

Andrea Davis

From: Stewart Clontz [ncaj@ncaj.com]
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To: Andrea Davis
Subject: Read All About It! August Newsletter!



AUTO TORTS

Section Newsletter

August 2009

From the Communications Chair

Hello and Welcome to the August 2009 edition of the North Carolina Advocates for Justice Auto Torts Section e-Newsletter.

In this edition you will find:

- Interrogatories by **Ervin Bazzle** of Bazzle, Carr and Parce, P.A.
- On Point - Topics from the Section Listserv
- Life and Law - Section Member Announcements
- Upcoming Events - Save the Date!

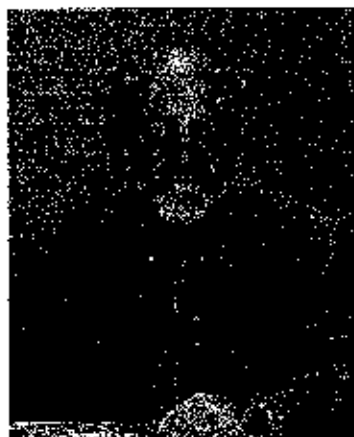
Thanks to all our present and past contributors! We would welcome any member willing to do an article of an area of law, practice or technology that they find useful in our area of practice. We are also looking for future volunteers to participate in the *Interrogatories* question and answer article. Please contact me at sclontz@farrin.com if you have an interest in writing an article or participating in *Interrogatories*. We hope this Newsletter will assist you in your life and practice as an attorney member of the Auto Torts Section.

Thank you and please enjoy!

Stewart Clontz
Communications Chair, Auto Torts Section

Interrogatories

by **Ervin Bazzle** of Bazzle, Carr and Parce, P.A.



Each month an Auto Torts Section member responds to a few questions regarding their practice and experience, growth and changes in the auto torts practice area. This month, the *Interrogatories* spotlight is focused on **Ervin Bazzle** with *Bazzle, Carr and Parce, P.A.* I, on behalf of Auto Torts Section members, would like to send a huge THANK YOU to Baz for his inspiring and excellent article. Enjoy! -- *Stewart*

I am 60 years old and soon will be 61. I was born and raised in a rural community outside Walterboro, South Carolina. My father worked for the US Submarine base in Charleston, SC and my mother ran the lunch room at the school that all my family attended. After spending a year at Clemson University, I went to the United States Military Academy at West Point and graduated in 1971. After spending two years in Germany I was selected to attend Law School in the Excess leave program. I attended the University of South Carolina School of Law and graduated in 1976. I served 6 more years on active duty until 1982 and remained in the Reserves until 2001.

After practicing law for one year in Greenville, South Carolina, I moved to Hendersonville, North Carolina in 1983 and opened our office in 1990 and have practiced here since that time. We do a general practice but my emphasis has been personal injury, social security, and workers compensation. I also handle part of the estates, estate planning and real estate portions of our work.

I was first elected to the Henderson County Board of Education in 1996 and have served as chairperson of that Board since 1998. I have served as President of the local Bar Association and have served on the Board of Governors of the NCAJ.

1) What was your first personal Injury trial and how did it go?

Soon after I moved to North Carolina and before I could take the bar, I was assisting my boss in the trial of an auto wreck on one of the local roads. Although our client had stopped drinking about a year before the wreck, he had been a hard drinker most of his life. He had a terrible time recalling the facts which were basically pretty simple.

Our client and his son ran a garage and were called to assist someone out in one of the mountain communities early one morning. His son was driving the truck and our client was a passenger. As they approached a hill on the route, a physician's wife on the other side of the hill missed her turn. She stopped and backed up over the top of the hill and my client and his son ran into the rear of her car. Both vehicles were damaged a great deal and the physician's wife and our client were hurt-although neither were hurt badly.

On the day before he was to testify, I took him out to the scene and walked him through the wreck and his testimony several times. He seemed to remember everything. When he got on the stand he barely could remember his name let alone the wreck. Mercifully, the judge called both sides to the bench after the evidence was all in and told us in no uncertain terms that both parties were at fault and we could go home.

I learned some tough lessons in that one. All cases seem better at the start than they actually are and memory at its best is unreliable.

2) What was your most memorable personal injury trial and why?

Unlike many who have large verdicts and spectacular outcomes, the memories of my trials center on the people who were involved. Very often our paths cross after the trial and in many cases, our lives seem intertwined. In the late 1980s, a tragedy that is still referred to as the Easter Massacre occurred. At the funeral of a relative of his ex-wife, a man shot and killed his former mother-in-law, father-in-law, and nephew. He shot but did not fatally wound his former wife, sister-in-law, and another niece. He then sat down next to the church and waited for the Sheriff to arrive and arrest him.

The families of those killed and wounded came to me and asked that I bring wrongful death actions and claims for injuries against the man who committed these crimes. Factually, it was not difficult, for the killer had confessed and did not put up any defense to the civil suit. The damages were well in excess of a million dollars.

From a technical standpoint this case was memorable due to the coordination that was required with those who were prosecuting the killer, the work that needed to be done to discover assets and the execution of the judgments. It took us well over a year to work through the partial satisfaction of the judgments.

From a personal standpoint, this case was memorable because I became involved in the lives of several families. Almost all of them became friends and we have worked together on community activities since that time. Several have relied on me to do the legal work for their families in nearly all the things that have done over the years.

Ironically, I found that the circumstances that caused the massacre grew out of a land dispute over a road to his property that came through his in-laws property. I have seen over the years that more deaths of this nature are caused by disputes over land than one would imagine.

3) What did you learn most from mentoring lawyers when you started?

Other than showing me the way to the courthouse, they took the time to make sure I understood what I was doing and why. That sounds very basic but they, along with the various clerks in the courthouse, taught me humility and the need to treat everyone involved in the process with the greatest amount of respect and deference. It paid immense dividends and made my life much easier.

4) What would you share with a young lawyer now?

What you do for a living does not define who you are. How you go about practicing your craft does determine what type of person you are. Make sure that when you complete your work for someone, you will feel comfortable seeing them the next week on the street and talking to them. Regardless of what your adversary may do, you can choose how to act.

5) How has the insurance defense bar changed?

It is far more impersonal. Very often the attorneys come from distant areas and I have no history with them. This makes mutual trust and respect difficult to cultivate and retain.

6) Please comment on the state of the auto injury practice in North Carolina.

I believe this varies to some degree from area to area. All of us have felt the impact of jury bias and unreasonably low verdicts. The only way I know to combat the perceptions the general public has of attorneys and this practice is to have your community identify your practice with solid and respected members of the bar. It is far easier for the public to criticize the practice in general than it is to criticize their attorney for the practice.

7) Who was the first personal injury client who touched you and why?

Several years after I started work in Hendersonville, we were involved in medical malpractice lawsuit involving a young boy who lost the use of his lower body due to the negligence of his anesthesiologist in a surgery to repair his aorta. After doing several of the medical depositions, I was sent to San Antonio, Texas to take some additional medical depositions and do a "Day in the Life" video.

The young man was about 10-11 years of age at the time and we filmed him from the time he got up and crawled to the bathroom, through his school day, and when he went to bed. It was absolutely amazing watching him get through a day. His courage and desire to live and be as "normal" as possible really hit home. My oldest was a little younger than him at the time and I thought how lucky I was. That young man taught me what real courage was -- a lesson I have never forgotten.

Ervin Bazzle practices in Hendersonville, North Carolina with Bazzle, Carr and Parca, P.A. The firm is located at 285 East Allen Street, Hendersonville, NC 28792. Baz can be contacted at (828) 697-4327 or ebazzle@bazzlecarrlaw.com.

On Point – Topics from the Section Listserv

Membership in the Section listserv is a tremendous and valuable (and free) benefit of being an Auto Torts Section member.

If comparative negligence does ultimately become the law, the Auto Torts Section listserv will be the most valuable resource for you to ask questions, brainstorm and provide information.

Below is a list of wide-ranging topics that have been recently discussed by Section members on the listserv. As you can see, these topics greatly benefited all members of the Section listserv.

- Tricare Question
- Info. on Raleigh Spine Doctors
- Plaintiff Alcohol Use
- Tinnitus Settlements/Verdicts
- Minimum Limits – INTRAsate Trucking
- Defense Discovery Question
- OJ – Sovereign Immunity
- Spinal Decompression – Chiropractic Treatment
- Willful Wanton
- Statute of Limitations – ERISA Claims
- Contributory Negligence Question
- Reimbursement v. Subrogation
- Parents claim for medical expenses
- Ideas for Voir Dire Questions
- Second Dog Attack Case
- Motion to exclude expert
- Adjuster claims work product
- Trial Interpreter
- Pediatric neuro-psychologist
- Guaranty Fund Bill Passed
- Rowan or Gaston
- County building code requirement causes flooding on adjacent property
- NC Statute of Repose – now 12 years
- Begging for relief – emailed calendar nightmare
- COJ (5 days before and after trial loss)

In addition to these topics there are often lawyer, expert, doctor, accident reconstruction, mediator, judge and other recommendations.

So don't delay - make the most of your Section membership, contact [Andrea Davis](#) today to set-up your Section listserv account.

Already a member of the Section listserv? [Click Here](#) for a handy listserv FAQ.

Life and Law – Section Member Announcements

The Law Office of Hardison Wood would like to announce their new address:

D. Hardison Wood

Law Office of D. Hardison Wood
1400 Crescent Green Drive, Suite 100
Cary, North Carolina 27518
V: 919.233.0520
F: 919.233.0521
Toll free: 1.877.829.7211
Site: <http://www.hardisonwood.com>
Blog: <http://www.ncproductlaw.com>
Skype Name: hardisonwood

Scott Adams and **Brent Patterson** of **Patterson & Adams, PLLC** are pleased to announce that attorney Andrew S. Hiller has joined the legal team at Patterson & Adams, PLLC. Andrew will practice primarily from the firm's Gastonia office and concentrate on Personal Injury and Workers' Compensation Law. He officially began at the firm on July 1, 2009.



Hiller's experience as an advocate draws from noteworthy professional and personal achievements. He spent two years at a defense firm in Atlanta, Georgia, where he received first-class instruction in complex corporate litigation, and got a taste for representing consumers in smaller claims referred to the firm through Legal Aid.

After studying world history at Auburn University, Alabama, Hiller spent a year in national service as an AmeriCorps member, building affordable homes for low-income families in Columbus, Georgia, through Habitat for Humanity.

Hiller obtained his Juris Doctorate, with honors, from Notre Dame Law School where he participated also in moot court and assisted in the production of the Notre Dame Journal of Law, Ethics & Public Policy. A native of Atlanta, Georgia, he now resides in Huntersville with his wife.

Patterson & Adams, PLLC is a personal injury firm established in 2004 with locations in Gastonia, Concord and Salisbury. The firm recently announced the grand opening of its newest location in Cornelius. Visit Patterson & Adams at www.patterson-adams.com.

News from **Lewis & Daggett** of Winston-Salem:

- **Lewis & Daggett** proudly sponsored the 3rd Annual Rusty Harpe Memorial 200 at the Caraway Speedway on July 1, 2009. The race honors the memory of Rusty Harpe, a former Late Model Stock division driver who lost his life in a farm accident in 2007. Rusty's father, Chip Harpe, has been a longtime supporter of Lewis & Daggett's Safe Sober Prom Night program. Sponsoring the race is a way for Lewis & Daggett to give back to the Harpe family and the many fans.
- Attorney **Marc Madonia** of Lewis & Daggett participated in the "Swim Across the Sound" in Bridgeport, Connecticut on August 1, 2009. Marc and his team of five others finished sixth out of 23 teams and raised more than \$17,000 for the St. Vincent's Medical Center Foundation. The "Swim" has a unique niche, providing cancer education, screening, and prevention programs at low- or no-cost for the elderly and underserved. In addition, the "Swim" helps individual cancer patients on a case-by-case basis with specific needs, such as the funding of wigs and prostheses, medication assistance, free transportation to treatments and appointments, day-care scholarships and support groups. To learn more about this organization and event, please visit: <http://www.swimacrossthesound.org>.

We are happy to include announcements from Section Members concerning their personal, family, law practice, and other service, and legal announcements. Please email personal (births, marriages, graduations, honors and accomplishments) or attorney/firm-related announcements to [Stewart Clontz](mailto:Stewart.Clontz) for inclusion in upcoming issues of the newsletter.

Upcoming Section Events – Save the Date!

REGISTER TODAY! October 22-25, Mountain Magic, Grove Park Inn, Asheville



Mountain Magic offers NCAJ members a unique opportunity to relax, network with colleagues and earn CLE credit while enjoying the beautiful fall colors of Western NC! This much-anticipated event offers a general session featuring a national speaker, concurrent workshops in a variety of practice areas and opportunities to enjoy networking and down-time with your colleagues from across the state.

In addition to all the great CLE and events planned, there are events planned especially for the Auto Torts Section:

Friday, October 23, 4:00 PM to 5:30 PM: Auto Torts Section Meeting

Saturday, October 24, during the morning hours: workshops planned include *Deposing the Driver in a Tractor Trailer Case*, *Helping the Solo/Small Firm Equalize the Legal Playing Field*, *How to Resolve Stalled Cases*, *Effective Online Marketing* and much, much more!

SAVE THE DATE FOR THIS CLE!

November 13

Nuts & Bolts of Personal Injury Claims

Sheraton Four Seasons, Greensboro

CLE Program Chairs, **Michelle Clifton** and **John McCabe** are planning a tremendous CLE just for you. Stay tuned for details and registration information in upcoming issues of the Section e-newsletter.

2009-10 Auto Torts Section Officers

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Publications Chair: Michael Jordan (Durham)

YLD Section Liaison: Meredith Hinton (Greenville)

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