



Congratulations to the Classes of
2012



The Knox Law Center would like to wish all of our 2012 graduates the best of luck in their future pursuits. Whether you are graduating from high school or college, we hope that you are able to achieve excellence in whatever endeavors you undertake. We would like to also take a moment and remember the parents of these graduates whose guidance, patience, and support made graduation possible. The attorneys and staff of the Knox Law Center would like to recognize all of you and salute you for a job well done.

Attention Drivers 18 Years Old and Under: Speed and be Arrested!

Contributed by J. Brad Champion



Starting January 1, 2012, drivers under the age of 18 in North Carolina have a new reason to slow it down and drive carefully. If charged with speeding more than 15 mph over the speed limit, or any number of other criminal moving violations, a provisional licensee can be *arrested* and *lose* his/her license before appearing in court to argue his/her case.

First, the definitions: A provisional license is a person under the age of 18 who has a limited learner's permit, a limited provisional license, or a full provisional license. N.C.G.S. §20-13.3 (2)(4). The new law requires a law enforcement officer with reasonable grounds to believe a provisional licensee has committed any one of several criminal moving violations to arrest the driver and initiate a 30 day civil revocation of his/her license. N.C.G.S. §20-13.3. A civil revocation is not a part of the punishment for the alleged crime. It is merely a pre-trial revocation, issued by a magistrate or other judicial official, based upon the sworn testimony of the charging law enforcement officer. If the officer has reasonable grounds to believe a qualifying moving violation was committed by a provisional licensee, a magistrate shall suspend the person's driving privilege for 30 days. There is no right to drive during the revocation for any reason. The driver must pay a \$100 fine and wait 30 days before she can drive lawfully drive again. This 30 day suspension is reported to the NC DMV and its records will reflect the revocation and all law enforcement agencies can access this record promptly. This civil revocation will not affect driver's license points or insurance points.

The offense: Essentially, commission of any criminal moving violation will trigger the 30 day civil revocation under this new law. Below is a list of criminal violations that will subject a provisional licensee to the civil revocation. There may be others, but this is the most likely list of violations. Those printed in bold have a separate 30 day civil revocation requirement. For those offenses, the new civil revocation does not apply:

- G.S. 20-137.4A: Operating a school bus while using a mobile phone to text or access electronic email
- **G.S. 20-138.1: Driving while impaired**
- **G.S. 20-138.3: Operating a motor vehicle by person less than 21 after consuming alcohol or drugs**

- **G.S. 20-138.5: Habitual impaired driving**
- **G.S. 20-138.7(a): Operating a motor vehicle while there is an open container of alcohol in the passenger area and while the driver is consuming or has consumed alcohol**
- G.S. 20-140: Reckless driving
- G.S. 20-141(j1): Speeding more than 15 mph over limit or more than 80 mph
- G.S. 20-141.3: Operating a motor vehicle willfully in a prearranged speed competition, or operating a motor vehicle willfully in speed competition, or allowing one's vehicle to be operated in a prearranged speed competition, or wagering on a prearranged speed competition
- **G.S. 20-141.4: Felony death by vehicle, misdemeanor death by vehicle, felony serious injury by vehicle, aggravated felony serious injury by vehicle, aggravated felony death by vehicle, repeat felony death by vehicle**
- G.S. 20-141.5: Speeding to elude arrest
- G.S. 20-141.6: Aggressive driving
- G.S. 20-149(b): Improper operation by an overtaken driver causing a collision resulting in serious bodily injury, bodily injury, or property damage
- G.S. 20-157(a), (h), (i): Failing to move over for law enforcement or emergency vehicle giving warning signal, or violating G.S. 20-157 and causing damage to property or injury, or violating G.S. 20-157 and causing serious injury or death
- G.S. 20-166(a), (a1), (b), (c), (c1): Failing to stop and remain after a crash resulting in serious bodily injury or death, or failing to stop and remain after a crash resulting in injury, or failing to provide information or render assistance following a crash, or failing to stop and remain after a crash resulting in damage to property or non-apparent injury
- G.S. 20-166.1: Failing to notify law enforcement or other owner following crash, or failing to provide proof of insurance to DMV upon request
- G.S. 20-166.2: Failing, when a passenger in a vehicle involved in a crash, to remain at the scene, or provide information, or render assistance

Educate yourself on this new law and make certain you or young driver's in your family are aware of this significant new penalty.

“Amendment One”

Contributed by Michael G. Knox, Esq.



On May 8th Amendment One passed with 61% of the vote, making North Carolina the 30th state in the country to include a prohibition on gay marriage in the state constitution. The wording of the amendment has caused considerable concern stating “marriage between one man and one woman is the only domestic legal union that shall be valid or recognized in this state.”

Many in the legal field believe the language is too vague possibly making straight unmarried couples living together subject to its passage. This could create difficulties with domestic violence protection, child custody arrangements and adoptions, hospital visiting rights and employee benefits. Others say that is an extremely broad view of the amendment and that those situations are covered by statute or additional amendment language that provides as follows: “This section does not prohibit a private party from entering into contracts with another private party; nor does this section prohibit courts from adjudicating the rights of private parties pursuant to such contracts.”

As with most new law, it is difficult to say how the courts will interpret the amendment. Based upon the untested language, you can anticipate much litigation to sort it out.

Be Sure to Advise the Beneficiaries on your Life Insurance Policy

According to [ABC News](#), MetLife has been ordered to pay \$500 million in a multi-state settlement after allegations were made against the company for failing to pay out death benefit funds to its clients’ beneficiaries. The settlement will be paid out over a period of 17 years.

So how do you make sure that your beneficiaries get the money from the policy you have purchased?

Here are some tips:

1. Give a copy of your policy to your beneficiary so that they can make a claim in the event of your passing;
2. If you don’t feel comfortable giving a copy of the policy to your beneficiary, then keep a copy along with all of your financial papers, wills, etc and confirm that at least two people know where your legal and financial documents are being kept;
3. Advise your beneficiaries that you have named them in a life insurance policy and give them the Insurer’s name so that they can contact the Insurer when necessary.

Most states are required to routinely check the Social Security Administration database for death records. But to err on the side of caution and avoid the above, make sure you take the steps necessary to see that your beneficiary has everything they need to claim what is rightfully theirs when you pass.

To read more about the MetLife Settlement, [click here](#).

14th Annual “Taste of Charlotte” to be held June 8th through June 10th

The 14th annual tastes of Charlotte will be held from June 8th to June 10th between Martin Luther King Jr. Boulevard and 6th Street in Uptown. Admission is free but you must purchase coins to sample the food and beverages from the vendors. You can pre-purchase your coins to pick up at “will call” or you may purchase your coins during the festival at one of the coin booths (cash only). Live music, magic acts, dancing, etc. will also be provided throughout the weekend for your entertainment. This festival has something for everyone.

Participating restaurants include but are not limited to: Fuel Pizza, RiRa Irish Pub, Salsarita’s, Hooter’s, Hickory Tavern, Cold Stone Creamery, Dilworth Grill, TCBY, and many more.

For more information about Taste of Charlotte visit www.tasteofcharlotte.com.

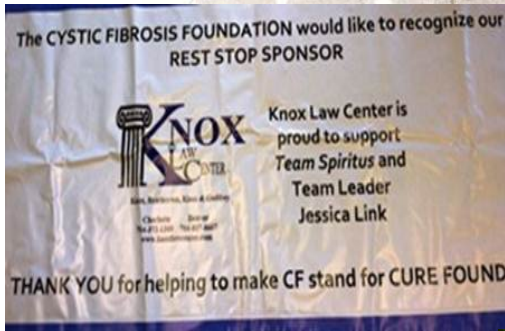
Great Strides- CF Awareness 5K

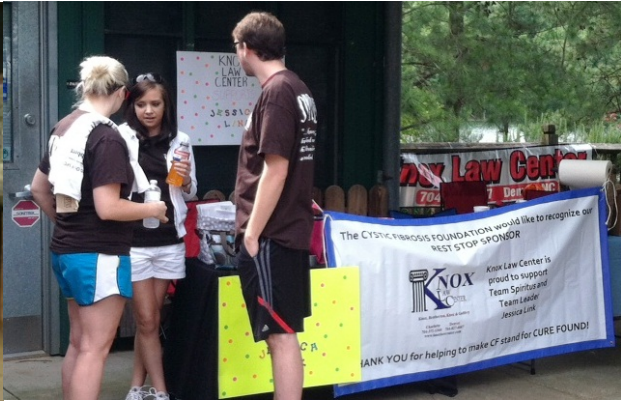
The Knox Law Center was honored and proud to show its support for Jessica Link on Saturday, May 19th at Jetton Park in Cornelius during the Great Strides Cystic Fibrosis Awareness 5K. While continuing her battle with complications associated with cystic fibrosis, Jessica is also actively involved in both increasing awareness about CF as well as raising money to continue the search for a cure.

Jessica made “great strides” of her own and through her fundraising efforts was able to exceed her goal of \$5,000 and raised a grand total of \$6,353.17 making her the highest single fundraiser for this event. In total, all participants were able to raise in excess of \$35,000 for the Cystic Fibrosis Foundation.

If you would like to read more about cystic fibrosis and/or make a donation, please visit then CFF website at www.cff.org.

“Team “Spiritus”





Billable Hours for Paralegals

Contributed By Mary Bolynn, NCCP

As a client who is billed at an hourly rate by your attorney, you might question when and at what rate a paralegal may bill against your retainer. According to Rule 1.5(a) of the North Carolina State Bar Rules of Professional Conduct, an attorney may charge a client for the work performed by a paralegal provided the fee is not excessive. An attorney may bill for a paralegal's work if the work would have been performed by the attorney. While paralegals may wear a number of hats to perform their required duties - drafting pleadings, discovery, correspondence to clients and opposing counsel, medical summaries, legal research, etc. - paralegals cannot give legal advice or represent a client in court. Furthermore, the Rules of Professional Conduct require that all paralegal work be supervised and reviewed by a licensed attorney.

When determining a paralegal's rate, an attorney must consider the paralegal's training, education, experience, and specialization, as well as whether or not the paralegal is certified by the North Carolina State Bar or a nationally recognized organization. Furthermore, the paralegal's hourly rate should be communicated to all clients.

If you have a question regarding your account or a statement you have received from our firm, please contact the attorney or paralegal responsible for your case. We are happy to explain any fee, cost or expense in detail and address any questions you may have.

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