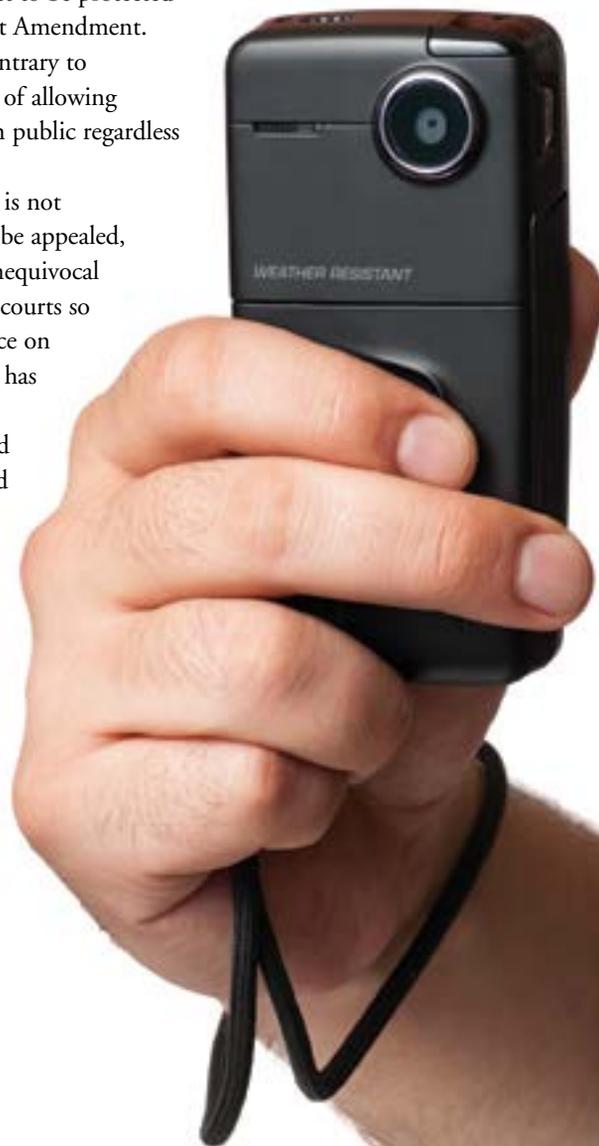
protection when they film police officers—unless they are doing it for the purpose of criticizing police activity and make that purpose unequivocally clear at the time of filming. Kearney’s decision is a departure from previous rulings in higher courts that consider recording of police officers without expressive conduct to be protected free speech under the First Amendment. The decision is further contrary to Philadelphia’s own policy of allowing citizens to record police in public regardless of the circumstances.

Although the decision is not precedential and likely to be appealed, there needs to be clear, unequivocal language from the higher courts so as to minimize its influence on future decisions. Nothing has changed. Police in public spaces can still be recorded and this privately collected information remains a crucial component of any initiative to improve relations between citizens and police.

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Tabitha Y. Clark spent one year as an associate with the Rutgers Law Associates before opening The Law Offices of Tabitha Y. Clark in 2015. Her practice areas include matrimonial litigation, child custody, and employment and civil rights law. Tabitha also serves as Of Counsel to the Law Office of Hanan M. Isaacs, P.C. in Kingston, NJ.



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**Legal Technology –**

# Creating a Functional Ecosystem



## Background

In order to discuss where technology for the legal department is today, and where it's going, it helps to review where technology has been and the corresponding philosophies corporate legal departments have employed. Database technology for legal professionals has been around since the 1980s in the form of simple data field screens designed to track legal entity information. These simple systems resided on a particular computer typically used by a small group of individuals. Database technology got more robust through the 90s, but companies were still applying one piece of technology to serve a specific purpose. When attorneys or other departments needed information, a request funneled through a database gatekeeper for each different tracking method: one for entity information, one for litigation, one for intellectual property, one for contracts, and so on.

## The New Millennium

As we approached the new millennium and the true advent of the business Internet, technology took great leaps both in function and deployment. The early 2000s saw Web-based software become a viable option for companies of all types. Since technology always lags growth, not every company took advantage of available functionality. As companies grew, their data tracking and reporting needs hit critical mass.

Having worked with companies big and small through these times, it was clear that companies were investing in technology. Business was good, but most companies were still addressing their technology needs in silos—if they had a need, it was filled with a specific piece of technology. This strategy may have delivered good functionality in each area but was also providing the backbone for inefficiency as key users needed access to data in different systems. Logging into many different databases and the lack of ongoing training caused user adoption rates to dwindle. The reality of people running their own reports shifted back to the old gatekeeper mentality where reports were requested. Many times the data being reported was tracked in more than one database.

## The Enterprise Legal Management Ecosystem

The term “Enterprise Legal Management” (ELM) dates back to the 1990s<sup>1</sup> and generally refers to the overall management strategy for legal technology across a variety of departments and disciplines. There were many different drivers that led to the evolution of Enterprise Legal Management. One key driver was the increased focus on regulation and corporate accountability in the wake of different scandals. Management began to take a proactive stance in the areas of risk, compliance, and overall corporate governance. As mentioned, since companies found themselves with overlapping technology, the ability for the General Counsel and others to truly have transparent and interconnected data was a challenge.



What resulted from the adoption of an ELM strategy was a legal “ecosystem”—a connected platform of data sources, enterprise systems, and dedicated applications. Users could still get best-of-breed features from dedicated solutions but benefit from the ability to report on data across multiple systems without many different logins. Furthermore, IT departments could deploy technology investments that were justified at the current time and respond to future requests through this scalable technology platform. Any database application connected to the ecosystem would take advantage of the established reporting, user security, mobile

access, workflows, and audit trail.

There are a number of different vendors in the Enterprise Legal Management space. Some provide an out-of-the-box product that attempts to address many needs in one system, and a few of them provide a scalable legal technology platform that allows for integration and a true ecosystem. Some typical ecosystems will have matter management, legal spend management, risk management, legal hold, on the same platform as the accompanying enterprise systems such as AP, HR, and dedicated document management systems. When document management systems are integrated into this type of platform, it provides secure access to related documents even though the documents are not replicated outside of the main document management system.

## Going Forward

Companies will continue to evolve with technology advancements, and the General Counsel's office will be a key area of focus. Since the GC's office touches so many different areas of the company, running their operations like a business will be a necessity since adding new headcount is not widely predicted. The use of a legal technology ecosystem provides efficiency, data reliability, and scalability that will show the return on investment necessary to control legal costs. Even with the ability to handle more legal work in-house, companies and their law firms will still need to

have a collaborative partnership. Legal technology platforms are built with this goal in mind.

<sup>1</sup> Wikipedia - [https://en.wikipedia.org/wiki/Enterprise\\_legal\\_management](https://en.wikipedia.org/wiki/Enterprise_legal_management)

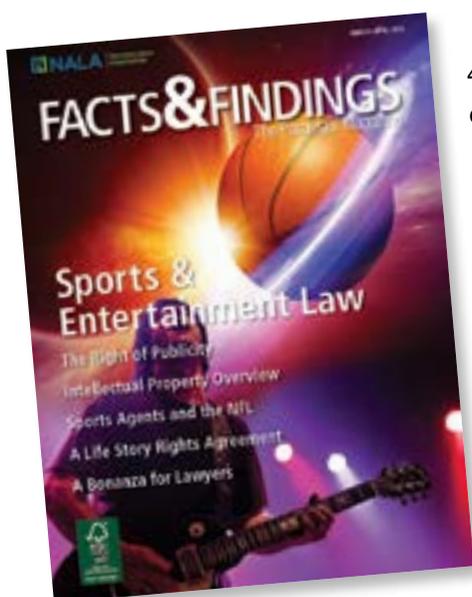
Chris Weaver is Regional Sales Director for Wolters Kluwer ELM Solutions and is responsible for new business development in the ELM technology space. Chris oversees the coordination of both internal and external resources to manage the entire sourcing, review, proposal, and product delivery aspects of the customer experience. As part of his role, Chris provides real-world feedback from prospective businesses as it relates to product development, application, and integrations.

Chris Weaver has more than 15 years of experience in the legal technology space. Before joining ELM Solutions, Chris worked for another corporate legal services division within Wolters Kluwer, CT Corporation. At CT, he was a Business Consultant working with companies both big and small to adopt entity and compliance management technology. Prior to his work in the legal industry, Chris was a Sales Engineer working in the manufacturing, automation, and robotics sector. He holds a degree in Ceramic Engineering from The Ohio State University along with Dale Carnegie accreditation. He resides in Houston, Texas.

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**F&F**

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