

THE NORTH CAROLINA STATE BAR

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IN THIS ISSUE

Important Update on IOLTA *page 6*

Rule 5 Service in the Digital Age *page 8*

LAP Director Earns ABA Distinguished Service Award *page 26*



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TO THE OPPOSING PARTIES AND THEIR COUNSEL, I OFFER FAIRNESS, INTEGRITY, AND CIVILITY. I WILL SEEK RECONCILIATION AND, IF WE FAIL TO ACHIEVE IT, I WILL MAKE OUR DISPUTE A DIGNIFIED ONE.

TO THE COURTS, AND OTHER TRIBUNALS, AND TO THOSE WHO ASSIST THEM, I OFFER RESPECT, TRUTHFULNESS, AND COURTESY. I WILL STRIVE TO BRING HONOR TO THE SEARCH FOR JUSTICE.

TO THE PROFESSION, I OFFER ASSISTANCE. I WILL STRIVE TO KEEP OUR PROFESSION A HIGH CALLING IN THE SPIRIT OF PRO BONO AND PUBLIC SERVICE.

TO THE PUBLIC, I OFFER SERVICE. I WILL STRIVE TO IMPROVE THE LAW AND OUR LEGAL SYSTEM, SERVING ALL EQUALLY, AND TO SEEK JUSTICE THROUGH THE REPRESENTATION OF MY CLIENTS.

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Contents

FEATURES



8 Rule 5 Service in the Digital Age

By Joseph A. Kyzer

11 The Path to Mediation Certification in North Carolina

By Frank Laney and Colleen Byers



16 Embracing Change: Navigating the Challenges and Triumphs of Aging in the Legal Profession

By Mark Durso

18 Supreme Court Justice Ketanji Brown Jackson Visits Fayetteville State University



20 Tongueless: A Lawyer's Journey Through Silence and Survival

By Robert C. Kemp III

26 Advancing Wellness in the Law: Robynn Moraites Reflects on Her ABA Distinguished Service Award

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Contents

DEPARTMENTS

- 5 President's Message
- 6 State Bar Outlook
- 28 IOLTA Update
- 30 Lawyer Assistance Program
- 33 The Disciplinary Department
- 34 Pathways to Well-Being
- 38 Legal Specialization

- 40 Rule Amendments

- 43 Ethics Committee Update

BAR UPDATES

- 29 In Memoriam
- 44 State Bar Swears in New Officers
- 45 Resolution of Appreciation
- 46 50 Year Lawyers Honored

- 48 Client Security Fund

- 49 Distinguished Service Award

- 53 Upcoming Appointments

- 54 February Bar Exam Applicants

- 57 Random Audits

- 58 Selected Financial Data

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An Interview with Our New President— Katherine Frye

Katherine Frye, a native of Hickory and a Raleigh family law attorney, was sworn in as president of the North Carolina State Bar on October 30, 2025. Chief Justice Paul Newby administered the oath during the State Bar's Annual Dinner.

Q: Tell us about your upbringing.

I grew up in a family that valued hard work, community, and fairness. Those values shaped my belief that the law should be a force for good—a way to help people navigate some of the most challenging moments in their lives. From an early age, I learned that listening, empathy, and integrity are essential to making a difference, both personally and professionally.

Q: When and why did you decide to become a lawyer?

I decided to become a lawyer because I saw law as a way to serve others and make an impact. I thought about being an architect, but that work had a little too much math for me! Being a family lawyer in particular is about people, relationships, and helping them find resolution and peace at a time of uncertainty. The ability to stand beside someone when they most need guidance is an incredible privilege.

Q: How has your career as a lawyer evolved?

My career has evolved from learning how to navigate cases, how to address client needs, and how to run a law practice. Most of those items I generally have a good sense of at this point in my career. Now, I see my role as a leader, mentor, and advocate for improving how lawyers serve their clients and communities.

Q: What was your first leadership position?

My first leadership position was being the chair of Wake County's Grievance Committee.

Q: What has been your proudest achievement as a lawyer?

My proudest achievement has been build-



With her daughter Ellenora Smith looking on, Katherine A. Frye is sworn in as president of the North Carolina State Bar.

ing a law practice in a city where I knew few people. On a broader level, being trusted to serve in leadership roles within the State Bar has been a tremendous honor.

Q: You co-founded Oak City Family Law in July 2024. What is underrated about expanding your business? Overrated?

Underrated: the joy of building a firm culture centered on genuine care and professionalism. We have a great deal of fun at the office.

Overrated: more people, more personalities...finding the right team mix can be a challenge. Even once it is found, like most relationships it still requires a lot of attention.

Q: What is something in your recent search history that is revealing about who you are?

Poshmark—and constant searches to evaluate different items I want to sell or buy! I have enjoyed the selling and negotiating of prices. Saving \$1 has never made me so happy.

Q: How and why did you become involved

in State Bar work?

I became involved because of pure dumb luck. I had no idea what a Bar councilor was at the time. I threw my name into the ring... and here I am. Once I began to understand the work of the State Bar, meet amazing lawyers from all over the state, and work with a dedicated staff at the State Bar I knew I had found something that was giving me as much as I was giving to the organization.

Q: What do you believe are the most significant issues currently facing the State Bar Council?

Balancing the public's trust with the realities of modern practice—technology, mental health, and accessibility—are key issues.

Q: Pragmatically speaking and otherwise, what do you hope to accomplish while president of the North Carolina State Bar?

I would like to revise the Trust Accounting Rules to help recognize the changes in the

CONTINUED ON PAGE 7

Important Update on the IOLTA Program and 2026 Grant Funding

BY PETER G. BOLAC

Dear North Carolina Lawyers,

I am writing to you today to make you aware of events that will affect the North Carolina Interest on Lawyers' Trust Accounts (NC IOLTA) program for 2026.

Background

The NC IOLTA program was established in 1983 by order of the Supreme Court at the request of the State Bar. For more than 40 years, it has provided sustained funding for civil legal services without the use of state tax dollars. The program represents a longstanding partnership among the legal profession, banks, and the public to ensure that people across our State have access to civil legal assistance regardless of their ability to pay.

Recent Events

As some of you are likely aware, in May 2025, the House version of the state budget (S257) included a provision directing that all IOLTA interest income be remitted to the Office of Indigent Defense Services for use in the Private Assigned Counsel Fund. Although the Senate did not concur (and no budget has been passed), a subsequent measure regarding IOLTA was included in the Public Safety Act, enacted in July 2025. That law contains a provision that freezes IOLTA grantmaking for the period from July 1, 2025, through June 30, 2026.

Throughout this process, the State Bar and NC IOLTA leadership have been in active communication, both formally and informally, with legislators to share information about the program and its structure. At the request of, and in conjunction with, members of the General Assembly, we have proposed compromise legislation that addresses the concerns raised by members of the General Assembly while allowing

IOLTA funding to continue supporting vital civil legal services in North Carolina.

On October 22, 2025, the House Select Committee on Oversight and Reform held a hearing on the IOLTA program. NC IOLTA's Executive Director, Mary Irvine, and I were called to testify about the structure, governance, and history of the program, as well as its role in supporting access to civil legal services across the state. You may view the materials and recordings from that hearing below:

- **Hearing Transcript** (webservices.ncleg.gov/ViewDocSiteFile/101321)
- **Video Recording** (youtube.com/watch?v=aaMva-BuvTQ)
- **Peter Bolac Statement** (webservices.ncleg.gov/ViewDocSiteFile/101164)
- **Mary Irvine Statement** (webservices.ncleg.gov/ViewDocSiteFile/101165)

Impact for 2026

Because of the current legislative freeze, the NC IOLTA Board is not currently able to make 2026 grant awards. Consequently, civil legal aid programs and other nonprofit legal organizations that have historically relied on IOLTA funding are facing significant shortfalls in the coming year. As an example, Legal Aid of North Carolina anticipates a \$6.5 million reduction in its 2026 budget, which has led to the closure of multiple offices in rural areas of the state and a reduction in staff and services in most every location. Similar impacts are expected for other IOLTA grantees; many of whom provide services in the following areas: disaster legal services, special education and disability advocacy, and support to victims of domestic violence.

Anticipated Impact on the Courts and the Profession in 2026

State Bar leadership and some court offi-

cials with whom we have spoken are concerned that the anticipated reduction in civil legal services funding will not only adversely affect clients and communities but also will adversely affect the functioning of our court system. Fewer legal aid attorneys mean more individuals will appear in court without representation, resulting in longer hearings, more continuances, and increased administrative burdens on clerks, judges, and attorneys. The absence of legal assistance can also lead to more procedural errors and a rise in filings that might otherwise have been resolved without the necessity of court intervention.

Over time, these challenges will strain judicial resources and diminish the efficiency of court proceedings. Lawyers in both the public and private sectors are likely to see the effects firsthand through heavier caseloads, slower case movement, and the growing presence of unrepresented litigants across all civil dockets.

Our Shared Professional Responsibility

Both the Preamble and Rule 6.1 of the North Carolina Rules of Professional Conduct remind every lawyer of our professional responsibility to provide legal services to those unable to pay. This principle reflects one of the core values of our profession and the collective commitment that has long defined the Bar in North Carolina.

Because of the current reduction in civil legal aid resources, we encourage lawyers to consider:

- Providing more *pro bono* services (North Carolina Pro Bono Resource Center)
- Supporting legal aid organizations financially, including Legal Aid of North Carolina, Pisgah Legal Services, and Charlotte Center for Legal Advocacy among others (a more comprehensive list can be found [here](#))

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- Helping clients and communities learn about available legal resources
- Meeting with local community and legal leaders to discuss specific local options to help

The lawyers of North Carolina have long pursued the constitutional mandate that “every person for an injury done him in his lands, goods, person, or reputation shall have remedy by due course of law; and right and

justice shall be administered without favor, denial, or delay.” We must continue to do so.

NC IOLTA has been one important way North Carolina lawyers have contributed to realizing these foundational principles of our justice system, and we remain committed to working with the legislature and other stakeholders to identify a resolution to allow IOLTA funding to resume. Until that occurs, now is the time for us to rise to the challenge

and work together to find alternative solutions to help those individuals who will no longer be able to be helped by these civil legal aid programs.

I will keep you informed as this issue evolves.

Sincerely, Peter Bolac ■

Peter G. Bolac is the executive director of the North Carolina State Bar.

President's Message (cont.)

banking world and to review and revise the rules to make sure that the rules have the intended result—safeguarding client funds—without creating unnecessary burdens.

Q: How would you like your administration to be remembered when the history of the State Bar is finally written?

First, I didn't know that I had an administration :)

I would like to be remembered as someone who gave an approachable face to the State Bar such that more lawyers engaged with us to improve the profession. I would also like to initiate candid conversations about the challenges to a lawyer's mental health. We cannot take care of others and protect the public when we are not taking care of ourselves. ■

Katherine Frye is a founding attorney of Oak City Family Law in Raleigh, where she blends practical strategy with genuine compassion to

guide clients through separation, divorce, custody, support, and alimony matters. A Campbell Law graduate, she opened her own practice straight out of law school and is now a North Carolina Board Certified Family Law Specialist and a Fellow of the American Academy of Matrimonial Lawyers.

When she's not practicing law, Katherine can be found doting on her animals, hunting bargains on Poshmark, or trying to keep up with her goals to read more, eat more vegetables, and finally earn all her stars on the office star chart.

Rule 5 Service in the Digital Age

BY JOSEPH A. KYZER

The full implementation of digital court services in all 100 counties as of October 13, 2025, marked more than a technology milestone for North Carolina. It was a turning point for access to justice that aligns the Judicial Branch with the modern practice of law in our state. Replacing paper with online courthouse services enables lawyers, litigants, and judicial officials to use cloud-hosted software for legal tasks like filing documents, searching records, and serving parties.

Modernization of our court system, like the service of motions, safeguards pillars of fairness and due process that are hallmarks of the American legal system. North Carolina's steps toward modern court technology forged partnerships across the legal community and state government. Legislative revisions to the Rules of Civil Procedure, Supreme Court rulemaking, a new "Address of Record" with the State Bar, and custom software configurations, are among changes made to complete this implementation in our state.

Through this article and others to follow, the Administrative Office of the Courts can provide the members of the State Bar helpful context for attorneys practicing in this new

statewide landscape—not as a court of authority, but rather from an operational perspective.

I. A Legacy of Service

Like clerks' offices and courtrooms before online access, the old Rule 5 reflected a paper world. Service after the complaint meant personal delivery to counsel, mailing to the last known address, or leaving copies with the clerk if an address was unknown. Later, the rule nodded toward modernity by acknowledging fax and email. These methods were the best we had at the time, and the familiarity and stability of these methods provided some comfort to practitioners.

In reality, however, legacy methods of



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service were far from perfect and riddled with barriers to the underlying goal of notice they were intended to serve. Paper service processes assumed office hours, physical presence, and courthouse-bound records. They taxed parties' time and budgets: postage, travel, courier runs, and inevitable delays. And they are far from foolproof, as mail gets lost or delayed and postmarks get smeared.

Over time, parallel paper and electronic service practices presented opportunities for error and barriers to statewide consistency. As competing states and federal courts

advanced their electronic filing regimes, the gaps became harder to ignore.

In an age of online banking, digital signatures, and worldwide video conferencing, the legacy methods of service and associated rules (e.g., commencing prescribed periods triggered by service based on “mail plus three”) are not how jurisdictions would design procedures for service if starting from scratch.

The pandemic accelerated what was already inevitable. Emergency measures normalized remote hearings and email service, proving digital tools could ensure due process while keeping dockets moving. But emergency improvisation is not sound policy. North Carolina needed durable statutory and rule changes and a production-grade platform to make electronic service the default method for fair notice.

Every service method should answer whether notice is reliable, whether timing is clear and predictable, and whether the method is accessible. North Carolina’s modern Rule 5 design answers each of these questions. System-led service achieves reliable delivery. A bright-line cutoff for completion of service standardizes timing. Consent requirements for electronic service on self-represented parties protect access concerns. Electronic notifications of filing and service, as well as the platform’s digital file-stamps, provide evidentiary resources.

II. New Procedures Arrive

Legislative amendments retooled Rule 5 to expressly recognize service through a court electronic filing or case management system. The statute distinguishes between service on attorneys, which does not require consent, and service on self-represented parties, which requires consent if performed electronically. The result is a rule that embraces technology and recognizes asymmetries in practice between lawyers and laypersons.

North Carolina’s digital courts transition delivers more than convenience in effectuating service. It operationalizes the core promise of civil procedure: that parties will receive timely, reliable notice and have a clear, even-handed path to respond. System-led electronic service is not a shortcut but an improved vehicle for the same constitutional values the mailroom once served. Electronic proof replaces doubt with data. When service methods evolve, the legal community can be confident that modern mechanisms preserve

the values that legacy processes were designed to protect.

The change lands visibly on Rule 5 procedures for service, transitioning a core value of the legal system—proper notice to parties—from in-person, mail, or fax delivery of printed documents to the convenience of digital services. This article traces that evolution, explains its moving parts, and offers practical reminders for system users who bring new Rule 5 procedures to fruition in a digital environment.

eFile and Serve

The new electronic system provides three filing types: eFile Only, eFile and Serve, and Service Only. When a party files a document into a case, they can use the platform to tie filing and service together or perform those functions separately.

Filers have options to obtain documentation of service and must file the documentation to include it in the official court record. Users can include their own email address as a Service Contact and receive the Notification of Service generated by the system. The Notification of Service is an “automated certificate of service” under Rule 5(b1) of the Rules of Civil Procedure and Rule 5(d) of the General Rules of Practice for the Superior and District Courts, which users may then eFile.

A user is not required to use the system generated Notification of Service as their certificate of service and is free to draft their own certificate of service and file it along with the corresponding document. The File and Serve system records details of the transactions, and the user can access that record after the “service” function has been completed. Users can review a log of service transmission details with recipient information, service status, timestamps, and other email transfer codes in the service contacts section of the Filer Dashboard’s history of filings, actions, and envelope details.

Users also have the capability to save and remove service contacts, akin to an address book for convenience, and are not required to obtain consent of service contacts for these actions.

Rule 5(b)(4) of the General Rules of Practice provides that a document is filed when it is received by the court’s electronic-filing system. The system’s file-stamp marks the moment of receipt by the system as the date and time of filing, after the clerk’s

acceptance of the filing. In other words, the file stamp will reflect the date and time the document was submitted to the system, not the time of the clerk’s subsequent acceptance.

When users tie filing and service together through the eFile and Serve function, service is sent when the clerk accepts the filing. The Notification of Service will reflect the date and time that the system documented acceptance by the clerk and performed the service function, rather than the date and time filed on the document.

Electronic service is only as reliable as the contact information it uses. To that end, attorneys now register and maintain an Address of Record with the State Bar with court service information, in addition to members’ contact information. This alignment implements Rule 5’s reference to an email address of record with the court in the case, to streamline the process of keeping service information current statewide. Attorneys and law firms may create emails for service contact purposes to list as court service information for the Address of Record (e.g., service@lawfirm.com).

Attorneys and litigants also maintain the right to consent to alternative means of service upon mutual agreement. If a counsel of record withdraws or is added to a case, attorneys and *pro se* parties who are filing and serving documents have the burden to serve current attorneys and parties.

The service timing rule is simple: if service is sent on or before 5:00 PM (Eastern Time), it is deemed served that day; if it is sent after 5:00 PM, service is deemed to have been made the next business day.

Electronic service on a *pro se* litigant is permissible only with that party’s consent, and a copy of the consent must be filed in the case. Counsel may request consent in plain language and file it if the litigant agrees. Filing a complaint does not automatically subject a *pro se* litigant to electronic service. Absent consent, service to a self-represented party is required using the other methods provided by Rule 5. This ensures that convenience for one side does not translate into surprise or prejudice for the other.

Service Only

The system also allows litigants to serve documents on each other through the Service Only function, including documents that would otherwise not be filed.

Documents that are served but not filed will not appear on the court system's records portal. The portal shows the case file, not things that were merely served. Proof of service does not appear on the portal unless it is separately eFiled.

The Service Only function sends service at the time of submission and does not require clerk acceptance. The system will not send the document to the clerk, and the document will not be file-stamped or become a part of the court file. The Notification of Service will note the date and time of submission. Thereafter, the Notification of Service could be attached to the document and filed via the eFile Only option.

The court itself may also serve efficiently in new electronic processes. Rule 5(a2) authorizes court-initiated service by sending a Notice of Filing in the Case that identifies the filed document and directs the recipient

to an internet location where it is available in the portal. That approach matches the real operation of the digital court system and reduces manual handling by clerks.

Discovery practice remains familiar even as it benefits from digital service. Most discovery papers are served but not filed unless used in a proceeding or ordered by a judge. The method and timing rules of modern Rule 5 still govern that service, and the 5:00 PM rule continues to define when service is deemed to have been made.

Finally, the File & Serve application now provides a practical approach to electronically filing and serving a motion when counsel appears on both sides, permitting users to designate opposing counsel as service contacts and file the Notification of Service in the case record. Parties can also confirm the filed Notification of Service appears in the case record via the online portal without a

visit to the clerk's office.

III. Looking Ahead

The goal of this framework is to implement fairness, timeliness, and accuracy by design. Consent for *pro se* electronic service prevents inadvertent default in communities where connectivity or device access is inconsistent. Digitization yields proof that is neutral, verifiable, and thus far less susceptible to dispute, which strengthens motion practice and appellate review. These features show how modernization can strengthen, rather than threaten, due process.

System security, privacy, and resilience are important guardrails around modernization. North Carolina implemented a centralized, cloud-hosted platform built for today's risk environment. Under paper and electronic service regimes, whether disruptions result from traffic delays on the interstate or internet, documentation of processes and timely practice of law benefit citizens served by the legal system.

Electronic service procedures can also generate helpful, responsible data for legal practice to support better client service. In the same way that the court system's records portal provides case organization tools for attorneys and elevated access to their cases of record, File & Serve's tools produce valuable information for legal practice. When a submission issue occurs, digital tools offer better opportunities than paper processes to document procedures through screenshots, error messages, timestamps, status updates, or other recordable events and workflows.

The Judicial Branch motto reminds court officials and practitioners to serve the public according to the legal maxim *suum cuique tribuere*—"to render to each person his own."

As methods of rendering justice for litigants evolve with technology, our commitment remains the same—to provide North Carolinians modern access to their state courts. ■

Joseph Kyzer is the deputy director of the North Carolina Administrative Office of the Courts. The Administrative Office of the Courts is not a court, and any interpretation of applicable case law, statute, or rule derived from this article is not binding upon the agency or any court in the state. Email the Administrative Office of the Courts at ecourts@nccourts.org.



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The Path to Mediation Certification in North Carolina

BY FRANK LANEY AND COLLEEN BYERS

I was having dinner with a person from the State Bar. We were talking about our days, and I explained that I had gotten three calls from people wanting to know how they could become mediators. As one of the few mediation trainers in the state, I get three to four such calls a week. As it is a bit of a complex process, depending on the background of the applicant, each call usually takes about half an hour. My friend responded, “It sounds like that would make for a great *Journal* article.” So here it is.

Certified Mediator

First, what is meant by “certified mediator”? Like most states, the practice of mediation is not regulated in North Carolina. Just like other unregulated professions, such as carpenter, lawnmower, or musician, anyone—you, your mother, your brother—can hang up a shingle and say, “I am a mediator; hire me to mediate for you.” Anyone can be a musician and stand on a street, playing for money thrown in their hat. Conversely, other professions are regulated, such as doctors or lawyers. Not everyone

can say, “Hire me to represent you in court,” nor, “tell me what is wrong with you, and I will give you medicine to make you better.” Those professions are regulated, and you must be certified or licensed to practice in those arenas.

Mediation generally is not regulated; however, many people do become certified

for the simple reason that in order to mediate within most of the court or government programs in our state, you must be certified. The reason for this is that when the Mediated Settlement Conferences in Superior Court (MSC) program was being developed in the early 1990s, we believed that if the court was going to order citizens of



Sebastian Gorczowskiistockphoto.com

our state to hire a mediator to assist them in exploring settling their dispute prior to going to trial, then the court had an obligation to make sure that the mediator has some skill and knowledge in the mediation process. To ensure that the litigants' time and money was not wasted, the drafting committee decided that all court-ordered mediators would need to be trained in mediation processes and techniques.

To implement this idea, the drafters appointed the Dispute Resolution Commission (DRC) to: (1) set standards for training and certification; (2) to monitor the training process; and (3) grant certificates to those who completed it successfully. This certification process for the MSC program was very successful and was adopted by other agencies. The Industrial Commission uses DRC-certified mediators to handle workers' compensation disputes, as do the federal courts in our state, the Office of Administrative Hearings and the Department of Labor, and others. Certification has also become a mark of distinction, as lawyers or disputants who are seeking to mediate pre-litigation or outside of the court process usually will seek to hire a certified mediator, believing that person is trained, knowledgeable, and experienced in handling the negotiation and settlement of complex, difficult disputes.

Certification Process

How does one become certified? First, there are several different certifications offered by the DRC. The first was MSC, Mediated Settlement Conferences in Superior Court, under NCGS 7A-38.1. Next was FFS, Family Financial Settlement, handling division of property in district court divorce cases under NCGS 7A-38.4A. Third to come along was mediating matters within the clerk's jurisdiction, primarily disputes over decedent's estates, guardianships, and boundary lines or property division, pursuant to NCGS 7A-38.3B. Later came certification of mediators in district criminal court cases under NCGS 7A-38.3D. Ironically, criminal court was the first program to use mediators in our state, beginning in Orange County. But those programs were largely run on a community basis, so there was little push for statewide certification until well after the above programs showed the value of a standardized training and certification program. Each of these certifications has differ-

ent rules and processes setting out how to obtain such certification. However, there is lots of overlap and all of the later ones provide a short cut if the mediator is already an MSC-certified mediator.

Mediated Settlement Conferences in Superior Court Certification

To become an MSC-certified mediator requires education, work experience, training, and a mentorship, as well as passing a background check. The exact requirement in each of these categories depends on the amount of experience in the other categories. The three broad education categories are law school, undergraduate degree, or graduate degree in conflict resolution. The undergraduate track has two branches, depending on work experience after college.

The Lawyer Track

For a lawyer, one must complete undergraduate school, law school, and pass the bar exam plus be a member in good standing with the Bar. The "be in good standing" requirement dates back to the beginning of the MSC program. We did not want the mediation program to become the dumping ground for bad lawyers. We did not want lawyers who got in trouble with the Bar to think, "Well, I can go make a living mediating if I cannot practice law." If the Bar does not find an individual fit, there is no reason the courts should be referring mediations to them. In addition to being a member of the Bar, lawyers must then complete five years of practice in the law.

The Business Track

For what is commonly called the business track, an applicant needs to only complete undergraduate school, and then have ten years of experience of a high or relatively high level of professional or management experience of an executive nature in a professional, business, or governmental entity. The logic behind this requirement is that the disputants with whom the mediator will work will be making significant life decisions. For most people, this will be the first time they have ever been in a lawsuit. The decision to settle and on what terms can affect the rest of their lives. To help them work through the options, think about what they want to do and how they want to do it, it is essential that the mediator has experience in making similar tough, high-stakes

decisions, like those decisions that high level administrators in business or government make on a regular basis. People who decide how to handle an issue, direct others in fulfilling the mission, and then reap the glory if it was a good idea or accept the responsibility and then manage the clean-up if it was bad. We are looking for leaders and decision makers, as opposed to those who simply carry out the tasks assigned to them by someone else. The people who have practice making high-stakes decisions will make good guides for disputants also trying to make their own tough decisions.

The other undergraduate track requires that after completing college, the applicant completes 20 hours of basic mediation training, then over a three-year period conducts 30 mediations and has four years of high level professional or management experience of an executive nature. This track is generally taken by those who have trained and volunteered in a local mediation center, where they engage in *pro bono* mediation of disputes referred by the criminal courts or other local agencies, such as the schools, housing agencies, or other places where disputes tend to congregate.

Graduate Degree Track

The last education/experience track requires a master's or doctorate degree in dispute resolution studies together with five years of high level professional or management experience of an executive nature. This is the newest pathway, coming into existence in response to the tremendous popularity and growth of dispute resolution graduate schools in our state and across the nation.

Training

Having met these educational and experience requirements, the applicant must undertake training. First is to have a background understanding of the law and the NC courts procedure. Anyone who has completed the first year of law school is deemed to have fulfilled this requirement. Otherwise, as a prerequisite to the 40-hour mediation course, one must complete a six-hour course on NC legal terminology and court procedure. This course is occasionally offered live, but is generally available via video. One contacts the provider who has recorded the lecture, pays a fee to access the video, and then watches and verifies watching by listing a series of code numbers placed in the video.

The provider will email a certificate to the student, whereupon they are ready to proceed to the next step. Presently, Frank Laney (frankclaney@gmail.com) is the only provider of this legal terminology course.

All mediators must then complete a 40-hour mediation training course which is approved by the DRC. To be approved, the DRC makes sure the agenda covers all of the needed subjects for the specified amount of time, examines the trainers experience and background to make sure they are knowledgeable in the subjects they teach, and reviews the material the instructors prepare to make sure that the students will receive solid instruction in mediation and also have a good reference manual to use once they are out practicing as mediators.

The training for the first 20-some years of the MSC program was all live and in-person. The trainers and students all shared the same room for 40 hours, usually a Monday through Friday week. This was a great experience and allowed the students and teachers lots of time for interaction. But it required students who did not live in or near Raleigh, Charlotte, or sometimes Wilmington to drive to the big city and rent a hotel room for a week as well as shut down their office for the whole time.

As in many other ways, COVID changed everything. In the spring of 2020, with everyone sequestered in their homes and prohibited from gathering in groups, the commission quickly realized that mediation training had to change. They adopted rules allowing training to be done remotely, via Zoom or other online technology. Frank Laney and Ketan Soni conducted the first MSC online training in May 2020. By the end of the year, they had conducted four more online trainings, some MSC and some FFS. The response was very positive, with many people who had taken the MSC training online returning to complete the FFS training online. Comments were sought from participants, who all gave rave reviews. As COVID eased its grip on North Carolina, the commission decided that online training was a valuable tool and allowed it to continue. Most trainers offer their courses online, but some also offer a live, in-person option.

The online training is usually in four-hour blocks. The training lasts for ten days, with the online training either in the morning or the afternoon. This was initially due to concerns that neither students nor teachers

could effectively function for eight hours a day in an online setting. It also has the benefit that students have half of each day free to tend to their office, family, or other responsibilities. The first week is largely lecture on the process of mediation, negotiation, and communication, with practice exercises interwoven. The second week is mainly practice with students conducting mediations while other students play the roles of disputants or attorneys.

As part of the training, all students must pass a test on the enabling statute, the implementing Rules, and the Standards of Conduct (or code of ethics). The test is usually open book. The students can use any materials, even online, to help find the answers. The reason is because we are not testing whether the students have memorized the rules, but whether the student knows where to find the answers when confronted with a difficult situation. In the real world, the commission does not want a mediator to try and remember what the rule is, but rather to look it up and be sure what the rule is.

Observations

In addition to training, mediators are required to do several observations. Attorneys are required to observe two mediations, nonattorneys are required to observe five. The observed mediations must be conducted by a certified mediator and must be in a Superior Court case, or one of a similar type, such as one from the NC Court of Appeals, Industrial Commission, Office of Administrative Hearings, Federal District Court in NC, or Department of Labor Retaliatory Employment Discrimination Act (REDA) claim. One of the mediation observations must be live and in-person for lawyers. For nonlawyers, three must be in-person. One can also be accomplished by watching a specific video approved by the commission. The others can be either in-person or via remote technology, such as Zoom. Prior to COVID, in-person mediation was the norm. But since learning the ease of use and effectiveness of Zoom, lawyers now generally prefer online mediation and half, or more, are now conducted remotely. The observations may be completed before or after completing the 40-hour training.

Application

After the training and the observations,

the applicant must complete and file an application, which verifies the education, training, and work experience required. Nonlawyers are required to provide three letters of reference. The application also is a background check, requiring disclosure of any professional, licensing, criminal, or financial issues in the mediator's past. While there certainly are issues which are disqualifying, the biggest problem the commission runs into is lack of candor; under-reporting by the mediator applicant can develop into a problem. The commission and the State Bar frown upon people that file false affidavits with a government agency.

The applicant must agree to pay all administrative fees required by the commission, agree to accept the fees ordered by the court as full payment for services, and to comply with continuing mediator education requirements. A mediator's certification must be renewed annually and can be revoked if the commission believes that the mediator no longer meets the requirements set forth in the Rules or Standards of Conduct.

Family Financial Settlement Certification

The FFS certification was modeled after the MSC certification requirements. However, the background and education requirements are more stringent. The applicant must for five years be a lawyer, a certified accountant, or licensed as a psychiatrist, psychologist, marriage and family therapist, clinical social worker, or professional counselor. Only applicants with one of these professional backgrounds, which include undergraduate and graduate degrees in the fields as well as years of professional work experience, may become FFS mediators. Like the MSC program, the applicant must show familiarity with the law and legal processes by either being an attorney or completing the six-hour video course. Additionally, the FFS program requires special expertise in the family law arena by being a family law specialist or taking 12 hours of basic family law workshops or educational programs. For lawyers practicing family law, their annual CLE may fulfill this requirement. For others, the Dispute Resolution Commission, in cooperation with the North Carolina Bar Association, generally can make available a 12-hour video course on NC family law, for a small

fee. (To access this video, see bit.ly/3WiYg7K.)

Then like the MSC program, FFS candidates must complete the FFS 40-hour mediation training. This training is usually completed live, online, four hours a day for ten days over two weeks. But training may be available in person. The training includes a test to make sure that students understand the FFS Rules and the Standards of Conduct for Mediators.

An alternate route is to become an Association for Conflict Resolution (ARC) certified Family Mediator Advanced Practitioner. The ARC path is open to anyone, but is a time-consuming and arduous path. Only three mediators in the history of the FFS program in our state have become certified by becoming ARC certified.

Once the background, experience, and training are completed, like the MSC mediators, FFS mediators must complete two or five observations of custody or family financial mediations. Nonlawyers are required to provide three letters of reference.

Then an application similar to the one required in the MSC program must be filed for the FFS certification.

Crossovers

Once a mediator has completed the 40-hour training of one of these programs (FFS or MSC), the training requirement for the other program can be satisfied by completing only a 16-hour training. The idea is that a mediator only needs to learn the definition of mediation once, the six stages once, and the other basics of mediation once. So having learned the basics, a mediator can learn the skills necessary for the second program in a training shorter than 40 hours.

Certification to Mediate Matters Within the Jurisdiction of the Clerk of Court

In 2006, the NC Supreme Court adopted rules establishing a mediation program which allowed clerks of Superior Court discretion to refer to mediation certain cases within the clerk's jurisdiction, namely disputes involving estates, guardianships, partitions, and boundary line disputes.

Generally, to mediate these cases referred by the clerk, the first requirement is to be certified as either an MSC or FFS mediator. To handle certain cases, namely estates or guardianship matters, a mediator must become a clerk certified mediator by also

completing a ten-hour course on resolving these cases and the special issues that arise in dealing with parties in such disputes. (Thus, to mediate partitions and boundary line disputes, one is only required to be an MSC or FFS-certified mediator.) After completing the ten-hour Clerk mediation training, one must fill out the commission-required application and pay any commission-required fees. There is no additional observation requirement.

Within the first years of the clerk mediation program being established, several live training programs for mediators were held in North Carolina. However, as this program is so specialized, the number of people interested in being trained quickly dwindled and it became very difficult to assemble enough interested students to comprise a class. Although all other mediation training programs were required to be live and in-person, the commission allowed new mediators to satisfy the training requirement by watching the recording of a previous class. Andy Little of Mediation Inc. offered such recorded training, but ceased during COVID.

In 2024, at the request of the commission staff, Frank Laney, Colleen Byers, and Frank Johns undertook to plan and conduct a new Clerk mediation training. The training was recorded and is now available for viewing online. To register for the Clerk training program, email frankclaney@gmail.com, indicating your interest and he will respond with information on how to register and complete the online Clerk mediation training course.

District Criminal Court Mediation Certification

The District Criminal Court (DCC) mediation program is organized differently from the three previous programs—the MSC, FFS, and Clerk programs. In the three preceding programs, the court sends a case to mediation and orders the parties to hire a mediator. These mediators are individuals in private practice who work independent of each other and from the courts.

In the DCC program, the chief district court judge, the district attorney (DA), and a local community mediation center in a county or judicial district jointly decide whether to establish a mediation program to handle certain district criminal court matters. The judge or DA then can refer selected cases to the center for mediation between the parties, usually the complaining witness

or victim and the accused defendant.

As the cases are referred to a center, not to an individual mediator, the first step in the mediator certification process is that the aspiring mediator be affiliated with a mediation center that has a DCC program, and the center endorses the mediator's application for certification. In addition, the mediator must have either four years of post-high school education or work experience, or two years of experience as a center staff or volunteer mediator. The mediator must have completed a 20-hour DCC mediation training or a 40-hour MSC or FFS training plus a four-hour training on the rules, procedures, and practice of mediating criminal matters in district court.

After completing training, the mediator must observe two DCC mediations conducted by a certified mediator. Then the mediator must mediate or co-mediate three cases under the observation of the center staff. After the training, the mediator must demonstrate familiarity with the DCC rules and practices.

Lastly, the mediator must file an application with the commission, which is to be reviewed and approved by the center where the mediator will be serving. Most DCC mediators are volunteers, but some centers may pay their DCC mediators a small fee.

Although the cases are generally simple ones and mediations usually last under an hour, it is a great way to learn the skills of being a mediator. Most of the founders of the MSC and FFS programs began their mediation careers mediating DCC cases as volunteers.

Other Uses of DRC Certification in North Carolina

Industrial Commission

Soon after the advent of the MSC program in the North Carolina state courts, the Industrial Commission (IC) adopted a similar program to handle workers' compensation disputes and state tort claims actions. These arise out of employees who are injured on the job and the treatment of those injuries, or out of torts alleged to have been committed by a state entity or employee.

Any mediator may be appointed to conduct mediations in IC matters upon filing a declaration with the IC stating that they are certified to conduct mediations in the MSC program and that they will accept appointments by the IC for the rates of payment

specified by the IC. Accordingly, the primary requirement to mediate IC cases is being MSC-certified.

Office of Administrative Hearings

In the mid-1990s, the Office of Administrative Hearings (OAH), which handles the review of final agency decisions from state agencies, initiated a pre-hearing mediation program. The parties to an OAH proceeding may be ordered to participate in mediation. The parties may select a mediator from the list of MSC mediators maintained by the DRC, or they can select another person to conduct the mediation. If the parties cannot agree on a mediator, then the OAH judge will appoint a mediator from the list of MSC mediators. Although being an MSC-certified mediator is preferred by OAH, it is not a requirement to mediate OAH cases.

Department of Labor

Recently, the North Carolina Department of Labor (DOL) has initiated a mediation program to handle certain disputes between employees and employers, including wage and hour claims and workplace discrimination and harassment disputes. The mediation is voluntary in several ways. Although the Department may encourage parties to consider mediation, participation by the parties is voluntary. It is also voluntary on the part of the mediator as the mediator is paid no fee.

Similar to the Industrial Commission mediation program, the primary requirement is to be an MSC-certified mediator and then send a form to the department indicating a willingness to mediate DOL cases when asked, and to expect no fee. The mediations are all done remotely, by Zoom, telephone conference call, or other remote technology. Each case generally takes two to four hours, and the program enjoys a high settlement rate. The employer generally is represented by an attorney, while the employee may or may not bring an attorney to the mediation. It is a great way to gain experience as a mediator and to be seen by attorneys.

United States District Courts for the Eastern, Middle, and Western Districts of North Carolina

Each of the three US District Courts in North Carolina have established a mediation program. These programs are heavily modeled after the state court MSC program, but there are some variations. Generally, the

parties are expected to select a commission-certified MSC mediator, but the judge retains the power to approve someone who is not on the commission certified list. The courts also prefer to use mediators who are familiar with federal court proceedings, such as attorneys who practice in federal courts. As in the MSC program, the mediators are paid by the parties.

To inquire about how to become a US District Court mediator, contact the clerk of that district or the mediation program directly at:

nced.uscourts.gov/attorney/mediators.aspx

ncmd.uscourts.gov/mediation

ncwd.uscourts.gov/mediation

Becoming a Certified Mediator in North Carolina

This is an overview of the various programs within which one can become a North Carolina Dispute Resolution Commission certified mediator. There may be specific details which may ease or make the process more difficult in certain circumstances. Please read the rules carefully. Also, the Commission has adopted a new policy that encourages all new applicants to contact the Commission and receive a pretraining evaluation as to whether their education and experience will make it likely that they can become certified once they have completed the training.

For further information please contact the authors, Frank Laney at frankclaney@gmail.com or Colleen Byers at colleen@byersmediation.com. We will be happy to discuss your interests, your background, and your training needs as you move forward into the world of mediation. ■

Through the North Carolina Center for Mediation (NCCM) Frank Laney and Colleen Byers regularly provide training for mediator certification in the Mediated Settlement Conference and Family Financial Settlement programs. They also provide certification training for the Clerk and District Criminal Court mediation programs. Periodically they provide employment dispute resolution training and training in organizational communication and negotiation skills.

Frank Laney has been a mediator for over 40 years, 25 of them serving as circuit mediator for the US Court of Appeals for the Fourth Circuit. Along the way, he has conducted certification training for over 1000 mediators

and conducted over 5000 mediations. Laney chaired or served on the committees that designed and created the MSC, FFS, DCC, and Clerk mediation programs, as well as the Standards of Conduct for Mediators. He has served as an ex officio member of the Dispute Resolution Commission since its inception in 1995 and currently serves as a commissioner. For ten years he has consulted with and trained mediators in Eastern European countries, both live and via Zoom.

Colleen Byers focuses her mediation practice on resolving complex business, trust, estate, and fiduciary disputes. Colleen is triple certified by the North Carolina Dispute Resolution Commission (DRC) to mediate Superior Court, Family Financial, and matters pending before the clerk of Superior Court. Colleen is a sought-after thought leader who has been invited to speak and train globally on topics including negotiation, mediation, coaching for performance, and facilitating difficult conversations. Colleen has lectured at Wake Forest University School of Law, Campbell School of Law, Salem College, and Winston-Salem State University. Colleen has served on the NCBA Dispute Resolution Section Council where she chaired the CLE Committee for several years. In 2020, Colleen was named Lawyer of the Year by NC Lawyers Weekly. Colleen is also accredited as an associate certified coach by the International Coaching Federation, and is a Yoga Alliance Registered Yoga Teacher (RYT-200).

Thanks to Tara Kozlowski, executive director of the NC Dispute Resolution Commission for her comments and contributions.

State Bar Annual Reports

The State Bar's boards—Continuing Legal Education, Legal Specialization, Paralegal Certification, and Lawyer Assistance Program—have released their annual reports, which can be read on our website at bit.ly/2025AnnualReports.

Embracing Change: Navigating the Challenges and Triumphs of Aging in the Legal Profession

BY MARK DURSO

With aging comes unique challenges, and the legal profession is familiar with these complicated dynamics. A recent 2024 profile of the legal profession identified that 13% of all lawyers are 65 years of age or older (ABA, n.d.). Nationally, only 7% of professionals fall into this age bracket, mostly consisting of farmers and agricultural workers (ABA, n.d.). Given the current landscape of the profession and the recent request in supporting those transitioning out of practice due to retirement, cognitive difficulties, and other ailments relating to aging, I began to compile my own clinical research and shed some light on issues affecting older attorneys.



Dilok Klaisatapornistockphoto.com

My only experiences with aging at this stage in my life is waking up with a sore back due to my children sneaking into my bed at night and aggressively overriding my previous peaceful night of sleep, or the occasional forgetfulness to take out dinner to thaw earlier in the day, which my wife happily reminds me about. Although my aching lumbar and delayed dinner seem like consequences of aging as I am not as spry and attentive as I once was, my research pulled me in a different direction.

During my research process I uncovered some characteristics that legal professionals may face that are unique to this field. Working in law is a way of life. Being an attorney is not just a job but a way of being. It is not putting on a tie, punching in a time clock, and leaving at 5:00 PM. For many, this profession is deeply embedded within core values and a sense of identity. As lawyers age, they may notice a decline in cognitive sharpness, memory difficulties, and a change in effort that is taken to complete complex mental tasks. For many this may cause anxiety, depression, and impact our sense of competence and self-worth.

As an attorney, you are a problem solver, a fixer. The natural shift of aging no longer allows us to only rely on ourselves, but may require asking for help from others, which I have found is difficult for legal professionals. Spending a career working long hours, meeting client and firm expectations while striving to meet multiple deadlines is not always conducive to a life filled with family time and extracurricular activities with friends. This can create a sense of dependence, isolation, and loneliness. We no longer go out to lunch with colleagues, catch up on weekend events, or even have the structure of showing up to the office. This can be heavy for so many professionals within the field.

Along with stressors of leaving a professional career, having a change in financial status, and experiencing a dramatic shift to our day-to-day routines, the aging legal professional needs to be mindful of health, nutrition, routine, and stigma that may be associated with getting older. Many older legal professionals who are either newly retired or transitioning to retirement have described difficulties making meaningful connections, boredom, and at times a lack of direction with day-to-day tasks. One day seeps into the next, and without being inten-

tional within our day-to-day activities, we begin to grieve a life that once was.

Despite the challenges that older legal professionals may face, there are many supportive and creative options to overcome these natural aging hurdles. I have found that through my career in the helping profession, many challenges that older adult legal professionals may face are not very different from the rest of us. From my time spent researching, talking with older adult legal professionals, and in my experience in my career working within the adult and juvenile forensic mental health population, I have realized we all need a specific formula to thrive.

This formula is not something that can be researched or has even proved to be any type of evidence-based practice, but has been compiled from my years working within the mental health field, schooling, and exposure to a variety of people coming from different cultural backgrounds, and socioeconomic classes, all that have an array of interests, hobbies, beliefs, and diverse ways of living and thinking.

The first ingredient I would add to my pot for older legal professional wellness would be the importance of connection. I believe connection is one of the key ingredients to older adult wellness and can be found through neighbors, community events, family—and now we even have the luxury of doing this virtually. I believe connection is a pivotal step within wellness for anyone facing any type of emotional, psychological, physical, or mental health challenge. Finding our people and healthy interpersonal connections are essential to wellness.

The second ingredient I would add would be to develop a sense of purpose. This may be a specific interest or hobby such as fishing, running, hiking, or reading. Immerse yourself within this hobby. Spend time exploring more about your activity and incorporate this into your day-to-day schedule. Find those who are like-minded who may enjoy time fly fishing or learning about stars, connect with them, and learn from them. Purpose could also mean donating time, volunteering at local animal shelters, or mentoring those in need. Our sense of purpose will drive us to get up day to day.

Health would be my third and fourth ingredient as I am including both mental and physical health. It is important we take time to care for our body but also don't for-

get to care for our mind. Take part in adult education classes, webinars, or events hosted at local libraries and community centers. Spend time outside, go for a walk, sit and read a book, or just enjoy the sound of the ocean. Spend time cooking and learning to make new healthy dishes, learning new skills, and challenging our negative thoughts. Resilience is key, don't give up, and strive to create a life that incorporates holistic health and wellness.

The fifth and final ingredient would be creativity. Don't forget to use your imagination, explore, and get messy. This may include learning to paint, woodworking, or decorating your home. This process is about having fun and inner-connection. I have found that through creativity, many develop a stronger sense of self and become more attuned to their emotional and physical needs. Creativity and imagination are about exploration, abstract thinking, learning, and developing a world outside of our own. I feel this skill is crucial to happiness and longevity.

With these five ingredients we can begin to explore the transition into older adulthood more prepared psychologically, emotionally, and physically. We can begin to accept the enviable process of aging and transitioning out of the busy legal profession, while placing an emphasis on connection to self. This process has brought me to a space in which I developed an older adult group for those who are newly retired or are transitioning out of law practice. This group is facilitated by me, but peer-led, as we explore my five ingredients and so much more.

Regardless of age, my professional and personal experience, education, and hours of research have brought me to this space. We cannot deny the process of aging as we all go through this natural experience. However, with greater emphasis on acceptance we can develop a space in which this progression is filled with connection, happiness, acceptance, and resilience. ■

Mark Durso is a clinician at the New Hampshire Lawyer Assistance Program. Reprinted with permission of the New Hampshire Lawyers Assistance Program.

Citation

ABA profile of the legal profession 2024. American Bar Association. (n.d.), americanbar.org/news/profile-legal-profession.

Supreme Court Justice Ketanji Brown Jackson Visits Fayetteville State University



Left: FSU's Chancellor Darrell T. Allison and Justice Ketanji Brown Jackson pictured with the university leadership.

Middle photo: Justice Jackson shares excerpts from her book with the audience.



Bottom photo: The event was hosted by Fayetteville Area's Habitat for Humanity. Executive Director Brandon Price engages Justice Jackson in stories about her childhood, college days, and lessons learned throughout her life.

Fayetteville State University was the historic site for Supreme Court Justice Ketanji Brown Jackson's visit and book tour, September 4, 2025.

Justice Jackson, the first Black woman to serve on the Supreme Court, donned the stage at the J.W. Seabrook Auditorium to share excerpts from her recently published book, *Lovely One*. The event was hosted by

the Fayetteville area Habitat for Humanity and welcomed 1,000 attendees, a host of dignitaries, FSU's Pre-Law Society students, including North Carolina Bar Councilor Judge Julie Bell and North Carolina State Bar Staff Attorney Ashley Ratliff.

The stage was set for an intimate fireside chat between Habitat Humanity executive director Brandon Price and Justice Brown

Jackson, who shared childhood and college stories and reflected on pointed moments in her life that helped shape who she is today. She shared with the audience that Ketanji, meaning lovely one, is one of the names her aunt shared with her mother while she served in the Peace Corps in West Africa, and serves as a full circle moment to her humble beginnings. ■

NEW BOOK RELEASE

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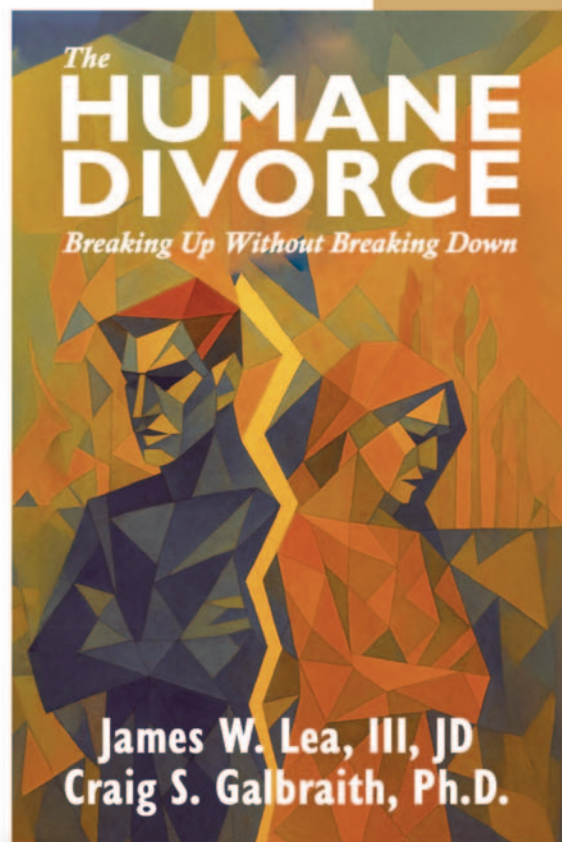
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Tongueless: A Lawyer's Journey Through Silence and Survival

BY ROBERT C. KEMP III

I awoken from a dream only to find myself in a nightmare, alone in the darkness. After a moment of confusion, the nightmare comes into focus. Despite surviving three instances of oral cancer, every study suggests my five-year survival rate, akin to that of a guinea pig, is below 10 percent. My countdown began in the summer of '22. Each morning is a struggle. I never look forward to the start of my day. Even though I wake up around 5 am, it takes an hour to push myself out of bed. I succumb to doomscrolling, a bad habit I developed while being homebound. I am not depressed, just extremely sad. Winter isn't coming; late winter has already arrived for me.

I rise, walk to the bathroom, and gaze at an aging 54-year-old man with more than a quarter of his teeth missing, no tongue, and an 18-inch plastic G-tube attached to his stomach. The moment feels surreal. I have never smoked a cigarette or chewed tobacco. I dipped twice in college and smoked about 20 cigars between 1990 and 2011. I have always drunk in moderation since college. I look closely, yet I still don't recognize who I am. I feel misshapen and deformed. I am disgusted by what

I have become. I feel ugly. This is not me; this is not who I am. This happens to other people. I am better than this. My narcissistic inner self rejects who I have become. I hate my condition and even myself.

This scene has played out every morning since September 7, 2023. I try to compartmentalize these thoughts to get through the day. The September surgery marked my reckoning. I faced my ambition, vanity, narcissism, overinflated self-worth, and mortali-



ty directly. The rich irony is not lost on me. A public defender, judge advocate, and trial attorney skilled in persuasion finds himself silenced. I do not seek pity, sympathy, or empathy. Many people live with conditions worse than mine. When I visited the MD Anderson Cancer Center in Houston, I saw true heroes and fighters showing far more courage than I could ever muster. Those children radiated an incredible spirit of life through their smiles and determined eyes. I

am fortunate to have had a solid half-century of good health, while these bright young warriors had not even reached ten years old. Seeing them filled me immediately with shame about my troubles.

This writing may be too raw, honest, and soul-baring. Some might find parts of it humorous, as I reference instances of pop culture. At this point in my life, I have nothing to hide. However, my wife has kindly asked me to avoid being overly transparent. Although the cancer is currently in “remission,” it is only a matter of time before it recurs since my cancer is highly aggressive. Everyone faces struggles, and that’s normal—it’s part of living. You are not alone. We all have challenges and problems, but some are more serious than others. This article discusses my journey, remission, and daily life after cancer became a part of who I am. I hope that by sharing my vulnerabilities, challenges, and recovery, I can offer insight, comfort, perspective, and perhaps even a bit of inspiration to those facing difficulties in their own lives. (You see? My narcissism is showing.)

The Journey

When I was in elementary school, my dentist told me I was missing an adult tooth beneath one of my baby teeth. He explained if I took care of it, it would last until my thirties. He was right; the baby tooth began to decay in 2008. I had the chance to get it treated with my local dentist before returning to Iraq for another tour, but I didn’t. I felt invincible and was focused on my mission. I could have it repaired later while I was downrange in Baghdad. It was foolish to believe that surgery in a combat zone was as safe as it was at home in Greenville, North Carolina. My arrogance and stubbornness clouded my judgment. In November 2009, an exceptional Army dental surgeon at FOB Falcon in Baghdad Province repaired my tooth. Unfortunately, the dental materials and environment were likely contaminated. I gambled, lost, and ultimately paid the price. Of all the things I feared—IEDs, rockets, or ambushes—I ended up being a casualty of the dental chair.

I first noticed white spots under my tongue in 2015. My dentist believed they resulted from mechanical damage caused by my tongue rubbing against several teeth, including the area repaired overseas. In 2016, during one of my cleaning appoint-

ments, my dentist performed a biopsy in the concerned area, and the results were benign. In the summer of 2017, he referred me to an ENT specialist, who conducted another biopsy. I still vividly remember the day I received the news. I heard the ENT doctor’s footsteps stop at my door and the rustling of papers in my chart. Then came three minutes of silence that felt like an eternity. At that moment, I knew the news was not good. He entered the room and spoke those awful three words, “It is cancer.” My mind went blank. I was in shock. Afterwards, the doctor acted quickly. In just a few weeks, they excised the tumor from my tongue along with part of the floor of my mouth.

The cancer board at the local school of medicine reviewed my case to determine the next steps in my treatment. If I had followed their advice, I would be dead. After the initial surgery, their wait-and-see approach would have missed a carcinogenic lymph node in my neck. Thankfully, I sought a second opinion from Duke Hospital. They immediately scheduled another surgery, during which they excised additional tissue from the floor of my mouth and over thirty lymph nodes in my neck. I also underwent twenty-four sessions of intensive radiation in October 2017. The recovery was tough, but I eventually healed and remained cancer-free for nearly five years.

Regrettably, in May 2022, I learned that my cancer had returned, although it had been present for several months. I sensed something was amiss earlier in January and alerted the doctors, but they couldn’t find anything. In hindsight, I should have insisted on a CT scan, as I hadn’t had one since 2019, nearly three years earlier. I do not blame the pandemic for the delay; this was a significant mistake on my part. I should have requested one annually, or at least every other year. Who knows? If the tumor had been detected in January or the previous year, it might have been smaller and developed differently. Instead, my tumor had microscopic jellyfish-like tentacles. Even after two surgeries in July 2022, there was no guarantee that all of it had been removed. Interestingly, the doctors believed that my battle with COVID, despite being vaccinated, in October 2021, likely awakened my dormant cancer cells.

After two surgeries to remove the tumor in July 2022, I sought a second opinion at MD Anderson at the University of Texas.

MD Anderson is one of the world’s top three cancer centers, renowned for its exceptional facilities and staff. They agreed with my Duke radiation oncologist that another round of radiation, although shorter in duration, was necessary. Therefore, in October 2022, I underwent a week of intense radiation treatment. Initially, I coped well, but the cumulative effects of all the radiation led to osteoradionecrosis in my lower right jaw. The pain was excruciating and far worse than any pain I experienced from the tumor. I began taking oxycodone in February 2023. To address this issue, the dental surgeon at Duke prescribed fifty sessions of hyperbaric oxygen therapy, during which I spent over one hundred and fifteen hours in a hyperbaric chamber. Although it provided some relief, the osteoradionecrosis did not improve. Even worse, unbeknownst to me at the time, the missed cancer cells were growing at an alarming rate. The cells progressed from microscopic to a tumor measuring 1.5 inches in less than three months.

During a family trip to the British Isles in the summer of 2023, I learned that my cancer had returned for the third time. Despite the pain, I traveled overseas with my family, as it had always been my dream to take my children to the homeland of the McKemp clan. The doctors had suggested that now was the time for any bucket-list trips. Even with the increased medication, I continued to experience pain from necrosis and the new tumor. A few weeks earlier, I had noticed a mass on my tongue that was positioned perpendicularly to it, prompting me to have it biopsied just before our departure. While in Edinburgh, Scotland, I received an email from my doctor detailing the biopsy results, which left me devastated and heartbroken once again. I knew that the next step would involve the removal of my entire tongue.

When I returned to the States, I felt a change was necessary. I had grown frustrated and disenchanted with Duke Hospital. Meanwhile, an attorney friend sent me a link to a story about innovative therapies and techniques at the University of North Carolina at Chapel Hill, my undergraduate alma mater. So, I sought another opinion from their otolaryngologist, Dr. Trevor G. Hackman, a rising star and premier surgeon at UNC Hospital. He stated that removing my tongue was necessary, but I would have a fair chance of being able to communicate verbally to some extent. He also planned to

transplant my necrotic lower right jawbone with a piece of my right shoulder blade instead of my right fibula, as the Duke doctors had suggested.

My wife and I returned to MD Anderson to discuss their competing treatment plans. The cancer center operated smoothly, and the seamless scheduling process created a positive experience. Their imaging machines are among the most advanced in the world. After all the tests and scans, the doctors informed me that both treatment plans were solid, with a slight preference for UNC. If I could have afforded to stay in Houston for a few months, they would have gladly treated me. Since I could not, I returned home with well-informed but sobering expectations. I chose Dr. Hackman.

The night before my surgery, I shared a quiet meal with my wife and mother at the hotel. I had fried fish and French fries. In the weeks leading up to my surgery, I gained 15 pounds by indulging in all the sweets I could find. My tongue was swollen, making it hard to speak. I felt sad and scared. I arrived at the hospital with a shaved head, wearing a "I am Kenough" T-shirt and sweatpants. After all, it was the summer of Barbie, and my beautiful daughter was a fan. On September 6, 2023, I underwent my most invasive surgery to date. The operation lasted over 13 hours, and Dr. Trevor Hackman, along with the surgical team at UNC Hospital, performed miraculous work. He removed 90-95% of my tongue and inserted a muscle flap from my shoulder in its place. He also transplanted a section of my right clavicle to replace my diseased lower jaw—truly a marvel of modern science.

The Recovery

I can barely remember waking up and seeing my family. Overwhelmed by extreme heat and intense pain, I repeatedly pressed the morphine button for relief. Speaking was impossible; I couldn't eat or lift my right arm. An 18-inch incision held together by staples ran down my right side, resembling a scene from a horror movie. My mind felt foggy, and my thoughts were slow. I used a Tim Russert whiteboard to communicate and a feeding tube for nourishment. Additional challenges arose as I developed pneumonia during my stay, worsened by the endotracheal tube in my throat. To complicate matters further, I experienced sleep deprivation psychosis, leading to moments of

detachment from reality.

These events still haunt me. I prided myself on being disciplined and having excellent situational awareness, but that changed during my hospital stay. Although I was less than a quarter mile from Kenan Memorial Stadium, I convinced myself that I had been taken to a secret facility in a Central American jungle for experiments. Using my whiteboard, I accused the staff of sabotaging my pain management and leaving me alone at night to go downtown to drink. My behavior was unbearable. The chief resident often came to "set me straight," but I saw her as a child. I felt like everyone was plotting against me. I avoided mirrors for over a week, and when I finally looked, I saw a frail, sick man with a huge, swollen head. I didn't recognize the strange figure in the mirror. The psychosis occurred at night. Looking back on this experience makes me shake my head in disbelief and makes it hard to understand the accusations I made. The entire ordeal remains profoundly embarrassing.

After a difficult ten day hospital stay, I finally returned home. In the early months of recovery, I faced my mortality and this new reality. Feelings of regret started to consume me. The darkness I had long hidden was now visible to everyone. My outward appearance reflected my internal struggles; my face was disfigured, I was unable to drive, and I was heavily dependent on methadone, oxycodone, and gabapentin. The pain was unbearable. I lost significant weight, dropping from 189 lbs. upon hospital admission to just 158 lbs. in three weeks—a weight I hadn't seen since my first year at Wake Forest Law School. I shrank a clothing size. My house felt like a prison, and my room became a tomb.

The nerve responsible for my saliva and the nerve endings beneath my bottom lip were severed and damaged. As a result, I lost feeling from my bottom lip to my neckline. My body no longer controlled my saliva, leading to uncontrollable drooling. I felt like a dog with rabies or some Xenomorph-human hybrid, which was both disturbing and disgusting. Thick saliva pooled in the back of my throat. What came out of my mouth was truly off-putting, resembling an alien parasite from a horror film. Thankfully, when I tilted my head at a 170-degree angle, my mouth stopped producing saliva. If it hadn't, I would have choked while sleeping. Due to the large gap on the right side of my

mouth, I constantly drooled, often unaware of it because of my lack of sensation. This made me self-conscious and embarrassed, as I didn't want to spit on anyone. Consequently, I withdrew from many aspects of family and social interactions.

When I slept, my dreams were incredibly vivid, filling me with immense happiness. I had a tongue and no signs of cancer, allowing me to talk and eat. Sometimes, I was self-aware of my dream state. I distinctly remember that it was "game over" when my dream clock hit 3 p.m. I can still hear myself crying out, pleading not to return, wishing to stay there forever. However, it was not meant to be. Instead, I woke up to confront the stark reality of my new normal. Unfortunately, I could only manage two to three hours of sleep at a time, yet I dreamed through most of it. My OCD dominated my pursuit of perfect sleep. I slept alone in a room maintained at 68°F, wrapped in a heating blanket. I experimented with different types of pillows in search of the perfect one. I also tried nose strips and mouth patches. All I wanted was to live in my dreams. Today, I enjoy the real world more.

I spent hundreds of hours in various therapies, including speech, physical, lymphedema, psychodynamic, marital, and occupational. The recovery process felt excruciatingly slow. In my struggle with insomnia, I stopped watching television and isolated myself in the guest bedroom. I became obsessed with music and compositions like Samuel Barber's "Adagio for Strings/Agnus Dei," Seal/Alanis Morissette's "Crazy," and Disturbed's interpretation of Simon and Garfunkel's "The Sound of Silence." Despite having struggled with anxiety for several years, I was now overwhelmed by depression. Previously, I cherished life, loved my job, and valued the time spent with family and friends. Yet, I felt utterly defeated and broken. Growing up in a hunting culture, I recognized that dogs unable to hunt did not survive, and injured animals faced a quick end. I believed my time had run out, fully aware of my worthlessness. I fixated on the 9% survival rate. During a prolonged and painful fifteen minutes in early November 2023, I contemplated ending my life. I did not want to burden my family with my ailments. Fortunately, this thought quickly faded. I later learned that my wife had astutely concealed my firearms and the codes to the gun safes.

Unfortunately, I didn't reach out to the North Carolina Lawyers' Assistance Program (NCLAP). Even though I served as a State Bar Councilor, I thought the group only dealt with substance abuse issues. I wasn't aware it also helped with trauma. If I had known, I would have contacted them right away. Thankfully, the fantastic Executive Director of NCLAP, Robynn Moraites, has written a wonderful Sidebar to accompany this article. Her comments are spot on.

By late October, I began crying and didn't stop until the new year. I cried more during that period than I had in total since I was three. When I state crying, I mean more than just a tear or a snuffle; I'm talking about a full-blown sorrow fest, like what Ben Stiller's character experienced at the end of "There's Something About Mary." My life felt like it was ending. I couldn't eat, talk, or live. I understood that when the cancer returned, it would likely spread to my lungs and then to the rest of my body, or I would succumb to aspiration pneumonia. (I still anticipate these outcomes.) I faced my regrets, mistakes, and poor decisions. I reflected on all the people I had hurt, deceived, or used. I confronted my selfish, ambitious, and narcissistic behavior and despised who I had become.

Aside from the two weeks after my surgery, the hardest weeks of my life came in late December 2023 when I was withdrawing from the last of the methadone. I've always been cautious with alcohol and painkillers due to a family history of addiction. I started withdrawing from pain medication in late September, gradually reducing my oxycodone dosage, followed by my gabapentin dosage. My early success motivated me. However, when I began cutting down on methadone, my body reacted violently. My insomnia worsened, my depression deepened, my energy plummeted, and I experienced frequent headaches. I found myself in a dark place, unable to stop crying, which frustrated me. By Christmas, I reached the final 2.5mg daily amount—what a challenging time for that—but I was determined to rid myself of controlled substances by New Year's Day. I achieved my goal two days early, but the last 72 hours were excruciating. I couldn't sleep while continuously battling restless leg syndrome (RLS). My legs wouldn't stop moving. I even thought about tying them to the bedpost. It felt surreal. Afterward, I apologized to my mother for my

earlier disbelief in the reality of this condition. I had convinced myself that this couldn't happen to me. RLS is real. On January 2, 2024, I drove myself to work, relying only on Aleve or Tylenol for relief. It was a small victory, but I embraced it.

The New Normal

I am writing this article in the summer of 2025. It serves as a cathartic outlet for me. Despite undergoing three additional surgeries since September 2023, I now feel much better and no longer need prescription pain medication. I do take a small dose of Paxil and Doxepin, along with occasional Tylenol or Provigil tablets. As I write, I am in remission. I attend work daily and continue my military service with the North Carolina National Guard. I am now in the first year of my final term as the Pitt County Public Defender. I am at peace with my prognosis and have embraced my new normal. Mornings are the hardest, as they feel like a nightmarish version of "Groundhog Day." I undergo scans and testing every six months. I used to feel very anxious about these screenings, but I no longer do. My cancer's return is not a question of if, but when. I now live life in six-month increments. I do not consider myself a survivor; I am just surviving.

As you can imagine, my quality of life has been devastated. My eating habits, relationships, work, and time management have been significantly impacted. I will always need a feeding tube because it is too complicated and time-consuming to relearn how to eat. I can learn to eat or try to have a life; I cannot do both at the same time. So, I don't eat anymore, but I may nibble occasionally. I get no enjoyment from tube feeding. The process is monotonous and laborious. I feed, and the hunger pang disappears. For me, feeding is like filling your vehicle's gas tank;



Bert with his son Robert at a Hurricanes hockey game in January 2023.

I must do it to move forward. Unfortunately for me, we are surrounded by food in stores, on television, online, in periodicals, and on billboards. Sometimes, I drift into nostalgia when I watch others eat or smell the food's aroma. I fondly remember favorite meals—my mom's spaghetti, my grandmother's fudge, my nannie's green beans, my mother-in-law's banana pudding, and my wife's lasagna. It all saddens me.

Thankfully, my public defender and military colleagues managed my workload during my recovery. I consider myself fortunate to have such an incredible group of individuals, especially my dedicated staff, who genuinely love their jobs, complete the mission, and work hard for their clients. They will never fully understand how much I appreciate them. The support and love from folks across the state have also been remarkable. During my recovery, friends, colleagues, National Guard Servicemembers, office staff, and courthouse acquaintances sent cards, texted messages, and offered praise. My fellow Chief Public Defenders were amazing and generous. The staff at the North Carolina State Bar and my fellow bar councilors were incredibly supportive, notably

Clark Bell, who sent me a card every two weeks for a year. They consistently checked in on me. Friends like NC Chief Justice Newby, Superior Court Judge Marvin Blount, Matt Davenport, Lee Allen, Mike McCann, and Graham Green visited me while I was homebound. Although I did not deserve any of it, everyone's overwhelming love touched me deeply.

Practicing law has become harder for me. I often doubt my abilities, and clients hesitate to trust me because I sound like a stroke survivor. For nearly 25 years, I've fought to change the negative stereotype that public defenders are second-rate lawyers. In my district, we're close to shifting this perception, but I worry my involvement might set back that progress for others. My speech impediment has shattered my confidence and swagger in court, causing me to lose my mojo. I'm afraid to speak to others because I might spray saliva. So, I always carry a drool rag, much like Linus's blanket from the Charlie Brown comic strip. Who wants to be represented by a scarred, drooling lawyer who is unintelligible? As Chief Public Defender, I worried that assistant public defenders would see my weakness and rebel. I also wonder if NC National Guard generals would listen to a physically broken counselor. All these thoughts have crossed my mind over the past two years. I could medically retire now and go home, but I refuse to quit. Instead, I keep pushing forward, going to work every day. I even ordered business cards that explain my condition and assure others that I am of sound mind. I love my work and the people in it too much to leave.

However, I have significantly reduced my participation in various activities. I did not run again for bar councilor and stopped teaching at Campbell Law School. Essentially, I withdrew from socializing with friends, volunteering, and other social engagements. I still feel self-conscious about my appearance and my constant drooling, which often causes others to avoid me in public. I keep my 2012 LinkedIn headshot, as I am too ashamed to update it. When people glance at me, I notice pity or sympathy in their eyes. Although I look "better" than I did a year ago, I still look freakish. Children tend to look at me with fear or confusion. I once embraced vanity, evolving from a John Hughes nerd in high school to a fraternity boy in college, and finally to a well-dressed, dapper attorney. Now, I am a distorted version of myself. Karma seems

to have had the last laugh. Again, the ugliness within has been exposed.

Despite everyone's kind wishes, I've come to realize that my interactions with others have undergone significant changes. Many who don't know me mistakenly believe that I've had a stroke. When they talk to me, they smile and nod, unable to comprehend my words, which is frustrating. Friends have understandably moved on with their lives, resulting in less contact with them. Some of this was due to my self-absorption, although the cancer has indeed worsened things. I can imagine it feels awkward for them to eat with me while I only have sweet tea. I completely understand. I would feel the same way. At the very few social events I have attended, I often notice that others tend to avoid me. While everyone is friendly, I can see in their eyes that they want to disengage quickly. Most smile, nod, and make an excuse to leave. I recognize their feelings; it makes me uneasy, and again, I would have reacted the same way. It's challenging for people to hear me, especially with background noise. Folks attend gatherings to enjoy themselves, not to strain to understand someone speaking. It's just too much to ask. I try to fit in by holding a drink, though I can barely manage to take a sip. It is difficult to join in the revelry if you can't drink, can't eat, and can't speak clearly. I know I bring discomfort to many, and I don't harbor any resentment towards them for it. Once again, I understand. Those who know me might argue that this discomfort existed even before my diagnosis. Touché!

Understandably, my relationship with my family has endured significant strain due to my limitations. The demands on my time, both voluntary and involuntary, have only worsened matters over the years. I now spend more time with my children. I have kept nothing from them. They have watched their indestructible father wither away. As for my wife, the activities we once enjoyed—dinner dates, movies, and kissing—have become infrequent. Who wants to kiss a person lacking a tongue and relying on a feeding tube? Frankly, it's cringeworthy. I don't hold my beautiful wife responsible. The fault is mine alone. For months, I've tried to distance myself from her, feeling like a burden. I wanted her to move on with her life without me, as I am confident that the disease will return and run its course. Occasionally, I wish it would return and finish me off. I

can't bear the uncertainty, and more importantly, I want my wife to live free of my medical condition. Thankfully, she is an unwaveringly strong and loving person who refuses to live her life without me. I don't deserve her; I never did.

As a morbidly odd token of my appreciation to her, I have diligently prepared for my death. Since I cannot control my health, I can assist with my wife's post-mortem duties. I have already purged many material items from my life. My children's college education is covered. I have consolidated my finances, planned my funeral, and selected the casket. My headstone is set and waiting for me in a small church cemetery in rural Granville County. I have conducted extensive estate planning to make matters as easy as possible for my wife. She deserves a peaceful and comfortable life after I am gone, and she will have it.

A positive outcome of my journey is the deepening of my Christian faith, which has been vital to my healing. I was baptized as a Methodist and later confirmed as an Episcopalian, and I now regularly attend St. Timothy's Episcopal Church in Greenville. I genuinely believe that the Lord has been reaching out to me for years, but I did not listen. I am now paying attention. I have a pastor friend who frequently provides counsel on the significance of it all. Some close family members have teased me about my "finding religion." I never lost it; I was aware of its presence but chose to ignore it. I prioritized my selfish desires over Him and my family. I realize that I cannot buy or earn a spot in heaven. Still, I now feel a greater sense of peace in my life. I have redefined my purpose and recalibrated my moral compass. My emotional intelligence has improved, as has my level of empathy. I respect and acknowledge other faiths, religions, and nonreligious beliefs. I fully embrace science, but I believe there is more to life and a higher power than just ones and zeroes. We were all created to have faith. I hope that everyone discovers faith—whether in religion, nature, or humanity. Our world is flawed, but we can evolve and improve it through more love, compassion, and empathy. Honestly, it feels better when you do.

I continue to participate in various types of therapy. Some weeks, I feel overwhelmed by it. Most of my therapy focuses on speech-related concerns. Although I still experience

some anxiety and occasional depression, my overall stress levels have decreased. With dreams that are beyond my reach and a waning ambition, I no longer feel compelled to chase the next milestone or seek further success. I have started to recover from my narcissism. Counseling has provided me with an understanding of my identity and clarity regarding my challenges. Subconsciously, I have always viewed others' lanes as my own, making it more about me. Now, I focus on self-improvement. To foster a sense of calm, I have started weekly piano lessons. While I once craved much more, I now recognize that I am destined to be a minnow in a pond in Eastern North Carolina.

Today, I'm still physically fit and mentally sharp. I recently passed my Army Combat Fitness Test, even with a feeding tube. I was also activated for state active duty to assist in the recovery from Hurricane Helene and remain ready for the next mission. I challenge myself daily with word games from *The New York Times*. Although my speech is improving, it will never fully return to its previous level. After retiring as the public defender, I had hoped to teach full-time, run for public office, or work in emergency management. Sadly, I doubt any of that will happen. Despite having had many marketable skills, I fear there will be little demand for an attorney or politician without a tongue. As a young assistant district attorney, I supplemented my income by working nights and weekends at Circuit City. Consequently, I might find myself at Lowe's Home Improvement—a fitting end to my career. Honestly, I expect to be at home, enjoying '80s and rap music while landscaping my yard, which is my happy place (my office is a close second), where I can drool freely, and the bugs don't judge me.

My goal is to see my daughter graduate from high school. After that, I will wait for my time, which will come sooner rather than later. Despite having regrets and making many mistakes, especially not contacting NCLAP, I have lived a wonderful and blessed life. Unfortunately, my poor choices and misfortunes have significantly hastened my deathday, although I hope that day is not today. Greetings, I'm Colonel Robert Carl Kemp III, Pitt County Public Defender, and a self-recovering narcissist. Whoops, I did it again. Hi, I'm Bert, and I'm a recovering narcissist. ■

The LAP Perspective: Healing Through Self-Reflection

By Robynn Moraites, LAP Director

I have known Bert for years in his role as elected State Bar councilor about as well as he has probably known me: a recognizable name and face associated with a committee report and a role in the smooth operational functioning of the North Carolina State Bar. We had a heart-to-heart conversation at the quarterly State Bar meeting in April 2023 (before his tongue surgery) about his condition and prognosis and the effect it was having on his life and priorities.

I have written this sidebar with his knowledge and consent. But to be clear, Bert never worked with the Lawyer Assistance Program (LAP) in a client capacity. The LAP works with lawyers and judges who have chronic illnesses and/or terminal prognoses, but it's usually in the context of long-term LAP volunteers who originally entered the program as LAP clients. These are lawyers and judges who are comfortable with the LAP's support group model and who have years, or more likely decades, of practice sharing their inner experience and reflections with a close circle of trusted peers.

In acute cases with terminal prognoses, the LAP may make a referral to a psycho-oncologist or hospice counselor to help the lawyer and his or her family navigate these uncharted waters. Or in the case of longer-term chronic illnesses, for example, our LAP counselors and support group members may help a lawyer with the decision of whether or when to wind down his or her law practice (and the inevitable pain of loss associated with such a decision).

These are the most personal of life circumstances. I can understand not wanting to "walk in the door" of the LAP with something like this as a primary issue. Bert's story, however, reflects many universal themes that LAP participants encounter: confronting or wrestling with one's mortality, a realignment of values and priorities, coming to

terms with one's own self-centeredness or narcissism, recognizing our vanity and moving to a place more centered in humility, and the attendant pain (and beauty!) associated with recognizing these things about ourselves.

Bert's story encapsulates the inherent pain, but ultimate freedom, brought on by personal growth and transformation. And not unlike many LAP participants, this path of personal growth and transformation was forced upon him by life itself. A different factual circumstance than most LAP participants, certainly, but a similar rite of initiation.

It seems a universal human characteristic to avoid this kind of deep work. Few of us do it willingly. But once well on our way, looking in the rearview mirror at from whence we came, it is very easy to be super hard on ourselves. In a support group setting, however, when you see and hear the universality of the struggle, the similarity of trajectory—when you personally encounter pitfalls and epiphanies about which you have heard others share—it's much easier to move to a place of acceptance. Acceptance of ourselves. Acceptance of our humanness. Acceptance of our past and the decisions that led us to this place. Acceptance of the journey itself.

Coming from this place of acceptance, it is natural to want to share our story with others—to guide them, illuminating the path to hopefully spare them some of the pain we have encountered. It is why many LAP volunteers so willingly share their personal stories at CLE programs. Our LAP column last quarter, *The Healing Power of Our Stories* (nclap.org/the-healing-power-of-our-stories), provided a detailed roadmap of how and why personal stories are so effective.

I want to thank Bert for sharing his story and his journey with us.

The NC Lawyer Assistance Program is a free and confidential resource for North Carolina lawyers and judges, providing resources and assisting with whatever issues are impacting one's ability to practice law.

Advancing Wellness in the Law: Robynn Moraites Reflects on Her ABA Distinguished Service Award

Congratulations to our own Robynn Moraites, executive director of North Carolina's Lawyer Assistance Program, who was recently awarded the ABA Commission on Lawyer Assistance Program's (ABA CoLAP) Distinguished Service Award.

This award recognizes outstanding performance by a lawyer assistance program employee in advancing the Commission on Lawyer Assistance Programs (CoLAP's) goals and bringing honor to the lawyer assistance movement. The Distinguished Service Award highlights exceptional contributions to the well-being of legal professionals and the destigmatization of mental health and substance use disorders within the legal field. It is ABA CoLAP's highest honor. Robynn received the award at the annual ABA CoLAP Conference in Virginia Beach on September 18, 2025.

Q: What does receiving this award mean to you?

As I have thought about it, it felt like I accepted the award as a figurehead on behalf of a whole bunch of other people. So much of what I have done involves harnessing other people's energies and helping ideas take shape. I'm really good at messaging, corralling cats (our volunteers), and organizational infrastructure. But our effectiveness as a program lies

squarely with the effectiveness of our clinical and administrative staff and our statewide network of volunteers. To me, this award acknowledges our collective efforts across the state. Doing this work takes a village.

Q: A big focus of this award is on destigmatization. How do you think you have contributed to destigmatization?

By focusing on what it means to be human, explaining the impact of common stressors, and what we often do to cope. Anyone who's ever attended one of my CLE talks or read one of my articles knows I'm a big fan of the continuum. We are all doing the best we can. We start out with high ideals and the best intentions. And then what happens? Life. Messy, unruly, chaotic life. As we grapple with life in the law, we might start to slide down the mental health continuum. Law school does not prepare us adequately for the practice of law, from an emotional and psychological (and even business) perspective. I do a good job of pulling back the curtain, explaining in a nonjudgmental way what's happening



internally—psychologically and emotionally speaking. And by focusing on the continuum, we try to equip lawyers with tools they can use to stay further up on the healthy side of the continuum.

Q: If you were Queen for a day, what would

you like to see changed in the profession?

First and foremost, I would like to see legal education changed to meaningfully incorporate training on what to expect emotionally and psychologically, teaching and reinforcing the self-care techniques needed to skillfully navigate the profession. Think of a career in law like a three-legged stool. The three legs are: legal training, the business of law, and the emotional/psychological impacts. Under the current system, we are only getting one leg of the stool. I'm not talking about a single elective class in the third year. I would rewrite the entire curriculum to interweave business aspects and emotional/psychological aspects of every class in every year.

Second, I would like to see the demise of the billable hour and migration to project-based work. This development may be happening very soon with the rise of artificial intelligence. We've all heard about the hallucinations, the nonexistent citations and the lack of diligence on behalf of lawyers using AI that lands them in trouble with the court and the Bar. What's less publicized are the successful implementations of AI, which are revolutionizing law practice at a lightning pace. Jordan Furlong has been documenting the rapid evolution of these developments. Fingers crossed that AI-driven, project-based



LAP Staff (left to right): Cathy Killian, Nicki Ellington, Robynn Moraites, Susie Taylor, Candace Hoffman, and Delia Brown

work leads to better work-life balance. I do realize, however, that every technological advancement, from cell phones to email, was supposed to make things easier for us. It didn't. We just managed to squeeze in more

work in the same amount of time. Sigh.

Q: Anything else you'd like to add?

I just would like to thank all the lawyers out there that have emailed me their thoughts and observations over the years. Whether in response to a CLE talk or an article—our email conversations have helped buoy me so much, just knowing that something resonates, that we are not shouting into the void.

I'd also like to thank the judges and law firms' managing partners (and their equivalent in the public or government sectors) that have supported our work over the years, trusting us with lawyers who appear before them or work for them. Our work is confidential, so many readers may not realize that a huge majority of the lawyers we work with can and do recover and go on to lead happy, balanced lives.

I'd especially like to thank our statewide network of volunteers, who spend a considerable amount of their time and energy paying it forward. They want others to be spared the pain they have experienced, and they expend a considerable amount of energy working toward that aim, carrying a message of hope in all they do for our program and their peers. There is no way we could do what we do without their dedicated work. ■

Left to right: Peter Bolac, Cathy Killian, Candace Hoffman, Robynn Moraites, Tom Roman, Nicki Ellington, and Takiya Lewis Blalock



NC IOLTA Funding Freeze Impacts 2026 Grants

Legislation that became law on July 9 bars NC IOLTA from grant making through June 30, 2026. On October 22, NC IOLTA Executive Director Mary Irvine and NC State Bar Executive Director Peter Bolac testified before the North Carolina House Select Committee on Oversight and Reform. A transcript of the hearing, Irvine's and Bolac's prepared statements, and related materials are available in the October 22, 2025, folder on the committee's webpage at ncleg.gov.

Bolac issued a statement on this matter to all members of the Bar on November 6. The text of that communication is available on page 6 of this issue of the *Journal*.

With the North Carolina General Assembly in recess, it is uncertain when the funding freeze might be revisited. NC IOLTA and State Bar leadership continue to seek a resolution to preserve funding for civil legal aid, which provides a lifeline for low-income North Carolinians in crisis.

Client Impact Story: Inner Banks Legal Services

When Debbie Douglas's daughter, Samantha, was diagnosed with advanced cervical cancer in 2023, both women knew it was important that they make arrangements for her two young children while she received treatment in a nearby city.

The children's father had passed away in 2020, so Debbie was the best choice to ensure their care and well-being during the weeks their mom would be away. Samantha had a temporary custody agreement notarized, and Debbie stepped in to provide daily care for Brayden, then 9, and Lexi, 6.

But Samantha's treatment failed to slow the progression of the disease, and she passed away on September 24, 2024.

"That left the kids with no [parent]," Debbie recalled. "I was taking care of them. I wanted to make sure they weren't taken away from me, because I was all they knew."

Because the notarized custody agreement was temporary—and Samantha had not had the opportunity to name Debbie as the chil-

dren's permanent guardian—the grieving family found themselves in a legally worrisome situation.

The county Department of Social Services, which normally appoints a guardian for minor children whose parents are deceased, declined to take action in this family's case, leaving it to Debbie to hire a private attorney to formalize her role as the children's guardian. The expense of such action could have added significantly to the challenges Debbie was already facing.

"At that time, I was a wreck—the only thing that mattered to me was my grandkids," Debbie said. "They'd already lost one parent, and now the other. Their stability was the most important thing."

But Debbie, 51, knew she didn't have to navigate this path on her own. As an employee of Hyde County Hotline, a crisis intervention and domestic/sexual violence advocacy organization, she was familiar with a local provider of free and sliding-scale civil legal aid: Inner Banks Legal Services.

A 2025 NC IOLTA grant recipient, Inner Banks provides family law services to eligible clients free of charge through their Family Law Fellowship.

"We had referred clients to Inner Banks in the past," Debbie noted. "I can't say enough good things about them. They stepped right in. They knew exactly what I wanted to do."

Debbie's legal team, led by Family Law Fellow Amelia Bryn Cooper, quickly recognized the complexity of the situation.

"Her case was unusual because, unlike most situations involving children, there were no living biological parents to pursue custody against. Debbie was the only person available to care for the children," Amelia Bryn ex-



Debbie and her grandchildren, Brayden and Lexi, celebrate Brayden's awards at the end of the 2024-25 school year.

plained. "This meant we instead had to pursue guardianship, a process more commonly used by Social Services than in private cases.

"It really became a team effort to find a legal solution that ensured the children's permanency, stability, and safety."

The process to establish Debbie as the children's legal guardian took about four months. Debbie, focused on helping Brayden and Lexi return to a sense of normalcy after their mom's death, said the team "kept me updated and informed throughout the process. ... It was such a big thing for me at the time, getting

Inner Banks Legal Services serves a six-county region in Eastern NC (Pitt, Martin, Washington, Tyrrell, Hyde, and Beaufort) where approximately 22.1% of residents live in poverty and legal aid resources have historically been limited, including three counties that are legal deserts. With NC IOLTA's funding support, the firm has provided free consultations on family law matters to 269 low-income residents in the last year, with 58 of those receiving full legal representation at no cost.

that done.”

That the legal assistance was provided free of charge was critical. “I don’t know if I could have afforded it otherwise,” she said.

For Sarah Beth Withers, Inner Banks Legal’s founder and executive director, the case illustrates why the firm’s nonprofit model is so important to the Eastern North Carolina communities it serves.

“Having free representation through this fellowship program ensured that the children’s rights were protected and Debbie could achieve the permanency and security her family

deserved without the stress of paying for legal fees,” she said.

Sarah Beth added that it also meant “a great deal” to her for another reason.

“We work closely with community partners like Hyde County Hotline to serve survivors, but it is something different when one of those trusted advocates places their personal confidence in us. It underscored the value of our collaboration and the mutual respect we’ve built over time,” she said. “Most importantly, it was a reminder that even those who dedicate their lives to supporting others sometimes need

support themselves, and it was an honor to be able to provide that for Debbie.”

Today, a year after her daughter’s passing, Debbie said she’s grateful for how well the children have adjusted to their new situation.

Sharing a photo of them together at the end of the last school year, she noted that it shows Brayden wearing “all of his awards” from his fifth-grade graduation ceremony. “He is an honor roll student, and Lexi also got many awards. I am so proud of what they were able to accomplish this year even with the loss of their mom.” ■

In Memoriam

Gardner Howard Altman Jr.
Chapel Hill, NC

Charles Dewey Barham Jr.
Raleigh, NC

Plato Collins Barwick Jr.
Kinston, NC

Robert "Bob" Baynes
Pinehurst, NC

Austin Charles Behan
Pfafftown, NC

Nora Susan Hatcher Bradshaw
Raleigh, NC

Penni Pearson Bradshaw
Winston-Salem, NC

Jeffrey Leon Dobson
Graham, NC

Kermit Weldon Ellis Jr.
Oxford, NC

James E. Ferguson II
Charlotte, NC

James D. Foster
Concord, NC

Charles Parson Gaylor III
Goldsboro, NC

Clive Irvin Goodson
Lewisville, NC

Stacy Goto Grant
Charlotte, NC

Thomas Joseph Hefferon III
Charlotte, NC

Thomas Walters Henson Sr.
Mocksville, NC

Jerone Carson Herring
Black Mountain, NC

James Earl Hill Jr.
Whiteville, NC

Graham Davis Holding Jr.
Charlotte, NC

William Andrew Jennings
Hickory, NC

John J.J. Jones
Wilmington, NC

Michael Morrie Jones
Goldsboro, NC

Gilbert Russell Key II
Franklin, NC

Jacob Donnell Lassiter
Charlotte, NC

David Albert Layton
Gastonia, NC

Lorie Steinhagen Lindsley
Mount Airy, NC

Anne Billings Lupton
Greensboro, NC

Moses Luski
Charlotte, NC

John Coble MacNeill Jr.
Charlotte, NC

Thomas W. Murrell III
Charlotte, NC

Patricia Fitzgerald Poole
Clemmons, NC

Robert Chase Raiford
Burlington, NC

James Baxter Rivenbark
Wilmington, NC

Joseph Boxley Roberts III
Gastonia, NC

Frederick Alexander Rogers III
Folly Beach, SC

Adrienne Zaneta Satchell
Riverside, CA

John Paul Simpson
Morehead City, NC

Barney Stewart III
Charlotte, NC

Roy Dozier Trest
Calabash, NC

Jan Louise Von Peterffy
Huntersville, NC

George Heath Whitaker
Sanford, NC

Thomas Benbury Wood
Edenton, NC

Edward Marshall Woodall
Lillington, NC

Melvin F. Wright Jr.
Winston-Salem, NC

Terry Wayne Yarbrough
Atlanta, GA

Joe Charles Young
Charlotte, NC

“Oh No!” Moments

BY ROBYNN MORAITES, CATHY KILLIAN, NICKI ELLINGTON, AND CANDACE HOFFMAN

Once upon a time, 40+ years ago, a lawyer made a mistake on a legal matter and had a big “Oh no!” moment. He thought about the mistake from every angle for days. He could not figure out how to fix it. He was in a panic and consumed with shame. He ruminated; he speculated; he predicted that he would be a laughingstock in his small-town legal community. He concluded the only rational course of action was suicide. Fortunately, he was a LAP client at the time. He told his LAP mentor about the mistake he had made. His LAP mentor said, “That’s what you have liability insurance for—for when you make a mistake.”

This thought had never crossed the lawyer’s mind. He notified his liability insurance carrier who was able to orchestrate a claim repair. The lawyer went on to become a LAP volunteer a few years after that pivotal incident and enjoyed a long and happy life and productive career. This much-beloved, long-time LAP volunteer died a few years ago, but his story lives on because it provides such rich fodder for discussion.

We all make mistakes—even excellent, well-seasoned lawyers. If you practice law long enough, you are bound to make a mistake. It happens. Whether we respond in a healthy or unhealthy way when we realize we have made a mistake depends on many factors. Some of the internal factors that contribute to a lawyer being hard on himself/herself might be insecurity, imposter syndrome, perfectionism, anxiety, or a history of emotional abuse from one’s family of origin. Interestingly, family of origin pressure to achieve often results in many lawyers holding the perfectionistic belief that a good performance equates to being a good person or lawyer, and a mistake equates to being a bad person or lawyer. The degree to which we have our personal sense of worth and value wrapped up in our professional identity and accomplishments has a dramatic impact on how we respond to making a mistake.

First, a word about mistakes in general.

When we are young, and as we mature, making mistakes is an integral part of the learning process. We, as a culture, however, have rejected this notion to the point that our educational system stigmatizes making mistakes, thereby stifling creativity. (For a discussion with a unique perspective, see Sir Ken Robinson’s Ted Talk on the topic at youtu.be/iG9CE55wbtY?si=tzRqSMSOFY09naU.)

As lawyers and judges, we excelled in an academic setting that stigmatized making mistakes. So, we already have one strike against us when we make a mistake, emotionally and psychologically speaking, because that is our baseline orientation. Brooks Greenberg observed, “As a profession, law seems uniquely capable of making intelligent people feel foolish and talented people feel inadequate.”

Regular readers of this column know that we often write about the inner critic. The inner critic drives our perfectionistic, achievement-oriented tendencies that lead us to great academic and professional success. But the inner critic has a dark side. It drives the feeling of imposter syndrome and can wreak havoc when we make a mistake, causing us to overreact, think irrationally, or do things that make the problem worse.

Another strike against us, or a setup to overreact when we make a mistake, is the fact that we operate in an adversarial, competitive profession that values winning and stigmatizes almost everything else, especially vulnerability, weakness, or mistakes. Due to the adversarial and competitive nature of the profession, others can leverage our mistakes and take advantage of them. This all begins in law school where individual performance in a forced-curve environment transforms us from collaborative colleagues with each other to ruthless competitors with one another. In addition, we are higher on the negativity bias scale, and while some of this is necessary for survival, lawyers have it in spades. A Johns Hopkins study found that optimism



outperformed pessimism in every occupational field except the legal field. It is no surprise that the moment we recognize we have made a mistake, all our professionally-embedded alarm bells start ringing—frantically.

Panic starts to set in.

What makes all of that worse—yes, it can get worse—is the degree to which we have our personal value and worthiness wrapped up in our professional identity. Enter shame. In this context, we internalize our professional mistake as a personal failing. Shame of this type is marked by chronic self-reproach and a sense of personal failure. While our inner critic might not say this to us verbatim, the internal feeling is: I AM a mistake, rather than the more accurate proposition: I MADE a mistake.

Panic and shame. A one-two punch. Panic and shame can create a vicious cycle that builds upon itself, each feeling spurring the other. These reactions can lead us to want to avoid a situation by putting our head in the sand, pretending it does not exist or that it will somehow resolve itself. Or, kind of like spinning wheels in mud, it can lead us to waste time working too long on an issue because we don’t trust ourselves. Wanting to escape the feelings of panic and shame can also lead us to numb out with alcohol, drugs, or unhealthy “coping skills” that are really self-destructive kinds of behavior.

When looking at suicide risk, researchers have identified that attorneys who die by suicide are 91% more likely than other deaths by suicide to have job problems that contributed to their death. Some elements involved in suicides, but especially relevant to our discussion here, are the presence of:

1. distorted thinking (all-or-nothing thinking; overgeneralization; personalization);
2. rumination (particularly when self-critical, unproductive);
3. maladaptive schemas (a sense of inherent worthlessness); and
4. hopelessness.

With all that in mind, we can better see how suicide seemed like a “rational conclusion” for our volunteer all those years ago. He was a new client and had not yet established a well-developed set of coping mechanisms or a strong LAP support system to recognize and counteract what was truly an irrational thought process. So what do we do to counteract some of these strikes against us that can be such a set-up?

Before an “Oh No” Moment

By employing these practices now, before we make a mistake, we will have built up some reserves in our emotional savings account and will be better equipped to deal with a mistake when we have our next “Oh No!” moment. Let’s take a three-pronged approach.

1. Recognize your inherent worth.

The first task is to recognize we are far more than our jobs. It is essential that we find ways to identify and feel our inherent worth and value separate and apart from our professional accomplishments. There are many approaches we can take, but what they have in common is that they connect us to the larger reality of life, while at the same time stir something deep within our souls, reaching beyond our professional persona. They also give us the perspective that the world is so much bigger than just our experience. Each suggestion is taken from real-life experiences by LAP clients and volunteers over the years.

Spend significant time in nature to decompress and reconnect with ourselves. One LAP volunteer takes backcountry hiking trips (read: no bathrooms or cell service) several times a year. *See* nclap.org/sidebar/2016_3/reboots.html. Another finds solace working in the garden. Another goes sailing for three to four weeks every year. Still another is devoted to horseback riding and jumping competitions.

Develop a hobby and cultivate outside

interests. Discover what enthalls you. Lose yourself in something fun where you can be in the moment and even act like a kid again. One LAP volunteer was struck by how much fun it was to do something she wasn’t very good at doing. The pressure was off—no one *expected* her watercolor daubings to be anything other than attempts. She observed that “lawyers as a whole aren’t good at hobbies—it goes against our competitive grain. We don’t want to *play* golf; we want to be the *best* on the course...In recovery, I now know...It’s a strength to be curious and to be willing to try new things, especially without expectations of immediate mastery.” *See* nclap.org/sidebar/2024-3/nonsense.html.

Connect with community. Finding ways to connect with others outside of work is key. It forces us to develop aspects of ourselves other than our professional skills and persona. One lawyer has developed a practice of never saying he is a lawyer when he finds himself in new social settings with people he does not know. If asked what he does, he deflects and says something like, “I try not to think or talk about work when I’m not there...I’d much rather talk about...” (and he always comes prepared with two or three alternative topics, like his last vacation or his kids’ latest happening). This practice flies in the face of most business development consultants’ advice but leads to a more balanced and happier life.

End the work day. In our post-COVID, work-from-home world, it is more important than ever to make sure we are doing things that signal the end of the workday and the transition to home life. It helps if we have a designated office where we can exit, closing the door behind us, as we transition to a different area of the house. Other suggestions include changing clothes or walking around the block. Minimize cell phone time after hours or consider the radical approach of having a separate cell phone for work that you truly ignore after hours.

Volunteer. Volunteering can help get us out of ourselves. The suggestion here is based on a practice of volunteering in a capacity other than that of a lawyer. The goal is to connect with others by doing meaningful activities that align with our personal values.

Identify values and create a life reflective of those. By identifying overarching values and finding ways to create a full life reflective of those values, we begin to internalize and understand that our jobs as lawyers and judges are just one aspect of our total selves.

Establish and practice good boundaries.

Boundaries are all about our behavior. Whether it’s ending the workday at a reasonable time or establishing a routine of returning after-hours calls first thing the next morning, boundaries help establish a routine around our work life. This, in turn, creates more room for our non-work life.

Redefine your definition of success/achievement. Often, we have taken on others’ definition of success and achievement. For example, we may be driven to make partner at our firm because of spoken or unspoken pressure from our family of origin. Or we may be so caught up in the culture of our practice setting that we are unconsciously driven to meet unrealistic expectations set for us by others. It’s a surprisingly powerful exercise to examine and identify what is driving us. That gives us the power to consciously choose other motivations—even if our day-to-day work does not change. An exercise like this can have a profound impact on our daily experience of our work. One of our LAP volunteers detailed how a shift in perspective, asking before each client meeting how he may be of maximum service, revolutionized his day-to-day practice. *See* nclap.org/sidebar/2018_3/practice_erspective.html.

Give yourself permission to do all the things suggested here. Lawyers are skeptical. We often ignore these kinds of suggestions until we hit a wall and are forced to try something different. There is a slogan in recovery: act your way into a new way of thinking. We do not fully grasp the power and value of any of these suggestions until we start doing them.

2. Regulate the nervous system.

The second prong of this three-pronged approach involves employing strategies to regulate our nervous systems. These strategies are universally applicable, and consistent daily practice will help us access them quickly when we make a mistake.

Calm down. We will be ineffective unless we find ways to calm down. Square breathing techniques can help our nervous system remain regulated. Inhale to the count of four, hold for four, exhale to the count of six, and hold for six. Repeat a couple of times periodically throughout the day.

Practice grounding techniques. Get up from your desk and step outside to stretch with the sun on your face for just two minutes before you return to the problem at hand. One of the benefits of working from home is easy access to our pets. Take a few minutes to sit

with your pet and just be in the moment. Don't have a pet? You can try the 5-4-3-2-1 technique to ground you in your senses. Working backward from 5, use your senses to list things you notice around you:

- 5 things you see
- 4 things you hear
- 3 things you can touch/feel
- 2 things you can smell
- 1 thing you can taste

Make an effort to notice the little things you might not always pay attention to, such as the color of the flecks in the carpet or the hum of your computer. Even something as simple as running cold water over our hands and noticing the sensation can serve as a grounding technique that helps calm our nervous system.

3. Become aware of thought patterns.

The third prong of this three-pronged approach is developing awareness of the thought patterns that lead to panic and shame.

Self-monitor. Pay attention to times, situations, and events that may cause more negative feelings and self-judgment. Identify times or situations where you might be more vulnerable (i.e., preparing for trial, writing a brief, learning a new skill). If you struggle to identify any patterns, try journaling during moments of intense negative emotions or self-judgment to see what emerges. The more we increase our awareness, the better equipped we'll be to redirect our thoughts and prepare for times of heightened vulnerability.

Question your assumptions. We often develop certain beliefs or assumptions about ourselves, our performance, or our expectations that get in the way of our functioning. We can ask ourselves some questions about these assumptions, exploring their validity. For example, the belief might be, if I don't perform perfectly without any mistakes then I am a terrible attorney. We could ask ourselves, is this thought based in fact or is it originating from a feeling? What evidence supports or does not support this belief? Are there other ways this experience could be interpreted? What would you tell someone else (your child, a friend) if they had the same belief?

Conduct a cost-benefit analysis. Conducting a cost-benefit analysis of continuing with faulty beliefs can lead us to alternative thinking. Ask yourself what you get out of this belief? And what does it cost you? What could be the long-term effects of maintaining this belief? Is this belief limiting your life? Is it impacting the people around you? Answering these ques-

tions may bring you closer to being willing to change if you realize the negative impact it is having on your life. And this exercise may be something you need to do for different beliefs or do repeatedly about a singular belief.

Adopt alternative beliefs. Brainstorm possible alternative beliefs instead of remaining entrenched in what isn't working for you. For example, if your belief is, "If I leave a job before a year—no matter the reason—it will make me look flighty to future employers," consider reframing it with a more balanced perspective. Come up with alternative narratives, such as:

1. Leaving a job that you don't enjoy—or that is toxic—takes courage and bravery.
2. When unhealthy work practices become evident, prioritizing your well-being is a positive and stabilizing choice.
3. Taking a risk that didn't work out the way you expected says nothing about your worth.
4. Gaining a learning experience from a job is a marketable trait to future employers.

Recruit help. When you cannot figure out if your belief/assumption is based in fact or feeling, recruit help. Talk to a trusted person. Tell them what you think and see what they think. Accept their assessment because you trust them, even if you struggle to apply it.

In the Event of an "Oh No" Moment

When that moment comes, we have a choice as to how we navigate and respond. Ripping ourselves a new one is not going to change the fact that the mistake has happened, but that reaction can cause us to make the situation worse. Instead, we can choose to navigate with self-compassion and kindness. Here are some suggestions:

Remain calm. Practice those nervous system regulation techniques that help ground you in the moment.

Address the inner critic. Saying something to ourselves like, "I realize I may have made a mistake. I appreciate that you are just trying to protect me by amping up. Thank you for your help. I am taking care of it now. I promise I will call on you when I need you." Sometimes just directly acknowledging that part of ourselves helps to calm it down. We have an excellent podcast episode with Laura Mahr demonstrating a step-by-step response to the inner critic after a mistake. See *Befriend Yourself* at nclap.org/captive-podcast/24-befriend-yourself.

Periodic reminders. We will most likely have to continue to address the inner critic

voice as we work through the situation over the coming days, weeks, or sometimes months. Remembering and saying to ourselves, "I made a mistake; I am not a mistake," can help us remain on a more even keel emotionally.

Speak to a partner in your firm about the situation. It may be that with close analysis you determine you did not make a mistake after all. But sometimes you have clearly made a mistake. It is then necessary to determine whether the mistake is material or immaterial. It is important to get someone else's perspective on the situation in making this determination.

Contact your liability carrier. If you and the partner determine you did indeed make a material mistake, contact your liability carrier to explain what has happened. I have been surprised to learn how effective the claims repair process can be if communication is initiated as soon as possible. While not a guarantee of any outcome, the general rule of thumb is the longer you wait, the harder it becomes to fix. Your liability carrier can help you navigate from that point forward. For an excellent discussion and some in-depth practical advice, see the Lawyers Mutual article entitled, *Own Your Mistakes But Don't Fall On Your Sword* at lawyersmutualinc.com/article/own-your-mistakes-but-dont-fall-on-your-sword.

Contact the ethics department. Prior to taking action, consider contacting the State Bar's ethics department for advice on your professional responsibility in the situation. Bear in mind, you may need to contact the ethics department for guidance as to your professional obligations as the situation unfolds. All calls to the ethics department are confidential. Make sure to document the actions you take based on the guidance you receive from the ethics department.

Self-efficacy is an individual's belief in their capacity to face challenges competently. By employing these techniques, we can build self-efficacy. We will recover and rebound more quickly by adopting the mindset that we can learn from our mistakes and that our mistakes do not define us. Moreover, responding to ourselves in this way not only builds self-efficacy but also fosters self-compassion. In turn, self-compassion leads to greater compassion for others, enabling us to be more understanding when a lawyer in our firm comes to us seeking guidance after making a mistake.

CONTINUED ON PAGE 39

Grievance Committee and DHC Actions

Disbarments

John H. Painter of Monroe surrendered his license and was disbarred by the State Bar Council at its July 2025 meeting after acknowledging that he could not successfully defend against allegations that he improperly borrowed money from a client and failed to timely repay it, failed to refund an unearned \$30,000 fee, and failed to properly maintain and pay over employee income tax withholdings during the period from 1999 through 2016.

Suspensions & Stayed Suspensions

Elizabeth Caviness of Siler City engaged in a widespread pattern of client neglect, made misrepresentations to the tribunal and to clients, failed to respond to the State Bar, and failed to comply with the wind-down provisions of a noncompliance suspension order. Caviness did not file an answer or participate in the proceedings. On September 25, 2025, the DHC entered an order suspending Caviness's license for five years with an opportunity to apply for a stay of the remainder of the suspension after three years upon compliance with conditions.

Christopher Sanders of Matthews failed to communicate with over a dozen clients before they were scheduled to appear at their involuntary commitment petition hearings, made false statements to the court, failed to correct false information that he provided or adopted as true to the court, and made a false statement to the State Bar during the grievance process. On September 30, 2025, the DHC entered a Consent Order of Discipline suspending Sanders from the practice of law for six months.

Grievance Noncompliance Actions before the DHC

Richard Batts of Rocky Mount failed to comply with a grievance investigation, including failing to appear pursuant to subpoena. On August 19, 2025, the DHC entered an order suspending his law license for noncompliance. On September 15, after providing the requested documents and information, Batts was reinstated by consent order.

Andre Hogan of Wilmington failed to comply with a grievance investigation. On August 11, the DHC entered an order suspending his law license for noncompliance.

Reprimands

Guy E. Cousins of Charlotte was retained to represent a client in a civil action and failed to inform his client of two notices of deposition that he received from the opposing party to take his client's deposition, failed to appear for the noticed depositions with his client, and failed to respond to his client's reasonable requests for updates about his case. After the court dismissed his client's case, Cousins did not take any action on behalf of his client to seek relief from the court's order. Cousins did not timely or fully respond to the State Bar's lawful requests for information and documentation in connection with a grievance investigation. He was reprimanded by the Grievance Committee.

Guy E. Cousins of Charlotte failed to respond and participate in good faith with the State Bar's mandatory fee dispute resolution process. Cousins also failed to respond to the State Bar's lawful requests for information in connection with a grievance investigation. He was reprimanded by the Grievance Committee.

Adam M. Everett of Hickory engaged in conduct prejudicial to the administration of justice by calling a judge on his personal cell phone about a criminal case involving a member of Everett's family and seeking modification of a pretrial release order for Everett's own benefit without providing advance notice to the defendant or requesting that the defendant be given an opportunity to be heard. He was reprimanded by the Grievance Committee.

Kimber S. Grabs of Danbury represented the Department of Social Services in an abuse, neglect, or dependency case. She emailed a judicial assistant information about the case, intending that the judicial assistant would communicate the information to the presiding judge. The judicial assistant did communicate the information to the judge. Grabs sent numerous other emails and text messages to the

judicial assistant discussing the merits of the case and expressing her opinions about the motives of the opposing party and opposing counsel, the opposing party's character and suitability as a parent, and criminal conduct by the opposing party and the father of her children. Grabs also sent several emails to a judge about the merits of a related issue that was pending before the judge. She was reprimanded by the Grievance Committee for engaging in improper *ex parte* communications.

Maria Missé of Ahoskie, in her role as an attorney employed by a Michigan law firm, only nominally participated in the representation of her clients while Michigan actors performed a substantial amount of the work on her clients' cases. She routinely relied on "appearance attorneys" to fulfill her responsibilities in court. In one matter, the appearance attorney assigned by her firm did not appear for court and Missé also failed to appear, leaving the client without counsel. She later paid off the remainder of that client's debt related to the litigation. She was reprimanded by the Grievance Committee.

Jane Srivastava of Candler, in her role as an attorney employed by a Michigan law firm, only nominally participated in the representation of her clients while Michigan actors performed a substantial amount of the work on her clients' cases. She routinely relied on "appearance attorneys" to fulfill her responsibilities in court, without knowing who those attorneys were. In one client's matter, a default judgment was entered against the client when an appearance attorney did not appear for court. She was reprimanded by the Grievance Committee.

Joseph Guy Wilkerson of Wilmington represented a client in the purchase of a home. During the representation, his office received two separate sets of payoff instructions for the seller's mortgage: One set was legitimate, and the other was fraudulent. Before initiating the wire transfer, Wilkerson failed to independently verify either set of wiring instructions.

CONTINUED ON PAGE 36

Boundaries at Work that Work

BY LAURA MAHR

One of the books that I most often recommend to clients is Nedra Glover Tawwab's New York Times Best Seller, *Set Boundaries, Find Peace: A Guide to Reclaiming Yourself*. Why would a book on boundaries be at the top of my recommended book list for lawyers and judges? Because most everything we do in our profession—especially if we want to do it well—comes down to setting and holding healthy boundaries. Tawwab, a Charlotte-based therapist with 2.5 million social media followers, wrote "*Set Boundaries*" after an Instagram post she wrote, entitled "Signs That You Need Boundaries" went viral. In the introduction to her book, Tawwab shares an illuminating insight about therapy: "People don't come to therapy knowing they have boundary issues. When they walk in the door, boundary issues are disguised as issues with self-care, conflicts with other people, trouble with time management, or concerns about how social media impacts their emotional state." Reading this, I reflected not only on the challenges my coaching and consulting clients bring, but also on the places I get stuck in my own life. Tawwab makes an astute point: at the root of many presenting problems, the path forward often lies in learning to set and hold healthier boundaries. Isn't this also why clients often turn to lawyers? We help define, protect, and uphold boundaries in the legal realm.

What are Boundaries?

Boundaries are the limits we set to protect ourselves and what we value. They are the parameters that define what is a "yes" and what is a "no." "Boundaries are expectations and needs that help you feel safe and comfortable in your relationships. Expectations in relationships help you stay mentally and emotionally well. Learning when to say no and when to say yes is also an essential part of feeling comfortable when interacting with



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others," Tawwab articulates. We set boundaries with ourselves and others all day long whether we are conscious of it or not. Common areas where we set boundaries include:

- **Time:** when and how we are available
- **Work/Life:** how time is divided among work, family, friends, and obligations
- **Energy:** protecting mental, emotional, and physical capacity
- **Workload:** how much responsibility we take on
- **Communication:** what topics are acceptable to discuss
- **Personal Space:** comfort with closeness, privacy, and physical touch
- **Emotional Sharing:** what personal information we disclose, and with whom
- **Responsibilities:** what we agree to or expect others to carry
- **Technology Use:** screen time for work and personal life
- **Self-Care:** time reserved for rest, health, hobbies, and restoration

As attorneys, boundaries are woven into nearly every aspect of our work—from pro-

ocols and client contracts to the way we communicate with clients and colleagues. They are often at the heart of the very matters we litigate, and the reason clients turn to us for advocacy. Clear, well-defined boundaries not only support the efficient functioning of our practices, but also help clients feel informed, confident, and certain about what to expect.

Porous, Rigid, or Healthy?

Tawwab suggests three separate categories of boundaries: porous, rigid, and healthy. Think about a spectrum with too porous on one end, too rigid on the other end, and healthy in between.

Porous Boundaries

Porous boundaries are overly loose, inconsistent, or unclear. They often show up as:

- Saying "yes" when wanting to say "no"
- Oversharing information
- Feeling responsible for other people's feelings or outcomes
- Absorbing others' stress or pain

- People pleasing at the cost of one's own needs

In legal practice: porous boundaries often lead to overextending, taking on clients' emotional distress as one's own, or permitting clients', colleagues' or judges' expectations to override personal limits. For those with porous professional boundaries, there is a risk of feeling resentful, exhausted, or burned out.

Rigid Boundaries

Rigid boundaries, by contrast, are overly strict or inflexible. They often show up as:

- Saying "no" when it may be more appropriate or enjoyable to say "yes"
- Keeping people at a distance, even when closeness is appropriate or desired
- Not taking responsibility for one's impact on others
- Disengaging rather than working through challenges
- Being closed off to help or support

In legal practice: rigid boundaries can look like emotional detachment from clients or colleagues, difficulty collaborating, or refusing to seek mentorship or feedback. Over time, rigid professional boundaries can create isolation, interpersonal conflict, stalemates, and burnout.

Healthy Boundaries

Healthy boundaries represent a balanced middle ground. Healthy boundaries set clear limits that protect energy, values, and integrity while allowing professional engagement and human connection.

Healthy boundaries look like:

- Considering options and saying "yes" or "no" with clarity
- Feeling comfortable changing one's mind
- Sharing information in a way that's appropriate to the context
- Taking responsibility for one's own feelings while allowing others to own theirs
- Communicating needs directly, even when it risks conflict
- Fostering connection without compromising self-respect

In legal practice: healthy boundaries enable presence and professionalism without becoming enmeshed in clients' matters. These boundaries bring balanced workload with capacity and satisfaction in work. Healthy boundaries promote professionalism, lead to effective case resolution, and fos-

ter the resilience and enjoyment needed for professional longevity.

Boundaries in the Legal Profession

Let's look at how this plays out in law practice. As you review the examples, notice which type of boundary (porous, rigid, or healthy) feels most familiar to you.

Client Communication

- Porous: "I answer client calls, texts, and emails outside of business hours. I feel anxious if someone needs me and can't immediately reach me."
- Rigid: "I refuse to respond to clients outside my office hours. I feel irritated when colleagues contact me after business hours."
- Healthy: "I return messages within a set timeframe and communicate that policy clearly to clients. If I have a trial or meeting, I may vary the times. I feel clear about this boundary and capable of holding it."

Work Hours

- Porous: "I often work late into the night and through weekends. I do what it takes to get the job done, no matter the toll it takes on me. I feel like I'm always on."
- Rigid: "I work strictly 9 to 5 and never adjust, even if it leaves others in the lurch or might negatively impact a case. I feel inflexible and on guard."
- Healthy: "I protect my evenings and weekends for personal time but adjust when necessary. I feel refreshed when I go to work in the morning and excited about spending time with my loved ones at the end of the day."

Billing Transparency

- Porous: "I discount my time or don't record certain hours to avoid client complaints. I feel resentful of my clients and try to avoid conflict."
- Rigid: "I expect clients to accept my invoices as they are. I feel agitated if someone questions their invoice."
- Healthy: "I provide clear, detailed invoices and explain charges if asked, while standing by the value of my work. If a client indicates a problem with an invoice, I feel comfortable taking a second look to see if I made a mistake."

Vacation

- Porous: "I take my laptop on every vacation and answer emails from clients and

colleagues. I feel stressed about missing work emails."

- Rigid: "I disconnect completely on vacation and won't respond even if something urgent arises. I feel annoyed if anything work-related arises."

- Healthy: "I plan time off in advance, set coverage for urgent matters, and step away to recharge. I feel energized for my vacation knowing there is a clear communication protocol if an emergency arises."

Deadlines

- Porous: "I rush to meet every deadline, whether real or self-imposed, no matter the cost to my time or energy. I feel rushed and scrambled all day."
- Rigid: "I stick to deadlines rigidly and refuse to adjust, even when circumstances call for flexibility. I feel tense whenever I have a deadline."
- Healthy: "I set realistic deadlines, plan my work around them, and communicate proactively if changes are needed. I feel mobilized during the work day and enjoy having time to unwind at night."

Client Expectations about Case Outcomes

- Porous: "I assure clients I can get them the outcome they want, even when I can't guarantee it. I ruminate about delivering on my promises."
- Rigid: "I give minimal information and avoid discussing possible outcomes to reduce pressure. I feel worried about having enough work because I often lose clients after the first consultation."
- Healthy: "I'm transparent about potential outcomes in client matters; I'm clear about what is within my control and what is not. I feel at ease when helping clients map a realistic course."

Managing Conflict Between Staff

- Porous: "I step in to resolve every disagreement, over-investing time and energy in minor conflicts. I feel drained by these interactions."
- Rigid: "I ignore conflicts, letting tension fester without intervention or guidance. I feel incapable of resolving interpersonal conflicts and disappointed when people quit."
- Healthy: "I address conflicts promptly, facilitate communication, and set clear expectations for respectful collaboration. I feel curious about how to find adaptive

strategies and confident I have the skills to do so.”

Delegating Tasks

- Porous: “I give unclear instructions when I assign a task. I often take back tasks if the delegate has questions or complaints. I feel confused about how to get the help I need.”
- Rigid: “I find it difficult to delegate any meaningful tasks. I either keep all responsibility to myself or hold too high of expectations for others. I feel frustrated that I have to do everything myself.”
- Healthy: “I assign tasks with clear instructions and deadlines and provide support as needed. I allow staff to complete work independently while monitoring outcomes. I enjoy coming up with creative solutions to managing people and projects.”

Well-Being

- Porous: “I overeffort and push myself to keep working no matter what. I feel exhausted and burned out.”
- Rigid: “I underperform and avoid challenging cases or high-stress clients to protect myself. I feel dispassionate about what I do.”
- Healthy: “I value getting rest, having downtime, and taking care of myself physically, mentally, emotionally, and spiritually. I feel effective and resilient in my work.”

Know When to Hold ‘Em

Boundaries are not a “set it and forget it” matter. They require awareness and the willingness to adjust as circumstances and people change. Setting and maintaining healthy boundaries involves tolerating discomfort, whether from others’ frustration, persistence, or differing expectations. Ongoing introspection plays a central role in knowing when to hold a boundary or when to adjust. We can check in with ourselves regularly to notice when boundaries feel porous or rigid and make adjustments accordingly.

Somatic awareness is a quick and effective way to guide the process of setting and holding healthy boundaries. For example, constriction in the stomach, shoulders, or jaw signals discomfort and may indicate a boundary that is too porous or too rigid or that a healthy boundary has been broken. Alternatively, ease in the body, which could include relaxed breathing and open hands,

often indicates alignment with our limits. Awareness of these bodily signals enables us to respond deliberately, safeguarding both limits and our well-being.

Hope for a Better Boundaried Future

Speaking of boundaries, I have reached my word count! In closing, I offer encouragement about tuning into and adjusting your boundary habits. Remarkably, our brains are neuroplastic, meaning we can learn new behaviors and form healthier habits. You may find that you have healthy boundaries in some areas, and either rigid or porous in other areas. If you relate to either of the unhealthy boundary categories in the examples above, take heart as transformation is achievable. If you notice constriction or discomfort during your day, pause and check whether a boundary needs attention. Small, intentional steps—shifting away from extremes toward center—can gradually strengthen your boundaries and support both your professional effectiveness and personal resilience. If you are curious about learning more about the complex world of boundaries, delve into Tewwab’s book and perhaps, as she suggests, “Stop thinking about boundaries as mean or wrong; start to believe that they’re a nonnegotiable part of healthy relationships, as well as self-care and wellness practice.” Experiment with healthy boundaries and let me know how it goes! ■

Laura Mahr is a North Carolina and Oregon lawyer and the founder of Conscious Legal Minds LLC, providing well-being consulting, training, and resilience coaching for attorneys and law offices nationwide. Through the lens of neurobiology, Laura helps build strong leaders, happy lawyers, and effective teams. After bringing herself back from the brink of burnout with the tools she now teaches, Laura brings lived experience and compassion to thousands of lawyers, judges, and support staff each year in her writing, coaching, and CLE trainings. Her work is informed by 13 years of practice as a civil sexual assault attorney, 30 years as a teacher and student of mindfulness and yoga, and ten years studying neurobiology and neuropsychology with clinical pioneers. If you would like help setting healthy boundaries for yourself or your legal team, contact Laura at consciouslegalminds.com.

Disciplinary Department (cont.)

Following the closing, he wired \$250,872.65 in entrusted funds to a fraudster. Wilkerson was reprimanded by the Grievance Committee.

Tiana Young Morris, formerly of Charlotte (currently of Houston, Texas), repeatedly failed to notify her client of hearing and trial dates, to appear in court, and to tell her client when she had missed court dates. She didn’t keep the client informed, respond to client communications, serve the client’s discovery responses, or comply with the court’s order to provide discovery responses by a stated deadline. Consequently, the court ruled against her client and ordered the client to pay attorney fees. Morris defied a subpoena to appear for a hearing on the client’s motion for a new trial. The court concluded that Morris’s “ineffective assistance of counsel and inexcusable neglect” deprived the client of a fair trial. Morris did not respond to the State Bar’s letter of notice. She was reprimanded by the Grievance Committee.

Completed Petitions for Reinstatement/Stay – Uncontested

In 2024, the DHC suspended **Nicolle Phair** of Sanford for three years. Phair engaged in fraud upon the court during her representation of a criminal defendant by having a stranger pretend to be her client when her client’s case was called for trial, and failing to return to an afternoon session of court as directly ordered by the court, resulting in unnecessary continuances for clients who remained in jail. On October 6, 2025, the DHC entered a consent order granting Phair’s petition to stay the remainder of the suspension.

Completed Petitions for Reinstatement/Stay – Contested

In 2015, the DHC disbarred **Matthew Ragaller** of Asheville for misappropriating approximately \$21,500 in estate funds by disbursing the amount to himself without prior court authorization. Ragaller sought reinstatement but while discovery was ongoing, Ragaller voluntarily withdrew his petition.

Transfers to Disability Inactive Status

Karen Biernacki of Cleveland and **Larry J. McGlothlin** of Fayetteville were transferred to disability inactive status by consent order entered by the Chair of the Grievance Committee. ■

BEFORE THE COUNCIL OF THE NORTH CAROLINA STATE BAR

Service by Publication Pursuant to 27 N.C.A.C. 1D, Rule .0903(C)

Notice to Comply or Show Cause In Re: Membership, IOLTA, and Continuing Legal Education Requirements

Bar ID	Name	Last Known City	Requirements	Amount Owed
#13569	Frederick Kennedy III	Old Orchard Beach, ME	Dues/CLE since 2004	Excess of \$8,000
#18977	Horace Crump	Raleigh, NC	Dues/CLE since 2021	Excess of \$2,000
#2824	Rufus Allen Lytch	Dunn, NC	Dues/CLE since 2022	Excess of \$2,000
#3257	William L. O'Quinn	Aurora, CO	Dues/CLE since 2022	Excess of \$1,000
#12225	Andrew G. Trakas	Cramerton, NC	Dues/CLE since 2022	Excess of \$1,000
#19611	Quang Ngoc Nguyen	Paris, France	Dues/CLE since 2022	Excess of \$1,000
#32255	Christie Diane Haynes	High Point, NC	Dues/CLE since 2022	Excess of \$2,000
#34175	J. Michael Ricks	Goldsboro, NC	Dues/CLE since 2022	Excess of \$2,000
#48266	Elisabeth Sawyer Shapiro	Chicago, IL	Dues/CLE since 2022	Excess of \$2,000
#12971	David E. Grimes Jr.	Sunset Beach, NC	Dues/CLE since 2023	Excess of \$1,000
#27679	Frank Paul Testa	Matthews, NC	Dues/CLE since 2023	Excess of \$1,000
#43868	Lori Driver Russell	Tassin, France	Dues/CLE since 2023	Excess of \$1,000
#45422	Jessica Rhea Gallagher	Austin, TX	Dues/CLE since 2023	Excess of \$2,000
#46719	Edward Jonathon Scibilia	Phoenix, AZ	Dues/CLE since 2023	Excess of \$1,000
#58080	Colin Michael Simon	Raleigh, NC	Dues/CLE since 2023	Excess of \$1,000
#7990	Elizabeth F. Reveley	Charlotte, NC	Dues/CLE since 2024	Excess of \$1,000
#8371	Karin B. Littlejohn	Kernersville, NC	Dues/CLE since 2024	Excess of \$1,000
#9832	Avis Goodson Ridenhour	Greensboro, NC	Dues/CLE since 2024	Excess of \$800
#10202	Robert Patrick Snoddy	Charlotte, NC	Dues/CLE since 2024	Excess of \$1,000
#12180	Robert Glenn Karriker	Dubois, WY	Dues/CLE since 2024	Excess of \$900
#17940	Ollie H. Taylor	Raleigh, NC	Dues/CLE since 2024	Excess of \$1,000
#24940	Trula R. Mitchell	Scottsdale, AZ	Dues/CLE since 2024	Excess of \$900
#26819	Sonya Lakesha Whitaker	Raleigh, NC	Dues/CLE since 2024	Excess of \$1,000
#30437	Oheneba Akomea Poku-Kankam	Charlotte, NC	Dues/CLE since 2024	Excess of \$1,000
#53383	Taylor Alexander Beamon	Huntersville, NC	Dues/CLE since 2024	Excess of \$1,000
#57077	Travis Jerome Rothschild	Los Angeles, CA	Dues/CLE since 2024	Excess of \$1,000
#58739	Teddy Ryan	Weaverville, NC	Dues/CLE since 2024	Excess of \$1,000
#60537	William McLeod McIntosh Jr.	Durham, NC	Dues/CLE since 2024	Excess of \$1,000

WHEREAS, the records of the North Carolina State Bar show that the above named lawyers failed to fulfill the noted requirements of membership pursuant to the administrative rules of the North Carolina State Bar.

AND WHEREAS, a diligent but unsuccessful effort has been made to serve these lawyers by registered or certified mail, designated delivery service, personal service, and/or email.

NOW THEREFORE, pursuant to 27 N.C.A.C. 1D, Rules .0903, these lawyers are hereby given notice to comply or show cause in writing within 30 days of service of

this notice why their licenses to practice law should not be suspended for failure to comply with these mandatory requirements.

The above-named lawyers are further advised that their failure to comply will be considered for action by the Administrative Committee of the North Carolina State Bar Council at its meeting on January 21, 2026, in Raleigh, North Carolina. For any of the above-named lawyers who fail to comply or to show satisfactory cause, upon the recommendation of the Administrative Committee, the council will take such action as it deems necessary at its meeting on January 23, 2026, in accordance with

Chapter 84 of the General Statutes and may enter an order suspending your license to practice law.

If an above-named lawyers complies with all the mandatory requirements within 30 days from the service of this notice, the lawyer need not appear, respond, or take any further action by way of response to return to good standing. The above-named lawyers are encouraged to contact the Membership Department at (919) 828-4620 for additional information.

This the 6th day of November 2025.

Peter G. Bolac, Secretary
The North Carolina State Bar

Gay Stanley, Board Certified Specialist in Child Welfare Law

BY KATIE SERUSET, CERTIFICATION COORDINATOR, LEGAL SPECIALIZATION

I recently had the opportunity to talk with Gay Stanley, a board certified specialist in child welfare law and attorney with the Wayne County Department of Social Services. Gay attended UNC-Chapel Hill for her undergraduate degree and Cumberland School of Law, Samford University, for law school. After becoming the Greene County attorney in May 2020 and seeing a steep increase in child protective service cases to her practice, Gay decided to pursue board certification in child welfare law to be better prepared to represent clients in court. She has been a practicing child welfare law board certified specialist since 2024. In this interview, Gay provides her insights into the rewarding work of child welfare law, and the value of making meaningful connections to become a better attorney and improve the practice of law.

Q: Tell us about yourself: college, law school, early career, etc.

I am surprised to look in the mirror and realize I have become one of the more “experienced” attorneys in my district. I have been practicing law for 30 years.

I grew up in Duplin County, NC. I attend UNC-Chapel Hill for undergraduate and Cumberland School of Law, Samford University, for law school. After law school, I was very fortunate to clerk for the Honorable Justice John Webb, associate justice of the North Carolina Supreme Court. Clerking for Justice Webb was an invaluable experience. He was always very open to questions and discussions of the issues before the Court as well as the precedential cases. My clerkship was more like an extension of my education than work.

After clerking, I joined an insurance

defense firm. While practicing insurance defense, I had over 50 jury trials in district and superior court in 23 counties. Although insurance defense did not fit with the demands of my life once I became a mother,

the experience I gained continues to benefit me in child welfare law. Specifically, I use the trial experience, knowledge of the Rules of Evidence, and knowledge of the Rules of Civil Procedure I gained in insurance defense trials almost every day practicing child welfare law.

Q: What inspired you to become a lawyer?

I have always had a strong sense of fairness and justice. I believe that sense of justice led me to law school. It has also helped me to be more satisfied with my career since I realized early on you cannot “win” every case. In fact, sometimes you know you should not “win” and you are representing your client to ensure fairness and that justice prevails. This is especially true in child welfare cases. Attorneys in child welfare court have to remember that the cases are “In the matter of” the minor child, not the Department of Social Services (DSS) verses the parent or guardian.

Q: What led you to practice child welfare law?

In 2006, one of my law partners asked me to join the parent defender list in Wayne County and later Greene County because the district did not have enough attorneys on the lists. She promised to mentor me and teach me everything she knew. She did a fantastic job.

From there forward, I was fortunate to be in the courtroom with experienced, knowledgeable judges, DSS attorneys, guardian ad litem (GAL) attorneys, parents’

attorneys, and court staff. The professionalism and respect for the cases that these professionals demonstrated kept me on the parent attorney list for 15 years.

Q: What made you pursue becoming a board certified specialist in child welfare law?

When I first began trying cases, I was given great advice by a senior partner, Don Clark. He advised: “One lawyer is always more prepared. Be the more prepared lawyer.” That piece of advice has continued with me throughout my career, eventually leading me to investigate board certification.

When I became the Greene County attorney in May 2020, my practice became 70-75% child protective services. I was also aware that my many years of experience in Abuse, Neglect, and Dependency Court as a parent attorney was likely one of the most influential factors in my appointment as county attorney. I decided that since child welfare law was the majority of my practice, I should strive to be the most knowledgeable about child welfare law that I could be. I was already taking as many CLEs in the area as I could find. I also knew if I took the board certification exam, I would have to study everything, including the less common issues that do not arise in most child welfare cases. Thus, becoming board certified in child welfare law seemed like the next logical step in being better prepared to represent my clients in court.

Q: What benefits have you seen to your practice since becoming board certified?

I feel more confident in my knowledge of statutes and case law. I am also more comfortable with novel issues in the area. I may not have had a case with the same issues before, but I do feel confident that I know where to find answers.

Q: Can you share a success story that



Stanley

means a lot to you within your child welfare practice?

Watching a parent overcome addiction and seeing a family reunited or a child adopted are absolutely two of the most rewarding aspects of child welfare law.

My own success story would be becoming board certified in child welfare law and earning the opportunity to follow in some of the footsteps of a great attorney, Mr. Borden Parker. For the nearly 15 years I represented parents in Abuse, Neglect, and Dependency Court in Wayne and Greene Counties, Mr. Parker was my opposing counsel representing Wayne and Greene County Department of Social Services. Mr. Parker was a fierce and formidable opponent in the courtroom, but a gentleman, friend, and willing mentor outside of the courtroom.

Mr. Parker recently retired after 50 years as the Wayne County attorney. He was also the Greene County attorney for 20 years. I was honored to become the Greene County attorney after he retired in 2020. Since Mr. Parker retired as the Wayne County attorney in February of 2025, I have the honor to try once again to fill his shoes in representing the Wayne County Department of Social Services as an assistant county attorney.

Q: What is the most challenging aspect of working in child welfare law?

The most challenging aspect of working in child welfare law is the children that do not get help and remain in abusive situations. Most often, these are cases of psychological and verbal abuse of the child by a parent with a personality disorder, such as Borderline Personality Disorder. There is very little that psychologists and psychiatrists can do to treat personality disorders, and these parents very often do not want treatment. At the same time, psychological and verbal abuse of a child can be even more damaging than physical abuse in some instances, even though it does not leave visible scars. These cases are often the most difficult to prove at adjudication as these parents are expert at blaming the child's behavior and playing the victim. It is incredibly difficult and sad to be unable to establish psychological abuse by clear and convincing evidence if the child recants out of fear of the parent or if the parent's deflection of blame is successful.

Q: What is the most fun or enjoyable aspect of your work?

The great people I get to work with and learn from. Every family and every case is different and involves varying professionals. I get to work with all types of social workers, district attorneys, psychologists, medical doctors, therapists, psychiatrists, and substance abuse counselors. Family reunification requires a team effort, and it is truly rewarding to work with these professionals.

Q: How do you stay current in your field?

The UNC School of Government (SOG) website and listserv are the best ways I have found for keeping up to date. UNC-SOG publishes blogs and articles regularly on all emerging issues. Additionally, the SOG has a case compendium allowing attorneys to quickly catch up with the latest appellate court rulings. I keep a short cut to the juvenile law microsite on my desktop.

Additionally, since I cannot possibly attend every CLE and read every new article or blog, I have found that just eating lunch regularly with my colleagues is invaluable. Talking with colleagues regularly, I learn about the issues and changes from the CLEs, seminars, and conferences they have attended.

Q: Who do you consider to be a role model or mentor and why?

I took ethics and professional responsibility in law school from Governor Albert Brewer. As part of the course, he required his class to reread *To Kill a Mockingbird* by Harper Lee. At the end of the semester, we discussed the book in light of our knowledge of an attorney's professional responsibility and ethics. Governor Brewer explained that he wanted the class to realize that, as attorneys, we are all public servants, regardless of our employer. We are public citizens and have a duty to our professional ethics in all areas of our lives. Lawyers are responsible for the integrity of the judicial system through the lawyer's respect for the court and willingness to defend the indefensible. One of my favorite quotes from the book is when Atticus explains to Jem: "I wanted you to see what real courage is, instead of getting the idea that courage is a man with a gun in his hand. It's when you know you're licked before you begin but you begin anyway, and you see it through no matter what. You rarely win, but sometimes you do."

I think this quote is especially applicable to the parent defenders in child welfare cases. By the time a petition is filed, the facts at adjudication are usually stacked against

the client. However, attorneys uphold the integrity of the court and help their clients navigate the process towards the best possible result for the child even when it feels as if they are "losing" every case.

Q: What advice do you wish you had been given when you were starting your law career?

"Don't work through lunch! You will do more to prepare for afternoon court by eating lunch with your colleagues than studying your case files."

As I stated above, having colleagues you can compare notes with is invaluable. I have learned through experience that I will learn more going to lunch with my opposing attorneys and hearing their "war stories" than most CLEs. Additionally, judges, clerks, bailiffs, and courtroom staff eat lunch too. These professionals have seen hundreds of attorneys and cases, if not thousands, and more often than not are friendly and willing to talk to you about your cases, so long as no rules of professional conduct are violated.

Finally, having those attorneys you regularly see in the courtroom who practice in your area that you can call on the drive home and "vent" to on occasion makes the tough days easier. ■

For more information about the specialization program, please visit our website at nclawspecialists.gov.

Lawyer Assistance Program (cont.)

While we all wish we didn't, the truth is that we all have "Oh No!" moments. Hopefully this article provides some useful guidance you can call on the next time you find yourself in one of those moments. ■

NC LAP is a confidential program of assistance for all North Carolina lawyers, judges, and law students, which helps address problems of stress, depression, alcoholism, addiction, or other problems that may impair a lawyer's ability to practice. For more information, go to nclap.org or call: Cathy Killian (Charlotte/areas west) at 704-910-2310, or Nicole Ellington (Raleigh/down east) at 919-719-9267.

Amendments Pending Supreme Court Approval

At its meeting on October 31, 2025, the council voted to adopt the following rule amendments for transmission to the North Carolina Supreme Court for its approval. (For the complete text of the rule amendments, see the Fall 2025 edition of the *Journal* or visit the State Bar website.)

Amendments to the Rules Governing the Admission to the Practice of Law in the State of North Carolina

27 N.C.A.C. 03, Section .0100, Rule .0101, .0301, .0404, .0501, .0503, .0504, .0901 through .0904, .1001 through .10031 and .1005

The proposed amendments (1) establish a new requirement that general and transfer applicants complete a North Carolina State-Specific Component Examination on Decedents'

Estates and Trusts, effective for applications filed on or after November 15, 2027, and May 1, 2028, respectively; (2) revise fee structures for general and supplemental applications beginning with the July 2028 bar examination; (3) formally recognize the NextGen UBE as part of the Uniform Bar Examination administered in North Carolina with the first administration of the NextGen UBE in North Carolina to occur in July 2028; (4) create a no-fee admission process for military spouse comity applicants, and clarify application requirements for servicemembers; (5) clarify filing and good standing definitions, including discretion to waive certain certification requirements related to bar dues; and (6) confirm that bar exam answers will not be regraded and provide updated procedures for score disclosure and exam review.

Highlights

- On October 31, 2025, amendments to the Board of Law Examiners' Rules Governing the Admission to the Practice of Law in the State of North Carolina were approved for adoption. These amendments include amendments related to the NextGen UBE and relocated servicemembers and spouses.
- Proposed amendments to the Rules Governing Reinstatement were also approved for publication. The amendments allow time spent as the spouse of a military servicemember who is required to relocate outside North Carolina due to military orders to offset years of inactive and suspended status.
- Proposed amendments to the Rules Governing Professional Conduct of the North Carolina State Bar were also approved for publication. The amendments permit the Department of Justice and Public Defender Offices to resolve imputed conflicts of interest by timely screening the disqualified lawyer and providing written notice as described in the Rules.

Proposed Amendments

At its meeting on October 31, 2025, the council voted to publish for comment the following proposed rule amendments:

Amendments to the Rules Governing Discipline and Disability Rules

27 NCAC 01B, Section .0100, Discipline and Disability of Attorneys

The proposed amendments clarify existing exceptions to grievance confidentiality and specify that the State Bar may reveal the existence of a grievance investigation in connection with a petition for noncompliance suspension pursuant to 27 NCAC 1B .0135.

Rule .0133, Confidentiality

(a) Allegations of Misconduct or Alleged Disability - Except as otherwise provided in this rule and G.S. 84-28(f), all information, documentation, and proceedings involving allegations of misconduct by or alleged dis-

ability of ~~a member~~ an attorney will remain confidential until

- (1) a complaint against ~~a member an attorney~~ an attorney has been filed ~~with the secretary in the Disciplinary Hearing Commission~~ after a finding by the Grievance Committee that there is probable cause to believe that the ~~member is guilty of~~ attorney engaged in misconduct justifying disciplinary action or is disabled;
- (2) the ~~member attorney~~ requests that the matter be made public ~~prior to the filing of a complaint;~~
- (3) the investigation is predicated upon the attorney's conviction of ~~the member or sentencing for~~ a crime;
- (4) a petition or action is filed in the general courts of justice;
- (5) the ~~member attorney~~ files an affidavit of surrender of license; ~~or~~
- (6) ~~an attorney member~~ is transferred to

disability inactive status pursuant to Rule .0122(a) ~~or (b)(e)~~. In such an instance, the order transferring the ~~member attorney~~ shall be public. Any other materials, including the ~~medical~~ evidence of disability supporting the order, shall be kept confidential unless and until the ~~member attorney~~ petitions for reinstatement ~~pursuant to Rule .0122(e)~~, unless otherwise provided otherwise in the order, order; or (7) a petition for noncompliance suspension has been filed in the Disciplinary Hearing Commission pur-

suant to Rule .0135.

(b) Disciplinary Complaints Filed Upon Refusal of Grievance Committee Disposition Pursuant to Rule .0113(j)(4), .0113(l)(4) or .0113(m)(4) The State Bar may disclose that it filed ~~a~~ the complaint before the Disciplinary Hearing Commission pursuant to Rule .0113(j)(5) or .0113(l)(5) ~~Rule .0113(j)(4), .0113(l)(4) or .0113(m)(4)~~ upon the defendant's refusal of a disciplinary disposition offered by the Grievance Committee:

(1) after ~~the~~ proceedings before the Disciplinary Hearing Commission have concluded; or

(2) while proceedings are pending before the Disciplinary Hearing Commission, ~~in~~ order to address

(c) Letter of ~~Warning~~ Warning; or Admonition - A letter of warning issued to an attorney within the preceding three years may be revealed in any subsequent disciplinary proceeding. The previous issuance of a letter of warning, formerly known as a letter of admonition, or an An admonition issued to a member an attorney may be revealed in any subsequent disciplinary proceeding.

(d) Attorney's Response to a Grievance - This provision will not be construed to prohibit the North Carolina State Bar from providing a copy of an attorney's response to a grievance to the complaining party ~~where such~~ when the attorney has not objected thereto in writing.

(e) Law Enforcement or Regulatory Agency - This provision will not be construed to prohibit the North Carolina State Bar from providing information or evidence to any law enforcement or regulatory agency.

(f) Chief Justice's Commission on Professionalism - This provision will not be construed to ~~prevent~~ prohibit the North Carolina State Bar, with the approval of the chairperson of the Grievance Committee, from notifying the Chief Justice's Commission on Professionalism of ~~any allegation of alleged~~ unprofessional conduct by ~~any member an attorney.~~

(g) Lawyer Assistance Program - This provision will not be construed to ~~prevent~~ prohibit the North Carolina State Bar from notifying the Lawyer Assistance Program of any circumstances that indicate ~~a member an attorney~~ abuse use or mental health issue.

(h) Other Jurisdictions - This provision will not be construed to prohibit the North

Carolina State Bar, with the approval of the chairperson of the Grievance Committee, from providing information concerning the existence of a letter of caution, letter of warning, or admonition to any agency that regulates the legal profession in any other jurisdiction so long as the inquiring jurisdiction maintains the same level of confidentiality respecting the information as does the North Carolina State Bar.

(i) National Discipline Data Bank - The ~~secretary clerk of the Disciplinary Hearing Commission~~ will transmit notice of all public discipline imposed and transfers to disability inactive status to the National Discipline Data Bank maintained by the American Bar Association.

(j) Client Security Fund Board of Trustees - ~~The secretary may also transmit any relevant~~ Counsel may provide information that is confidential under subsection (a) to the Client Security Fund Board of Trustees to assist the Client Security Fund Board in determining losses caused by dishonest conduct of members of the North Carolina State Bar.

Amendments to the Rules Governing the Board of Law Examiners and the Training of Law Students

27 NCAC 01C Section .0100, Board of Law Examiners

The proposed amendment to the rules governing admission to the NC State Bar modifies the acceptable education requirements to include other legal degrees if the applicant has also been licensed in another US jurisdiction.

Rule .0105, Approval of Law Schools

Every applicant for admission to the North Carolina State Bar must meet the requirements set out in at least one of the numbered paragraphs below:

(1) The applicant holds an LL.B or J.D. degree from a law school that was approved by the American Bar Association at the time the degree was conferred; or

(2) Prior to August 1995, the applicant received an LL.B., J.D., LL.M., or S.J.D. degree from a law school that was approved by the council of the N.C. State Bar at the time the degree was conferred;

(3) Prior to August 2005, the applicant received an LL.M or S.J.D. degree from a law school that was approved by the American Bar Association at the time the

Comments

The State Bar welcomes your comments regarding proposed amendments to the rules. Please send your written comments by January 9 to Peter Bolac, The North Carolina State Bar, PO Box 25908, Raleigh, NC 27611, or email comments@ncbar.gov.

The Process

Proposed amendments to the Rules of the North Carolina State Bar are published for comment in the Journal. They are considered for adoption by the council at the succeeding quarterly meeting. If adopted, they are submitted to the North Carolina Supreme Court for approval. Unless otherwise noted, proposed additions to rules are printed in bold and underlined; deletions are interlined.

degree was conferred.

(4) The applicant holds a law degree (LL.B, J.D., LL.M, S.J.D., or other similar degree) that was deemed sufficient for licensure purposes in another state of the United States or the District of Columbia, successfully passed that jurisdiction's bar examination, and was licensed in said jurisdiction.~~an LL.B. or J.D. degree from a law school that was approved for licensure purposes in another state of the United States or the District of Columbia and was licensed in such state or district.~~

Amendments to the Rules Governing Procedures for the Administrative Committee

27 NCAC 01D, Section .0900, Procedures for Administrative Committee

The proposed amendments allow time spent as the spouse of a military service member who is required to relocate outside North Carolina due to military orders to offset years of inactive or suspended status.

Rule .0902, Reinstatement from Inactive Status

...

(B) A member may offset the inactive status period for the purpose of calculating the seven years necessary to actuate the requirements of paragraph (A) as follows:

(1) Active Licensure in Another State. Each year of active licensure in another state during the period of inactive status shall offset one year of inactive status for the purpose of calculating the seven years necessary to actuate the requirements of paragraph (A). If the member is not required to satisfy the requirements of paragraph (A) ~~as a consequence of~~ because of offsetting, the member shall satisfy the CLE requirements set forth in paragraph (c)(4) for each year that the member was inactive up to a maximum of seven years.

(2) Military Service or Spouse of a Service Member. Each calendar year in which an inactive member served on full-time, active military duty, or the spouse of a military service member required to relocate outside of North Carolina due to military orders, whether for the entire calendar year or some portion thereof, shall offset one year of inactive status for the purpose of calculating the seven years necessary to actuate the requirements of paragraph (A). If the member is not required to satisfy the requirements of paragraph (A) ~~as a consequence of~~ because of offsetting, the member shall satisfy the CLE requirements set forth in paragraph (c)(4) for each year that the member was inactive up to a maximum of seven years.

(3) Federal Court Judicial Service. Each calendar year in which an inactive member served in the federal judiciary, whether for the entire calendar year or some portion thereof, shall offset one year of inactive status for the purpose of calculating the seven years necessary to actuate the requirements of paragraph (A). Such service shall also satisfy the CLE requirements set forth in paragraph (c)(4) for each year, or portion thereof, that the member served as a federal judge.

(6) ...

Rule .0904, Reinstatement from Suspension

...

(B) A member may offset the suspended status period for the purpose of calculating the seven years necessary to actuate the requirements of paragraph (A) as follows:

(1) Active Licensure in Another State. Each year of active licensure in another state during the period of suspension shall offset one year of suspension for the purpose of calculating the seven years necessary to actuate the requirements of paragraph (A). If the member is not required to satisfy the requirements of paragraph (A) ~~as a consequence of~~ because of offsetting, the member shall satisfy the CLE requirements set forth in paragraph (d)(3) for each year that the member was suspended up to a maximum of seven years.

(2) Military Service or Spouse of a Service Member. Each calendar year in which a suspended member served on full-time, active military duty, or the spouse of a military service member required to relocate outside of North Carolina due to military orders whether for the entire calendar year or some portion thereof, shall offset one year of suspension for the purpose of calculating the seven years necessary to actuate the requirements of paragraph (A). If the member is not required to satisfy the requirements of paragraph (A) ~~as a consequence of~~ because of offsetting, the member shall satisfy the CLE requirements set forth in paragraph (d)(3) for each year that the member was suspended up to a maximum of seven years.

(5) ...

Amendments to the Rules Governing Professional Conduct

27 NCAC 02, Section .0100, Rules of Professional Conduct

The proposed amendments permit the North Carolina Department of Justice and public defender offices to resolve imputed conflicts of interest by timely screening the disqualified lawyer and providing written notice as described in the Rules.

Rule 1.10, Imputation of Conflicts of Interest: General Rule

(a) While lawyers are associated in a firm,

none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so by Rules 1.7 or 1.9, unless the prohibition is based on a personal interest of the prohibited lawyer, including a prohibition under Rule 6.6, and the prohibition does not present a significant risk of materially limiting the representation of the client by the remaining lawyers in the firm.

(b) When a lawyer has terminated an association with a firm, the firm is not prohibited from thereafter representing a person with interests materially adverse to those of a client represented by the formerly associated lawyer and not currently represented by the firm, unless:

(1) the matter is the same or substantially related to that in which the formerly associated lawyer represented the client; and

(2) any lawyer remaining in the firm has information protected by Rules 1.6 and 1.9(c) that is material to the matter.

(c) When a lawyer becomes associated with a firm, no lawyer associated in the firm shall knowingly represent a person in a matter in which that lawyer is disqualified under Rule 1.9 unless:

(1) the personally disqualified lawyer is timely screened from any participation in the matter; and

(2) written notice is promptly given to any affected former client to enable it to ascertain compliance with the provisions of this Rule.

(d) A disqualification prescribed by this rule may be waived by the affected client under the conditions stated in Rule 1.7.

(e) The disqualification of lawyers associated in a firm with former or current government lawyers is governed by Rule 1.11.

(f) The disqualification prescribed by paragraphs (a) and (b) when applied to members of the North Carolina Department of Justice may be resolved by following the screening and notice requirements as set out in paragraphs (c)(1) and (c)(2).

(g) Disqualification pursuant to Rule 1.9 as prescribed by paragraphs (a) and (b) when applied to members of a public defender's office may be resolved by following the screening and notice requirements as set out in paragraphs (c)(1) and (c)(2).

Comment

...

Principles of Imputed Disqualification

...

[12] Lawyers working in a public defender's office provide clients with constitutionally guaranteed representation. Similarly, lawyers working in the North Carolina Department of Justice provide government entities, agencies, and individuals with statutorily guaranteed representation. See, e.g., N.C. Gen. Stat. § 114-2. Historically, lawyers working in either of these offices have been considered part of a single "firm" for conflict analysis. See, e.g., 98 FEO 5. However, application of the imputed conflict rules set out in Rule 1.10 can create a limitation on the provision of constitutionally or statutorily guaranteed representation, thereby hindering the public's or the government's ability to avail itself to the legal representation provided by law. Considering the Rules of Professional Conduct are "rules of reason" (see Rule .02 Scope [1]; see also RPC 55), paragraphs (f) and (g) permit the North Carolina Department of Justice and public

defender offices, respectively, to resolve certain imputed conflict issues by taking reasonable precautions to screen disqualified lawyers from participation in the representation giving rise to the conflict under this Rule and provide notice to the affected individual(s) as set out in paragraph (c). Paragraphs (f) and (g) only apply to the referenced agencies or offices and do not permit private law firms to avoid imputed disqualification under Rule 1.10 by employing screening measures other than as set out in paragraph (c).

[13] The chief public defender of any Public Defender Office is tasked with making reasonable efforts to ensure all assistant public defenders employed by the office conform their conduct to the Rules of Professional Conduct. See generally Rule 5.1. Accordingly, the chief public defender of a Public Defender Office should review and make the determination as to whether a public defender office can proceed with representation pursuant to this Rule. ■

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ETHICS COMMITTEE UPDATE

Council Publishes Proposed Amendment to Rule Governing Imputed Conflicts for Public Defenders, NCDOJ

Council Actions

At its meeting on October 31, 2025, the State Bar Council published a proposed amendment to Rule 1.10 of the North Carolina Rules of Professional Conduct. The proposed amendment would permit the North Carolina Department of Justice and public defender offices to resolve certain imputed conflicts of interest by timely screening the disqualified lawyer and providing written notice as described in the Rules. The full text of the proposed amendment

can be found on the State Bar's website as well as this edition of The Journal, and the Council welcomes the profession's feedback on the proposed amendment. The Council did not adopt any new formal ethics opinions this quarter.

Ethics Committee Actions

At its meeting on October 30, 2025, the Ethics Committee considered a total of four inquiries, including the proposed amendment to Rule 1.10 referenced above. Three

inquiries were sent or returned to subcommittee for further study, including an inquiry addressing whether the Rules of Professional Conduct permit a real property lawyer to refer a client to a law partner's title insurance business and an inquiry exploring the inclusion of non-disparagement clauses in initial fee agreements and fee dispute settlement agreements; the committee also returned proposed 2025 FEO 3 (Client Consent to Annual Rate Increase) back to subcommittee for continued study. ■

State Bar Swears In New Officers



Frye



Williams



Allen

Frye Installed as President

Katherine Frye, a native of Hickory and a Raleigh family law attorney, was sworn in as president of the North Carolina State Bar on October 30, 2025. Chief Justice Paul Newby administered the oath during the State Bar's Annual Dinner, where Frye officially stepped into her new leadership role.

Frye took the road less traveled at the start of her career—skipping the big firm route and instead opening her own practice straight out of law school in 2001. In 2003, she founded Frye Law Offices, and in 2024, she joined forces with Sarah Privette, a former president of the Wake County Bar Association, to create Oak City Family Law. Together, they have built a “no-drama” family law practice that helps clients navigate some of life’s hardest moments with practical advice and a steady sense of humor.

Frye previously represented Wake County (the 10th Judicial District) on the NC State Bar Council since 2016. Over nearly a decade of service, she has served as vice-chair of the Grievance Committee, chaired both the Communications and Ethics Committees, and most recently served as an officer (vice-president and president-elect) before assuming the presidency.

A graduate of the Norman Adrian Wiggins School of Law at Campbell University, Frye is a fellow of the American Academy of Matrimonial Lawyers, a North Carolina Board Certified Specialist in family law, and a certified mediator with the NC Dispute Resolution Commission. She has been known to say that while credentials matter, “what really counts is

keeping your sense of humor intact when life throws a family-sized curveball.”

Frye plans to use her lengthy small-firm experience to continue the work of Past-President Matt Smith in finding new ways to improve the

profession while still maintaining the need to protect the public. She hopes that her balanced, down-to-earth approach continues to inspire confidence among clients, colleagues, and now, the entire North Carolina legal community.

Williams Elected President-Elect

Winston-Salem attorney Kevin G. Williams was sworn in as president-elect of the North Carolina State Bar by Chief Justice Paul Newby at the State Bar's Annual Dinner on Thursday, October 30, 2025.

Williams earned his undergraduate degree in business administration from The University of North Carolina at Chapel Hill in 1993. He currently serves as president and chair of the Executive Committee of Bell, Davis & Pitt, PA, where he has practiced as a member of the firm's litigation section since graduating from Wake Forest University School of Law in 1998.

Williams is actively involved in his professional and local communities. Professionally, he served as a State Bar councilor for the 21st (now 31st) Judicial District from 2016 through 2024, and he has served as vice-president of the North Carolina State Bar this past year. He is also an active member of the North Carolina Bar Association, the Forsyth County Bar Association, and the Joseph Branch Inn of Court.

Personally, Williams is a member of St. Paul's Episcopal Church, for which he has served in various volunteer roles, including as a member of the Vestry, junior warden, and senior warden. Additionally, Williams currently serves on the Board of Directors of the YMCA

of Northwest North Carolina. Williams and his wife, Aimee, recently celebrated their 30th anniversary. They have three children—Sydney (26), Ethan (24), and Trevor (22)—with whom they spend as much time as their children will allow.

Allen Elected Vice-President

Charlotte attorney David N. Allen was sworn in as vice-president of the North Carolina State Bar by Chief Justice Paul Newby at the State Bar's Annual Dinner on Thursday, October 30, 2025.

Allen is a double graduate of the University of North Carolina, earning his undergraduate degree in 1977 and his JD in 1980. He is currently a partner at Brooks Pierce, where he practices litigation on behalf of a broad range of clients. He has been trying cases for more than 30 years, with nearly 100 juries empaneled during that time.

A former president of the North Carolina Association of Defense Attorneys (NCADA), Allen is a frequent lecturer on both substantive and technical aspects of trial practice. He has presented for numerous continuing legal education programs, including recent appearances for both the NCADA and the North Carolina Advocates for Justice. In addition to serving on the State Bar Council, Allen is a member of the Chief Justice's Commission on Professionalism and remains active with both the NCADA and the International Association of Defense Counsel. ■

Need Ethics Advice?

After consulting the Rules of Professional Conduct and the relevant ethics opinions, if you continue to have questions about your professional responsibility, any lawyer may request informal advice from the ethics department of the State Bar at ethicsadvice@ncbar.gov.

Resolution of Appreciation for **Matthew W. Smith**

WHEREAS Matthew W. Smith was elected by his fellow lawyers from Caswell and Rockingham Counties to serve as their representative in this body beginning in January 2014; and he was, thereafter, re-elected councilor for two successive three-year terms; and

WHEREAS, in October 2022, Mr. Smith was elected vice-president; and in October 2023, he was elected president-elect; and, on October 31, 2024, he was sworn in as president of the North Carolina State Bar; and

WHEREAS, during his tenure with the North Carolina State Bar, Mr. Smith served on numerous standing committees and boards, including the Appointments Advisory Committee (including as vice-chair and chair), the Executive Committee (including as vice-chair and chair), the Finance and Audit Committee (including as chair), the Board of Paralegal Certification, and the Grievance Committee (including as vice-chair and chair), among others; and

WHEREAS, over his many years of service as a State Bar councilor, Mr. Smith participated in significant initiatives of the State Bar, including revisions of the North Carolina Rules of Professional Conduct, numerous legislative matters, and an extensive review of the disciplinary process; and

WHEREAS, during his time as councilor, Mr. Smith never sought the spotlight nor intended to become a State Bar officer, only reluctantly agreeing to the nomination when it became clear he was needed in the role; and

WHEREAS, as an officer, Mr. Smith provided counsel and support to the officers above him, serving as both a wingman and a brother; and

WHEREAS, having assumed the presidency in a time of great change at the State Bar, President Smith was a steady and supportive presence for the staff's new leadership team, giving selflessly of his time throughout the year for phone calls, texts, and visits; and

WHEREAS, President Smith continued his predecessors' commitment to improving communications and engagement with stakeholders and constituents of the State Bar, traveling across the state to hold meetings, address judges at their conferences, and present John B. McMillan Distinguished Service Awards; and

WHEREAS, recognizing the critical work of the State Bar cannot be accomplished without a dedicated staff, President Smith treated every employee with kindness and respect, ensuring they knew that he valued each of them regardless of their position; and

WHEREAS, at every quarterly meeting held in Raleigh, Matt could reliably be found at the high-top round table adjacent to the bar in the hotel lobby, enjoying an old fashioned and building relationships with fellow councilors and staff members; and

WHEREAS, whenever any issue arose, President Smith's first reaction was always "I'll be there," and he meant it; and

WHEREAS, President Smith's calm and down-to-earth approach to leadership provided much needed levity and reassurance to the staff and other State Bar officers during times of great stress; and

WHEREAS, President Smith always knew the exact number of days remaining in his presidency, which was not only humorous but also a clear expression that he did not prioritize his own short-term glory above the long-term mission of the Bar; and

WHEREAS, although President Smith's gift of fire extinguishers to the new State Bar leadership team proved insufficient to prevent all the metaphorical fires of the past year, he was always the first person to put on a helmet, pick up his axe, and run into the flames;

NOW, THEREFORE, BE IT RESOLVED that the Council of the North Carolina State Bar does hereby, and with deep appreciation, express to President Matthew W. Smith its debt for his personal service to the State Bar Council and staff, to the people of North Carolina, and to the legal profession; and

BE IT FURTHER RESOLVED that a copy of this resolution be made a part of the minutes of the Annual Meeting of the North Carolina State Bar and that a copy be delivered to Matt Smith; and

BE IT FINALLY RESOLVED: go Cubs go.

Fifty-Year Lawyers Honored

Members of the North Carolina State Bar who are celebrating the 50th anniversary of their admission to practice were honored during the State Bar's Annual Meeting at the 50-Year Lawyers Luncheon. One of the honorees, Allyson Duncan, addressed the attendees, and each honoree was presented a service pin by the president of the State Bar, Matthew Smith, in recognition of the lawyer's service. After the ceremonies were concluded, the honorees in attendance sat for the photographs below and on the following page. ■



First row (left to right) Joel Grim Bowden, Brian P. Evans, George Kenneth Butterfield, David Lee Best, David Clayton Francisco, Robert H. Bennink Jr., Sandra Edwards, Sidney J. Blackmer, James M. Carpenter, Brenda B. Becton, Walter H. Dalton, Robert H. Edmunds Jr., Ronald G. Baker Sr., Gerry F. Cohen, Richard Dale Boner *Second row:* Judge Ronald Burris, Douglas Baxley, M.H. Hood Ellis, Hugh D. Cox Jr., Wayne Abernathy, Dan Dean, Ronald Brigham, David Erdman, Allen Wellons, Barry Burge, Christopher Furlong, James Day, Robert Benson, Albert Bell Jr., Lawson Brown *Top row:* Judge Narley Cashwell, Mark Cowan, George Dennis, Victor Boone, Lawrence Armstrong Jr., Tony Di Santi, Allyson Duncan

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21. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box: ☒ None

22. Publication of Statement of Ownership: ☒ Yes, I am publishing this statement. ☐ No, I am not publishing this statement.

23. Tax Status: ☒ For-profit organization. ☐ Not-for-profit organization. ☐ Government organization. ☐ Other.



First row (left to right) John Franklin Hester, Arthur E. Jacobson, Joseph J. Kalo, Richard G. Miller, Paul L. Jones, Gordon A. Miller, Fritz Y. Mercer Jr., John R. Miller, Melvin Douglas Goines, Charles T. Hall, William E. Martin, Thomasine E. Moore, William Banks Garrison Jr., Gary S. Lawrence, Gregory L. Hinshaw *Second row*: Marshall Gallop Jr., John Kilby, Gayle Koonce, Michael Joseph, Charles Mercer Jr., Jane Lyder, Judge Beth Keever, Judge Joyce (Joy) Hamilton, Fred Hutchison, John Mitchell, Samuel Gainor, Bill Lathan Jr., Robert Gilleland, Gordon Herbert, Jeffrey Miller *Top row*: Richard Lewis, Herman Gaskins, Thomas Moffitt, Richard Gabriel, Charles Henry



First row (left to right) William J. Williamson, Walter L. Zachary Jr., Mark L. Speas, Christopher M. Wyne, Harry Goldston Womble Jr., Richard D. Sparkman, Jean E. Powell, Robert C. Whitt, Joseph A. Williams, Kent R. Nilsson Sr., Woodrow W. Seymour Jr., Mary Murrill Oakes, James W. Narron, William E. Wheeler *Second row*: Winston Page Jr., David Ward, Talmadge Scarborough III, Robert Spence Jr., James Stewart, Jim Ragan III, Eugene Russell, Lloyd Smith Jr., Paul Stam Jr., Reggie Watkins, Tom Ross, KeJack O'Halent Smith, Justice Bob Orr, Jack O'Hale, Carol Spruill *Top row*: Stanley Speckhard, R. Thompson Wright, Albert Thomas, Boyd Tisdale, Carl Younger

Client Security Fund Reimburses Victims

At its October 29, 2025, meeting, the North Carolina State Bar Client Security Fund Board of Trustees approved payments of \$61,734 to 14 applicants who suffered financial losses due to the misconduct of North Carolina lawyers.

The payments authorized were:

1. An award of \$1,250 to a former client of Juan A. Arreola of Wilson. The board determined that the client retained Arreola to assist her husband with his immigration process by filing a US Spousal Visa Application (I-130). Arreola charged a \$2,500 flat fee and collected \$1,250 from the client. Arreola failed to provide any meaningful legal services for the paid. Arreola transferred to Disability Inactive status by Consent Order on December 10, 2024.

2. An award of \$9,950 to a former client of Juan A. Arreola. The board determined that the client retained Arreola to assist him with his and his family's immigration process and filing for permanent residency. Arreola charged and collected a \$9,950 fee, which included attorney fees and the USCIS filing fees. Although he had the I-485 applications drafted by an associate, Arreola failed to file them and, therefore, failed to provide any meaningful legal services for the fee paid.

3. An award of \$2,500 to a former client of Juan A. Arreola. The board determined that the client retained Arreola to assist him with an initial application for consideration of Deferred Action for Childhood Arrivals (DACA) and employment authorization. Arreola charged and collected a \$2,500 fee. Arreola failed to file anything on the client's behalf and therefore failed to provide any meaningful legal services for the fee paid.

4. An award of \$6,000 to a former client of Juan A. Arreola. The board determined that the client retained Arreola to assist her in filing a U Visa. Arreola charged and collected \$6,000, which included attorney fees and filing fees. Arreola had an associate draft the U Certification and send it in but never followed up on it to obtain the U Certification and file the U Visa. Arreola failed to provide

any meaningful legal services for the fee paid.

5. An award of \$5,000 to a former client of Juan A. Arreola. The board determined that the client retained Arreola to assist with the immigration process for his brother, filing a family immigration petition, and for permission to reapply for admission to the US after deportation. Arreola charged and collected a \$5,000 fee. Arreola failed to complete the matter or make any filing and, therefore, failed to provide any meaningful legal services for the fee paid.

6. An award of \$4,300 to a former client of Juan A. Arreola. The board determined that the client retained Arreola to assist her husband with his immigration status. Arreola charged and collected a \$6,925 fee, which included attorney fees and USCIS filing fees. Arreola drafted and filed the I-130 petition but failed to complete and file the I-601A waiver. Arreola failed to complete all the legal services for which he was paid.

7. An award of \$7,505 to a former client of Juan A. Arreola. The board determined that the client retained Arreola to assist her with her immigration process and filing for permanent resident status. Arreola charged and was paid a total of \$7,505, which included attorney fees and USCIS filing fees. Arreola had an associate draft the application forms but never filed them. Arreola failed to provide any meaningful legal services for the fee paid.

8. An award of \$4,000 to a former client of Juan A. Arreola. The board determined that the client retained Arreola to assist him with the immigration process and filing for an adjustment of status. Arreola charged and collected a \$10,000 fee. This fee covered representing the client in deportation proceedings and filing an immigration petition and an application for permanent residence, and applications for employment authorization and permission to travel abroad. Arreola also filed an I-130, Petition for Alien Relative, and received approval and notice to apply for adjustment of status by filing an I-485, but Arreola failed to complete this filing and,

therefore, failed to provide the legal services for this portion of the fee paid.

9. An award of \$2,200 to a former client of Juan A. Arreola. The board determined that the client retained Arreola to assist her with her immigration process and filing for permanent residency. Arreola charged and collected a \$2,200 fee, which included attorney fees and USCIS filing fees. Although he had the I-485 application drafted by an associate, Arreola failed to file it and, therefore, failed to provide any meaningful legal services for the fee paid.

10. An award of \$3,849 to a former client of Juan A. Arreola. The board determined that the client retained Arreola to assist her with her immigration process. Arreola charged and collected a \$5,270 fee, plus an administration fee of \$79 and a filing fee of \$675. Arreola filed an I-130, Petition for Alien Relative, but was unable to complete the requested services of handling the client's Order for Deportation and filing of permanent residency and work authorization. Arreola, therefore, failed to provide a portion of the legal services for the fee paid.

11. An award of \$7,650 to a former client of Juan A. Arreola. The board determined that the client retained Arreola to assist him with filing an I-130, Petition for Alien Relative, and other immigration services. Arreola charged and collected a \$10,185 fee, which included attorney fees and USCIS filing fees. Arreola did complete and file the I-130 application but failed to complete the forms for permanent residence. Arreola, therefore, failed to provide a portion of the legal services for the fee paid.

12. An award of \$1,500 to a former client of Juan A. Arreola. The board determined that the client retained Arreola to represent him in a pending provisional pardon case and for the preparation and submission of an immigrant visa application. Arreola initially charged and collected a \$1,500 fee for the pending provisional application. Then,

CONTINUED ON PAGE 53

John B. McMillan Distinguished Service Award

James A. Barrett

James A. “Jim” Barrett received the John B. McMillan Distinguished Service Award on August 28, 2025, at a ceremony at the Asheville, NC, office of nonprofit Pisgah Legal Services. State Bar Vice-President Kevin G. Williams presented the award.

A native of Laurinburg, Mr. Barrett attended the public schools of Scotland County before graduating summa cum laude and Phi Beta Kappa from Wofford College in 1979, where he also received the Algernon Sydney Sullivan Award for Service. He earned his Juris Doctor from the University of North Carolina School of Law in 1983, where he first gained experience with legal aid clients and work at the civil law clinic.

Following law school, Mr. Barrett joined Pisgah Legal Services in Asheville as a staff attorney focusing on housing law and community economic development. Over the next decade, he represented hundreds of clients in securing shelter, income, and essential legal rights. His early achievements included co-counseling to secure North Carolina’s first housing discrimination judgment under the state fair housing law on behalf of people with mental handicaps, a judgment that protected a \$1 million federal grant that paid for multi-family housing, persuading the City of Asheville to allocate Community Block Grant funds annually for affordable housing preservation and development, and helping establish the HOME Consortium to bring federal funds for long-term affordable housing solutions in four counties. He also helped strengthen the Asheville rental housing code and advocated for the first county rental housing code in the mountains of North Carolina after a tragic fire in Buncombe County showed the dangers of unsafe housing conditions, ensuring safer housing for vulnerable residents.

In 1993, Mr. Barrett became executive director of Pisgah Legal Services, a role he held until his retirement in 2024. Under his leadership, Pisgah grew from a small nonprofit law firm serving six counties from one office in Asheville into a nationally recognized public

interest law firm serving 18 counties with 14 offices in the mountains of Western North Carolina. The staff expanded from 15 to more than 130, and the budget grew to more than \$10 million annually. In just the past decade, Pisgah Legal Services has helped more than 128,000 individuals and generated over \$202 million in measurable benefits for clients. Pisgah Legal combines civil legal services, social services, and health advocacy to address the causes of poverty and avoid its harms.

Mr. Barrett’s vision extended far beyond individual representation because there were never enough resources to meet the civil legal needs of a high percentage of people who were income eligible for free legal services. He championed systemic reforms that reduced chronic homelessness in Buncombe County by 82% since 2005, expanded access to affordable healthcare and insurance, advocated for collaborative partnerships between nonprofits and local governments, and launched innovative programs including the Children’s Law Project, the Elder Law Project, the Mountain Violence Prevention Project, and the HEALS medical-legal partnership. He also strengthened *pro bono* engagement through the Mountain Area Volunteer Lawyer Program, recruiting and supporting hundreds of private attorneys to advance justice in their communities.

In his community development work at Pisgah Legal Services, Mr. Barrett played a pivotal role in creating more than a dozen nonprofits that continue to serve low-income communities today, including Mountain Housing Opportunities and Homeward Bound. Under his leadership, Pisgah Legal sustained its impactful community development work with and without dedicated funding for that program. He and the staff organized community forums, CLE programs, and civic initiatives to increase public understanding of issues such as Medicaid expansion, affordable housing, and poverty reduction. His service has been recognized with numerous honors, including the Order of the Long Leaf Pine, the North Carolina Bar Association’s

Deborah Greenblatt Outstanding Legal Services Attorney Award, and the NC Justice Center’s Lifetime Champion of Justice Award.

Throughout his 41-year career, Jim Barrett has been praised for his compassion, civility, and unwavering commitment to justice. His leadership transformed Pisgah Legal Services into one of the nation’s most effective and respected legal aid organizations, expanded equal access to justice for countless North Carolinians, and inspired a generation of lawyers and advocates. His lifelong dedication to service and to the ideals of the legal profession make him a most deserving recipient of the John B. McMillan Distinguished Service Award.

C. Mark Holt

Mark Holt has been presented with the John B. McMillan Distinguished Service Award. Practicing primarily as a personal injury attorney in Raleigh since 1987, Mr. Holt is recognized as one of North Carolina’s most outstanding attorneys. His professional reputation is impeccable, characterized by unquestioned integrity, fairness, and honesty, embodying the spirit of the Rules of Professional Conduct and promoting dignity in the system.

Mr. Holt grew up in Fayetteville, and his pathway into law was inspired by his parents—a minister and a teacher—and the generous spirit of two lawyers in his church, Jim Nance Sr. and D.P. Russ.

After graduating with honors from UNC School of Law in 1987, Mr. Holt was mentored by Wade Smith, who taught him that every day as a lawyer is an opportunity to make the world a better place. He and his wife, Joanna, have four adult children and recently welcomed their first grandchild. Since 2021, he has been semi-retired, focusing his practice on volunteering with *pro bono* and public service programs.

Mr. Holt’s commitment to the legal profession is exemplified by his extraordinary leadership in the North Carolina Bar Association (NCBA) and the North Carolina Bar Foundation (NCBF). He served as president of

both the NCBA and the NCBF from 2020 to 2021. Prior to that, he served as vice-president from 2019 to 2020 and served on the Board of Governors for both organizations from 2014 to 2017. His dedication started early, as he was recognized as the NCBA Young Lawyers Division's Outstanding Young Lawyer in 1991 and served as chair of the YLD Child Advocacy Committee from 1989 to 1991. Beyond his Bar leadership, he has contributed significantly to the administration of justice, serving as an advisory member of the North Carolina State Bar Ethics Committee and on the Chief Justice's Rules Advisory Commission.

Holt's distinguished record of service extends to the highest levels of trial advocacy and dedication to *pro bono* work. He is a highly recognized trial lawyer, elected as a fellow of the American College of Trial Lawyers (ACTL) in 2009, where he later served as state chair from 2017 to 2019. Furthermore, he was inducted into the International Society of Barristers in 2023.

His commitment to ensuring equal access to justice is evident through his service on the Board of Directors of Legal Aid of North Carolina and his inclusion in the 2023 North Carolina Pro Bono Honor Society. Mr. Holt has also made a lasting philanthropic impact, becoming a member of the Platt D. Walker Society through a planned gift to the NCBF Endowment, and establishing NCBF Justice Funds in memory of the Fayetteville attorneys who first inspired his career. For his outstanding career, he has been consistently recognized in Best Lawyers in America and included in the Super Lawyers Top 100 Attorneys in North Carolina. Taken together, Mr. Holt's lifelong leadership and service to the Bar and the community exemplify the highest ideals of the legal profession.

Judge Malcolm J. Howard

On September 18, 2025, the North Carolina State Bar posthumously honored the late Judge Malcolm J. Howard with the John B. McMillan Distinguished Service Award. State Bar President Matthew Smith presented the award to Judge Howard's family, represented by his son, Josh Howard, his wife Dana, and his grandson, Caleb Howard, celebrating a lifetime dedicated to justice, integrity, and mentorship.

Judge Howard, who passed away on January 12, 2025, exemplified the qualities the McMillan Award seeks to recognize.

Born in Kinston, North Carolina, in 1939, he grew up in a strong, faithful family that instilled pride, discipline, and service. He graduated from the United States Military Academy at West Point in 1962, where he was a lacrosse player on the 1961 National Championship team and known as a loyal classmate and teammate. Following graduation, he served as a U.S. Army officer, completing two tours in Vietnam.

After his military service, Judge Howard earned his law degree from Wake Forest University School of Law in 1970, gaining admission not only on the strength of his academic credentials but also for his leadership and character. While serving in the 82nd Airborne Reserves to support himself, he was elected President of the Student Bar Association. He passed the Bar exam in 1970 and began his legal career as a Federal prosecutor in the Eastern District of North Carolina. He then served as Deputy Special Counsel to President Nixon during the Watergate controversy. Following Nixon's resignation, Howard returned to eastern North Carolina, running a private practice in Greenville from 1974 until President Reagan nominated him to the federal bench in 1988. At the time, Greenville did not have a federal courthouse, so he successfully lobbied Congress to establish one.

In 1988, Judge Howard was confirmed as a United States District Judge for the Eastern District of North Carolina, serving with distinction until assuming senior status in 2005. From 2005 to 2012, he also served on the United States Foreign Intelligence Surveillance Court, where he addressed complex legal issues balancing civil liberties with national security concerns in the post-9/11 era. During his FISA service, he earned citations from the Attorney General, the CIA, the NSA, and the Director of National Intelligence, underscoring the national recognition of his expertise, discretion, and integrity.

Judge Howard's career reflected an extraordinary balance of justice and mercy. As one colleague and former law clerk observed:

"Judge Howard served honorably. In my observation, he came closer than most to finding the elusive balance we all seek, the one between justice and mercy. In both word and deed, he showed respect and compassion to the highest of the high and the lowest of the low. He always remembered his roots and

the lessons he learned from being raised on a farm in eastern North Carolina. He had humility in the deep parts of his soul, and it was never overthrown by the prestige of being a federal judge."

Beyond the courtroom, Judge Howard was deeply committed to mentoring young lawyers. Countless law clerks—both short- and long-term—learned from his example to treat others in the legal system with decency and respect. Colleagues noted that even clients who disagreed with his rulings recognized his fairness and the kindness he extended whenever possible within the rules.

He also devoted significant energy to fostering civility and community among lawyers in Eastern North Carolina. Judge Howard helped organize the Eastern North Carolina Inn of Court, an organization that brings together judges and attorneys to mentor younger lawyers and promote professionalism and collegiality. The organization has been active for roughly thirty years and continues after his passing.

Judge Howard's dedication to service was deliberate. He could have pursued positions offering greater financial reward, but he consistently chose paths that maximized public impact and professional integrity. One colleague summarized:

"Judge Howard could have done many things with his time and talents, including some that almost certainly would have resulted in greater financial reward for himself. But at the end of the day, he chose service, and he served well. He set an example of decency and honor, an example that would be fully consistent with posthumous receipt of the Distinguished Service Award."

The John B. McMillan Distinguished Service Award is presented to lawyers who demonstrate exemplary service, integrity, and leadership throughout their careers. Judge Howard's decades of military service, federal prosecution, White House counsel work, private practice, judicial service, mentorship, and community engagement make him a model recipient of this prestigious honor. His legacy continues to inspire attorneys across North Carolina to pursue excellence, fairness, and service in the law.

John P. O'Hale

John P. "Jack" O'Hale was presented with the John B. McMillan Distinguished Service Award on September 18, 2025 at a ceremony at the State Bar Building in Raleigh, North

Carolina. State Bar President Matthew W. Smith presented the award.

Admitted to the North Carolina Bar in 1970, Jack O'Hale is a 1975 graduate of the UNC School of Law and is admitted to practice before the United States Supreme Court; the Fourth Circuit Court of Appeals; the United States District Courts for the Eastern and Western Districts of North Carolina; and all North Carolina Courts.

Mr. O'Hale has nearly 50 years of experience representing individuals and businesses in criminal and civil cases across North Carolina, throughout the Eastern United States, and in federal courts. He has defended clients in cases involving allegations of fraud, tax crimes, customs violations, environmental crimes, money laundering, drug offenses, and murder. He also has represented clients in high-stakes civil matters in both North Carolina state courts and federal courts.

A Board-Certified Specialist in State and Federal Criminal Law since 1993 and a Fellow of the American College of Trial Lawyers, Mr. O'Hale has tried more than 100 jury cases, demonstrating skill at the highest level and fearless advocacy guided by integrity, wit, and professionalism. For the past eight years, he has been nationally ranked by the National Academy of Criminal Defense Lawyers. Since 1995, he has consistently been recognized in Best Lawyers in America, has been named Lawyer of the Year, and his firm, John P. O'Hale, P.A., was recognized as one of the Best Criminal Defense Firms in North Carolina.

Mr. O'Hale's career reflects the highest ideals of the legal profession. He has served as an esteemed legal educator, presenting Continuing Legal Education at UNC, Duke, and Wake Forest Schools of Law, mentoring countless young attorneys, and playing a pivotal role in implementing the first Board Certifications for North Carolina lawyers—developing programs, preparing exams, and grading them—thereby elevating professional standards for the entire bar.

Throughout his career, Mr. O'Hale has devoted time and resources to ensure equal access to justice and to serve the public good. He has taken on cases others would not, often for little or no fee, particularly for churches, fire departments, and law enforcement officers. He has championed diversity in hiring and mentoring, giving opportunities to many who might otherwise have been overlooked, including a retired school teacher, a disabled

Marine veteran, and an African-American receptionist, all of whom achieved success in their respective fields. These efforts demonstrate Mr. O'Hale's leadership in service to the community, legal institutions, and the public interest.

Mr. O'Hale has also distinguished himself in civic life. He served two terms on the Johnston County Board of Education (2000–2009), where his fairness, diligence, and sound judgment guided key financial and policy decisions for the benefit of local schools. He also served on the UNC School of Law Alumni Association Board of Directors and the UNC Board of Visitors, reflecting his lifelong commitment to civic leadership and legal education.

Throughout his career, Mr. O'Hale has been honored with numerous accolades, including the Wade M. Smith Award for Criminal Defense Attorney of the Year (2014, sometimes cited as 2019), recognition in Super Lawyers (Top 10 in NC, Top 25 in Raleigh, Top 100 in NC), Legal Elite, and Best Lawyers in America. He is widely lauded for his honesty, civility, and insightful legal acumen, earning the respect of colleagues, judges, and clients alike. He is considered a “complete lawyer,” known for his knowledge, courtroom skill, mentorship, and integrity.

Mr. O'Hale's distinguished career includes extensive trial experience in both criminal and civil matters, and he is frequently sought by Superior Court judges for complex indigent cases. He is celebrated as one of the top criminal defense lawyers in the country, a mentor to generations of attorneys, and a lawyer whose wit, fearlessness, and integrity have left an indelible mark on the profession. His devotion to law and humanity, shaped by his Catholic upbringing, is reflected in his lifelong commitment to service, mentorship, and advocacy.

For these reasons, and in recognition of his remarkable contributions to the legal profession, his community, and the people of North Carolina, the North Carolina State Bar is proud to present John P. “Jack” O'Hale with the John B. McMillan Distinguished Service Award.

Vasiliki Pistolis

Vasiliki (Celia) Pistolis was presented with the John B. McMillan Distinguished Service Award on October 7, 2025, in Chapel Hill, NC during Legal Aid's Statewide Summit. The award was presented by former North

Carolina State Bar Executive Director Alice Mine and former State Bar President John Silverstein. Ashley Campbell, CEO of Legal Aid of North Carolina, also participated in the presentation.

A native of North Carolina and a graduate of UNC Chapel Hill, Ms. Pistolis's lifelong dedication to public interest law embodies the ideals celebrated by the John B. McMillan Distinguished Service Award. Her career stands as a praiseworthy example of civic leadership, integrity, professionalism, and mentorship, inspiring generations of attorneys to serve the community with excellence and compassion. Ms. Pistolis has devoted her career to advocating for low-income and underserved communities. Since the 1980s, she has served at Legal Aid of North Carolina (LANC), beginning as a staff attorney focusing on consumer law and advancing to her current role as Chief Legal Officer and General Counsel, overseeing approximately 225 attorneys and directing litigation, appellate advocacy, and training programs. Under her leadership, LANC has handled critical civil cases, including high-stakes appellate matters establishing legal precedents in public housing, consumer law, and other areas impacting vulnerable families.

Beyond her work at LANC, Ms. Pistolis has been a mentor and educator to future generations of attorneys. She serves as an Adjunct Professor of Law at both the University of North Carolina at Chapel Hill and North Carolina Central University School of Law, shaping the professional development of countless law students. She has also chaired the Equal Justice Alliance, coordinating civil legal assistance statewide, and contributed to the NC State Bar's Authorized Practice Committee, Professional Vitality Committee, and Pro Bono Committee, promoting ethical standards, professional development, and access to justice.

Throughout her career, Ms. Pistolis has been recognized for her leadership and impact. She was named Outstanding Legal Services Attorney of the Year by the North Carolina Bar Association in 2001 and received the Distinguished Alumnus Award from the UNC Law Alumni Association in 2012. In August 2025, she became the first legal services attorney inducted into the NCBA Legal Practice Hall of Fame, marking another milestone in her storied career.

Celia is described by colleagues as humble, gracious, and approachable, with a deeply per-

sonal belief in the power of law to change lives. Her leadership style is noted for combining strategic vision with hands-on mentorship, fostering inclusive and diverse environments, and encouraging public service among attorneys. She has inspired countless lawyers to follow careers dedicated to justice rather than profit, leaving a lasting legacy in the North Carolina legal community.

Edwin M. Speas Jr.

Edwin M. Speas Jr., received the John B. McMillan Distinguished Service Award on September 3, 2025, in Raleigh, NC. State Bar President-Elect Katherine Frye presented the award. Ann Reed Dunn and Cecil Harrison assisted in the presentation.

Mr. Speas graduated from Wake Forest University in 1967 and Wake Forest Law School in 1971. He served in the U.S. Army Reserve and the North Carolina National Guard from 1969 to 1981. Mr. Speas began his legal career in 1971, spending 32 years at the North Carolina Attorney General's Office. There, he held roles including Chief Deputy Attorney General and led sections responsible for representing public officials, the state's public school system, and the University of North Carolina.

After his tenure in public service, Mr. Speas joined Poyner Spruill LLP in 2003. He briefly left the firm in 2008 to serve as General Counsel to Governor Beverly Perdue, who referred to him as her "sage advisor and dear friend". He returned to Poyner Spruill in 2011, where he continues to be an active partner. His legal work has focused on major cases involving legislative and congressional redistricting, educational policies, tax policy, and employment practices. He has argued dozens of cases before the North Carolina Supreme Court and has made several trips to the U.S. Supreme Court. Mr. Speas has mentored dozens of lawyers in his 50+year legal career.

Throughout his career, Mr. Speas has been the recipient of numerous awards acknowledging his legal prowess and commitment to justice. He was honored with the Common Cause Defender of Democracy Award in 2018 and was twice recognized as a "State Litigation Star" by Benchmark Litigation in 2018 and 2023. In 1990, he became the first recipient of the Distinguished Service Award for Outstanding Service to the Education Law Section of the North Carolina Bar Association (NCBA). His high standing among his peers is evidenced by his election

as a Fellow in the American College of Trial Attorneys, a group for which he also served as Chair of the State Committee. His contributions were further recognized with the prestigious Order of the Long Leaf Pine in 2003, and he is consistently listed in Best Lawyers in America and Super Lawyers. In 2024, he was inducted into the NCBA Senior Lawyers Division Legal Practice Hall of Fame, a testament to his enduring legacy.

Beyond his litigation work, Mr. Speas has demonstrated a profound commitment to public service through various leadership roles. He chaired the Governor's Judicial Nomination Commission in 2012 and served two terms as a member of the State Judicial Counsel from 2007-2009 and again in 2012. His community involvement extends to serving as a member of the Board of Visitors for the Lineberger Comprehensive Cancer Center at the University of North Carolina and as a member of the Education Lottery Commission from 2006 to 2008.

Edwin M. "Eddie" Speas, Jr. truly exemplifies a lifetime of service and professionalism, making him a most deserving recipient of the John B. McMillan Distinguished Service Award.

Donald R. Vaughan

Donald R. Vaughan was presented with the John B. McMillan Distinguished Service Award on September 18, 2025, at Starmount Forest Country Club in Greensboro, North Carolina. State Bar Vice-President Kevin G. Williams presented the award along with State Bar Councilor Judge Patrice A. Hinnant.

Born and raised in Greensboro, Mr. Vaughan has deep roots in his community—civic, religious, and family. He graduated with Highest Honors from the University of North Carolina at Chapel Hill in 1974, earned a master's in public administration from American University in 1976, and received his Juris Doctor from Wake Forest University School of Law in 1979, where he served on the Wake Forest Law Review. Prior to law school, he also worked for Governor Jim Hunt, gaining early experience in state government.

For nearly four decades, Mr. Vaughan has practiced law from his office in downtown Greensboro. He is admitted to practice in North Carolina, the District of Columbia, the U.S. Supreme Court, the Fourth Circuit Court of Appeals, and multiple federal district courts. His practice encompasses both criminal and civil matters, including defending

clients in DWIs and felony charges, and guiding individuals and businesses through civil disputes, real estate closings, wills, trusts, licensing, and more. Throughout his career, Mr. Vaughan has provided professional services to numerous community groups and individuals who need help and are unable to afford legal fees.

Mr. Vaughan's devotion to public service is equally distinguished. He was elected to seven terms on the Greensboro City Council, including two as mayor *pro tem*, where he championed civic leadership and equal justice. He later served two terms in the North Carolina Senate, rising to the role of Deputy Leader. During his tenure, he served as Vice Chair of the Senate Judiciary Committee and authored Susie's Law, one of the nation's toughest statutes on animal cruelty. He also chaired the re-write of North Carolina's Alcohol Beverage Control laws—the first in 75 years—and authored the Founding Principles Act, requiring all high school students to study the Constitution, Declaration of Independence, and Federalist Papers to understand the foundation of American rights and freedoms.

Mr. Vaughan has served on numerous committees of the North Carolina Bar Association, including the Legislative Advisory Committee, and has taught numerous CLE courses over the years.

His leadership extended beyond elected office. Mr. Vaughan received gubernatorial appointments to the North Carolina Courts Commission and the State Banking Commission, serving continuously for over 12 years. He has lectured extensively on banking matters across the state and has served on the boards for several banks. Notably, he rang the opening bell on the New York Stock Exchange on January 1, 2000, representing Blue Ridge Bank at the turn of the new millennium.

Mr. Vaughan has also contributed extensively to civic life through service on boards including the Greensboro Chamber of Commerce, Greensboro Merchants Association, Greensboro Housing Coalition, and North Carolina Citizens for Business & Industry.

In addition to his legal and civic work, Mr. Vaughan is a dedicated educator. He has served as an adjunct professor at Wake Forest Law School for the past 11 years, teaching State and Local Government, and previously taught a similar class at Elon Law School. He has also served as an adjunct professor in the Master of Public Administration program at

UNC-Greensboro and held a lectureship at American University. His teaching has inspired countless students, including his daughter, Cat, a law student at Elon University and Dean's Scholar, who plans to carry forward her father's legacy in law.

For his extraordinary career, Mr. Vaughan has received numerous honors, including induction into the North Carolina Bar Association's Legal Practice Hall of Fame in 2021, two-time recipient of the Leader in the Law Award from Lawyers Weekly, the Distinguished Service Award from the Greensboro Bar Association, and the Order of the Long Leaf Pine. Wake Forest Law also recognizes him as one of its most accomplished alumni.

Beyond the courtroom and classroom, Mr. Vaughan is known for his humor, character,

and love of community. An avid trainer of retrievers, his dog Remington has competed successfully for a national championship and over 50 field trials. His work in animal advocacy was commemorated in Susie's Hope, in which he was portrayed by actor Jon Provost.

Over his career, Mr. Vaughan has hosted governors, congressional candidates, candidates for the judiciary, state cabinet candidates, and numerous local officials. A Fellow of the North Carolina Institute of Political Leadership and former head cheerleader at UNC-Chapel Hill, he exemplifies the ideal of service both as a lawyer and as a citizen.

Simply stated, Mr. Vaughan has answered the call every time—in local government, state government, the classroom, and as a mentor to future lawyers.

Taken together—his decades of dedicated legal practice, leadership in city government and the state senate, contributions to legal education, civic engagement, and personal devotion to community — Donald R. Vaughan embodies the highest ideals of the legal profession.

Nominations Sought

Members of the State Bar are encouraged to nominate colleagues who have demonstrated outstanding service to the profession for the John B. McMillan Distinguished Service Award. Information and the nomination form are available online: ncbar.gov/bar-programs/distinguished-service-award. Please direct questions to Brit McInnis at bmcinnis@ncbar.gov. ■

Client Security Fund (cont.)

Arreola charged and collected an additional \$1,500 for the research, preparation, and submission of an immigrant visa application. Although he did handle the pending provisional pardon for the client, Arreola failed to file the immigrant visa application and, therefore, provided no meaningful legal services for that portion of the fee paid.

13. An award of \$1,030 to a former client of Juan A. Arreola. The board determined that the client retained Arreola to assist her with filing for advanced parole to obtain a travel document to be able to travel back to Honduras. Arreola charged and collected a \$1,030 fee, which included attorney fees and the USCIS filing fees. Although he had an associate draft the Application for Travel, Arreola failed to file the application and, therefore, provided no meaningful legal services to the client for the fee paid.

14. An award of \$5,000 to a former client of Juan A. Arreola. The board determined that the client retained Arreola to assist her and her husband with their immigration process and filing for permanent residency. Arreola charged an \$8,000 fee and collected \$6,500 towards that fee from the client. The client contested the charges with her bank and received a partial reimbursement when Arreola became non-responsive and failed to complete any meaningful legal

services for the fee paid.

Funds Recovered

It is standard practice to send a demand letter to each current or former attorney whose misconduct results in any payment from the fund, seeking full reimbursement or a confession of judgment and agreement

to a reasonable payment schedule. If the attorney fails or refuses to do either, counsel to the fund files a lawsuit seeking double damages pursuant to N.C. Gen. Stat. §84-13, unless the investigative file clearly establishes that it would be useless to do so. Through these efforts, the fund was able to recover a total of \$4,548.19 this past quarter. ■

Upcoming Appointments

Anyone interested in being appointed to serve on one of the State Bar's boards, commissions, or committees should visit bit.ly/NCSBInterestForm to complete a "Boards and Commissions Interest Form." The deadline for completion of the interest form is January 5, 2026. Your information will be included in the agenda materials for the quarterly meeting of the council in January 2026.

The council will make the following appointments at its January quarterly business meeting:

Lawyer Assistance Program (two appointments; three-year terms) — There are two appointments to be made by the State Bar Council. Takiya Lewis Blalock (councilor) and William Ingraham (clinician) are eligible for reappointment.

The Lawyer Assistance Program (LAP) Board is a nine-member board comprised of three State Bar councilors, three LAP volunteers, and three clinicians who are experienced in working within the substance abuse and/or mental health field. The LAP Board establishes policy related to the execution of the LAP mission and is responsible for oversight of the operation of the Lawyer Assistance Program, subject to the statutes governing the practice of law, the authority of the council, and the rules of the board. ■

February 2026 Bar Exam Applicants

The February 2026 bar examination will be held in Raleigh on February 24 and 25, 2026. Published below are the names of the applicants whose applications were received on or before November 13, 2025. Members are requested to examine it and notify the Board in a signed letter of any information which might influence the Board in considering the general fitness of any applicant for admission. Correspondence should be directed to Lee A. Vlahos, Executive Director, Board of Law Examiners, 5510 Six Forks Rd., Suite 300, Raleigh, NC 27609.

Armon Abedi Athens, GA	Plymouth, NC	Natalia Carey Fayetteville, NC	Belmont, NC	Madison Gilbert Wake Forest, NC
Iman Affane Harrisburg, NC	Daven Barnett Waxhaw, NC	Hunter Caro Raleigh, NC	Julia Cunningham Greensboro, NC	Bridget Gilchrist Smithfield, NC
Ghulam Akhunzada High Point, NC	Michele Baumberger Fort Mill, SC	Tevin Carr Troutman, NC	Seraka Davis Wake Forest, NC	Jacqueline Gill Greensboro, NC
Suraya Akkach Raleigh, NC	Ryan Beachum Harrisburg, NC	Gabriel Carrillo Apex, NC	Alice Day Iron Station, NC	Natalie Glass Dawsonville, GA
Christopher Alderson Greenville, SC	Ashley Bell Trent Woods, NC	Alexis Carter Wilson, NC	Erin Delman Spring Lake, NC	Graelyn Glover Raleigh, NC
Drew Alexander Asheville, NC	Ashley Benefield Greensboro, NC	Pamela Case Pittsboro, NC	Kyra Deminski Raleigh, NC	Kaynan Goldberg Raleigh, NC
Kelvin Allen Durham, NC	Dionne Benjamin Charlotte, NC	Megan Chamberlin Herndon, VA	James Dennehy Cornelius, NC	Genesis Gonzales Charlotte, NC
Dawnwin Allen Charlotte, NC	Aimee Bickers Wake Forest, NC	Seoyeon Cho Cary, NC	Jackson Dew Winston-Salem, NC	Maira Gonzalez Flat Rock, NC
Elizabeth Allred Snow Camp, NC	Martha Bird Oak Ridge, NC	Julianna Clark Greensboro, NC	Sukrity Dhungel Matthews, NC	Daniela Gonzalez Raleigh, NC
Gabrielle Altmannsberger Wilmington, NC	Bianca Blanks Greensboro, NC	Ashley Clayton Burlington, NC	Denell Dixon Raleigh, NC	Michael Govan Suffolk, VA
Chloe Anderson Kernersville, NC	Jennifer Bottega Holly Springs, NC	Rachel Cleveland Chapel Hill, NC	Kailah Douglas Raleigh, NC	Mia Graves Greensboro, NC
Christian Anderson Saint Pauls, NC	Abbey Bowe Davidson, NC	Alexis Clinton Durham, NC	Diego Duarte Sanford, NC	Jonathan Gray Stafford, VA
Jordan Anderson Durham, NC	Andrew Bowers Raleigh, NC	Remy Clodfelter Winston-Salem, NC	Chase Duran West Palm Beach, FL	Jasmine Green Charlotte, NC
Gloris Anderson Charlotte, NC	Parker Bowman Alexandria, VA	Jackson Cluff Greensboro, NC	Landon Eckard Claremont, NC	Kelsey Greene Charlotte, NC
Hannah Andrew Monroe, NC	Elizabeth Bradley Bessemer City, NC	Ellis Coan Durham, NC	Jaylynn Ellington Salisbury, NC	Michael Griddine Fayetteville, NC
Michelle Angus Lincoln, CA	Ana Brandt Azpurua Winston-Salem, NC	Andrea Col High Point, NC	Brittany Eudy Salisbury, NC	Diana Guevara Reyes Hillsborough, NC
Ericka Arauco Greensboro, NC	Karin Brannon Greensboro, NC	Jesse Collin Greensboro, NC	Anthony Figueroa Haw River, NC	Vanessa Hague Asheville, NC
Yvonne Arnold Davidson, NC	Olga Bratuhina Cary, NC	Brenna Connor Mount Pleasant, SC	Shea Floyd Morganton, NC	Charlotte Hale Durham, NC
Claudio Arruda Charlotte, NC	Demetrona Bray Lagrange, GA	Donj'e Cooper Greensboro, NC	Robert Floyd Greensboro, NC	Quentin Haley Mooresville, NC
Marsalis Atkins Waxhaw, NC	Alexandra Breazeale Raleigh, NC	Grace Cooper Whitsett, NC	Madelyn Fogleman Greensboro, NC	Heuston Hall Clayton, NC
Savannah Aube Newport Beach, CA	Mary Brockman Raleigh, NC	Noah Corbett Greensboro, NC	Yendi Fontenard Apex, NC	Carter Hall Greensboro, NC
Tyson Baber Raleigh, NC	Holden Bryant Greensboro, NC	Matthew Cornell Greensboro, NC	April Franklin Jamestown, NC	Alyson Hanlon Summerfield, NC
Ethan Badin Greensboro, NC	Elizabeth Bullins Eden, NC	Douglas Crandell Charlotte, NC	Montre Freeman Roanoke Rapids, NC	Matthew Hardy Charlotte, NC
David Baghdassarian Mint Hill, NC	Joshua Burgan Greensboro, NC	David Cressy Montpelier, VT	Jackie Freitas Miami Lakes, FL	Seth Harrington Clinton, NC
John Bailey Blackville, SC	Cynthia Byrd Halifax, NC	Whitney Cronin Hampstead, NC	Abigail Frisbee Clayton, NC	Laurey Harris-Hicks Huntersville, NC
Rebecca Bailey Salisbury, NC	Corinne Caggiano Jacksonville Beach, FL	Trevor Crudele Concord, NC	Bianca Garcia Des Plaines, IL	Brandon Harrison Charlottesville, VA
Caleb Barco Raleigh, NC	Casey Caldwell Castle Hayne, NC	David Cruz-Reyes Franklin, NC	Bailey Gardin Charlotte, NC	Ashley Hart Mooresville, NC
Brittany Barnes	Christopher Carbonaro Wailuku, HI	Stephen Cunnane	Lisa Garner Greensboro, NC	Amber Harvey

Apex, NC	Erica Jones	Greensboro, NC	Sarah Mobley	Sugar Grove, NC
Avery Haywood	Clarkson Valley, MO	Wendy Madsen	Simpsonville, SC	Rylie Pennell
Charlotte, NC	Celia Jones	Sioux Falls, SD	Jacob Moir	Tampa, FL
Madison Hembree	Greensboro, NC	Robyn Magee	Morganton, NC	Demetria Percival
Fairview, NC	Aristotle Jones	Durham, NC	Mariacelleste Monterrey	Mooreville, NC
Meridith Heneage	Indianapolis, IN	Melanie Mahabir	Charlotte, NC	Caylin Perdue
Charlotte, NC	Chanelle Jones	Oak Ridge, NC	Wilson Moore	Clemmons, NC
Madison Herald	Chesapeake, VA	Lateef Manigault	Kings Mountain, NC	Ashton Perret-Gentil
Raleigh, NC	Jaclyn Jones	Raleigh, NC	Eliza Morehouse	Wake Forest, NC
Ana Hernandez	Centreville, VA	Samantha Manning	Mount Holly, NC	Kenna Peterkin
Pembroke Pines, FL	Zoyha Kashmary	Smithfield, NC	Sade Moten	Cary, NC
Jasmin Hernandez	Charlotte, NC	Sophia Maratellos	Stoneville, NC	Lillie Peterson
Miramar, FL	Shalia Keane	Greensboro, NC	Landry Moye	Greensboro, NC
Adriana Hernandez Ordonez	Charlotte, NC	Daniel Marshall	Winston-Salem, NC	Susan Petties
Snow Hill, NC	Madeline Kern	Greensboro, NC	Maxwell Mrus	Glenville, WV
Lillie Hester	Greensboro, NC	Peter Martin	Cary, NC	Mark Pfanstiehl
Greensboro, NC	Erica King	Raleigh, NC	Natalie Murphey	New Hill, NC
Keri Hickey	Greensboro, NC	Alicia Mathewson	Fuquay-Varina, NC	Cianna Phelan
Charlotte, NC	Brandi Koprowski	Durham, NC	Jerry Murphy	Harmony, FL
Allison Hill	Pinehurst, NC	Jacqueline May	Tyler, TX	Ronald Pitt
Waxhaw, NC	Thomas Krapp	Burlington, NC	Jackson Myers	Rocky Mount, NC
Tenisha Hines	Greensboro, NC	Michael McClelland	Apex, NC	Caroline Plumides
Jamesville, NC	Alexander Krause	Waxhaw, NC	Ashley Myers	Durham, NC
Pauline Hobbs	Chapel Hill, NC	Kailah McClenney-Johnson	Doylestown, PA	Jaylan Pope
Charlotte, NC	Brian Kreimer	Loganville, GA	Jamie Nakoa	Huntersville, NC
Myesha Holliday	High Point, NC	Christina McClure	Huntersville, NC	Aislinn Porter
Ethel, LA	Justin Kremer	Durham, NC	Laurin Neal	Chula Vista, CA
Jordan Holloway	Roswell, GA	Kaitlyn McConnell	Lexington, NC	James Porter
Greensboro, NC	Cassady Lake	Fayetteville, NC	Emily Nelson	Morrisville, NC
David Holt	Raleigh, NC	Kevin McConnell	Fayetteville, NC	Eryka Praileau
Palmyra, VA	Oscar Lama	Lakeport, CA	Clyde Nelson	Greenville, SC
Arianna Hopkins	Charlotte, NC	Elizabeth McCorkle	Charlotte, NC	Chuom Prak
Concord, NC	Sadie Lambert	Apex, NC	Jillian Nerenberg	Greensboro, NC
Tonya Horton	Greensboro, NC	Margaret McDonald	Layton, Utah	Kristen Previto
Raleigh, NC	Patrick Lambert	Mint Hill, NC	Linh Nguyen	Apex, NC
Kimberly Huffman	Cherokee, NC	Jessica McGhee	Pleasant Garden, NC	Richard Pulitzer
Hickory, NC	William Lange	Gallipolis, OH	Mukeni Ntumba	Winston-Salem, NC
Angela Huffman	Durham, NC	Hailey McGregor	Charlotte, NC	Matthew Quattlebaum
Georgetown, DE	Andrew Larson	Cornelius, NC	Harrison Nugent	Greenville, SC
Olivia Hughes	Waynesville, NC	Patricia McKee	Wake Forest, NC	Gianina Quintero
Greensboro, NC	Payton Laskaskie	Ponte Vedra Beach, FL	Michael Nystrom	Miami, FL
Deja Hughes	Shalimar, FL	Annabelle McKell	Knightdale, NC	Kelsey Rachell
Charlotte, NC	Brenna Lauga	Raleigh, NC	Kailyn Oakley	Charlotte, NC
Frederick Hulse	Arabi, LA	Dmitri McKinney	Raleigh, NC	Taylor Rathbone
Browns Summit, NC	Brandy Lea	Elon, NC	MacKenzie OBrien	Greensboro, NC
Talece Hunter	Hampstead, NC	Ashlee McLean	Louisville, KY	Raven Rattler
Charlotte, NC	Allison Leahy	Winston-Salem, NC	Harley Obsitnik	Cherokee, NC
Paige Ianiero	Peletier, NC	Shante McNeill	Bryson City, NC	Bryana Reese
Durham, NC	Pauline Lee	Durham, NC	Tessa Olinger	Durham, NC
Hana Ibrahim	Charlotte, NC	Michael McRae	Greensboro, NC	Gabriella Reynolds
Greensboro, NC	Erika Lessane	Rockingham, NC	Adnan Omer	Burlington, NC
Jordyn Ignont	Concord, NC	Shawn Meerkamper	Greensboro, NC	Tristan Reynolds
Stockbridge, GA	Shelby Lewis	Durham, NC	Katherine O'Neal	Greensboro, NC
Juliana Ilvento	Copley, OH	Madelyn Mehr	Charlotte, NC	Katelyn Riddle
Chapel Hill, NC	Christopher Little	Raleigh, NC	Delaney O'Neill	Greensboro, NC
Salvatore Internicola	Knightdale, NC	Madeline Merz	Greensboro, NC	Hanna Riley
Greensboro, NC	Ashley Lockett	Culver City, CA	Jace Ortman	Greensboro, NC
Molly Irwin	Miami, FL	Briana Miller	Matthews, NC	Alison Ringwood
Marietta, SC	Emory Loescher	Greensboro, NC	Laura Overkamp	Raleigh, NC
William Jackson	Beaufort, SC	David Miller	Manassas, VA	James Rivenbark
Haw River, NC	Keri Lofton	Charlotte, NC	Callie Owens	Chapel Hill, NC
Javonte Jackson-Karim	Upatoi, GA	Cameron Miller	Greensboro, NC	Lisa Roach
Durham, NC	Jackson Logan	Raleigh, NC	Jayne Palmer	Raleigh, NC
Sierra Jarrett	Hickory, NC	McKenzie Miller	Winston-Salem, NC	Zinyah Robinson
Lexington, NC	Marshall Long	Myrtle Beach, SC	Saniya Pangare	Greensboro, NC
Micah Jefferson Saha	China Grove, NC	Nyjeema Mills	Greensboro, NC	Taylor Rockwood
Chapel Hill, NC	Julia Lopez	McDonough, GA	Lindsey Parsons	Greensboro, NC
Jerry Jen	Charlotte, NC	Aariana Miranda	Greensboro, NC	Joya Rodgers
Cary, NC	Jeffrey Lovingood	Raleigh, NC	Christopher Pate	Charlotte, NC
Whittany Johnson	Marble, NC	Daryus Mitchell	Raleigh, NC	Edgar Rodriguez Gomez
Raleigh, NC	Kamaaria Mackins	Charlotte, NC	Reema Patel	South Boston, VA
Gavin Johnston	Durham, NC	Marianna Mitchell	Huntersville, NC	Sheila Rodriguez Padron
Sandy Springs, GA	Aamir Madison	Elberton, GA	Alexander Pendolino	Durham, NC

Aimee Roix Raleigh, NC	Mooresville, NC	Victoria Small Sunset Beach, NC	Raleigh, NC	Shaneek Thompson Davidson, NC
Jacy Romero Morganton, NC	Djenaba Scott Charlotte, NC	Graham Smith Germantown, TN	Anna Stephenson Pinehurst, NC	Brigid Tournoux Greensboro, NC
Ana Romo Nieves Raleigh, NC	William Selph Apex, NC	Valencia Smith Tuscaloosa, AL	Thomasine Stewart Semora, NC	Trey Vass Hampstead, NC
Cherish Rotundo Naples, FL	Andrew Shadoff Marina del Rey, CA	Cameron Smith Warrenville, SC	Denise Stewart Raleigh, NC	Brandon Veal Raleigh, NC
Zachary Rounceville Winston-Salem, NC	Sina Shahnizadeh Culver City, CA	Andreia Smith Charlotte, NC	Savannah Stinson Greensboro, NC	Daniel Villacorta Clayton, NC
William Rowe Dobson, NC	Darci Sharpe Greensboro, NC	David Smith Davidson, NC	Kiah Stith Cary, NC	Inja Vojnovic Charlotte, NC
Kuryakin Rucker Madison, AL	Ann Sheppard Concord, NC	Sharonda Smith Charlotte, NC	Micah Stone Greensboro, NC	Philipp von Pelser Berensberg Alexandria, VA
Reilly Ruddiman Kernersville, NC	Tyler Sherrill Charlotte, NC	Daniel Smith Longwood, FL	Taylor Streuli Greensboro, NC	Karrington Wallace Greensboro, NC
Sarah Ruffin Greensboro, NC	Dawson Shuman New Bern, NC	Tamra Smith Fayetteville, NC	Kenisha Strickland Browns Summit, NC	Itzamara Wallace Durham, NC
Gavin Russell Wilmington, NC	Jullien Silva St. Augustine, FL	Yvonne Smith Liberty, NC	Reid Surles Matthews, NC	Heather Walters Charlotte, NC
Carlyle Sadler Mount Holly, NC	Marcos Silva Saint Augustine, FL	Catherine Snyder Greensboro, NC	Carson Suszynsky Chapel Hill, NC	Michael Watkins Clemmons, NC
McKinley Sanders Murrells Inlet, SC	Sydney Simmons Huntersville, NC	Austin South Raleigh, NC	Kristin Swiley Mooresville, NC	Margaret West Carrboro, NC
Nicole Sanzo VA Beach, VA	Shelby Singleton Mableton, GA	Avery Staley Mooresville, NC	Alejandro Swinson Angier, NC	Sophie White Greensboro, NC
Diane Schnell Kenner, LA	Heather Sirna Charlotte, NC	Danny Stamey Pasadena, CA	Nathan Tessau Greensboro, NC	Sacejewia White Wilson, NC
Ivey Schofield Greensboro, NC	Samantha Skipper Hamlet, NC	Samantha Stamper Baton Rouge, LA	Dionne Thomas Concord, NC	William White Charlotte, NC
Jaden Schutt	Jennie Slater Greensboro, NC	Jensen Stephenson	Hannah Thompson Greensboro, NC	

Continued on page 57



IMPORTANT NOTICE REGARDING STATE BAR EMAILS

As a member of the North Carolina State Bar, you are routinely sent critical emails regarding dues notices, CLE report forms, etc. To increase efficiency and reduce waste, many reports and forms that were previously sent by US mail will now only be emailed. To receive these emails, make sure you have a current email address on file with the State Bar. You can check membership information by logging into your account at portal.ncbar.gov.

If you have unsubscribed or fear your email has been cleaned from our email list, you can resubscribe by going to bit.ly/NCBarSubscribe.

Thank you for your attention to this important matter.



2025 Third Quarter Random Audits

Audits for the third quarter were conducted in Alamance, Alexander, Buncombe, Catawba, Cherokee, Durham, Forsyth, Guilford, Iredell, Mecklenburg, New Hanover, Orange, Rockingham, Wake, and Wilkes Counties.

One audit each was conducted in Alamance, Alexander, Cherokee, Iredell, Rockingham, and Wilkes Counties, two audits each were conducted in Catawba and Durham Counties, four audits were conducted in New Hanover County, five audits each were conducted in Buncombe, Forsyth, Guilford, Orange, and Wake Counties, and 14 audits were conducted in Mecklenburg County.

Following are the results of the audits.

Escrow Consulting & Accounting, LLC

Protecting Your Trust Accounts

Are Your Trust Accounts in Accordance with Rule 1.15?
Protect your business by...

- Confirming Monthly and Quarterly Reconciliations Meet NC Bar Rules
- Validating Client Trust Ledgers Are Fully Funded
- Ensuring Compliance with the Accounting Requirements and Making Necessary Ledger Corrections
- Services vary from a one-time review of client prepared reports to ECA reconciling the trust accounts on a monthly basis.



Dawn Cash-Salau
252.531.4241
TrustComplianceNC.com
with 24 years of professional and trust accounting experience

1. 40% failed to take the required one-hour trust account CLE course.

2. 36% failed to provide a copy of the Bank Directive regarding checks presented against insufficient funds.

3. 25% failed to;

- sign, date, and/or maintain reconciliation reports;
- review bank statements and cancelled checks each month.

4. 19% failed to complete quarterly transaction reviews.

5. Up to 10% failed to;

- properly complete monthly reconciliations;
- properly complete quarterly reconciliations;
- properly identify the client and source of funds, when the source was not the client, on the original deposit slip;
- properly identify client on confirmations of wire/electronic/online transfers of funds;
- properly record the bank date of deposit on the client's ledger;
- promptly remove earned fees or costs and comingled attorney and entrusted funds;

- properly identify the client from whose balance the funds were drawn on the face of each check;
- escheat unidentified/abandoned funds as required by GS 116B- 53;
- maintain images of cleared checks or maintain them in the proper format;
- properly maintain records that are maintained only in electronic format.

6. Areas of consistent rule compliance;

- properly maintained a ledger for each person or entity from whom or for whom trust money was received;
- properly prevented bank service fees being paid with entrusted funds;
- properly maintained a ledger of lawyer's funds used to offset bank service fees;
- properly removed signature authority from employee(s) responsible for performing monthly or quarterly reconciliations;
- promptly remitted to clients' funds in

possession of the lawyer to which clients were entitled;

- properly deposited funds received with a mix of trust and non-trust funds into the trust account;
- properly signed trust account checks (no signature stamp or electronic signature used);
- properly provided written accountings to clients at the end of representation or at least annually if funds were held for more than 12 months;
- properly used business size checks containing the Auxiliary On-U's field.

Based on the geographic plan for 2025, audits for the fourth quarter will be conducted in Cabarrus, Caldwell, Chatham, Forsyth, Gaston, Guilford, Harnett, Haywood, Jackson, Johnston, Lincoln, Mecklenburg, Orange, Person, Surry, Union, and Wake Counties. ■

Bar Exam (cont.)

Gwynneth Wildcatt
Whittier, NC
Kyle Wilhelm
Summerfield, NC
Chelsey Williams
Norwood, NC
Trevor Williams
South Hill, VA
Brendan Wood
Burlington, NC
Martina Wood
Chesapeake, VA
Gavin Woolard
Greensboro, NC
Sonia Yancey
Lenoir, NC
Timothy Younger
Hampton, VA
Adam Zebzda
Greensboro, NC
Wendy Zheng
Angier, NC
Cameron Ziglar
Winston-Salem, NC
Mikayla Zummo
VA Beach, VA

The North Carolina State Bar and Affiliated Entities

The North Carolina State Bar

	2024	2023
Assets		
Cash and cash equivalents	\$9,009,285	\$10,735,772
Property and equipment, net	11,419,385	11,943,376
Other assets	<u>723,007</u>	<u>786,517</u>
	\$21,151,677	\$23,465,665
Liabilities and Fund Equity		
Current liabilities	\$2,215,196	\$4,337,878
Long-term debt	<u>7,125,897</u>	<u>7,513,306</u>
	9,341,093	11,851,184
Fund equity-retained earnings	<u>11,810,584</u>	<u>11,641,481</u>
	\$21,151,677	\$23,492,665
Revenues and Expenses		
Dues	\$9,702,965	\$9,552,089
Other operating revenues	<u>1,280,540</u>	<u>1,219,994</u>
Total operating revenues	10,983,505	10,772,083
Operating expenses	(11,120,641)	(10,028,199)
Non-operating Revenue (expenses)	<u>333,239</u>	<u>240,230</u>
Net income (Loss)	\$196,103	\$984,114

The North Carolina State Bar Plan for Interest on Lawyers' Trust Accounts (IOLTA)

	2024	2023
Assets		
Cash and cash equivalents	\$28,604,095	\$21,803,973
Interest receivable	1,561,001	1,501,758
Other assets	<u>162,802</u>	<u>268,482</u>
	\$30,327,898	\$23,574,213
Liabilities and Fund Equity		
Current Grants approved but unpaid	\$12,900,712	\$10,033,277
Other liabilities	<u>973,442</u>	<u>1,095,538</u>
	13,874,154	11,128,815
Fund equity-retained earnings	<u>16,453,744</u>	<u>12,445,398</u>
	\$30,327,898	\$23,574,213
Revenues and Expenses		
Interest from IOLTA		

participants, net	\$16,160,510	\$15,547,105
Other operating revenues	<u>582,289</u>	<u>555,593</u>
Total operating revenues	16,742,799	16,102,698
Operating expenses	(13,793,323)	(11,611,810)
Non-operating revenues	<u>1,058,870</u>	<u>546,841</u>
Net Income (loss)	\$4,008,346	\$5,037,729

Board of Client Security Fund

	2024	2023
Assets		
Cash and cash equivalents	\$2,297,652	\$2,942,720
Other assets	<u>381</u>	<u>1,450</u>
	\$2,298,033	\$2,944,170
Liabilities and Fund Equity		
Current liabilities	\$20,078	\$15,810
Fund equity-retained earnings	<u>2,277,955</u>	<u>2,928,360</u>
	\$2,298,033	\$2,944,170
Revenues and Expenses		
Operating revenues	\$42,919	\$42,702
Operating expenses	(730,685)	(431,772)
Non-operating revenues	<u>37,361</u>	<u>23,857</u>
Net Income (loss)	\$(650,405)	\$(365,213)

Board of Continuing Legal Education

	2024	2023
Assets		
Cash and cash equivalents	\$1,034,236	\$487,384
Other assets	<u>28,675</u>	<u>310,423</u>
	\$1,062,911	\$797,807
Liabilities and Fund Equity		
Current liabilities	\$53,660	\$72,429
Fund equity-retained earnings	<u>1,009,251</u>	<u>725,378</u>
	\$1,062,911	\$797,807
Revenues and Expenses		
Operating revenues	\$1,450,207	\$1,156,946
Operating expenses	(1,166,334)	(827,344)
Non-operating revenues	-	-
Net Income (loss)	\$283,873	\$329,602

Board of Legal Specialization

	2024	2023
Assets		
Cash and cash equivalents	218,598	237,920
Other assets	<u>1,400</u>	<u>730</u>
	\$219,998	\$238,650
Liabilities and Fund Equity		
Current liabilities	12,439	14,124
Fund equity-retained earnings	<u>207,559</u>	<u>224,526</u>
	\$219,998	\$238,650
Revenues and Expenses		
Operating revenues-specialization fees	\$221,421	\$221,663
Operating expenses	(238,388)	(211,137)
Non-operating revenues	-	-
Net Income (loss)	\$(16,967)	\$10,526

Board of Paralegal Certification

	2024	2023
Assets		
Cash and cash equivalents	\$451,269	\$405,708
Other assets	<u>575</u>	<u>900</u>
	\$451,844	\$406,608
Liabilities and Fund Equity		
Current liabilities - accounts payable	24,182	20,370
Fund equity-retained earnings	<u>427,662</u>	<u>386,238</u>
	\$451,844	\$406,608
Revenues and Expenses		
Operating revenues-fees	\$335,246	\$248,248
Operating expenses	(293,822)	(258,387)
Non-operating revenues	-	-
Net Income (loss)	\$41,424	\$(10,139)

This selected financial data is presented in summary format to provide information regarding the and useful to the widest range of readers. This information is derived from the audited financial statements of each entity, which were audited by Bernard Robinson & Company, L.L.C., in 2023 and 2024. Copies of the financial statements can be obtained from the Bar's offices.



YOUR TRUSTED PROVIDER

Other carriers may claim they will be there when you are in trouble. But Lawyers Mutual is the only carrier in North Carolina with boots on the ground ready to respond. With a staff of 7 licensed North Carolina claims attorneys, we are here to protect you. Why? Because we care.

More than just an insurance company, we are your trusted provider — ready to support your law firm when you need us most.

Lawyers Mutual NC — *A better insurance experience.*

The North Carolina State Bar
PO Box 25908
Raleigh, NC 27611

Winter 2025

A person stands on a rocky cliff, their arms outstretched wide, silhouetted against a vibrant sunset sky. The ocean stretches out to the horizon under a sky filled with soft, pink and purple clouds. The person is wearing a dark jacket and pants, standing on a dark, textured rock formation. The overall mood is one of hope and freedom.

HELP. HOPE. HEALING.

info@ncclap.org :: ncclap.org