

ROBERTS & STEVENS

ATTORNEYS AT LAW

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JOHN W. MASON
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WILLIAM CLARKE
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MARK C. KURDYS*
JACQUELINE D. GRANT

*DRG CERTIFIED MEDIATOR

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PATSY BRISON*
DAVID L. ENGLISH
CYNTHIA S. GRADY
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DENNIS L. MARTIN, JR.
KEVIN P. KOPP
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REBECCA JOHNSTON REINHARDY
ANN-PATTON HORNTAL
STEPHEN L. CASH

LONDON ROBERTS
(1921-2007)

FACSIMILE TRANSMISSION COVER SHEET

TO: MARAY ONIEAL

Date: 3/31/10

Fax #: 669-4204

FROM: PATSY BRISON

File #: _____

Re: Application

Remarks:

Operator

This transaction consists of _____ pages including this page.

The information contained in this facsimile is attorney-client privileged and confidential information intended only for the use of the party named above. If you are not the intended recipient, you are hereby notified that dissemination, distribution or reproduction of this communication is prohibited. If you have received this communication in error, please notify us immediately by telephone.

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**Via e-mail transmisslon, facsimlle transmisslon
and U.S. Mail**

March 31, 2010

Black Mountain Board of Aldermen
c/o Marcy Onieal, Town Manager
160 Midland Avenue
Black Mountain, NC 28711

Re: Request for Proposal to Provide Legal Services

Dear Mayor and Board Members:

We are responding to the Request for Proposal to Provide Legal Services dated February 18, 2010, which we received. As you are aware, our firm is currently involved in an appeal of a decision of the Board of Adjustment of the Town of Black Mountain and a second appeal before the Board of Adjustment. While this represents a conflict of interest, but it may be possible to be considered for representation if it is a waivable conflict where both clients consent to waiver of the conflict. If the Town of Black Mountain is interested in pursuing our services, please let us know. Subject to that conflict disclosure, attached is our response to your proposal.

Very truly yours,



Patsy Brison

SPB/gtp

**BLACK MOUNTAIN, NORTH CAROLINA
TOWN ATTORNEY POSITION**

PROPOSAL INFORMATION

Applicants may present information in any format and may provide additional data or supporting documentation as desired, however, the following information is required, and applicants are encouraged to be brief and concise.

1. Name, address, telephone number, fax number and email address of firm. Include contact person and telephone number for purposes of following upon proposal.

Roberts & Stevens, P.A. , P. O. Box 7647 (One West Pack Square) Asheville, N.C. 28802; phone: (828) 252-6600; fax: (828) 258-6999; e-mail: pbrison@roberts-stevens.com; contact person: Patsy Brison

2. Please provide a brief description of your personal, educational and professional background. Educational background should include undergraduate and postgraduate degree(s), and any relevant information regarding licensure, certification, honors, and/or professional associations with which you are involved. You may include any other personal information you deem relevant and wish to share with the Board.

Attached please find the resume for Patsy Brison.

3. State the size of the firm, the firm's municipal law staff, the location of the office from which the work on this position is to be performed, and the number and nature of the professional staff to be employed in this appointment.

Our firm consists of 24 lawyers, 5 paralegals and 18 support staff. Patsy Brison is the firm's principal municipal lawyer and is supported, from time to time, by other lawyers/firm partners (Rebecca Johnston Reinhardt, Fran Durden and Kevin Kopp) as well as by the firm's paralegals and support staff. The work would be performed from the offices of Roberts & Stevens in the BB&T Building in downtown Asheville and on site in the Town of Black Mountain, as needed. Other attorneys of Roberts & Stevens would be used, based upon specific legal services required for the Town of Black Mountain.

4. Provide a narrative of the history of your firm, including date of inception, experience with relevant North Carolina municipal, state and federal law and the firm's experience performing services to North Carolina local government entities.

Roberts & Stevens was formed in 1986 when two long time Asheville firms merged. The firm provides a broad range of legal services throughout Western North Carolina. Primary practice areas include local government law, including representation of municipalities, MSD and the Asheville Housing Authority;

education law, representing school boards, private schools and colleges; healthcare, including medical malpractice counseling and defense and general representation of hospitals and medical groups; civil litigation; real property; general corporate representation; estate planning and administration; bankruptcy; and environmental law. While the firm provides a broad range of services, individual attorneys focus on specific practice areas and have an in-depth knowledge of their respective fields.

With its offices located in the heart of downtown Asheville, a thriving urban center, lawyers and staff take an active role in the community and the region. Picking up trash on Asheville streets, serving on local and statewide boards, donating time and money to local charities, and sponsoring local fundraising events are all ways in which members of the firm serve the community and the region. The firm is a sponsor of the Asheville Symphony, the Acting Company at Pack Place, the Human Race (a walk/run for United Way), Big Brothers/Big Sisters, and WCQS, the local public radio station. In addition, members of the firm serve or have served as board members and officers of various community organizations, including Memorial Mission and St. Joseph's Hospitals and their foundations, Daniel Boone Council, Boy Scouts of America, Girl Scouts of Western North Carolina Pisgah Council, Mountain Area Hospice, American Red Cross, Greater Asheville Chamber of Commerce, Community Foundation of Western North Carolina, Asheville Regional Airport Authority, Children First, and the Golden Leaf Foundation.

5. Narrative of the qualifications of the person(s) proposed to work directly with the Town to include:
 - a. Legal training, years of practice, area of specialization; include date of admittance to North Carolina Bar;
 - b. Years of municipal, county or state government law practice;
 - c. Litigation experience and demonstration of a satisfactory court track record;
 - d. Identify any professional affiliations/detail experience in representing North Carolina municipalities.

Please see attached resume of Patsy Brison.

6. Identify the accessibility of the proposed designated lead Attorney, and the response time that the individual offers to the Town.

Ms. Brison is available by telephone, email and cell phone. In addition, remote computer services are available from her home office and email, texting and calendar schedules are available via her cell phone.

7. Identify other resources the firm has to offer, including clerical and support staff, library and research capabilities, and other relevant information.

The firm offers 23 other attorneys, along with the clerical and support staff

described in No. 3 above. The law firm has an extensive library available on line through Lexis-Nexis and an extensive library of School of Government and other municipal law publications.

8. Describe the level of coverage for malpractice insurance your firm carries. Is the coverage on a per client basis, or is the dollar figure applied to the firm as a whole? Provide documentation of malpractice insurance coverage.

Please see attached declarations page and attorney listing for our malpractice insurance coverage through Lawyers Mutual.

9. Within the last five years has your organization, its officers, partners, employees, shareholders or principals been a party in any litigation or other legal proceedings as a defendant relating to the services provided by your entity? If so, provide an explanation and indicate the current status or disposition of any such situation.

No.

10. State whether the firm, its officers, partners, principals, agents, or employees, that are expected to perform services under this RFP, have been disciplined, admonished, warned, or had any license, registration, charter, certification, or any similar authorization to engage in the legal profession suspended or revoked for any reason.

No.

11. Has the firm been in bankruptcy, reorganization or receivership in the last five years? If so please explain current status.

No.

12. Has the firm been disqualified or terminated by any municipal, county, state government or other public agency? If so please explain under what circumstances this disqualification or termination occurred.

No.

13. If you are selected as Town Attorney, what fees will you charge and under what terms? (e.g. Will you require a monthly minimum or retainer?) Also, please provide a concise statement describing your philosophy for cost effectiveness in providing legal services to the Town.

No monthly minimum nor retainer is required. The hourly rate for provision of general municipal services for the Town of Black Mountain for Ms. Brison would be \$180.00 per hour; specialty services by Ms. Brison and other firm attorneys for the Town of Black Mountain will be billed at the rate of \$225.00 per hour.

Specialty services include environmental, tax, bankruptcy, bond and complex litigation matters. Whenever possible, paralegal services are used in lieu of attorneys. Paralegal rates are \$90.00 per hour. In addition, resources of the School of Government at UNC-Chapel Hill are used extensively in lieu of original research, which results in more cost effective services to municipalities.

14. How do you propose to meet the Town's legal needs when you are on vacation or are otherwise unavailable?

Other attorneys in the firm will provide response to the Town for its legal needs while Ms. Brison is on vacation or otherwise unavailable.

15. Please identify any conflicts, or potential conflicts of interest that your firm may have in representing the Town of Black Mountain, and your approach to avoiding conflicts of interest.

Please see the cover letter for the conflict of interest disclosure regarding representation of a group of property owners who have appealed the Board of Adjustment decision to issue a conditional use permit to CRC Health Group for a therapeutic boarding school on the Monte Vista Hotel property, along with a subsequent, pending appeal to the Board of Adjustment. If there are other conflicts of interest or potential conflicts of interest, we will point those out to the Town of Black Mountain as soon as they are made known to us. In that event, either there may be a written waiver of conflict by both parties or we will provide a referral of other attorneys who have municipal law experience for the Town to use. Our law firm has a search system for determining where there may be possible conflicts of interest before a new client is accepted by the firm in order to assist us in avoiding conflicts of interest.

16. Describe your plan for transitioning service from the Town's current attorney and how you plan to handle any existing lawsuits or legal matters. Include estimated time needed for the transition and what type of relationship you anticipate with the current attorney.

Ms. Brison has known the current Town Attorney, Ron Sneed, for nearly 20 years. She has previously served as the attorney for the Board of Adjustment when Mr. Sneed had a conflict of interest. Our firm anticipates working with Mr. Sneed during the time of transition and expects the transition to take no more than one to two months, with the exception of the current appeals of the Board of Adjustment matter regarding CRC Health Group, which will likely be resolved at the trial court level within the next several months.

17. Please provide a list of client references with whom we may confer.

The Town of Weaverville.

18. Please share any other information you feel would be useful to the Board as they consider proposals for legal services.

Ms. Brison has over 25 years of experience of practicing in the area of municipal law. She is a member of the North Carolina Association of Municipal Attorneys and has long standing professional relationships with faculty members of the School of Government at UNC-Chapel Hill. She has represented clients before town boards and commissions in Buncombe County, Henderson County, Haywood County, and Jackson County. In addition, she has represented clients before county boards in Buncombe County, Haywood County, Henderson County, Madison County, and Polk County. She has also provided legal advice to municipal boards and commissions of wide diversity, including boards of adjustment, planning boards, civic center commissions, downtown commissions, civil service boards, historic resources commissions and pension and disability boards. She has extensive experience in preparing municipal ordinances and providing legal advice for municipal financings, including general obligation bonds, revenue bonds, installment purchase contracts and certificates of participation.

Ms. Brison also has extensive litigation experience, having represented clients before the three levels of trial court in North Carolina (Small Claims Court, District Court and Superior Court), the North Carolina Court of Appeals and the North Carolina Supreme Court. In addition, Ms. Brison has represented municipal governments in federal court, including District Court, the Fourth Circuit Court of Appeals and in a successful response to a petition to the United States Supreme Court. She has previously represented the City of Asheville in defense of workers compensation claims before the Industrial Commission. She has also represented law enforcement officers before the State standards commission. She currently represents the North Carolina School Boards Trust in defense of claims against school boards and their employees.

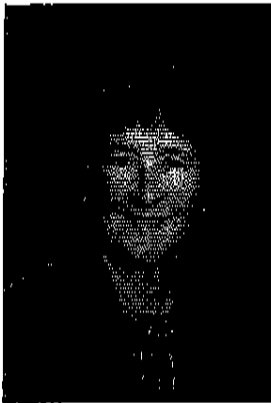
Finally, Ms. Brison has been active in the community, including being the immediate past president of the Buncombe County/28th Judicial District Bar, past president of the YWCA of Asheville and Buncombe County, and past president of the Girl Scout Council for western North Carolina. In addition to being a member of the North Carolina Association of Municipal Attorneys, she is a member of the North Carolina Bar Association and the North Carolina Bar Association sections on construction law, government and public sector law, zoning and land use planning law and litigation, and has served as a member of the governing council for the construction section, public sector and government section and litigation section.

ROBERTS & STEVENS, P.A.

ATTORNEYS AT LAW

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Sarah Patterson Brison



Sarah Patterson ("Patsy") Brison, born Gastonia, North Carolina; admitted to bar, 1983, North Carolina, U.S. District Court, Western and Eastern Districts of North Carolina, U.S. Court of Appeals, Fourth Circuit and U.S. Supreme Court.

Education: University of North Carolina-Greensboro (B.A., 1972); Campbell University School of Law (J.D., 1983). Phi Alpha Delta; Omicron Delta Kappa. Moot Court Board. Member, Campbell Law Review, 1982-1983. Listed Who's Who Among Students in American Universities and Colleges, 1983. Author: Comment, "North Carolina's 1981 Waste Management Act and Its Impact on Local Governments: The Good, the Bad and the Ugly," Campbell Law Review, Spring, 1983.

Member: North Carolina Bar Association (4ALL Task Force and Local Bar Services Committee; Sections on: Construction Law; Education Law; Government and Public Sector Law; Litigation; Zoning, Planning and Land Use) (former Member, Council for Construction Law, Litigation and Government and Public Sector Law Sections); North Carolina State Bar; 28th Judicial District Bar (Member, Immediate Past President, Executive Committee); North Carolina Association of Municipal Attorneys; North Carolina Association of Women Attorneys.

Areas of Practice: **Zoning and Land Use Law; Construction Law; Litigation; Government and Public Sector Law.**

Experience Includes:

- Municipal Law - over 16 years of experience representing the City of Asheville, North Carolina as Assistant City Attorney
- Zoning and Land Use Law - over 25 years of experience
- Municipal Financing - over 25 years of experience
- Construction and Purchasing - over 25 years of experience
- Real Property - over 25 years of experience with local government conveyances and acquisitions
- Appellate practice before State and Federal Courts

Representative Clients:

- Town of Weaverville
- Housing Authority of the City of Asheville
- Trustees of Southwestern Community College
- North Carolina School Boards Trust

Community Service:

- Girl Scouts of the U.S.A. - Former Member, National Board of Directors
- Girl Scouts of Western North Carolina Pisgah Council - Former President
- YWCA of Asheville - Former President
- Presbyterian Church of the U.S.A. - Ordained Elder

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~~Lawyers Professional Liability Policy (This is a Claims Made Policy. Defense costs are a part of the Policy Limits and reduce the amount available to pay losses. You should read your policy for a complete understanding of its Terms, Conditions & Coverages).~~

Declarations

ROBERTS & STEVENS PA
 P O BOX 7647
 ASHEVILLE, NC 28802

Location:
 ONE WEST PACK SQ STE 1100
 ASHEVILLE NC 28801

Policy Number: 0021290 - 8

Policy Period: 11/01/2009 to 11/01/2010
 12:01 A.M. Standard Time at the address of the Named Insured stated herein

Retroactive Date: 11/01/1977

Limits of Liability: A. \$ 6,000,000 A. Applicable to any individual claim or one or more related claims. All claims arising out of the same, related or continuing professional service.
 B. \$ 6,000,000 B. Aggregate limit of the Company's liability for all damages and claims expenses without regard to the number of insureds, claims, demands, suits, pleadings or claimants.

Deductible: \$ 25,000 (See policy provisions captioned "Deductible and Limit of Liability")
 (Including claims expenses)

Classification	Number	Premium
Lawyers	24	\$60,216
Paralegals (Certified)	5	\$0
Law Clerks, Legal Assistants, Investigators and Abstractors	18	\$0
Total Premium		\$60,216

Endorsement Attachments: 012 030

In witness whereof, Lawyers Mutual Liability Insurance Company of North Carolina has caused this policy to be signed by its President and Secretary and countersigned by a duly authorized agent of the Company.

John F. Hester
 Secretary

Gerald Arnold
 President

Jean Williams
 Authorized Agent

5020 Weston Parkway, Suite 200 Cary, NC 27513 - PO Box 1929 Cary, NC 27512-1929
 919.677.8900 - Toll Free: 1.800.662.8843 - Fax 919.677.9641



5020 Weston Parkway, Suite 200, Cary, NC 27513 - PO Box 1929, Cary, NC 27512-1929
 919.677.8900 - Toll Free: 1.800.682.8843 - Fax 919.677.9841

Policy Attorney Listing

The list below includes all attorneys insured under the named policy.

Policy Number: 0021290 - 8

Policy Period: 11/01/2009 to 11/01/2010

Insured Name: ROBERTS & STEVENS PA

<u>Attorney Name</u>	<u>NC State Bar #</u>
SARAH B BRISON	10814
STEPHEN LACY CASH	39101
VINCENT D CHILDRESS	10832
WILLIAM CLARKE	10278
MILDRED FRANES DURDEN	44643
DAVID L ENGLISH	25423
CYNTHIA S GRADY	27497
JACQUELINE D GRANT	22079
JACKSON D HAMILTON	18221
ANN-PATTON HORNTAL	35477
KENNETH R HUNT	26911
GREG HUTCHINS	14147
KEVIN PATRICK KOPP	31953
MARK C KURDYS	13374
MARJORIE ROWE MANN	13202
DENNIS L MARTIN	27957
JOHN W MASON	5742
REBECCA JOHSTON REINHARDT	31621
MARC RUDOW	8962
WYATT S STEVENS	21056
JOHN S STEVENS	4161
SHERYL WILLIAMS	9271
JAMES W WILLIAMS	4742
F LACHICOTTE ZEMP JR	31359