



Metrolina Paralegal Association

Happy Holidays!

Happy New Year!



# THE PARAVIEW



**Quarterly Publication of the  
Metrolina Paralegal Association**

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[www.charlotteareaparalegals.com](http://www.charlotteareaparalegals.com)



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## A Paralegal's Motto



*If I don't know how to do it, I will figure it out!*



## MPA's Quarterly Goal



**Filling Open Board Positions!**

### **MPA Executive Board Recruitment Song:**

*Sung to the tune of "YMCA"*

#### First Chorus

♪ **M-m - P - A,** ♪  
 ♪ **It's Great to Be in the M-m - P - A-a** ♪  
 ♪ **You can get C - L - E,** ♪  
 ♪ **That you will enjoy,** ♪  
 ♪ **And YOU CAN BE ON THE BOARD!** ♪  
 ♪ **HEY, HEY, HEY,** ♪  
 (Go to second chorus)

#### Second Chorus

♪ **M-m - P - A,** ♪  
 ♪ **It's Great to Be in the M-m - P - A-a** ♪  
 ♪ **You will make awesome friends,** ♪  
 ♪ **That you will adore,** ♪  
 ♪ **And YOU CAN BE ON THE BOARD!** ♪  
 ♪ **HEY, HEY, HEY,** ♪  
 (Repeat over and over until you join the board!)



# Calling All Members



**This article is repeated from the Fall, 2016 Paraview.**

The Metrolina Paralegal Association invites all members in good standing to apply for vacant Executive Board positions. Let's take a look at 5 good reasons you should become a board member.

## **1. Resounding Résumé**

Employers frequently look at the bottom of a resume to see whether an applicant belongs to any organizations. Of course, one of the first things they want to know is that the applicant is certified and otherwise qualified for the job. However, when they see "Metrolina Paralegal Association Executive Board Member," it raises their awareness that you are a go-getter, are interested in your profession and are worthy of consideration as an applicant.

## **2. Leadership Skills**

Board members are in charge of the MPA. It's not the president alone who makes decisions and causes things to happen, the board as a whole is in charge of generating ideas, submitting proposals, engaging in active discussions to create an enjoyable and educational environment for its members, and keeping the organization current. As a board member, you will be involved in these activities and more.

## **3. Robert's Rules Of Order<sup>1</sup>**

Becoming a board member enhances your knowledge of how executive boards function, and the Bylaws are consulted and followed so that the board members can determine how best to bring about needed changes, help members with issues, and provide an environment that works well for everyone involved. If the Bylaws don't specifically address a certain situation that arises, the board consults *Robert's Rules of Order* for information and instruction.

## **4. Community Service**

Serving on the board of a not-for-profit organization is not only a privilege and honor; it is a service to the community. The MPA is a 501(c)(6) non-profit organization, which means we offer a vital service to our peers. It also means we don't pay taxes as long as we meet certain IRS requirements. We serve the paralegal community by providing crucial CLE hours that are tailored to meet our members' needs.

## **5. The MPA Needs You!**

All board members, past, present and future, have other obligations. They have families, children, parents and friends that all need their attention. The board members are working people, doing the best they can to spend their spare time assisting fellow MPA members attain their goals. The best boards have new members every year or two because the new members bring fresh, new ideas, skills, experience and energy.

In addition to the five items listed above, *board members are entitled to one free MPA CLE seminar per year*. Please contact us at [metrolinaparalegal@gmail.com](mailto:metrolinaparalegal@gmail.com) to apply today for current open board positions and/or the 2017-2019 executive board.

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<sup>1</sup> *Robert's Rules of Order* provides a standard for following Parliamentary procedure, and many organizations use it as a guide for their bylaws.



## Ready, Aim, Fire!



### Punctuation: The Semicolon<sup>2</sup>

*3 Uses, 2 Misuses*

The semicolon (;) marks a grammatical separation in the relations of a thought to a degree greater than that expressed by a comma. Between clauses, it especially shows coordination.

#### Using Semicolons

Use a semicolon to unite two closely connected sentences. This convention is proper even if the second or final independent clause begins with a conjunction.

- He was determined now; it might just make the difference to him in the struggle for power, and besides, it contained the element of revenge. (Winston Churchill)

Use a semicolon to separate items in a list or series when (1) any single element contains an internal comma, (2) the enumeration follows a colon, or (3) the items are broken into subparagraphs.

- She would have given anything to have him tell her that it would be easier to measure the intentions of the wind or the patience of the waves on the shore than the intensity of his love; that there was no winter night cold enough to damp the ever burning fires of his passion; that he spent the days dreaming and nights awake, assailed by the madness of memories and counting, with the anguish of a condemned man, the hours until he would hold her again. (Isabel Allende)

In old-fashioned style, it is permissible to use a semicolon where one would normally use a dash today or perhaps a comma – to set off a dependent clause or a phrase by way of explanation or elaboration.

- Families live in rooms, one side of which is open; a bed, a table, a baby's cot set on the floor above a precipice. (Dame Laura Knight)

#### Preventing Misused Semicolons

Don't use a semicolon where a colon is needed – especially after a salutation.

**Not this:** Dear Gordon;

**But this:** Dear Gordon:

**Not this:** Daddy and I worked late every afternoon of the war, picking vegetables from our Victory garden; carrots, tomatoes, potatoes and squash.

**But this:** Daddy and I worked late every afternoon of the war, picking vegetables from our Victory garden: carrots, tomatoes, potatoes, and squash.

**Not this:** In fact his ruling was totally unnecessary; for the court found that the People had failed to take reasonable care to ascertain the facts. [A comma would be fine here in place of the semicolon.]

**But this:** In fact his ruling was totally unnecessary: the court found that the People had failed to take reasonable care to ascertain the facts.

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<sup>2</sup> From *The Chicago Guide to Grammar, Usage, and Punctuation* and *The Oxford Dictionaries*



# Happy New Year!



## **Goal-setting. Do it. It pays off.**

Do you have goals for the next year? For the next five years? The next ten? If the answer is “yes,” great! If not, make it a priority. Here’s why, and a few suggestions.

### *The one-year plan.*

A one-year plan is fine – great, in fact. But it should be incorporated into a larger, 5-year plan. Think about where you are today and where you want to be one year from now. This applies to every element of your life: family, work, home, money, stress, vacations, health, and more. If you love your life at this moment, exactly as it is, and you would not change a thing, then the one-year plan is easy. Maintain the status-quo. Set priorities and keep them. For example, a one-year plan might include cleaning all the blinds in your house, visiting a European country, and saving an extra \$100 per month. However, to incorporate it into a longer plan, such as planning for retirement, purchasing a home, having a baby, finding a new job, starting a business, etc., it will take a bit more thought and implementation.

### *The five-year plan.*

Let’s explore a five-year plan you might choose. Let’s say you are living in an apartment and want to purchase a home in the next 5 years. First you’ll have to take a look at your credit report and perhaps make changes in your spending habits. Save money by eating at home and taking your lunch instead of going out. Reduce or eliminate unnecessary shopping. Start looking at towns and neighborhoods. Talk to your banker. Talk to other homeowners to find out the dos and don’ts. Now let’s see how the one-year plan fits into this. That extra \$100 per month saved will become a nice little down payment of \$6,000.00 in five years’ time. Now, what about that European vacation? Ask yourself, “will this fit into the five year plan, or does it need to wait?”

### *Timing.*

One thing to remember is that time moves on, whether or not we have a plan. The difference in having a plan and seeing it through is that we will accomplish something that would otherwise not happen. What will you be doing in five years? Will your life be exactly as it is now? Will you have anything to show for all your hard work?

### *Life choices.*

A plan doesn’t have to involve money or possessions. A plan can involve improving your health, improving relationships, or improving your habits. Do you wish you were closer to your parents, siblings or children? Then make a plan. This type of plan might include these things: If you live apart, call and visit more often. Be pleasant. Don’t offer advice unless asked. Say “I love you.” Say “you’re wonderful.” Invite them over. Make time for these things daily, weekly and monthly. See where you stand in a couple of months, then adjust the plan accordingly.

The bottom line: you must take action to make it happen. It feels great when a plan comes together. Make a plan.



## Recent Fourth Circuit Opinion



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PUBLISHED

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT No. 16-6026

Argued: September 21, 2016 Decided: November 30, 2016

Before MOTZ, TRAXLER, and AGEE, Circuit Judges.

Affirmed by published opinion. Judge Agee wrote the opinion, in which Judge Motz and Judge Traxler joined.

AGEE, Circuit Judge:

The State of North Carolina requires persons convicted of certain reportable sex offenses to register as “sex offenders.” See N.C. Gen. Stat. § 14-208.6(4); *id.* § 14-208.7(a). For persons convicted of a subset of those reportable sex offenses, North Carolina restricts their movement relative to certain locations where minors may be present. John Does #1 through #5 (collectively, the “Does”) challenged these statutory restrictions as either overbroad, under the First Amendment to the United States Constitution, or unconstitutionally vague, under the Fourteenth Amendment. The district court agreed with the Does as to two subsections of the statute and permanently enjoined enforcement of section 14208.18(a)(2) and section 14-208.18(a)(3). For the reasons set out below, we affirm the judgment of the district court.

During the registration period ... the movements of all registered sex offenders are restricted in certain circumstances. For example, a registered sex offender may not “knowingly reside within 1,000 feet of the property on which any public or nonpublic school or child care center is located.” Some registered sex offenders are subject to additional restrictions ... That statute provides that it shall be unlawful for any registered offender whose registration follows a conviction for a violent sex offense to “knowingly be” at any of the following locations: (1) On the premises of any place intended primarily for the use, care, or supervision of minors, including, but not limited to, schools, children’s museums, child care centers, nurseries, and playgrounds. (2) Within 300 feet of any location intended primarily for the use, care, or supervision of minors when the place is located on premises that are not intended primarily for the use, care, or supervision of minors, including, but not limited to, places described in subdivision (1) . . . that are located in malls, shopping centers, or other property open to the general public. (3) At any place where minors gather for regularly scheduled educational, recreational, or social programs.

In relevant part, the Fourteenth Amendment provides that “[n]o State shall . . . deprive any person of life, liberty, or property, without due process of law[.]” A state law violates due process if it “fails to provide a person of ordinary intelligence fair notice of what is prohibited, or is so standardless that it authorizes or encourages seriously discriminatory enforcement.”

As noted earlier, subsection (a)(3) states that a restricted sex offender may not “knowingly be . . . [a]t any place where minors gather for regularly scheduled educational, recreational, or social programs.” When read alongside subsections (a)(1) and (a)(2), the State contends subsection (a)(3) has a clear “core” meaning. ... the State concludes, “[n]o ordinary person would read [section] 14-208.18(a) in its entirety and be unclear as to” the meaning of subsection (a)(3).

The district court disagreed, and so do we. ... where a statute specifies no standard, the fact that it has one or more clearly constitutional applications cannot save it.

Supreme Court precedent “squarely contradict[s] the theory that a vague provision is constitutional merely because there is some conduct that clearly falls within the provision’s grasp.” That is the case here. Subsection (a)(3) is unconstitutionally vague, even though some conduct may “fall[] within . . . [its] grasp,” *id.*, because it fails to “define the criminal offense with sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory enforcement.”

In particular, a reasonable person, whether a restricted sex offender or a law enforcement officer, cannot reasonably determine (1) whether a program for minors is “regularly scheduled” or (2) what places qualify as those “where minors gather.” The district court succinctly explained these deficiencies with respect to the “regularly scheduled” provision: The first problem stems from the language “regularly scheduled.” The term “regular” means happening at fixed intervals[, periodic]. Even if a restricted sex offender or law enforcement officer knew precisely how often and where the “scheduled programs” took place, the statute provides no principled standard at all for determining whether such programs are “regularly scheduled.”

We cannot, therefore, read by judicial construction into subsection (a)(3) that which the legislature chose to omit. As a consequence, that subsection does not meet the standards of due process because it is unconstitutionally vague. Accordingly, the district court did not err in granting summary judgment as to subsection (a)(3).

The State separately challenges the district court’s holding that subsection (a)(2) is unconstitutionally overbroad in violation of the First Amendment. The issue presented to the district court, and now on appeal, is whether subsection (a)(2) is overbroad because it places substantial limitations of movement on restricted sex offenders without regard to the dangerousness of the individual offender. Put another way, we must decide whether subsection (a)(2) is overbroad because it applies to all restricted sex offenders, not just those who pose a danger to minors or are likely to pose such a danger. The parties stipulate that subsection (a)(2) is content neutral and we agree. The statute ... restricts the time, place, or manner in which restricted sex offenders may engage in certain activities protected by the First Amendment.

...neither anecdote, common sense, nor logic, in a vacuum, is sufficient to carry the State’s burden of proof. Thus, while the State’s argument may be conceptually plausible, it presented no evidence or data to substantiate it before the district court. In fact, the State’s own evidence belies its appeal to “common sense” as an appropriate substitute for evidence. ... the State fails to explain how three cases, representing three individuals -- out of more than 20,000 registered North Carolina sex offenders -- provide a sufficient basis to justify subsection (a)(2)’s sweeping restrictions. ... the State cannot rest its case on the conclusory assertion that minors would be “more exposed to harm without [this] prohibition than with it.” Without empirical data or other similar credible evidence, it is not possible to tell whether subsection (a)(2) - and specifically its application to offenders with only adult victims -- responds at all to the State’s legitimate interest in protecting minors from sexual assault.

While all parties agree North Carolina has a substantial interest in protecting minors from sexual crimes, it was incumbent upon the State to prove subsection (a)(2) was appropriately tailored to further that interest. ...the State failed to produce evidence to carry that burden. ... the State here simply failed to meet its burden of proof. Accordingly, the district court did not err in granting the Does’ motion for summary judgment as to subsection (a)(2).

IV. For the foregoing reasons, the judgment of the district court is **AFFIRMED**



## News & Happenings



### **News: MPA's 2016 Fall Fest**

MPA's 2016 Fall Fest CLE Seminar was held at the SouthPark Marriott on November 11, 2016. The location, though a little small, was nice, and the food and service were outstanding. The Seminar was well attended, with 101 registrants. Additionally, 7 Patron members provided educational and entertaining booths. The attending Patron members were as follows: **Special Counsel, National Corporate Research, NOVA, Niki's Int'l Ltd., Huseby, CaseWorks, and Reynolds Professional Service, Inc.** We appreciate our Patron members!

### **Continuing Legal Education**

The **North Carolina State Bar Board of Paralegal Certification** requires certified paralegals to obtain 6 hours of continuing paralegal education annually, of which 1 hour must be an ethics course. Certifications are renewed at the beginning of the year, and now requires proof of attendance, so be sure to hang on to those signed course documents.

The **National Association of Legal Assistants (NALA)** renews its paralegal certifications every five years, counting from the date of the original certification. Although it does not always require proof of attendance, it conducts random audits and you may need to prove attendance, so again, be sure to keep up with the required signed certificates of attendance.

### ***Save the Date!***

#### **Metrolina Paralegal Association**

#### **MPA Annual CLE Seminar**

February 24, 2017

The Omni Hotel

132 East Trade Street, Charlotte, NC 28202

<http://www.charlotteareaparalegals.com/annual-cle-seminar-february.html>

#### **Mecklenburg County Bar CLE Calendar**

<https://www.meckbar.org/calendar.aspx?cat=CLE>

#### **Trust Accounting Rules – Avoid the Pitfalls (1 ethics hour)**

Video Reply

January 19, 2017 – 11:00 a.m. – 12:00 p.m.

Johnston, Allison & Hord

1065 E. Morehead St., Charlotte, NC

<https://www.meckbar.org/calendar.aspx?id=4135>

#### **Business Torts: Deception, Fraud & the Usual Suspects (3.0 General Hours)**

Thursday, February 09, 2017

9:00 AM - 12:15 PM

Bar & Foundation Center

2850 Zebulon Ave., Charlotte, NC

<https://www.meckbar.org/calendar.aspx?id=4121>



## Entertainment



### **Charlotte Christmas Village**

Romare Bearden Park  
300 S. Church St., Charlotte, NC  
Through December 24

Free

<http://www.cltchristmasvillage.com/>

### **The Charlotte Symphony**

#### **Star Wars: The Music!**

Knight Theater at Levine Center for the Arts  
550 South Tryon St., Charlotte, NC  
January 12-14, 2017

Tickets \$27 and up

<http://www.blumenthalarts.org/events-performances/coming-performances/detail/charlotte-symphony-star-wars-the-music>

### **Musical Play: *An American in Paris***

Belk Theater  
130 North Tryon St., Charlotte, NC  
January 10-17, 2017

Tickets \$79.00 and up

<https://www.charlotte-theater.com/theaters/belk-theatre/an-american-in-paris.php>

### **Ringling Brothers Barnum & Bailey Circus**

Time Warner Cable Arena  
333 East Trade Street, Charlotte, NC  
February 1-5, 2017

Tickets \$29 and up

<https://www.charlotte-theater.com/theaters/time-warner-cable-arena/ringling-bros-and-barnum-bailey-circus.php>

### **2017 Super Bowl**

Houston, Texas  
February 5, 2017

Kickoff 6:30 p.m.

<http://www.nfl.com/superbowl/51>

### **Musical Play: *The Bodyguard***

Belk Theater  
130 North Tryon St., Charlotte, NC  
March 7-12, 2017

Tickets \$154.00 and up

<https://www.charlotte-theater.com/theaters/belk-theatre/the-bodyguard.php>

### **Tons of Other Great Events**

<http://www.charlotteshot.com/events#1|2|10|||||||undefined||0>



## Winter Paraview Recipe



### **A-Maize-ing Corn Chowder**

#### *Ingredients*

5 slices cooked, crispy bacon, crumbled (reserve drippings)  
1/4 cup grated cheddar cheese (optional)  
3/4 onion, chopped  
1 cup potatoes, peeled and cubed  
1/3 cup and 1 Tbsp. water  
1 1/2 cups and 2 Tbsp. milk  
1 can cream style corn  
1 can whole kernel corn  
1/2 tsp. salt  
Ground black pepper to taste

#### *Directions*

1. In a large pot, sauté onion in reserved bacon drippings until tender.
2. Add potatoes and water. Cover and simmer 15-20 minutes, or until potatoes are tender.
3. Stir in milk, corn, salt and pepper.
4. Continue to cook over medium heat, stirring frequently until heated through.
5. Ladle into bowls and top with cheese and crumbled bacon. Serve hot.



## 2016-2017 Patron Sponsors



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Open – please apply (we need you!)

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