

THE NORTH CAROLINA STATE BAR

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IN THIS ISSUE

History of Black Lawyers in NC *page 6*

Surviving Change in the Judicial System *page 15*

A Tribute to Representative Annie Brown Kennedy *page 20*

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Contents

FEATURES



6 The History of Black Lawyers in North Carolina: Circa 1987

By Kenneth Lewis



11 Making the "Case" for the Institution of Public Defense: Why Quality Indigent Defense Services Are So Important

By Amanda Bunch and Mary Pollard



15 Wisdom from a Retired Clerk on Surviving Change in the Judicial System

By Nathan T. Everett

18 Extreme Punishment: The Chilling True Story of Acclaimed Law Professor Dan Markel's Murder

A Book Review by Justice (Ret.) Robert Edmunds Jr.

20 A Bridge Builder has Crossed Over: A Tribute to Representative Annie Brown Kennedy

By Justice (Ret.) Patricia Timmons-Goodson

23 Honoring Our Past—50 Year Lawyers in Their Own Words

25 A Giant Among Men: Sammie Chess Jr.

By Joe Webster

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Contents

DEPARTMENTS

- 5 President's Message
- 28 Legal Specialization
- 31 Lawyer Assistance Program
- 34 Pathways to Well-being
- 37 The Disciplinary Department

- 38 IOLTA Update
- 40 Proposed Ethics Opinions
- 41 Rule Amendments

BAR UPDATES

- 39 In Memoriam
- 47 Distinguished Service Award
- 48 Upcoming Appointments
- 49 First Quarter Random Audits
- 49 July Bar Exam Applicants

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Have You Thanked Your Clerks Today?

BY MARCIA H. ARMSTRONG

How many times have we heard that “it takes a village to raise a child”? This wise notion rings true with the administration of justice which takes the “village” of lawyers, judges, trial court administrators, law enforcement, courthouse personnel, social workers, and last, but certainly not least, the clerks. In fact, you could say that the clerk’s office is the engine that keeps the judicial process moving forward.

With the implementation of eCourts in the pilot counties (Wake, Johnston, Harnett, and Lee), we are reminded of the vital role of clerks in the judicial “village.” Without clerks there is no justice. Not only do the clerks of superior court in North Carolina serve as record keepers, administrators, comptrollers, and supervisors, they also serve as judicial officials, which is unique to our state.

Law schools should teach young lawyers to get to know their clerks. During my almost 41 years of practice (almost exclusively as a family lawyer), there have been many ups and downs. However, one consistency has been the helpful, cheerful, and calming effect of the clerks with whom I have worked over the years in many eastern North Carolina counties. I will always remember Trudi Massey, a deputy clerk in domestic court when I was a baby lawyer. She kept a stash of cookies in a Ziploc bag in the courtroom. If you were having a bad day she would say, “Shug...everything will be ok... have a cookie.”

Have you thanked your clerks lately? If not, please take the time to do so. I was honored to speak at the winter conference of the



The following message was emailed to State Bar members on April 11, 2023.

Dear State Bar Members,

We’re nearly two months into the launch of the eCourts system in our four pilot counties. As with any new venture, and especially one of this magnitude, there are still issues to address and processes to smooth out. I want to thank the lawyers practicing in our pilot counties for your patience, resilience, and determination to make this system better while still focusing on providing competent representation to your clients. While the State Bar is not directly involved with the eCourts system, we are in constant communication with the Administrative Office of the Courts (AOC) and will continue to relay any constructive feedback we receive. Please continue to provide feedback to the AOC and the software developers through the appropriate channels; you will find more information on eCourts through the AOC website. If you have questions about your ethical responsibilities arising from any eCourts issues, please do not hesitate to contact our Ethics

Department at ethicsadvice@ncbar.gov or (919) 828-4620.

The State Bar Council is aware that lawyers in the pilot counties for eCourts may experience challenges as the new system is implemented. Some lawyers have expressed concern that those challenges, which may include obstacles to and delays in disposition of their clients’ cases, could result in the filing of grievances with the State Bar Grievance Committee. Please be assured that the Grievance Committee includes lawyers who practice in every area of the law and in every district in North Carolina, including the four pilot counties for eCourts. Whenever the Grievance Committee considers whether it is appropriate to open a grievance file or what the appropriate disposition is of a grievance file, the committee takes into account all pertinent facts and circumstances. Pertinent facts and circumstances include whether the lawyer behaved reasonably under circumstances beyond the lawyer’s control. While the State Bar has no authority to make decisions regarding the content of or operations of the new system, it will exercise the authority it does have prudently and with understanding of the challenges that are inherent in implementing an entirely new system of operating the courts. The State Bar recognizes that these growing pains can be frustrating, but also firmly believes that once the implementation is complete, the new system will revolutionize our court system and promote much greater access to justice for everyone in North Carolina.

On behalf of the State Bar Council, thank you for your considerable efforts as you experience and contribute to our state’s first eCourts system. This system will bring significant improvements to the administration of justice in North Carolina, and we are indebted to you in the pilot counties for blazing a path for the rest of our profession to follow in the coming months.

With gratitude,
Marcia H. Armstrong

CONTINUED ON PAGE 17

The History of Black Lawyers in North Carolina: Circa 1987

BY KENNETH LEWIS

The following article was originally published in two parts in the December 1987/January 1988 and February/March 1988 editions of BarNotes, a former publication of the North Carolina State Bar. It was prepared at that time at the request of and under the direction of the North Carolina Bar Association's Minorities in the Profession Committee. The article provides a fascinating and important overview of the history of Black lawyers in North Carolina through 1987. As you read, remember that references to "today," "now," and "currently" mean the North Carolina legal community circa 1987. Many of the icons of the Black legal community of that era who are highlighted in the article are deceased, including Julius Chambers and Clifton Johnson. More progress has been made by Black lawyers in North Carolina since this article was published 36 years ago. Notably, the article was published long before Henry E. Frye's appointment as the first Black chief justice of the North Carolina Supreme Court in 1999 and before the election of three Black lawyers as presidents of the State Bar. Nevertheless, the article provides insight into the roots of that progress and an opportunity to reflect on the challenges faced by Black lawyers in North Carolina from the Civil War to the present.

The history of Black lawyers in North Carolina is somewhat fragmented and incomplete. Though scattered largely in broader historical works, program booklets, and personal recollections, the remains of this history stand as a testament to the remarkable accomplishments of Black lawyers in North Carolina. This article attempts to highlight



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some of those accomplishments and, more generally, to provide an overview of the history of North Carolina's Black lawyers.

The Early Years

Blacks were first admitted to the North Carolina Bar shortly after the Civil War. During the 1800s, progress for Blacks in the legal profession, like other professions, was slow. According to historian Frenise Logan, the 1890 census revealed only 14 Black lawyers in North Carolina.¹ Despite the few number of Black lawyers during this period, the practice of law for them "was fraught with economic insecurity."² Blacks, on whom most Black lawyers relied for business, were relatively poor. In addition, many potential Black clients preferred the services of white lawyers.³

Despite these problems, many of the state's earliest Black lawyers excelled in politics.

Nowhere is this better reflected than in the political history of the state's Second Congressional District. Described contemptuously by some as the "Black Second," this district, created by the legislature in 1872, comprised ten counties in the eastern part of the state and contained a substantial majority of Black voters. Two Black lawyers, James Edward O'Hara and George H. White, were elected to the US Congress from the Second District. In addition, White and another Black lawyer, John H. Collins, served as solicitor of the Second Judicial District for a total of 16 years.

James Edward O'Hara is regarded as the first Black lawyer in North Carolina. Born in New York City on February 26, 1844, the son of an Irish merchant and a West Indian woman, O'Hara was reared in the West Indies where he remained prior to moving to North Carolina following the Civil War. He

began the study of law in North Carolina and completed his training at Howard University in Washington, DC, while also working in the US Treasury Department.⁴ In 1868, O'Hara was reportedly admitted to the North Carolina Bar by the General Assembly.⁵ His illustrious political career included service as chair of the Halifax County Board of Commissioners and as a delegate to the 1875 State Constitutional Convention. In 1878 he received the Republican party nomination for congress.⁶

Despite losing the general election after questionable actions by the Democratic canvassing board,⁷ O'Hara, undeterred, gained new political strength as a leader of the anti-prohibition movement.⁸ His eventual election to congress in 1882 marked only the second time in the history of North Carolina that a Black citizen represented the state in the US Congress. O'Hara served two terms in congress and is reported to have successfully submitted an amendment to an interstate commerce bill seeking equal treatment and accommodations on interstate transportation systems. After losing a bid for a third congressional term in 1886, O'Hara returned to North Carolina where he became the proprietor and editor of an Enfield newspaper entitled *The Progress* and later established a law practice in New Bern that his son, Raphael O'Hara, eventually joined.⁹

In 1878, another Black lawyer, John H. Collins, also made his mark on the politics of this region. Collins, a Civil War veteran, was elected solicitor of the Second Judicial District, and thus became the first Black to hold that office in North Carolina. Collins served two four-year terms as the solicitor of this district, but lost his bid for a third term to George H. White in 1886.¹⁰

George H. White, an ex-slave born in 1852, was perhaps the most esteemed Black lawyer and politician of his day. White graduated from Howard University in 1877 and was admitted to the North Carolina Bar in 1879 after reading law under superior court judge and later chief justice of the NC Supreme Court Walter Clark.¹¹ White's involvement in politics began early in his legal career. He served in both houses of the General Assembly, representing Craven County. While in the state senate, he sat on the highly respected judiciary committee—an accomplishment that, at the time, required support from members of both parties.

In 1886, White was elected solicitor of

the Second Judicial District and held this position until elected in 1896 to serve the first of two consecutive terms in the US Congress.¹² While in congress, he was an active legislator as well as a "great orator for Black causes."¹³ He is remembered as the last Black congressman to serve during this era. After this stint in congress, White received a license to practice law in Washington, DC, and later settled in New Jersey having reportedly concluded that he could not "live in North Carolina and be a man."¹⁴

The Shaw Era

Blacks could not receive a law school education in North Carolina prior to 1888. Therefore, many of the early Black lawyers obtained their legal educations through apprenticeships, usually in the offices of white lawyers.¹⁵

On June 29, 1888, the Board of Trustees of Shaw University established a law department on its campus located in Raleigh, and became renowned as the first institution of higher learning for Blacks in the South. The doors to the law department opened December 11, 1888,¹⁶ with John Sinclair Leary of Fayetteville serving as its first professor and dean. Having passed the bar in 1873, Leary is believed to have been the second Black lawyer to practice law in North Carolina. Leary also distinguished himself as an accomplished politician, having served as a state legislator, a city alderman, and a delegate to each Republican National Convention from 1876 to the end of Reconstruction.¹⁷

Under Leary's direction, the curriculum at Shaw's law school included courses in international law and admiralty¹⁸ in addition to the traditional law school subjects. The law school graduated 54 students with bachelor of law degrees (LL.B.) before the Board of Trustees closed the department in 1914. Although no reason was given by the board for this action, low enrollment is believed to have been the cause.¹⁹

During its brief existence, Shaw's law school provided a legal education for most of the state's pioneer Black lawyers. According to one source, graduates of Shaw comprised the majority of Black lawyers practicing in North and South Carolina until the mid-1930s.²⁰ In North Carolina, Shaw graduates distinguished themselves in education, politics, and business, as well as in the practice of law.²¹ Perhaps the law school's most notable

graduate was its first, Edward Augustus Johnson, an ex-slave freed by the Emancipation Proclamation at age four.²²

Johnson received his LL.B. from Shaw in 1890 after completing college training at Atlanta University. Prior to entering law school, he served as the principal of schools in Atlanta and Raleigh. After receiving his law degree, he made numerous contributions as an attorney, educator, politician, and author. At one point, Johnson served as an assistant US attorney. For over a decade he enjoyed tenure at Shaw, serving the law department alternately and simultaneously as a professor and dean. Johnson was also a Raleigh alderman and a chair of the Fourth District of the Republican Party. In 1894 he published a primary school textbook entitled, *A School History of the Negro Race in the United States*.²³

Several Black lawyers in addition to the Shaw graduates entered the practice of law in North Carolina during the early years of 20th century. The careers of a few are particularly worthy of note: John T. Sanders, a Charlotte businessman in the finance and real estate areas, was admitted to the Bar in 1906 after a period of self-instruction and only three months of study under a local attorney. Sanders also edited the *Charlotte Advertiser* for 15 years and was active in politics.²⁴ Roger D. O'Kelly, a graduate of Yale Law School, was also admitted to the Bar in 1906 and practiced in Raleigh. Because he was deaf and partially blind, O'Kelly limited his practice to title work and was renowned for his meticulousness.²⁵ Also, Mack Daniel was admitted in 1915 and reportedly served one term as mayor of Dudley.²⁶

Black Lawyers in The 1920s and 1930s

During the 1920s, Blacks could not receive a formal legal education in North Carolina and were, therefore, forced to attend law schools outside the state. Many Black lawyers during this period received their law degrees from Howard University in Washington, DC. One such lawyer was Meredith Hugh Thompson. Admitted to the North Carolina Bar in 1923, Thompson was a highly respected lawyer in Durham for more than 50 years. He was the first Black president of the 14th Judicial District, as well as an organizer of the predecessor to the present-day North Carolina Association of Black Lawyers.²⁷ In addition, Thompson successfully litigated a pre-*Brown v. Board of Education* decision case in which a federal

district court held that Durham City Schools attended by Black students were separate but not equal.²⁸ Thompson associated himself in a general practice with another Black Durham lawyer, Caswell Jerry Gates, who was admitted to the Bar in 1927. Thompson and Gates are believed to have been among the first Black lawyers to associate themselves in practice.²⁹ Other Black lawyers to be admitted during the 1920s included William Avery Jones, who was a pioneer in the business world and a past-president of Winston Mutual Life Insurance of Winston-Salem; Hosea Van Buren Price, also of Winston-Salem; McKinley Battle of Kinston; and Robert McCants Andrews, a Durham practitioner and Harvard Law School graduate.

In the 1930s, an aggressive legal attack on segregation and discrimination began to take hold in North Carolina. Conrad O. Pearson is widely recognized as the pioneer of this movement. Pearson, the state's first NAACP general counsel, was admitted to the North Carolina Bar in 1932, prior to graduation that year from Howard Law School. The following year, Pearson filed the first lawsuit in the South seeking the admission of a Black student to a state-supported graduate school, *Hocutt v. Wilson*.³⁰ The plaintiff in that case sought admission to the pharmacy school at the University of North Carolina. Although the plaintiff was denied relief, the lawsuit served as a forerunner to civil rights cases seeking the desegregation of state-supported universities.

Subsequent suits filed by Pearson led to the desegregation of the UNC law school, graduate school, and undergraduate school. Over the years, Pearson remained a stalwart in the struggle of Blacks for equality and justice. He directed many of the significant cases challenging discrimination in the state. He also trained and advised many younger Black lawyers. Before retiring in the late 1970s, Pearson served as a professor of law at North Carolina Central University School of Law and later as an assistant state attorney general. In 1976, his lifelong efforts were recognized when he became one of the first recipients of the NAACP Legal Defense Fund's Francis Ellis Rivers Award.³¹

Today, two of Pearson's contemporaries—also Howard Law School graduates—still practice law on a limited basis. Fred J. Carnage, a member of the Bar since 1931, currently practices on a semi-retired basis in Raleigh. In 1932, the Negro Voters League,

organized at Carnage's urging, registered 1,500 Black voters, many of whom voted for the first time in a subsequent Raleigh Democratic primary. When the names were struck from the books by the Wake County Board of Elections, Carnage and another Black attorney, Robert McCants Andrews of Durham, successfully challenged this action in the superior court. In 1949, Carnage was named to the Raleigh City School Board by the city council. Always an outspoken foe of segregation, Carnage served as counsel to sit-in demonstrators in Raleigh³² and also successfully litigated the case that integrated public schools in Raleigh in 1961.³³ Today, a junior high school in Raleigh bears the name Fred J. Carnage.

Charles W. Williamson was admitted to the Bar in 1932. He currently lives in Henderson, where he was the only Black lawyer when starting there in 1933 and remained so until the mid-1970s. Williamson's wife reports that during their first year in Henderson she received several death threats. She further recalls that her decision to continue work as a school teacher came only after a reassuring visit by an FBI agent who volunteered to secretly follow and protect her for one year. Today, Williamson's portrait hangs in the local courthouse as a tribute to his contributions over the years to the Henderson community.³⁴

State-Supported Legal Education for Blacks: The North Carolina Central University Law School

In 1933, 19 years after the closing of Shaw's law school, the NC General Assembly amended the charter of the North Carolina College for Negroes—now North Carolina Central University—to authorize the establishment of a law department.

It is generally recognized that the legislature in establishing this law school was motivated primarily by the desire to prevent Black students from attending the University of North Carolina School of Law.³⁵ In 1940, five students enrolled in the first class of the newly created law school.³⁶ Several years later, Robert Bond and John Willis Langford became the first graduates of the school.

During World War II years, the law school suffered a considerable depletion in the size of its student body. Rather than close the program, however, the school offered night classes that afforded local businessmen the opportunity to study law.³⁷ During this period many

businessmen of Durham-based Black financial institutions,³⁸ as well as several women, earned law degrees from the school.³⁹

By 1949, however, the law school was grossly underfunded and ill-equipped, and as a result it was unaccredited.⁴⁰ It is reported that "students toured the state appealing to officials to upgrade the school, but to no avail."⁴¹ Students then picketed the state capitol, carrying signs urging state officials to provide better support for the school. On February 27, 1950, the law school received ABA accreditation.⁴²

In 1968, the North Carolina Board of High Education, at the governor's request, recommended phasing out the law school. In responding to this recommendation, officials at the law school surveyed graduates and compiled what became known as the *Sampson Report*, named for then-Dean Daniel G. Sampson. This report revealed the accomplishments of many of the school's graduates in North Carolina and other jurisdictions around the country. Many believe that the *Sampson Report* saved NCCU Law School from efforts to close its doors.⁴³

Despite chronic concerns with funding for the law school and its students, a fire that destroyed the school facilities, and periodic opposition to its existence, the North Carolina Central School of Law stands today as the pre-eminent educator of Black lawyers in North Carolina. In addition to its traditional task of training lawyers to meet the needs of the underrepresented in this state, the law school has trained many Black lawyers who have served in a variety of capacities. Its graduates include Maynard Jackson, former mayor of Atlanta; Samuel Chess, the first Black special superior court judge in North Carolina; Clifton Johnson, the first Black chief district court judge and the first Black resident superior court judge in the state; Leroy Johnson, the first Black state legislator in the South in the 20th century; John Wheeler and Joseph Sansom Jr., who both served as president of Mechanics and Farmers Bank, the largest Black-controlled bank in the South; H.M. Michaux Jr., the first Black in the 20th century to serve as a US attorney in the South; and Paul Jones, former assistant clerk of the US Supreme Court, and the first Black member of the clerk's staff.

Black Students and the University of North Carolina Law School

The accreditation of the then North Car-

olina College School of Law was a significant accomplishment in the provision of legal education for Blacks in North Carolina. However, equal access to state-supported law schools was still denied.

In 1950, Harold Epps, a *law review* student at the North Carolina College School of Law, filed a lawsuit, joined by seven other students at the school,⁴⁴ seeking admission to the University of North Carolina School of Law. Plaintiffs were initially denied admission when a federal district court held that “the best interests of the plaintiffs will be served by denying the relief sought.”⁴⁵ This decision was reversed by the Fourth Circuit Court of Appeals in *McKissick v. Carmichael*.⁴⁶ As a result, six Black law students enrolled in the University of North Carolina School of Law during the summer of 1950, thus making one of the first occasions in the history of North Carolina that Black and white students attended a state-supported school together.⁴⁷

In 1952, Harvey Beech, who had transferred from the North Carolina College School of Law after his first year, became the first Black graduate of the University of North Carolina School of Law. In 1956, Henry E. Frye, a graduate of North Carolina A&T State University, became the first Black student to enter the first-year class at UNC School of Law. Frye served on the *North Carolina Law Review* staff, and in 1959 graduated with honors. Just two years later, Julius L. Chambers a graduate of North Carolina Central University, became the first Black student to serve as editor-in-chief of the *North Carolina Law Review*.

In 1985, some 35 years after Blacks first enrolled in the University of North Carolina School of Law, Teresa Roseborough achieved another milestone at the school by becoming the first Black woman to serve as editor-in-chief of the school’s *law review*. In the fall of 1987, Roseborough began serving as a law clerk for US Supreme Court Justice John P. Stevens.

The Civil Rights Era

Black lawyers in North Carolina have made significant contributions to the advancements of civil rights. During the protest years of the 1960s, many of the state’s Black lawyers devoted their time and talents to defending the rights of citizens involved in protest against legal segregation. Often these attorneys did so in the face of threats of bod-

ily harm and for little or no financial compensation. During this period, some of the state’s Black lawyers also became leaders in organizing protests. Floyd McKissick, for example, served as executive director of the Congress for Racial Equality (CORE), a non-violent protest organization.

North Carolina’s most noted civil rights lawyer is Julius L. Chambers. Chambers, who is today one of the most widely respected lawyers in the history of the state, has throughout his career been a champion of civil rights. After receiving a masters of law degree from Columbia, Chambers worked as the first legal intern with the NAACP Legal Defense and Education Fund, Inc., where he was involved primarily with civil rights cases in the South. He returned to North Carolina in 1964, and shortly thereafter became a founder and principal partner of an integrated law firm that specialized principally in civil rights litigation. His accomplishments with this firm include landmark US Supreme Court victories in school desegregation⁴⁹ and employment cases.⁵⁰ In 1984, Chambers was appointed as the director-counsel of the NAACP Legal Defense and Education Fund, Inc. in New York.

Gains in The Post Civil Rights Era

The civil rights movement of the early 1960s broadened opportunities for the Black citizens of North Carolina. Henry E. Frye led the reemergence of Blacks in state politics. In 1968, Frye, upon election to the state house, became the first Black elected to the general assembly since 1899. After serving 12 years in the house, he was elected to the senate. Before serving in the general assembly, Frye was an assistant US attorney and the first Black lawyer in this century to hold that position in North Carolina. He also served as a professor of law at North Carolina Central School of Law.

In the years that have followed the peak of the civil rights movement, Black lawyers have made some significant professional advancements. Many have served in the NC General Assembly and have begun to participate in other areas of the political process. In 1982, H. M. Michaux Jr., a state legislator and former US attorney for the Middle District of North Carolina, launched a vigorous bid for the Second District congressional seat. After leading the field in the initial Democratic primary, Michaux lost in the second or “runoff” primary. Two years later, Kenneth

Spaulding also made an unsuccessful bid for the Second District congressional seat.

Black lawyers have also gained entrance to appointive positions of public service. For example, Kenneth Lee, the second Black to graduate from the UNC School of Law, now sits on the State Banking Commission, and William Marsh of Durham, a plaintiff in the suit to integrate the UNC School of Law, now serves as a member of the NC Board of Elections. There are currently four Black attorneys who serve on the NC State Bar Council: Karl Adkins and Ronald Gibson (Twenty-sixth District); William Marsh (Fourteenth District); and Kaye Webb (Tenth District).

In 1986, Black lawyers made several significant accomplishments within the legal profession: Eric Michaux, the brother and law partner of H. M. Michaux, was appointed chair of the NC Board of Law Examiners; Anthony Brett became the first Black partner in a major North Carolina-based corporate law firm.⁵¹ Three Black lawyers were elected to the office of district attorney: Carl Fox, District 15B; Thurmond Hampton, District 17A; and Calvin Hamrick, District 27A; and a Black female attorney, Barbara Gore Washington, was elected clerk of court in Guilford County.

Perhaps the most significant strides made by Black lawyers in North Carolina, however, have come within the ranks of the judiciary. The first Black judge in North Carolina, Samuel S. Mitchell, served in Raleigh’s recorder’s court beginning in the first part of 1967. Elreta Alexander-Ralston was the first Black judge elected in North Carolina. This marked yet another first for the trailblazer. She had already distinguished herself as the first Black woman to graduate from Columbia Law School, and in 1947 became the first Black woman to pass the North Carolina Bar. In 1968, her election as a district court judge in Guilford County further distinguished her as one of the first Black judges elected in the country. In 1972, Judge Alexander-Ralston ran in the Republican primary for the chief justice of the state Supreme Court, but lost the race to a fire extinguisher salesman who had neither judicial experience nor a law degree.

The first Black to be appointed a special superior court judge was Samuel Chess, who joined the bench in 1971. Clifton Johnson was the first Black to serve as a resident superior court judge. Johnson, a former district

court and now state North Carolina Court of Appeals judge, was appointed to the superior court bench in 1978. That year he ran unchallenged in the general election. Not until 1986 did a Black lawyer, Terry Sherrill, win a contested election for a resident superior court judgeship. Further, Johnson and Sherrill are the only Blacks to hold such seats in the history of North Carolina. In 1977, Richard Erwin, a former state legislator, made history by becoming the first Black to serve on the North Carolina Court of Appeals. Erwin broke ground again in 1980 when he was appointed US District Court judge for the Middle District of North Carolina. In 1983, Henry E. Frye was appointed an associate justice of the NC Supreme Court. In 1984 he was elected to an eight-year term. Erwin and Frye are the first and only Blacks to hold the respective positions of federal district court judge and state Supreme Court justice in North Carolina.

The North Carolina Association of Black Lawyers

In 1935, Black lawyers responded to the need for a professional organization by forming the Old North State Bar Association.⁵² This organization met on an annual basis for several years. But by 1954, there had again arisen a need for Black lawyers to organize. That year, they met in Durham and formed the North Carolina Lawyers Association. Herman Taylor was elected the first president. A few years later, members of the organization realized the need for a regional organization. In 1957, Black lawyers from North Carolina, Virginia, and South Carolina met in Winston-Salem and formed the Southeastern Lawyers Association. Floyd McKissick was elected the first president. This organization met on a regular basis in each of the three states until the early 1960s.

The localized civil rights activities of this era led to the sectioning of the Southeastern Lawyers Association by state. Eventually, organization of the Black bar was interrupted altogether as the time and energy of Black lawyers in the southern states became increasingly consumed by the civil rights movement. However, in 1971 the North Carolina section of the Southeastern Lawyers Association formed the North Carolina Association of Black Lawyers.⁵³ Frank Ballance Jr. was elected president. The goals of the NC Association of Black Lawyers today include the promotion of justice and

equality for Blacks and poor people and the enhancement of competence and professionalism among the Black bar.

Conclusion

The status and professional life of Black lawyers in North Carolina has varied considerably. To be sure, the segregated courtrooms in which witnesses swore upon Bibles labeled "white" and "colored" or the persistent threats of physical violence endured by Charles Williamson and other Black lawyers of his day no longer exist in North Carolina. Similarly, the legal barriers to equal educational opportunities have long since been removed. Nevertheless, in some respects the Black lawyer today has merely begun to make progress in the effort to regain the status enjoyed by his predecessors just prior to the turn of the century. For during that rather brief period, Black lawyers served on a regular basis as state legislators, as district attorneys, and as members of the US Congress. One only hopes that the footholds in the profession gained by Black lawyers during the past 20 years or so evidence a commitment by our society and profession to equal opportunity and just reward for all of North Carolina's lawyers, irrespective of race. ■

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Endnotes

1. F. Logan, *The Negro in North Carolina*, 1876-1894, at 108 (1974).
2. *Id.*
3. It is reported that the lack of support for Black lawyers exhibited by the Black community prompted two Black lawyers in Raleigh, Edward Augustus Johnson and J.H. Branch, to consider moving to another locality in 1893. *Id.*
4. D. Terry, *Chronicle of Black Lawyers in North Carolina. The Pioneers: 1865-1950* at 5 (volume 1, March 1981) [hereinafter *Pioneers: 1865-1950*].
5. F. Logan, *supra*, at 33.
6. *Pioneers: 1865-1950* at 5.
7. See *O'Hara v. Powell*, 80 NC 103 (1878).
8. D. Terry and F. McKissick, *Black Lawyers in North Carolina—A History 1865 to 1950*, in *The Pioneers: 1865-1950*, at 20.
9. *Pioneers: 1865-1950* at 5.
10. *Id.* at 6.
11. F. Logan, *supra* at 108.
12. *Id.* at 28.
13. *The Pioneers: 1865-1950* at 6.
14. *Id.*
15. F. Logan, *supra* at 108.

16. W. Carter, *Shaw's Universe* 43 (1973).
17. See F. Emory, *Paths Toward Freedom* (1976).
18. W. Carter, *supra* at 43.
19. *Id.* at 45.
20. Washington, *History and Role of Black Law Schools*, 18 How. L.J. 385, 395 (1974).
21. Among its graduates were James Youman Eaton, Vance County attorney (1896), state legislator (1898), and principal of an elementary school in Henderson that still bears his name, Eaton-Johnson School; Lovelace Capehart Brown, AB, MA, LL.B., MD, English professor, lawyer, and medical doctor; Raphael O'Hara, the son of James E. O'Hara, and valedictorian of the 1895 class; George Henry Mitchell, 1897 graduate, LL.M., University of New York, maintained an extensive real estate business and law practice in Greensboro; Henry Melvin Edmondson, 1913 graduate, predominantly civil practitioner in Winston-Salem.
22. W. Carter *supra* at 45.
23. J. Crow & F. Hatley, *Black Americans in North and South Carolina*, 4-6 (1984).
24. *The Pioneers: 1865-1950* at 13.
25. *Id.*
26. *Id.* at 16.
27. B. Foreman & V. Boone, *Chronicle of Black Lawyers in North Carolina, Civil Rights Pioneers: 1950-1970* 23 (volume 2, October 1984) [hereinafter *Civil Rights Pioneers: 1950-1970*].
28. *Blue v. Durham Board of Education*, 95 F. Supp. 441 (M.D.N.C. 1951).
29. *Civil Rights Pioneers: 1950-1970*, at 23.
30. *Hocutt v. Wilson*, NC Superior Ct., County of Durham, Civil Issue Docket 1-888 (March 28, 1933).
31. *Civil Rights Pioneers: 1950-1970*, at 18.
32. *Raleigh Times*, Sept. 25, 1985, at 6, col. 1.
33. Interview with Mr. Fred Carnage (March 11, 1987).
34. Interview with Mr. and Mrs. Charles W. Williamson (May 8, 1987).
35. Federal district court Judge Johnson J. Hayes strongly suggested such a motivation in *Epps v. Carmichael*, 93 F. Supp. 327 (1950). He pointed out that: Following the *Gaines* case [305 US 337 (1938), which held that Missouri could not exclude Negroes from a state-maintained law school even though it paid the tuition for Negroes to attend law schools outside the state], the legislature of North Carolina established the College of Law [at Durham] without a lawsuit or the threat of a lawsuit and it has proceeded with the development of the school of law with the fixed purpose to provide equal facilities for the Negroes with those furnished to the white students at the University of North Carolina. *Id.* at 331. See also Washington, *supra* at 399.
36. Dean M.T. Van Hecke of the University of North Carolina served as the first dean and was joined during the initial years by instructors from Duke and the University of North Carolina law schools.
37. *North Carolina College Law School, Apocrisarius* 5 (1950).
38. James J. Sansom Jr. and John H. Wheeler (Mechanics and Farmers Bank); C.C. Spaulding Jr. and Wilford A. Kenny (North Carolina Mutual Life Insurance Company).
39. *North Carolina College Law School, supra* at 5.

CONTINUED ON PAGE 24

Making a “Case” for the Institution of Public Defense:

Why Quality Indigent Defense Services Are So Important

BY AMANDA BUNCH AND MARY POLLARD

For many years, North Carolina has relied on private attorneys to handle most cases for people who are entitled to counsel but cannot afford to hire a lawyer. Thousands of private appointed lawyers have worked tirelessly on behalf of indigent clients and obtained the best possible results for their clients.

Throughout the pandemic, these lawyers continued to visit incarcerated clients and to appear in court on their behalf. This has been true even though private assigned counsel (PAC) rates are well below what lawyers can earn doing almost any other type of work. The lawyers who engage in this work are owed a tremendous debt of gratitude as, without them, North Carolina could not fulfill the promise of the Sixth Amendment.

In recent years, however, the ranks of lawyers handling indigent cases have dwindled. While some of this can be attributed to the low rate of pay, much of it is a result of demographic changes in the state and in the profession. The Commission on Indigent Defense Services (IDS) is committed to the private bar

and will continue to seek sufficient legislative funding to pay the lawyers who take court-appointed work a fair rate. However, to ensure that clients do not go unserved in the long term, IDS has developed a long-term plan to expand the public defender system to all areas of need by the end of the decade. Even if IDS is successful in this expansion, there will always be a need for a significant number of private lawyers to handle conflict cases and parent defense cases, and the commission is grateful to all those lawyers who are willing to take on this work.

And while PAC are vital to the services IDS can provide, each of the existing public defender offices in our state—as you will see—have their own set of strengths and values, and



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they operate with their own unique approaches to serve their indigent clients, their professional team, and their communities.

More on the Vision: Public Defender Expansion

This vision for expansion of public defender offices across the state is not a novel idea. In September 2015, Chief Justice Mark Martin convened the North Carolina Commission on the Administration of Law and

Justice (NCCALJ) as an independent, multi-disciplinary body designed to undertake a comprehensive review of North Carolina's judicial system and make recommendations for improving the administration of justice. The NCCALJ's final report was published in March 2017 after more than 15 months of work by its members, who included leaders from all three branches of government, from business, from the legal profession, and from academia and the non-profit sector. The commission's draft recommendations were made available for public comment prior to final publication.

As part of its work, commission members and staff spent hundreds of hours assessing the state of indigent defense and made a comprehensive set of evidence-based recommendations to improve the system. The report concluded that the best delivery system for indigent defense services in North Carolina is a public defender (PD) office, and recommended expansion of the system statewide with district offices where feasible, and regional offices if a district's caseload did not warrant a stand-alone office. In support of its recommendation, the committee noted the following:

- A PD office provides personnel and infrastructure to offer the oversight, supervision, and support of counsel both within the office and for private assigned counsel (PAC) that is required for an effective indigent defense delivery system;
- Strong stakeholder support for services delivered by PD offices;
- Empirical research showing that, on average, public defenders provide consistently good services;
- Efficiencies that can be obtained by using providers who devote all their efforts to indigent cases; and
- The fact that a public defender office is typically in the best position to supply counsel to indigent persons in a timely manner.¹

Since the NCCALJ report was published, the need for statewide expansion of public defender offices has continued to grow. Data shows the number of attorneys taking indigent cases has declined annually, and many districts are in or are close to crisis level. IDS staff takes calls from judges from all over the state about their inability to find qualified attorneys who can be appointed in indigent cases. And the private assigned counsel who are still willing to serve on indigent rosters often struggle under unmanageable caseloads.

The Future of Private Assigned Counsel

In 2020, North Carolina State Bar President Colon Willoughby established a subcommittee to study the compensation of court-appointed counsel and asked it to examine whether excessive caseloads and reduced compensation rates were preventing PAC attorneys from fulfilling their ethical obligations to provide competent and effective representation to their clients. The subcommittee duly studied the issue, which included surveying the bar. The survey received over 1,200 responses from attorneys who have represented indigent defendants. The State Bar Executive Committee adopted the subcommittee's report in October 2021. The report concluded:

An alarming number of attorney respondents reported that, due to the size of their caseloads, they were unable to perform critical tasks with reasonable effectiveness. Moreover, attorney responses indicated that experienced attorneys are choosing to remove themselves from local court-appointed lists, contributing to the workloads of those attorneys remaining on the lists and leaving a less-experienced pool of attorneys to handle complex cases. When asked to explain their decision to remove themselves from court-appointed lists, a significant percentage of attorneys cited "low compensation rates" as a contributing factor. Based on the results of this survey, the subcommittee is concerned that excessive caseloads may be hindering the ability of PAC to effectively represent their indigent clients.

Even with statewide expansion of public defender offices, a healthy indigent defense system will require a strong and well-resourced network of private assigned counsel to handle conflict cases. Therefore, while establishment of PD offices will decrease the crushing caseload on private assigned counsel, IDS will continue to seek sufficient funding to pay PAC fairly to maintain a sufficient roster of private assigned counsel. However, even if the state were able to pay the current federal rate for indigent criminal defense, which starts at \$152 an hour for misdemeanors, money alone cannot fix the statewide lawyer shortage.

Attorney "Deserts"

Changing demographics in North Carolina and in the legal profession have resulted in shortages of attorneys in large parts of the state, especially in rural areas. This is a

topic of great concern for the North Carolina State Bar. At the July 2022 quarterly meeting of State Bar Council, Deputy Counsel Brian Oten presented on the topic of "legal deserts." The Bar found that 48 of North Carolina's 100 counties qualify as legal deserts, defined as an area where there is less than one lawyer for every 1,000 residents. Almost half of active North Carolina lawyers are in two counties: Wake and Mecklenburg. North Carolina's five largest counties—Wake, Mecklenburg, Guilford, Durham, and Forsyth—account for 63% of active lawyers. It is notable that these findings include all attorneys, not just those who take trial work. Finding private attorneys in legal deserts willing to take indigent defense cases at the current rates, which most attorneys consider well below market, is a critical challenge for the indigent defense system.

Given the growing difficulty in finding attorneys to handle indigent cases, the Commission on Indigent Defense Services voted in October 2022 to adopt the staff's proposal to seek expansion of the public defender office so that each judicial district in need of a public defender would have coverage by the end of the decade.

Benefits of Public Defender Offices

Expansion of the public defender system is the best way to solve the growing indigent defense crisis. Like a district attorney's office, a public defender's office is an attractive workplace for lawyers who are drawn to working in criminal law. A PD office provides training, mentorship, and stable salary and benefits, and it allows an attorney to work full-time on their cases rather than having to run a private business at the same time. Public defender districts require a healthy private bar to handle conflict cases, and properly staffed PD offices will alleviate the current crushing workloads on the private bar.

The public defender system would continue to be a network of locally managed offices. By statute, the chief public defender is selected from a slate of candidates; two or three names are put forward by the local district bar after an election, and an additional name is submitted by the director of the Administrative Office of the Courts after consultation with the director of the Office of Indigent Defense Services. Historically, the chief public defenders have always come from the bar candidates, and the IDS Commission is supportive of local selection. The chief public defender has some autonomy over how to allocate the

human resources allotted to their office. Attorney positions may handle any type of work under the IDS umbrella, including criminal, juvenile, parent defense, child support contempt, and involuntary commitment. Staff positions may include investigators, social workers, and legal assistants.

From the Field

After leaving the district attorney's office in 2000, and doing court-appointed work up until 2020, Darrin Jordan, past-president of the State Bar and past-chair of the IDS Commission, said he knows firsthand that fewer and fewer private lawyers are choosing to do indigent work. Even he cites having more work than he could handle as the reason he decided to come off the state roster for indigent court-appointed casework. With a backlog, even now, of state-level cases that still have not cycled out, he serves on the federal roster but plans to rejoin the state roster soon.

As a long-time private practitioner, Jordan was not initially a proponent of public defender expansion.

Now, having served on the IDS Commission, gaining meaningful exposure to the state PD system, having discussions with public defenders all over NC, and serving on the federal CJA Panel, he has had a change of heart. Jordan said he has seen firsthand a federal PD system operate in conjunction with a healthy PAC system, and he believes that the model IDS is presenting to the North Carolina General Assembly takes after the federal system. PD expansion can happen alongside a healthy PAC. In time, expansion—not just of offices, but also training and resources—will raise the bar for criminal defense work by public and private attorneys all over North Carolina.

"This model is not a 'separate organization' that will work independently from all the other attorneys in the county," said Jordan. "After all, we are all doing the same work. The proposed offices, to be phased in over time, will be a vital resource for public and private attorneys alike. The training, resources, and expertise that public attorneys have access to through IDS is of the best quality, and it will spill over from the PD office to private attorneys, too."

This, he said, will not only improve outcomes for indigent clients, but it will also improve the quality of *services* provided to every criminal defendant in the state of North Carolina.

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In tandem, PD office expansion coupled with a healthy supply of PAC attorneys who are not overworked will improve the North Carolina judicial system as a whole.

"Business," he said, "has increased. And private attorneys cannot justify taking cases at the low hourly rates that are paid by the state. Even while we know that every person charged with a crime is deserving of good representation, at the end of the day, we have bills to pay, families to support, and we have to put food on our tables."

"Once I can take care of *my* backlog, I will go *back* on the public roster," he added. "I owe it to my community. When every lawyer is sworn in, we [all] understand the need and feel our duty to take on court-appointed cases. We all want to take care of our communities."

On Expansion

Chief Public Defender Dawn Baxton of the 14th Defender District (Durham County) couldn't agree more about the benefits that the NC judicial system could experience if every county were covered by a local public defender's office.

"We need the PD system to be statewide for all the people who are justice involved and who cannot afford attorneys. I am solid on that," said Baxton. She and her current team of 29 assistant public defenders in Durham County handle anywhere from 10,000 to 13,000 indigent cases per year.

She firmly stated: "Indigent defense services are vital so that people who can't afford to have a lawyer can still have access to a zealous advocate, despite their socio-economic status."

She said further, "I absolutely support expansion because I think it is the most effective way to realize the promise of the right to an attorney. And the farther we go west and

the farther we go east, those are the (attorney) deserts."

Baxton cited the recent pandemic to emphasize the need for local PD offices everywhere in North Carolina. She said, "I shudder to think how it was when the pandemic hit in those counties [without a local public defender office]." In counties like Durham, where there is a PD office, staff were able to, in some instances, "keep the fight going" for clients—some in custody and some out. "If there's not a system in place that's doing that 24-7, what happens in those counties?" she pondered.

Baxton said the core duty of the public defender is to help others "see beyond the charge" and look at the facts and circumstances of each case. After all, every person charged with a crime is innocent until proven guilty, and not the other way around.

"The public defense system is the best criminal defense firm in this county, and I will say across this state—wherever there is a public defender's office. We are here every day, and we focus only on our clients and their needs."

Public Defenders are Good at What They Do

A locally selected chief public defender needs to know the greatest needs in their communities and prioritize their time and resources accordingly.

In Mecklenburg County, for example, Chief Public Defender Kevin Tully said the public defender office there shines in its capability and successes in providing specialized counsel. Just one example where the Mecklenburg team employs subject matter experts is in cases where clients are facing involuntary commitment, or in providing counsel for those who are already in mental health facili-

ties due to alleged criminal activity.

They represent individuals who are involuntarily committed to mental health hospitals, and assist with advance directives for clients who have chronic mental illnesses that may be acute and impede good decision making at peak times.

More than 60 staff in the public defender office in Mecklenburg County specialize in a variety of cases—homicides, adult-child rape/sexual offenses (also known as special crimes), domestic violence charges, violent crime, felony property charges, felony drug charges, misdemeanor crimes, and more.

In public defender offices, work is generally much easier to specialize than in private practice. State-supported defenders have access to resources and training—through IDS and the UNC School of Government. They become subject matter experts and focus on indigent defense in ways that may not be feasible for private counsel.

“We can and ought to be serving our clients beyond the four corners of their legal crisis,” said Tully, who describes the practice in his office as “holistic defense.”

They are not the creators or innovators of that concept, he said, but they do practice it there. So much so, that staff from this office have been acknowledged nationally for this important service. Strong relationships with community partners help human beings who are “not at their best, who are oftentimes born into poverty, and who have made some mistakes and are just trying to ‘get up’ and get through each day,” said Tully. He and his staff understand that “knowing the community” enables them to help their clients both inside and outside the courtroom. Of course, staff there provide a zealous legal defense, but they also know the hospitals, treatment centers, and all other places that help with addiction and mental illness, hunger, and homelessness, so they can “be champions for their clients [at a time] when they are just not able to make the best decisions themselves.”

Some circumstances truly set the stage for criminal activity: being poor is just one of those challenges. Poverty creates sometimes impossible barriers for even basic needs to be met. Sometimes people resort to crime just for survival, and a holistic approach may prevent recidivism. “We can’t solve poverty, but we *can* listen and learn and build resources in our community so we can help with things like housing, addiction treatment, mental

health services, and employment needs,” said Tully. “When clients’ needs are being met by the community, the whole community is healthier and better.”

Public Defense Offices Forge Strong Teams

Staff in many local PD offices tend to “gel” naturally. They cultivate strong professional relationships with one another and become a team that won’t fail to support each other—not even for the “toughest-of-the-tough” times. This is certainly true in Defender District 29B, which serves Henderson, Polk, and Transylvania Counties, led by Chief Public Defender Beth Stang.

Stang said even though the office in 29B opened in 2008, it still feels new. She said a staff of 12—eight attorneys and four support staff—combine to form a “sweet spot in size,” and every staff member loves to come to work. No cliques plus a collaborative spirit equals a team that loves their work and team members who care about each other.

“The work *can* break your heart, really,” said Stang. “There are hard days; there are frustrating times. Sometimes, the outcomes for your clients are heartbreaking. But we are in good company, and we’ve got each other for support and to keep morale up.”

Every Friday, three of the attorneys who handle the really difficult cases—sex offenses and homicides—get out of the building and go do what they call “coffee and caseloads.” They look forward to these informal and somewhat relaxed weekly outings as a regular “check-in” for talking about challenges in current cases, for sharing new developments in trials that are underway, and getting excited about things like a trial date being set, or a plea offer where it at first seemed hopeless. They brainstorm and vent frustrations when a client is being treated unfairly—and together they get to enjoy a cup of coffee they didn’t have to make and maybe even a nice breakfast.

“It’s an honor to be the chief public defender here,” said Stang. “Every chief public defender in North Carolina can make their office what they want it to be.”

Indigent clients typically need more from the courts besides jail or probation—they have basic needs that are not always met, and they tend to have barriers, such as lack of reliable transportation, working against them. The team in District 29B, like the team in

Mecklenburg and PD teams all over the state, serve clients beyond getting good outcomes in court. If they can help turn things around in lasting ways beyond the case, then they won’t keep seeing the same clients over and over.

Conclusion

Meeting people where they are, establishing trust, showing sincere empathy, and building relationships is a general practice in every North Carolina public defender’s office. The goal is for every client to be as satisfied as possible with the outcome for their case. Public defense work is not for the faint of heart. And while there is no one-size-fits-all approach to running a public defender office in North Carolina, these are the standard practices and shared values of every public defender called to serve in our state.

The creation of public defender offices will help to solve the immediate and critical problem of the shortage of lawyers available to represent poor people charged with crimes or facing other loss of liberty. It will do so in a manner that promotes the fair and timely administration of justice: our adversarial system can only function where all parties have competent and zealous advocates to represent them. And it will do so in a manner that has proven to be good for clients and good for communities. ■

Amanda Bunch spent the early days of her career as a community journalist, working for a tri-weekly newspaper in Martin County. She transitioned into K-12 public education to broaden her skillset beyond writing and copy-editing and to further a career in service for K-12 education. Most recently, she served as the communications specialist for Orange County Schools. In addition to developing an agency communications strategy, Amanda supports multiple IDS teams by delivering accurate and timely information to stakeholders through a combination of web, electronic, and print media.

Mary Pollard has served as executive director of the Office of Indigent Defense Services since August 2020. IDS is the state agency responsible for administering North Carolina’s constitutional obligation to provide counsel for poor people charged with crimes or facing other significant deprivation of their liberties.

Endnote

1. NC Courts website at bit.ly/3MMq6FX.

Wisdom from a Retired Clerk on Surviving Change in the Judicial System

BY NATHAN T. EVERETT

Nathan T. Everett served as the clerk of court for Tyrrell County from 1986-2010, a time of great transformation in the judicial system in North Carolina. He was asked by State Bar President Marcia Armstrong to reflect on his experiences in the clerk's office and how the clerks of North Carolina dealt with these important changes.

It is important to note that my recollection of events from Uniform Court Reform to present is derived from events experienced in the smallest county in North Carolina and one of the last counties to come into the Unified Court System.

My first job working around the courthouse was a temporary job in 1972. At the time, records were still maintained in large books, disassembled as needed to enter new data. I do recall the records were typed rather than handwritten. Financial records were maintained by the assistant clerk in large ledger books, and money was receipted and change made from a cigar box with an Administrative Office of the Courts (AOC) issued receipt book.

The first automation I recall was the introduction of cash registers that recorded and indicated by cost center where to credit funds. When I took office as clerk of court in 1986, those figures were still dutifully recorded manually each following day in large

ledger books. In fact, two years later we were still receipting money in the courtroom from that same cigar box and similar receipt book. In 1988 when the AOC notified me that bookkeeping would soon be kept electronically, my assistant retired. Not until the 90s did that actually happen, and receipts were still written, and funds accepted, from the famous cigar box.

First efforts to automate indexing and record case judgments began in criminal court. It replaced a short lived and very troublesome 3x5 index card arrangement, which had replaced the large criminal index books. That card indexing system was a labor-intensive job and the cards easily got out of order. Our case filings at the time were exploding due to the introduction of infraction violations, which was the norm statewide. My office was given a temporary full-time position paid by the hour to maintain criminal indexing. It became such a task that when my employee could not report to work due to complications of her pregnancy, I improvised by obtaining a hospital bed table and deliver-



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ing it and her typewriter to her home along with stacks of tickets so that she could continue to work and get paid. The court never slowed down, my employee got paid, and our work continued uninterrupted. I dare say, the AOC would not have approved of and never knew about this situation for some time. And the employee continues to serve the public today as our clerk of court.

The rollout of the Automated Case Information System (ACIS) began in the late 80s with the creation of a technology division and the dispatching of field representatives and hundreds of green screen terminals. AOC employees literally lived in our offices until each county was comfortable indexing, recording judgments, and closing the cases

across the state.

The most interesting aspect of ACIS implementation was the justification by the AOC to clerks and our employees. There were many skeptics among our ranks. Inquiries resulted in the AOC explaining that ACIS would eliminate the deplorable 3x5 card indexing and disposition, and financial data would now be found electronically. The final explanation was that it would provide the AOC with needed up-to-date data on case filings to justify requests for more resources for our offices. We were told the legislators could not comprehend the increasing volume in our court system because data collection was too slow. As a result, the AOC acquired a large building which was occupied by its staff, with the first floor almost entirely consumed by mainframe units to service our state. As it rolled out, this process soon included the District Attorney's Office, and later the magistrates. At the time it appeared to be the equivalent of the Apollo Space Program. The program was developed in-house by the AOC and implemented by clerk staff under their guidance. There were many starts and stops, long days, and even nights before it was completely operational. Soon, attorney staff could walk in and search records in minutes rather than hours, and that led to the then-unheard practice of soliciting clients by mail.

Clerks had hardly gotten used to ACIS when the AOC rolled out the Civil Case Processing System (VCAP) to index and record dispositions in civil cases. Again, all of this was done in-house by the AOC and clerks of court. This system was completely different, and the transition was time consuming for lawyers and the public, but again, as clerks and the AOC worked the problems out, those seeking information soon got it by standing in front of the public monitors in minutes not hours. Clerks heard the complaints and withstood the criticism as these programs rolled out.

By now, clerks were really seeing the advantage of electronic record keeping, and our association created a standing committee, of which I was a member. We hoped to influence the AOC's decisions on refining the standing systems before further rollouts. That committee began pushing for better computer terminals for each of our employees. The committee members undertook the task of justifying travel to states across the nation to see what other courts and clerks

were doing to handle the problem. There was much debate about this idea, but finally under Judge Arnold's leadership, clerks began to travel and explore possibilities. We shared our thoughts with the AOC's staff and ideas were incorporated into existing programs and new rollouts.

Finally, special proceedings, small claims, estates, and miscellaneous filings were all incorporated into Tyrrell County during the last decade I served. It was all done, created, perfected, and taught to the public and attorneys by the AOC and clerks.

Not until my departure did the cigar box retire. Courtroom collections had been transferred to a metal locked box carried to the courtroom, but as clerk, I used the box and receipt book for after-hours duties that often arose in our small county.

I explain these events to provide a background for the explanation of the legislative creation of the Conference of NC Clerks of Court. During the creation of the electronic record keeping, the greatest advantage created was email. Clerks quickly capitalized on it, sharing issues and concerns and documenting problems across the 100 counties in days rather than months. No longer were small counties unaware of the problems that were surfacing in large counties, and likewise large counties began to understand the issues in small counties. We began to work together on common ground, and we became a unified group.

During my tenure as president of the NC Association of Clerks of Court in 1999-2000, and with the strong support of several of the AOC's directors, clerks began those travels which continue today with the continued support of the conference's presidents. Differences in opinions on development and implementation became heated, and often times clerks and AOC staff argued at great length refereed by the AOC directors. The point being, these frustrations, arguments, and clear divisions remained in the court system. The public and attorneys had no idea of the turmoil going on. Electronic record keeping turned personnel formulas upside down and tensions grew between AOC staff and clerks, and even among the clerks themselves. Studies were funded to explore ways to evaluate staff needs, and, frankly, clerks and AOC staff became competitors for funding. It became so heated that AOC staff and clerks barely communicated except through directors. I tell you these stories because, while all

that was going on, clerks operated day to day as always, making things work while earthquakes erupted every week under the surface of the state's court system, and that brings me to my conclusion. I hope it will lighten the hearts of those that believe the end is near.

The North Carolina court system has evolved from the days of the King of England to the modern unified court system. No other branch of the court system has been more stable or instrumental in the development of our court system than the clerk's office. No matter the change, the clerks of court implemented those changes into day-to-day application for the public and the members of the bar. Through two reorganizations of the court system, only the clerk's office has remained virtually untouched in its mission—the application of the laws as mandated by the general assembly, and then passed down by the AOC. In no other state court system in the nation is there a similar office with such a broad jurisdiction.

When I think of my first days in the court system, I smile at memories of being trained by clerk personnel to fold a citation properly so that it could be placed in a shuck. That was very important in 1972. Looking back to the days of the first clerk, The Honorable Frances Ward appointed by decree of the King, I wonder how many of those demonstrations of procedure have been made.

Prior to the creation of ACIS, the clerk's office had been working the same way since before North Carolina was a state. Not until reconstruction did change come with the adoption of a new state constitution, and little was evident to the public or the bar. The drastic remodeling of the courts in the 60s saw virtually no change in the duties of the clerk's office except the removal of the duties of juvenile judges. Pay for clerks and employees was standardized, and the creation of the district court division and the AOC was similar to a mission to the moon, and it occurred quietly day to day with court personnel, unknown to the public, making the application of the law work.

The Office of the Clerk of Court was created to be the front door of the state court system. It was the court when court was not in session, and it still is in this modern age and will continue infinitely. To explain it simply, I quote two very distinguished clerks. Ms. Lena Leary of Chowan County, who served her entire career in the state's oldest courthouse, summarized it up this way, "The clerk

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is the law until the law gets here!” Another distinguished clerk, Ms. Rachel Joyner of Nash County, described the office as the hub of the court system wheel. Nothing worked unless it was attached to the hub. Both of those long-serving clerks have projected words of wisdom that extend from the history of the court system into our future.

Today’s task will be no more groundbreaking than all the others in the court’s history, with one exception. There will be those who have doubts, complaints, and outright criticism. But they will have the use of that wonderful internet and around the clock news media to voice their complaints. It will spread in seconds across the state and nation, and once in the Cloud, no explanation will be

readily accepted by today’s public.

No change since court reform was implemented without false starts and hiccups. The difference this time is the perceived expectation that the system will roll out perfectly. None ever have, and that expectation is in error. I urge the bar and the public to take a breath, stand back, and allow the system to work the problems out. I understand that your time and clients are important, but this implementation is a “Mars shot” which, when implemented, will culminate 40 years of preparation and development. To those who practice law and those who implement the practices of the law, I submit that history is on the side of the courts, and especially the clerks of court. It will be like making

sausage—it is not pretty, but will be good when finished.

This “Mars shot” will ultimately transform the courts and practice of the law into the middle of this century. As clerks figure out the application of these new procedures with the assistance of the AOC, have some patience and faith in them. They are working long hours across the state to polish this system so it works for everyone. It will require your participation for the first time in history. You will be entering data, and it is important that the input is unified statewide. These concerns and doubts will be erased and corrected—have faith. After all, clerks have been teaching practical implementation of the law since the 1700s. ■

President’s Message (cont.)

NC Conference of Clerks. I delivered a proverbial “group hug” from the lawyers of North Carolina thanking the clerks and their staff for their service to the lawyers and citizens of our great state. When I recognized the clerks from the pilot counties, the room erupted in applause and a standing ovation. Although they are from vastly different areas of the state, each with its unique challenges, this is a tight-knit group supporting each other when needed.

Recently I had the opportunity and privilege to listen to Nathan T. Everett (Tommy) share with me his experience in the clerk’s office of Tyrrell County. Tommy is both an amazing storyteller and historian. I was so captivated by his experiences, I

asked him to document them for posterity’s sake. Thankfully, Tommy honored my request, and you will find his reflections beginning on page 15 of this edition of the *Journal*.

Tommy taught me that the clerk’s office is “the front door of the state court system,” which has faced many challenges since its inception in the 1700s. In its role as record keeper, the clerk’s office has, over time, graduated from ledger books and cigar boxes (used to file receipts and make change), to metal locked boxes, to cash registers, to index cards, to the Automated Case Information System (ACIS) in criminal court, to the Civil Case Processing System (VCAP), to email, to the current implementation of eCourts. These changes for the good did not come without hardship, with the clerks on the receiving end of the com-

plaints and criticism until the lawyers and the public reaped the benefits.

Once again, the clerks are at the forefront of monumental change with the implementation of eCourts. I have witnessed firsthand in Johnston County the tireless dedication of the clerks working day and night to implement the new system. The elected clerks and their staff in the pilot counties are truly trailblazers and we owe them a debt of gratitude, patience, and support. As I learned from Tommy, no change in the system was implemented without “false starts and hiccups,” but any concerns and doubts “will be erased and corrected—have faith. After all, clerks have been teaching practical implementation of the law since the 1700s.” ■

Marcia H. Armstrong is a partner with The Armstrong Law Firm, PA, in Smithfield.

Extreme Punishment: The Chilling True Story of Acclaimed Law Professor Dan Markel's Murder

A BOOK REVIEW BY JUSTICE (RET.) ROBERT EDMUNDS JR.

Raleigh attorney Steve Epstein has a knack for finding and writing about criminal cases that are as horrifying as they are fascinating. His first book, *Murder on Birchleaf Drive*, told the story of a medical software salesman who slipped home while on an out-of-state business trip to bludgeon his wife to death, leaving their toddler daughter alone with her mother's bloody body. In his latest offering, *Extreme Punishment*, Steve relates another tale of a troubled marriage that ended in murder.

This book is not a whodunit. The two hitmen who killed Dan Markel are identified relatively early. Instead, Steve divides the book into thirds: (1) the marriage between Dan and his wife of six years, Wendi Adelson, and the family court proceedings that followed their September 2012 separation, (2) the criminal investigation following Dan's July 2014 murder, and (3) the trials to bring Dan's killers to justice. Not only is this an effective way to present this twisty case, but attorneys will find much to chew on in the description of the legal proceedings.

Dan was a Harvard-educated law professor and criminal law scholar at Florida State University. Wendi was also a professor at FSU, but was on the clinical faculty, her stature considerably below her husband's in the law school hierarchy. They had two sons. Unbeknownst to Dan, Wendi's love faded

and, even as they celebrated holidays together, she was consulting divorce attorneys and making plans with her mother to terminate the marriage. The divorce proceedings became increasingly vituperative as the couple fought over custody of their children and nearly everything else. Their primary battle was over Wendi's motion seeking permission to relocate with the couple's toddlers from Tallahassee to her hometown in South Florida. Dan's victory in that proceeding sowed the seeds for his ultimate slaying.

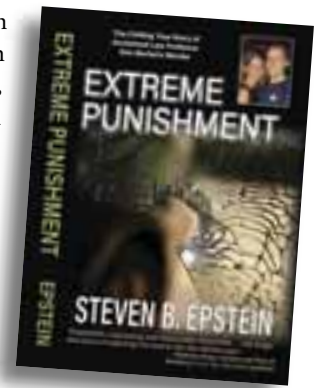
Wendi's family, the Adelsons, were a colorful lot. Her wealthy parents, Donna and Harvey, owned a dental practice in South Florida named the Adelson Institute. Her brother, Charlie, was a successful but sleazy periodontist practicing at the Adelson Institute. Mom, dad, and brother were as convinced of the righteousness of Wendi's claims as they were of Dan's purported perfidiousness.

Steve's book posits that the Adelsons decided Dan had to go and hired two hitmen to accomplish that objective. To insulate themselves from the crime, Charlie called upon his girlfriend, Katie Magbanua, an immigrant from the Philippines, who just so happened to be the mother of two children fathered by a many-time felon named Sigfredo Garcia. Garcia enlisted his lifelong friend, Luis Rivera, who was a leader in the Latin Kings street gang. Garcia and Rivera rented a car and drove 500 miles from South

Florida to Dan Markel's home in Tallahassee, where Garcia shot Dan twice in the head as he sat in his car. He died the following morning.

At the start, police had little to go on. Suffice it to say (and lawyers will understand this part), Dan was sufficiently abrasive and arrogant that police initially considered whether one of his law students had offed him. Nevertheless, dogged investigation by officers and agents following the few clues eventually paid off. Perhaps most significantly, Dan's next-door neighbor reported spotting a small car speeding away from the house just after the shooting, while another neighbor later reported seeing two men with a car that looked like a Prius behind Dan's house the day before the murder. The police viewed security camera footage from Dan's gym the day he was killed and saw that a Prius followed Dan when he left after his workout. Investigators ultimately learned that the vehicle was a rental from a North Miami company.

The rental company records revealed who the renters had been. In a stroke of good luck for the police and poor planning on the per-



petrators' part, Garcia and Rivera had stopped by a drive-up ATM during the return trip, where a security camera created clear footage of both killers. With this information, the investigators then turned to the suspects' phone records, their contacts with Katie, Katie's contacts with Charlie Adelson, the substantial sums of money from the Adelsons that were deposited in Katie's bank accounts, and pings on cell towers showing both calls and meetings between the suspects.

In April 2016, before any arrests were made, court-authorized wiretaps were placed on the cellphones belonging to Charlie Adelson and Katie Magbanua. Within the week, a scruffy-looking undercover FBI agent approached Wendi's mother, Donna Adelson, and told her that he knew her family was taking care of Katie and Garcia, but hadn't done anything to take care of Rivera. He handed Donna a sheet of paper containing the figure \$5,000 and a telephone number, implying a blackmail effort on Rivera's behalf.

The investigative purpose of this "bump" was to stimulate phone calls and other contacts between the different suspects. It worked like a charm. Donna called Charlie, who called Katie, who called Garcia. The next day, Charlie and Katie met at local restaurant to discuss this development. They did not realize that two undercover FBI agents with sophisticated recording equipment were sitting at a table directly across from theirs. Unfortunately, the audio turned out to be of poor quality, a fact that led to all sorts of problems at trial.

For lawyers, and particularly litigators, the book really picks up steam when the investigation reaches the point where the prosecutors obtained indictments against Garcia, Rivera, and Katie. Rivera, who was already serving a lengthy federal sentence for gang-related crimes by April 2016, quickly decided that his best bet was to plead guilty and testify against his best friend Garcia as well as Katie, the mother of Garcia's children. Katie and Garcia were represented by capable and colorful defense counsel. A seasoned, no-nonsense judge presided over the fall 2019 trial.

The prosecutors had to make strategic decisions about how to present their evidence most effectively. The defense attorneys had to make their own decisions on the most powerful ways to attack the prosecution's case, whether their clients should testify, and how to cross-examine co-conspirator Luis Rivera,

the state's key witness. The jurors, hearing this evidence, were left to wonder where the Adelsons were, for not a single member of that wealthy family was charged with anything. The only three individuals indicted at that point were ethnic minorities from impoverished backgrounds.

Neither side landed a knockout blow at the first trial. As happens in every long and complex litigation, each team was confronted with unanticipated problems and dilemmas as the trial progressed. The judge made unexpected rulings. Witnesses gave surprising testimony. Lawyers on both sides had to make decisions on the fly.

Wendi Adelson testified for the prosecution under a use immunity agreement that prevented her testimony from being used against her in any later proceeding. Yet she provided little substantive evidence for either side other than denying any involvement in the murder plot. Instead, she seemed to enjoy her performance on the stand, apparently unaffected by Dan's death and unaware that her own role was still very much in question. Wearing his prison jumpsuit, cooperating witness Rivera testified for the prosecution that Garcia had been the shooter, then was brutally cross-examined both about his own gangbanging background and about the sweet plea deal his lawyers had negotiated on his behalf.

To the surprise of many, Katie Magbanua took the stand in her own defense, denying involvement in the murder and claiming the tens of thousands of dollars she deposited into her bank accounts in the months following the murder were tips from working in a nightclub and income for services she provided as a personal assistant to Charlie Adelson. When the dust cleared, the jury convicted Garcia of first-degree murder but was unable to reach a verdict as to Katie. The judge declared a mistrial.

Thanks to the arrival of COVID, Katie's retrial was delayed for two and a half years. During that interim, the judge presiding over the first trial retired and a new judge replaced him. The delay gave both sides a chance to reconsider their strategies, patch holes in their cases, and hone their arguments.

The most critical fix by the prosecutors related to the surreptitiously recorded meeting between Charlie Adelson and Katie Magbanua following the bump between Charlie's mom and the undercover agent. The audio recording had been virtually inde-

cipherable when it was played at the first trial. While preparing for the retrial, the prosecution team found a skilled audio forensics expert who cleaned up the recording sufficiently to make the conversation between Charlie and Katie understandable for the first time. Until that point, the state attorney had been unwilling to charge members of the Adelson family with involvement in the murder plot without Katie's turning state's evidence and cooperating. Yet after nearly six years of refusing to acknowledge her role in the murder plot—choosing to remain in jail rather than making a deal to get her out—it seemed unlikely Katie would ever flip.

The enhancement of the recording made all the difference. Charlie's comments on the audio were so self-incriminating that the prosecutors concluded they could pursue charges against him without any help from Katie. Weeks before Katie's May 2022 retrial began, law enforcement officers arrested Charlie at his waterfront home in South Florida and hauled him off to jail in Tallahassee.

Not only did Charlie's arrest radically alter the dynamics of Katie's second trial, so too did Sigfredo Garcia's conviction for Dan Markel's murder in the first trial. Adjusting to these new developments, Katie's attorney indicated in her opening statement that the defense would prove that Dan's murder had resulted from a conspiracy directly between Charlie and triggerman Garcia, which she contended had unfolded entirely behind Katie's back. Yet by the time the evidence closed, neither Charlie nor Garcia had been called as a witness to support that theory.

Wendi testified again and appeared to bask in her moment in the spotlight as much as she had during the first trial, still oblivious to the possibility that she might find herself indicted next. A mountain of financial evidence showing money flowing to Katie was presented, along with other evidence of her telephonic and personal contacts with Charlie. When Katie took the stand to testify to her innocence, an assistant prosecutor tore into her, leaving Katie's claims in tatters. The jury spent eight hours reviewing the state's evidence and had little trouble convicting Katie of first-degree murder.

And here the book ends, with three members of the murder conspiracy now convicted and Charlie Adelson in custody while waiting

CONTINUED ON PAGE 40

A Bridge Builder has Crossed Over: *A Tribute to Representative Annie Brown Kennedy*

BY JUSTICE (RET.) PATRICIA TIMMONS-GOODSON

As I prepared to take my seat on the court of appeals in 1997, I telephoned Annie Brown Kennedy and asked if she would offer remarks at my investiture ceremony.

Although I had just been appointed, I was advised that a statewide campaign would be required in order for me to retain the seat on the court, and that I needed to begin seeking political support. The Kennedys in Winston-Salem were a considerable force who could help

a great deal with the effort. And securing the support of Mrs. Kennedy—who at the time was serving in the North Carolina House of Representatives—would go a long way towards showing political strength.

I was a bit shy about asking her: Representative Annie Brown Kennedy, the second African American woman licensed to practice law in North Carolina; the first African American woman to serve in the North Carolina legislature. Nevertheless, I worked up my nerve and picked up the phone.

My trepidation was unwarranted. Mrs. Kennedy quickly and graciously accepted. “What should I say?” she asked. But sensing my uncertainty, she quickly indicated, “I’ll take care of it!” And take care of it she did.

At the ceremony, Mrs. Kennedy recited the poem *The Bridge Builder* by Will Allen Dromgoole, much of it from memory.

An old man, going a lone highway,
Came, at the evening, cold and gray,
To a chasm, vast, and deep, and wide,
Through which was flowing a sullen tide.
The old man crossed in the twilight dim;
The sullen stream had no fears for him;
But he turned, when safe on the other side,



Winston-Salem Journal File Photo

And built a bridge to span the tide.
“Old man,” said a fellow pilgrim, near,
“You are wasting strength with building
here;
Your journey will end with the ending
day;
You never again must pass this way;
You’ve crossed the chasm, deep and wide,
Why build you the bridge at the even-
tide?”

The builder lifted his old gray head:
“Good friend, in the path I have come,”
he said,
“There followeth after me to-day
A youth, whose feet must pass this way.
This chasm, that has been as naught to
me,
To that fair-haired youth may a pitfall be.
He, too, must cross in the twilight dim;
Good friend, I am building the bridge for
him.¹

After reciting the poem to the courtroom, she turned and spoke directly to me. As I prepared to take the oath and join the court, Mrs. Kennedy reminded me that the day was made possible by the struggle and hard work of others who had gone before me. They had built a bridge over which I was crossing. She admonished that it was incumbent on me to do the same.

The Bridge Builder is about continuity. The bridge builder wasn’t just thinking about where he was on that day. He was thinking about tomorrow. From the beginning of her legal career, Annie Brown Kennedy was thinking about tomorrow, too, laying the bridge that so many after her would cross.

Annie Brown Kennedy was born in Atlanta in 1924.² She grew up on Hogue Street in Atlanta’s Old Fourth Ward, just a few blocks from Martin Luther King Jr.’s family home. She spent considerable time with Dr. King in their youth, and early conversations with him shaped her view of the world.³

She attended Spelman College, a historically Black women’s liberal arts college in Atlanta, where she had originally hoped to major in business administration. Because there was no business administration major offered at Spelman, she worked with the faculty to secure an arrangement that allowed her to take business administration classes at Morehouse, the neighboring men’s college,

making her the only woman in those classes.⁴

She graduated from Spelman in 1945 with a degree in economics and went on to earn her Juris Doctor from Howard University School of Law in 1951.⁵ There, she was one of only four women in her class.⁶ While studying at Howard, Kennedy and other students assisted Thurgood Marshall in preparing for argument before the Supreme Court in *Brown v. Board of Education*.

When she began practicing law in North Carolina in 1954, Kennedy was only the second African American woman to do so in the state. She went into practice with her husband, Harold L. Kennedy Jr. The two formed a true partnership, both in their professional careers and in the rest of their lives, and Harold’s support was essential to Mrs. Kennedy’s success. At the time of Harold’s death in 2005, they had been married for 53 years.⁷ The two were later joined in their law practice by their twin sons, Harold L. Kennedy III, and Harvey L. Kennedy.⁸

The three Kennedy sons—Harold, Harvey, and Michael—were a tremendous source of pride for their parents. Michael remembers how his parents prioritized the boys’ education, and how his mother would step away from her law practice to attend PTA meetings and other school functions.⁹ Harold admirably speaks of his mother’s efforts as a lawyer, working to help right the wrongs her clients faced, but also her work at home to keep her young sons engaged and well-rounded.¹⁰ Harvey offers that his mother was inspired to become a lawyer by Mrs. Rachel Elizabeth Pruden-Herndon, the first African American woman lawyer admitted to the Georgia bar, who was a member of Mrs. Kennedy’s church. His mother pursued a legal career despite being advised that there was no place in the legal profession for women.¹¹

In many ways, Annie Brown Kennedy was ahead of her time—a married woman lawyer in the South, raising three sons while practicing law when few women, and even fewer African American women, had the opportunity to do the same.

Annie Brown Kennedy also blazed a trail for those who would come after her through the substance of her legal work, filing cases that changed the landscape of the state for future generations. Perhaps her most notable victory while practicing law came in

the case of *Simkins v. City of Greensboro*, decided in 1957.¹² The City of Greensboro operated a public golf course—the Gillespie Park Course—to which African American citizens were denied access. In 1949, a group of African American residents of Greensboro applied to the city for permission to play on the Gillespie Park Course, which sparked opposition among Greensboro’s white residents. The city responded by leasing the course to a non-profit corporation—the Gillespie Park Golf Club—which existed solely to take hold of the lease and operate the course as an ostensibly public course.

White citizens were permitted to play the course for a small fee. African American citizens were turned away, and told they would have to become members in order to play—but without any opportunity to do so.

The *Simkins* plaintiffs—six African American men led by Dr. George C. Simkins Jr.—presented themselves at the course, laid down their fees, and asked to play. They were denied. They began their game anyway, and while playing, they were ordered to leave. The golfers refused. They were charged with trespassing, tried, convicted, and sentenced to 30 days in jail.

Represented by the firm of Kennedy & Kennedy, the golfers filed suit and won. The court held that, not only was the city not permitted to deny citizens access to a golf course on the basis of their race, but further, the city was not permitted to lease the public course to a private entity to avoid providing equal services to all. “To hold otherwise,” the district court explained, “would open a Pandora’s box by which governmental agencies could deprive citizens of their constitutional rights by the artifice of a lease.”¹³

The court declared: “Citizenship in the United States imposes uniform burdens, such as paying taxes and bearing arms for the preservation and operation of our government. In like manner whatever advantages or privileges one citizen in the United States may enjoy through his liberty becomes the constitutional right of each citizen and without regard to race, color, or creed.”¹⁴ The Fourth Circuit affirmed.¹⁵

The *Simkins* case was not Kennedy’s last effort to break down barriers for those who would come after her. In 1976, she became the first African American woman to be a presidential elector in North Carolina.¹⁶ She would later serve as a delegate to the

Democratic National Convention.¹⁷

In October 1979, a vacancy arose in the North Carolina House of Representatives. Kennedy served on the Democratic Party Executive Committee at the time, which was tasked with selecting someone to put forward for the vacancy. Numerous contenders contacted Kennedy in hopes of securing her support.¹⁸

At the time, no African American woman had ever served in the North Carolina General Assembly. Kennedy decided it was time to remedy that. She put her hat in the ring, and she secured the spot.¹⁹ She was appointed to the seat by Governor James B. Hunt, becoming the first African American woman to serve in the North Carolina legislature.²⁰

She ran for election to the seat in 1980 and lost, but two years later she ran for the House again and won.²¹ At her swearing-in, as she joined the legislature as the House's first African American woman representative, she lamented all of the "firsts" that had not yet come.²² She committed to continuing to work to break down barriers during her time in the legislature.²³

She lived up to that promise. During her 13 years in the legislature, Kennedy saw herself as a voice for North Carolinians, particularly African American and women residents.²⁴

North Carolinians from across the state—especially women—would come to her to press the issues that were important to them.²⁵ She advocated for policies that would enable working parents—like herself—to thrive, including a bill to secure parental leave. Despite the fact that women were largely the ones pushing for these policies, Kennedy didn't see them as women's issues. Rather, she recognized the ways in which policies like parental leave were family issues, affecting everyone.²⁶

Always mindful of the generations to come, as a legislator, Kennedy also prioritized supporting and strengthening historically Black colleges and universities in the state, like the institutions that had shaped her. In one example, she successfully worked to prevent the closure of Winston-Salem State University's nursing program.²⁷

In addition to her work as an attorney and her service in the legislature, Kennedy was deeply involved in her community. She was active in the NAACP, the League of Women Voters, the North Carolina

Association of Women Attorneys, and the UNC-Chapel Hill Board of Visitors, to name just a few.²⁸

In addition to helping pave the way for those who would come after her through her work as an attorney and in the legislature, Kennedy worked to build bridges on a personal level, too. Representative Alma Adams conveyed that Kennedy helped guide her when she herself joined the state House.²⁹ Governor Hunt described Kennedy not only as "a real pioneer in terms of African-American leadership," but also as "a real scrapper when it came to getting opportunities for people."³⁰

While Mrs. Kennedy was clearly a pioneer in North Carolina's legal and political development, she was clear when asked about this role that she "didn't start out to be a pioneer."³¹ She simply spoke up when representation of women and African Americans was lacking, and she took it upon herself to remedy that lack of representation. And once she secured her place, she helped others like her to do the same.

Annie Brown Kennedy passed away on January 17, 2023. The list of personal accomplishments contributing to her enduring legacy is long. But even as she secured higher and higher goals, still she looked to those who would come after her—to the "firsts" that would follow. One of the first African American women admitted to the North Carolina Bar, she promptly set to work paving the way for those who would come after her: Chief Justice Cheri Beasley; Judge Loretta Biggs; Judge Denise Hartsfield; Judge Patrice Hinnant; Judge Wanda Bryant; and me, to name just a few. As the first African American woman to serve in the North Carolina House, she worked to bring others along in that body, too.

Annie Brown Kennedy "built a bridge to span the tide." As we all cross that bridge, we would do well to honor Mrs. Kennedy's legacy by finding the next "chasm vast, and deep, and wide," and building a bridge there, too. ■

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Editors. Timmons-Goodson is a recipient of the John B. McMillian Distinguished Service Award.

Many thanks to Dakota Foard Loveland for her research assistance in support of this tribute.

Endnotes

1. Will Allen Dromgoole, *Rare Old Chums*, 83 (Boston, Dana Estes & Co. 1898). As originally published, the poem was titled *Building the Bridge*.
2. *Annie Brown Kennedy, 1924–2023*, Winston-Salem Journal (Jan. 24, 2023) [hereinafter "Annie Brown Kennedy Obituary"], bit.ly/3m6btCt.
3. Remarks of Michael Kennedy, Funeral Service for Annie Brown Kennedy (Jan. 25, 2023).
4. Remarks of Harvey Kennedy, Funeral Service for Annie Brown Kennedy (Jan. 25, 2023).
5. Annie Brown Kennedy Obituary, *supra* note 3.
6. Interview by Joseph Mosnier with Annie Brown Kennedy, #A-0400. Southern Oral History Program, University of North Carolina at Chapel Hill (Dec. 6, 1995) [hereinafter "Kennedy Oral History"], bit.ly/3mkvUvf.
7. *Harold Lillard Kennedy Jr.*, The News & Observer (Jan. 18, 2005), bit.ly/3zErnH4.
8. Annie Brown Kennedy Obituary, *supra* note 3.
9. Remarks of Michael Kennedy, Funeral Service for Annie Brown Kennedy (Jan. 25, 2023).
10. Remarks of Harold Kennedy Jr., Funeral Service for Annie Brown Kennedy (Jan. 25, 2023).
11. Remarks of Harvey Kennedy, Funeral Service for Annie Brown Kennedy (Jan. 25, 2023).
12. 149 F. Supp. 562 (M.D.N.C. 1957).
13. *Id.* at 565.
14. *Id.*
15. *City of Greensboro v. Simkins*, 246 F.2d 425 (4th Cir. 1957).
16. Annie Brown Kennedy Obituary, *supra* note 3.
17. *Id.*
18. Kennedy Oral History, *supra* note 7.
19. *Id.*
20. NC Dep't of Admin., *US and NC Flags to Half-Staff in Honor of Former NC Rep. Annie Brown Kennedy* (Jan. 19, 2023), bit.ly/3zEHuEO.
21. Allen Johnson, *Small wonder Annie Brown Kennedy did so many big things*, Greensboro News & Record (Jan. 22, 2023), bit.ly/3ZQQ2Ts.
22. *Id.*
23. *Id.*
24. Kennedy Oral History, *supra* note 7.
25. *Id.*
26. *Id.*
27. *Id.*
28. UNC Libraries, *Annie Brown Kennedy photo and bio*, bit.ly/3KDDdPSF.
29. John Hinton, *Annie Brown Kennedy, first Black woman to serve in the NC General Assembly and prominent attorney, dies at 98*, Winston-Salem Journal (Jan. 17, 2023), bit.ly/3nVbY2r.
30. *Id.*
31. Kennedy Oral History, *supra* note 7.

Honoring Our Past—50 Year Lawyers in Their Own Words

Each year during the North Carolina State Bar’s Annual Meeting, members who are celebrating the 50th anniversary of their admission to practice are honored during the 50-Year Lawyers Luncheon. Each of the honorees is asked to submit a bio of their life and career in the law, which are published in a program for the event. Following are three essays from the class of 1972. To

read the program in its entirety, visit the State Bar’s website at bit.ly/50Year2022.

Philip D. Lambeth

My career in the legal profession had a rather inauspicious beginning. For some reason long forgotten, I chose psychology as my undergraduate major at UNC, and sometime during my senior year my father asked me something on the order of, “Well, what now?” My response evidently not being satisfactory, he followed up with, “Why don’t you consider law school?” Being so motivated, I signed up to take the LSAT, did rather well on it, and submitted my application to the law school. I’m convinced that my LSAT score is what got me in, as my grades alone would have evoked laughter in the admissions department.

When I started my first year, the war in Vietnam was already raging and my student deferment had ended upon graduation. However, I managed to eke through two years of law school before the Selective Service drew my number just as classes were about to begin for my third year. Again, upon my father’s advice, I allowed myself to be drafted as a grunt so I could do my duty

overseas to God and country in the shortest possible time and resume my studies.

Upon receiving my JD I went through the standard ritual of churning out letters with my resumé to law firms across North Carolina. My first job offer, which I jumped on, came from a small general practice firm in Charlotte. The firm proved to be a good fit, as I remained with it for more than 46 years before it disbanded at the end of 2018. When I joined up I was the only associate being mentored by four senior partners having wildly varying practice areas. My early exposure to their professionalism jumpstarted my own practice and earned my undying gratitude, so it’s only fitting that I mention each of them by name: Henry Lee Harkey (the founder and patriarch), Harry Faggart, “Bud” Coira, and Francis Fletcher.

Like everyone else here, I have many war stories I could tell, but a couple of them stand out in my mind. There was the demure young lady we represented who was charged with murdering her husband. The deceased had a history of being ill-tempered

and eager to start fights of a physical nature, not excluding his spouse. Unfortunately, his back happened to be turned toward the gun when the fatal shot was fired. Nevertheless, the jury returned a verdict of not guilty, apparently being persuaded that the deceased “needed killin’.”

Another case I’d rather forget involved the so-called Wendover Rapist, who back in 1983 launched a brief reign of terror in Charlotte with a number of rapes in a fashionable area of town. When he was finally charged it naturally became front-page news, and when I saw his name in the paper I was astounded. As a court-appointed lawyer who had defended him on a couple of earlier misdemeanor offenses, I’d come to know him quite well and couldn’t believe him capable of such monstrous crimes. Unfortunately, as I learned after having been appointed to represent him again, he’d left his wallet at the scene of his most recent escapade. As I recall, he received five consecutive life sentences.

I suppose I qualify for this 50-year shindig because, after the firm shut down

several years ago, I elected to keep my license and continue practicing on a limited basis out of my home. My memories are many and my regrets few. I've never suffered the "lawyer burnout" experienced by so many of my contemporaries, probably because I've never considered the making of more money and the acquiring of more prestige to be my top priorities. I've been content over the course of my career to fly under the radar, so to speak, leaving myself ample time to devote to other worthwhile activities, and this past half century has, therefore, proved a blessing to me in many different areas of life.

Jerry Cash Martin

Fifty years!

Actually, my dream of becoming a lawyer started 70 years ago. When I was a child, my grandmother and I used to watch *Perry Mason*, a television show about a lawyer. Then she would play the judge, and I would play the lawyer. The seed was further planted by my father who called me "Counselor."

My 50 years were spent in the courtroom—the first six years as a prosecuting attorney and the last 44 years as a judge in district court, superior court, and as an emergency judge. I had the best seat in the courthouse.

I think I tried 1,000 or more jury trials including 26 capital cases, hundreds of murder, rape, robbery, burglary, and other felonies, equitable distribution, medical malpractice, motor vehicle negligence, and others.

Thousands of jurors, hundreds of lawyers, and courtrooms full of people. That is the memory I have. I like people—the good and the bad. I enjoy the theatrics, the drama, and the intellectual stimulation of the trial.

I want to thank my wife, Carolyn, for all of the aid and support over the years. She actually went to court with me on many occasions. I think they liked her better than they liked me. Some called her "Mrs. Judge."

I pay tribute to all the lawyers from F. Lee Bailey to the newest member of the bar who came through the courts over which I presided. Retained or court-appointed, almost all of them gave it their best. My favorite is the lawyer who can turn an adverse situation or a nasty fact into a positive for his client.

Regrets? Oh, yeah, give me another 50 years as a lawyer!

Amos T. Mills III

I am a native of Greenville, NC. I graduated from G.R. Whitfield High School in Grimesland in 1965, graduated with a BA degree from Howard University in Washington, DC, in 1969, and attended Duke University School of Law, graduating in 1972 with a juris doctorate degree. I was one of the first persons of color to clerk for a major law firm in North Carolina, namely Powe, Porter and Alphin in Durham.

In 1972 I passed the North Carolina bar exam and practiced for a short time in Greenville. Subsequently, I received an appointment as a special agent with the FBI and graduated from the FBI Academy in January 1973.

I served for 28 years as special agent in the FBI, having been in Los Angeles, CA; Chicago, Illinois; Washington DC; and the Raleigh Resident Agency FBI Charlotte Division. During those years I was the legal advisor and I worked foreign counterintelligence matters. My squad traveled to Germany and interviewed the American embassy hostages who were released by the Iranian government. My squad also traveled to Italy and interviewed the passengers and crew members of the Achille Lauro cruise ship who witnessed the murder of passenger Leon Klinghoffer by Islamic terrorists. I also was instrumental in developing sources who were able to identify the ring leaders who assassinated the Iranian exile leader Ali Akbar Tabatabai in Washington, DC. I also developed information that identified the culprits who attempted to assassinate the director of the bureau of prisons in Washington, DC. I was also able to develop a recruitment in place (RIP) of a middle eastern employee of an embassy in Washington, DC. After having retired from the FBI in 1999, I opened up my law firm in North Carolina.

Along with Duke Law Professor Trina Jones, I created the Jean E. Mills and Christine P. Mills conversation series on race at Duke University School of Law. We had such speakers as the late John Hope Franklin, famous Black historian, Charles Ogletree from Harvard Law School, and Professor Sandy Darrity, who serves on the UNC and Duke University faculty. Also, I would like to mention Dr. John Joseph, the first US ambassador appointed to South Africa after Nelson Mandela was installed as the first Black president of South Africa. Also at East Carolina University, I established the Jean E. Mills symposium on healthcare disparities among minorities and

majority white population in eastern North Carolina.

I am the proud father of two sons, Amos T. Mills IV and Christopher Lawrence Mills. I currently reside in Apex, NC. I am a lifetime member of the NAACP and a member of the Phi Alpha Delta law fraternity and the Alpha Phi Alpha social fraternity.

Having grown up in a segregated society, I wanted to assist America to living up to the constitution of the US including its preamble which says that all men are created equal with certain inalienable rights. The late Thurgood Marshall was my role model.

My proudest moments involved being able to work in foreign counterintelligence and identifying both domestic and foreign individuals who wish to bring down our country. For I believe this still is the best country in the world that has been established by man even though it is not perfect. I believe that with God's help, there are more things that unite us than divide us.

It is my belief that those people who are in positions of authority will recognize that a people or a country who do not study their history are doomed to make the same mistakes of the past. ■

The History of Black Lawyers in North Carolina (cont.)

40. D. Terry & F. McKissick, *supra* at 20.

41. *Id.*

42. *Id.*

43. Interview with Clarence C. Malone Jr. (April 4, 1987).

44. William Marsh, James Lassister, Perry Gilliard, Floyd B. McKissick, Richard Powell, Ruben Dailey, and Blanchard Cook.

45. *Epps v. Carmichael*, 93 F. Supp. 327, 331.

46. 187 F.2d 949 (1951), *cert. denied*, 341 US 951 (1951).

47. Interview with Harvey Beech (July 15, 1987).

48. *The Civil Rights Pioneers: 1950-1975* at 5-6.

49. *Swann v. Charlotte-Mecklenburg Board of Education*, 402 US 1, 91 S.Ct. 1267, 28 L.Ed.2d 554 (1971).

50. *Moody v. Albemarle Paper Company*, 420 US 98, 95 S.Ct. 1419, L.Ed.2d 668 (1975); and *Griggs v. Duke Power Company*, 401 US 424, 91 S.Ct. 489, 3 EPD 8137, 28 L.Ed.2d 158 (1971).

51. Womble, Carlyle, Sandridge and Rice (Winston-Salem office).

52. Interview with Fred Carnage (March 11, 1987).

53. Marsh Jr., *History of the Organization in a Nutshell* (unpublished manuscript).

A Giant Among Men: Sammie Chess Jr.

BY JOE WEBSTER

This tribute to Judge Chess, who passed away on July 23, 2022, is based on Judge Webster's book, The Making and Measure of a Judge: Biography of the Honorable Sammie Chess Jr. (Chapel Hill Press, 2017). It was originally published in Volume 102 Number 2 of Judicature. All page numbers in the following reference the printed book, and indented sections are excerpted from the book.

On a dirt floor of a tenant house located at the edge of a cotton field in the rural Bull Pond Community outside Allendale, SC, a giant was born in the midst of America's greatest depression. Named after his father, Sammie Chess the junior was refined by a close-knit family, faith, and the deeply segregated south. The Hon. Sammie Chess Jr. ("Chess") rose to become the first African American superior court judge in North Carolina and one of the first in the United States south of Washington, DC. Governor Robert "Bob" Scott had the courage to appoint Chess as a special superior court judge in November 1971, at a time when previous governors had not had the courage or desire to do so.

After graduating from North Carolina Central Law School, passing the North Carolina bar exam in 1958, and serving his country in the army from 1958 to 1960, Chess, like other African American pioneer lawyers of his generation, hung his shingle. He practiced law in High Point, NC, and, like many of his race, accepted his calling as a "social engineer" (p. 28) to take on a deeply fractured society, full of racial prejudice and invidious discrimination, which badly needed to be challenged and corrected. It was as a civil rights lawyer that Chess



Retired Judge Sammie Chess Jr., looks up at a painting of his portrait, a copy that hangs over the fireplace mantel at his home in Jamestown. The original painting is on display at the Guilford County Courthouse in High Point. Photo: Laura Greene | High Point Enterprise

first made his mark on society. Chess was serious about the oath he took to defend and protect the constitution and viewed himself as a soldier of that constitution (p. 67). His imprint was felt in numerous legal cases affecting the lives of thousands of people in High Point and beyond. As one of the cooperating attorneys of the NAACP Legal Defense Fund, Chess was an attorney of record in *North Carolina Teachers Association v. the Asheboro City Board of Education*, *Robinson v. Lorillard Co.*, and *Addison v. High Point Memorial Hospital*. He also was an attorney for the plaintiffs and the public face of the lawsuit initiated against the High Point Board of Education

to desegregate the public schools. During the pretrial and trial stages, Chess, along with the lead attorney (renowned civil rights attorney and friend, Julius Chambers) and others, represented the plaintiff in an employment racial discrimination case, *Griggs v. Duke Power Co.* On March 8, 1971, the US Supreme Court decided for the plaintiff and held that employment tests must be job related. *Griggs* was the first racial discrimination case brought under Title VII of the Civil Rights Act of 1964 to come before the US Supreme Court on its merits and quickly became a landmark decision. *Griggs's* author, the late Supreme Court Justice Warren Burger, identified

Griggs as the most important case handed down by the Court in his first two full terms (p. 69).

What distinguishes Judge Chess from so many other lawyers and judges who have served our state and nation well? He is a man of unsurpassed courage, grace, determination, and strength of character that allowed him to overcome obstacles not experienced by most other lawyers and judges of his generation. Chess is guided by a moral compass. He said,

...[Y]ou must have a bearing and abiding faith in your moral direction; that you can't be a lawyer if you don't stand up straight. There will be blows against you, but you will be a man if you take the blows. A man can do remarkable things if you inspire others. You can even disarm your opponent if you stand up straight and practice these principles. You can't think about consequences, but you have to think about what the constitution requires. (pp. 66-67).

In the early 1960s, Chess traveled to Gastonia, NC, to his opposing attorney's home turf to present a civil case, the only case his father ever witnessed. The jury ruled in his client's favor. After rendering their verdict, many of the jurors, who were highly impressed by the manner in which Chess had argued his client's case, came down out of the jury box asking for Chess's business card, desiring him to be their family attorney. However, whatever joy of victory Chess experienced was tempered by what he and his father experienced when they were leaving the courtroom. As Chess and his father walked some distance behind his opposing attorney out of the courtroom into the hallway leading toward the exit, a man came toward the opposing counsel. The man spoke to opposing counsel and asked him,

"What in the world happened to you? You look like you have been in a fight with a bobcat." The opposing counsel responded, "A nigger lawyer just beat the shit out of me." Without saying a word, Chess and his father continued to walk toward the exit (pp. 87-88).

Later as a trial judge, in many of the courts where Chess presided, the various court officials such as clerks, bailiffs, and other law enforcement had never seen a Black lawyer, let alone a Black judge. During one assignment, Chess traveled to a

distant court and

[Chess] remembers pulling into a parking space which was marked with a sign indicating that the space was for judges only. "This deputy came rushing up to me saying, 'Are you crazy, what do you think you're doing?' I didn't say anything. He said, 'Can't you read?' I said, 'Deputy, I am the judge.' All of a sudden, it came to him that he heard there was a Black judge. I told the deputy, 'It's OK. This is something you have not been accustomed to.'" (p. 106)

These are but a couple of examples that prove Chess was the right person to become the first African American superior court judge in North Carolina. While many others would have been offended and ready to take measures in their own hand, Chess was not willing to bring himself to the level of a Klansman. He was well grounded and rooted in love and forgiveness, which was embedded in him by his parents and extended family. His grandmother gave him advice that served him well. She said, "You are better than nobody, but nobody is better than you." Chess also said, "My way isn't to get angry. If you disagree with me, I'm not going to stop talking to you. I'm going to keep talking and try to persuade you, and eventually you may come to see things the way I do."

Chess distinguished himself by carrying himself in a professional, nonconfrontational manner that undoubtedly did much to combat ignorance and prejudice. Perhaps unbeknownst to him, Chess's manner garnered respect and promoted reconciliation among persons of different racial backgrounds and from all walks of life. To use the words contained within President Abraham Lincoln's second inaugural address, Chess's life's work and the manner in which he carried it out did much to help "bind up our nation's wounds."

Notwithstanding Chess's manner of dealing with racial prejudice, he learned early in his career that not everyone would understand his work as a civil rights lawyer. He learned that some would despise him. During this period, a white man near Chess's office approached Chess to tell him that he saw him as being the "devil incarnate." Later on, however, after getting to know Chess, he learned that Chess was a good man. Several years later Chess was asked to do the man's eulogy (p. 153).

Lest anyone conclude that Chess was a "yes man" or somehow too weak to stand up to the arduous work involved in representing clients as a civil rights lawyer during the height of the civil rights struggle, his strength of character was unquestionable. No one ever accused Chess of being weak. Strength of character includes the ability to walk away from a fight if necessary. However, Chess proved he was only human on one occasion as exemplified by the following incident that occurred at the High Point, NC, courthouse in the early 1960s, a rare occasion in Chess's professional life where his always calm-and-collected demeanor was challenged. Chess described the incident:

A number of attorneys, including myself, had "shucks" (court files) in our hands waiting in line to discuss dispositions with the prosecutor. All of a sudden the prosecutor reached up from his seat and snatched the shuck from my hand. I immediately reached over and pulled him up from his seat, cocked my fist, and looked him in the eye and told him, "If you ever snatch anything from me again, I'll crack your jaw." (p. 61)

Judicial Wisdom

Chess says, "my agenda is to be open and do justice in every case that comes before me as God and conscience show me what justice is in that matter. That's all I take with me on every case." As a private lawyer and then judge, he advocated for "justice for all people, regardless of race, societal background, or education. I think of myself as just a man and now a judge. I'm going to try to do justice in every case that comes before me." Chess saw the absolute need to treat all who came before him with respect. He said, "The court must always stand high in the opinion of the populace. The governmental system must show respect for every citizen. If it can do that, it can survive." (pp. 105, 115)

Judge Chess understood the great responsibility of being a trial judge; that the role of judge is, in some respects, like that of being an umpire. However, Chess's judicial philosophy was much more than one that called upon him to call balls and strikes. He said,

Judges have a greater responsibility than to just sit there and rule; judges have a responsibility to make sure that defendants make an informed decision; to

make sure that it is not the time constraints of counsel that are the basis of the defendant's decision. Defendants are at a disadvantage of expressing themselves. They have had conferences with their counsel; they don't want to anger their counsel. The defendants know they are at the hands of their counsel and that after the judge is gone they are in the hands of their counsel. As judge, I had a responsibility to take that weight off of the defendant. [The judge] says, "I'm not there to protect lawyers. I have a duty to see to it that the atmosphere is proper, that the conditions are appropriate for a defendant getting a fair and impartial trial; if the judge fails in this regard, then he or she has engaged in a major failing." My concern was to pierce the veil and see that the conditions exist to best insure those concerns (p. 111).

In December 1971, shortly after taking the oath of office, Judge Chess was interviewed by a newspaper reporter. In response to the reporter's questions, Chess acknowledged that many across our nation were questioning the legitimacy and fairness of our justice system, and whether it could be saved. His solution, that of placing competent people in all levels of our courts who have the requisite integrity and knowledge, no doubt would go a long way toward mending our justice system today.

"There is nothing wrong with the system."...What the courts need, says Judge Chess, is a better implementation, more dedicated people who will inspire confidence and "devotion to try to effect a good system." Judge Chess said, "It seems we are not meeting the great needs of the people." He points to what he describes as "dissatisfaction among various age and racial groups." Young people are asking questions like, "Can it endure?" "Does it meet the needs?" The judge says young people are accusing the establishment of hypocrisy and notes that "we do not live up to the principles of our government." "They're asking questions about whether or not government is meeting its responsibilities"... "My feeling is that we have got to have people in the system who can inspire confidence in the system from the magistrate's level to the Supreme Court." (p. 104)

Chess has commented on another huge problem facing the courts today: the very

large number of *pro se* litigants who seek redress in the state and federal courts.

The United States system of justice, whether involving criminal or civil cases, is an adversary system. There is no exception to this rule. Therefore, many cases are won or lost because of the skill or lack of skill of the lawyer representing the parties. Even worse are situations where one side is represented by one or more skilled lawyers, and the other side has to rely solely upon laymen's knowledge in representing themselves in the pursuit of justice. Chess saw many such cases as a superior court judge and as an administrative law judge (p. 123).

Related to the *pro se* litigant problem facing our courts, Chess also pondered a question that has vexed many judges that care about fairness throughout time. To what extent should a judge seek to level the playing field, and thereby promote justice, which is the ultimate end of all civil disputes or criminal prosecutions? Chess resolved the issue by stepping into the fray when necessary to promote justice.

"How does the judge try to see that a fair and just trial takes place without tipping the scale to one side or the other?" Chess believes strongly that indeed it is the job of the trial judge to see that the game is played fairly without having the tremendous power of "undue influence" affect the outcome of the case. While a judge is an independent arbiter, Chess also believes strongly that the judge's role includes a duty of making sure that there is not a miscarriage of justice. The judge plays a unique role. He or she is in a tenuous position. There is no need for a judge to enter the fray when the adversaries are equal. Equal adversaries can take care of themselves. If the judge sees that an injustice is taking place, then the judge should step in and make sure that injustice doesn't continue. As soon as the problem is corrected, then the judge should step back and allow the litigants to continue (pp. 123-24).

Judge Chess was not the kind of judge that would never admit error. Neither was he ever offended or opposed if the losing party gave notice of appeal in open court, as some other judges seemed to disdain.

He agrees that he and all judges have failures and, like the most respected judges in American history, commit

error from time to time. Judge Chess, like most judges who have tried many cases over their career, has had the court of higher authority reverse his decision. However, Chess is confident that, with regards to all the failures or mistakes he made as judge, he tried to admit them and go about correcting any error in judgment immediately. Chess says, "I tried to proceed honestly and honorably in all of my doings. Whatever I've done did not vary far from who I am. My idea was that I wanted to be accurate, and if I was in error in some way, I wanted to be corrected. I welcomed being corrected because in my error I might do injustice in some way. I believe that is why the system is tiered so you will have many eyes. I never made a lawyer think I would be offended by any appeal. Any injustice done would not be intended. I tried to get for an individual the fairest trial possible. I wanted any error in the facts or law to be brought up and corrected so that the individual would get the fair trial to which he is entitled. I have no ego that transcends that responsibility. My responsibility is to ensure an individual a fair and impartial trial. I have no personal interest in the case. I'd rejoice if someone points out something that was contrary to a fair and impartial trial. To do otherwise would be subverting rather than upholding those principles." (pp. 111-12)

Chess also has offered advice to the highest courts in the land. He spoke to the division and lack of comradery that affects not only our society in general, but our court system as well. The division and lack of respect for those even on the same court is evident in the dissenting opinions of various courts.

There is a great need for the court's decisions to become final, not in the sense that a ruling has been handed down by the court, but that it has been handed down in a manner that most observers believe that the court's decision is a fair and just result. If there is no finality, then friction continues. This continued friction will be like a scab on the skin of our system of justice. It will continue to fester (p. 122).

In our still deeply divided America and

CONTINUED ON PAGE 30

Douglas Wickham, Matthew Crow, Marcus Crow, and Parker Rumley, Bankruptcy Law Specialists

BY SHEILA SAUCIER, CERTIFICATION COORDINATOR, BOARD OF LEGAL SPECIALIZATION

I recently had an opportunity to talk with several board certified specialists in bankruptcy law. Douglas Wickham, a board certified specialist in both business and consumer bankruptcy law, practices in Raleigh. Doug was certified in the very first year that certification became available in North Carolina over 35-years ago, and he has maintained that certification since 1987. We were pleased to honor Doug with a certificate of that achievement at our recognition event in March at the State Bar Building in Raleigh.

Q: Please tell me where you attended college and law school and a little about your path to your current position.

I graduated from Yale College in 1963 and Yale Law School in 1966, ROTC Army commission with active duty deferred until 1967. After initial training, I was assigned to Fort Jackson in Columbia, South Carolina, where my wife began teaching economics at the University of South Carolina Business School. I spent 1968 in South Vietnam with the Maintenance Battalion attached to the Ninth Division in the Mekong Delta.

Following that assignment, I received a letter from the University of SC Law School offering me a position as a visiting assistant professor. I was to teach administrative law (had taken that course in school) and debtor-creditor (brand new area for me). I accepted the offer, and in late January 1969, I stood up before a room full of men (mostly my age) and began to teach them debtor-creditor law. Fortunately, I had help. Professor Foster, who was the local referee in bankruptcy, wanted to do other things, but he got me off to a good start.

After a year we went to Boston so that I could pursue an LLM, which I hold from Harvard. From there I was hired by the University of Tennessee Law School in Knoxville, where I stayed for 16 years and rose to full professor. My staple courses were

civil procedure and bankruptcy, and I was appointed to the panel of Chapter 7 trustees in 1980. When the 1982 Knoxville World's Fair, which was largely financed by two local banks, closed in late October, the FDIC examiners moved into town. Both banks were seized early in 1983, and Knoxville became the bankruptcy capital of the world for the next few years.

It was during that time that both my wife and I determined that we needed to leave academe, and to do that we would have to relocate. What was then the Sanford, Adams Law Firm gave me an opportunity to relocate to Raleigh. We moved here in 1987 and have never looked back. I have since been a bankruptcy practitioner, primarily representing debtors in both business and consumer law. I did love the classroom teaching part of academe and was blessed with the opportunity to teach civil procedure at the NCCU night law school from 2000 to 2015. Both I and my students had day jobs as well.

Q: You were in the very first group of specialists to be certified in bankruptcy law by the North Carolina State Bar Board of Legal Specialization in 1987. How did you first hear about certification becoming available in bankruptcy law and what made you decide to be among the first to pursue this certification?

I heard about the new program shortly after moving to Raleigh. The court was encouraging those of us who regularly appeared before it to become certified. Since I did specialize in my practice, it made good sense for me to apply for the recognition.

Q: What makes certification important in the practice of bankruptcy law?

Bankruptcy is something that you cannot do a little of and still do well. This has been apparent over the 35-plus years I have been engaged in the practice. Debtor-creditor issues cut across the entire spectrum of

human existence. Even though one specializes in the field, there are always new elements that arise. That makes the practice interesting and challenging.

Q: As you look back on your 35 years of certification, what are your thoughts on the program and your involvement?

I believe that the Bar should identify and recognize true specialists. The NC State Bar does a good job of that. I'm glad to have been a part of this program.

Q: What career accomplishment makes you most proud?

Being able to help people with problem debt, get it resolved, and go forward in their lives without anxiety and regret.

Q: What piece of art (book, music, movie, etc.) most influenced the person you are today?

Life of Christ by the late Bishop Fulton J. Sheen. It was originally published in 1958 and republished in 2008. Some may remember Bishop Sheen's television success *Life is Worth Living*, which was the highest rated program during its run. Based on scripture, but with Sheen's eloquent presentation, it is by far the best book I have ever read. I picked up the reprint recently, and rereading the book continues to inspire me.

Q: What would you say to encourage other lawyers to pursue certification?

I believe the best way to succeed is to find something you like to do and then learn to do it well. Our State Bar's Specialization Program now recognizes many areas of practice. Once you become a specialist, you should apply to the State Bar and be recognized as such.

Q: How do you see the future of specialization?

I certainly hope we don't regress into digital lawyers. But the trend is still to develop special expertise, and clients deserve to know who those lawyers are.

Matthew and Marcus Crow are both board certified specialists in consumer bankruptcy law. The two brothers work together at their family's practice in Monroe, North Carolina.

Q: Tell us about yourselves?

Matthew: We are a Murder of Crows as well as a family of lawyers! Our sister, Catherine Crow, is a judge in DC. Our father, Harry Crow Jr., has been a lawyer in Union County for over 50 years. Marcus and I both went to UNC-Chapel Hill, then to University of Richmond Law, and have been working together as bankruptcy attorneys for over 20 years. Dad started the bankruptcy practice back in the 1980s, and we just naturally joined the family bankruptcy business. Mom also works at the office as a business manager and legal assistant. We now can't seem to get rid of each other since we usually see each other on weekends, at sporting events, on vacations, etc. Catherine, Marcus, and I all have two kids each who are all under the age of 11, and they all also enjoy spending time together. So it's a safe assumption to conclude we are a tight family of Crows.

Marcus: We grew up in Union County. I never expected that I would return to live and work in Union County, since I've always loved traveling and seeing the world. I was able to study abroad in the Netherlands and in England, and thought it would be great to live abroad once I got my career started, but I realized that work life and personal life was better in Union County. I have the flexibility to coach my son's soccer teams and watch my daughter's cheerleading competitions and be a big part of their lives while they are still young. My wife and family still get to travel, and we usually take a big trip abroad once a year. We are going to Spain and Portugal this summer with my parents. It makes it even better that when Matt and his family are on vacation, I can take care of his cases, and when my family is on vacation, I know that Matt will take care of mine. That is one of the biggest perks of working in a family business. Our parents also love traveling. They have been to all seven continents including the Arctic Circle, so it has made us realize that traveling expos-

es us to different cultures, foods, and traditions, which can give us an appreciation for different points of views and ways of life.

Q: What led you to become an attorney?

Matthew: I enjoy the educational aspect of teaching the law to our community, and being a lawyer gives me a great sense of service.

Marcus: I have a BS in biology, and I thought that I wanted to be a dentist one day. Then I realized that I cannot deal with blood. I can't even watch medical shows like *New Amsterdam* or *Chicago Med*, which my wife and daughter love, since I am squeamish about blood and injuries. I knew that being an attorney would be rewarding, and I could not only help, but I could come back to Union County and work with my family.

Q: Why did you pursue becoming a board certified specialist in bankruptcy law?

Matthew: One of the bankruptcy trustees in our district is also a board certified specialist in bankruptcy law. She called and encouraged me to do it. I had not thought about it at all beforehand, and just the thought that she considered me worthy and qualified was enough for me to start the application process. Besides that personal motivation from a respected peer, I also consider myself a "student for life," so learning much, much more about my area of interest just made sense.

Marcus: Once I saw the process that Matt took to study and pass the certification exam, I knew that I could do it. Also, we had been practicing bankruptcy law long enough, so it would be important to show our peers and clients we know enough about bankruptcy law that they can trust us to get the job done. Looking back, I wish I had done it earlier, but Matt gave me the motivation to finally take the exam after practicing in the field for so many years.

Q: How do you feel your certification helps your firm and your clients?

Matthew: The Crow Law Firm has been a fixture in Union County for over 50 years. Our certifications show our commitment to our clients and the community. Bankruptcy can be stressful for clients, so having two board certified specialists working for them hopefully gives them ease of mind and confidence as they go through the legal process.

Q: How do you feel board certification ben-

efits your profession?

Marcus: Everyone knows each other in our local bankruptcy bar, which I love. When there are more board certified bankruptcy attorneys in our local bar, we all can work together better—we know the issues, local rules, and cases to simplify matters to get the results that both sides want in the end.

Q: What is most rewarding about your work?

Matthew: I really enjoy the conversations with clients after they receive their bankruptcy discharge and are given the opportunity for a "fresh start." Knowing that I had a positive impact on their lives.

Marcus: There are many examples I have that make practicing bankruptcy law rewarding, but the ones that stand out are when a client has tens or even hundreds of thousands of dollars of medical debt from a heart attack or cancer after insurance co-payments, or he or she has a long hospital stay and the insurance covers only a fraction of the costs. Bankruptcy allows my clients to get a fresh start without being saddled with medical debt for the rest of his or her life.

Q: Who is your hero and what makes them your choice?

Matthew: My parents. Mom and Dad work incredibly hard to help people even when they don't have to. They do it without recognition, complaints, and often for free. They do their daily lawyerly tasks because someone may have asked or because it is the right thing to do, regardless of if anyone asked. A hero is selfless and inspiring. I don't believe that I would be a board certified specialist without being inspired by their work ethic.

Q: What would you say to encourage other lawyers to pursue certification?

Marcus: You might feel that you don't have time to study for it nor the time to take the required CLE courses to be certified, but if you are passionate about your work and your clients, it is a small sacrifice to reach that goal. I am glad that I did it, and you will be also if you pursue certification.

One of our newest bankruptcy law specialists, Parker Rumley, became a 2023 certified specialist in both business and consumer bankruptcy law. Parker practices in Raleigh.

Q: Why did you pursue certification?



After spending about five years with the Bankruptcy Administrator's Office, a trustee approached me, and it was suggested that I consider specialization. At the time, I had four young children under the age of five and didn't feel that I had the additional time to devote to studying for the exam. However, the seed was planted, and it was in the back of my mind that one day I hoped to pursue my certification. During COVID, bankruptcy filings drastically slowed down, and I was afforded the time needed to examine and polish my understanding of certain code provisions and concepts that I'd faced in the courtroom throughout the early years of my practice. I used the certification process as an opportunity to refresh my knowledge and skill set to better apply them in my everyday practice.

Q: What tips would you give someone preparing for the bankruptcy exam?

I approached the specialization exam in a similar fashion to studying for the bar exam. Except this time, I added four kids to the study schedule. Studying required a lot of juggling, but my husband helped me carve out time on the weekends to study for the exam. Both the bar exam and the specialization exam require the practitioner to take a deep dive into concepts, code provisions, and the periphery of the practice area to truly master the skills necessary to achieve the specialization certification.



Rumley

Without a ton of study materials to go by, I spent a lot of time reading the bankruptcy code and studying the rules in preparation for the exam.

Q: What do you see for the future of specialization?

I believe the specialization process will become a credential required by most firms and also in government practice. I like that practitioners are required to practice in that area of law for five years prior to pursuing the specialization. Certification serves as a great way for practitioners to refresh and master their skill sets.

Q: Are there any hot topics in your specialty area right now?

Subchapter V of Chapter 11 is currently the most interesting area of my practice. The Small Business Reorganization Act of 2019 was enacted and has significantly evolved during COVID. I am seeing many practitioners in the Eastern District utilize this chapter of bankruptcy on behalf of their clients, and in some cases, it has significantly shortened the process and reduced the cost to their clients.

Q: What is the best advice that you've ever given and/or received?

"Do what works best for you." I apply this to so many aspects of life—raising young children, practicing law, studying for the specialization exam, and in dealing with clients and co-workers. We are surrounded by so many streams of influence these days, the

world has become hard to navigate. I think listening to your inner voice is solid, sound advice. I would have loved to pursue specialization years before I did, but the timing wasn't right for my family. I was happy that I waited and pursued the specialization process when I did because it reinvigorated my passion for this area of practice.

Q: What aspect of your daily job interests you the most?

Eighty percent of my practice is corporate reorganization—Chapter 11 work. I really enjoy learning about many different businesses in the eastern part of our state—how businesses are structured, how they operate, what worked, what didn't work, and how they intend to restructure. From hog farms to sweet potato packaging plants, to restaurants, to land developers, to small business operations, my job is constantly changing based on the businesses that file Chapter 11 in the eastern district.

Q: What is your next goal in life?

Specialization was a long-time goal of mine. I am thrilled to have achieved it and will continue to apply what I have learned in my daily practice. I am not sure where the next step will take me; however, for the moment, Chapter 11 filings are on the rise, and I have four kids' sports schedules to maintain. My next goal is to get back on the tennis courts. ■

For more information on the State Bar's specialization programs, visit us on the web at nclawspecialists.gov.

A Giant Among Men: Sammy Chess Jr. (cont.)

world today, we can learn so much from Judge Chess. In a time of many voices who are the purveyors of hate and further division in our society, we need to hear more from voices of reason and moderation. For over a half-century, Chess was and remains such a voice. Lawyers and others can learn from his example that you can be an advocate and agent for change designed to make this world a better place. Chess proved, like others among his contemporaries, that you

can be an agitator and go against the system in an attempt to seek fairness and justice, and still gain the respect of others, including your adversaries. A man of integrity, Chess has carried himself in a dignified manner in and out of the courtroom, which allowed him to stand out among lawyers and judges of not only his time, but also the generations before him and after his retirement. His rise to prominence gives hope to those among us who have lost hope and been denied respect because of poverty, race, or other circumstances beyond our control.

Chess is a shining example to others of how, with hard work and perseverance, one

can rise above his or her circumstances in life. Indeed, Chess is "among those few men in society" who possessed an abundance of the "requisite skill in the law, integrity, and knowledge" that Alexander Hamilton wrote about centuries ago as being integral to qualifying for the station of a judge. Because of this, Chess commanded the respect of all who appeared before or got to know him. Perhaps retired Judge W. Douglas Albright of North Carolina's 18th Judicial District Superior Court said it best: "We are all better off as a result of Sammie Chess Jr. being among us....When his time comes, he will have left this world a better place." (p. 158) ■

Roadmap to Healing

BY ROBYNN MORAITES AND CATHY KILLIAN

We at the Lawyer Assistance Program write and talk about the fight/flight/freeze response in law practice all the time. As a result, many lawyers across the state have come to understand the ways in which we, as lawyers and judges, may struggle with compassion fatigue and secondary trauma from repeated exposure to client trauma. While many of us are exposed to the traumatic experiences of our clients, we don't often think in terms of experiencing trauma firsthand, personally or professionally. We like to think it would never happen to us, that it could never happen to us. But trauma does not discriminate. A traumatic experience can happen to anyone, anywhere, and for reasons that make no sense at all, as the recent shooting death of a NC lawyer by his client demonstrates.

While the left-brain/right-brain framework is an over-simplified description of how our brains actually work that is not backed by the latest neuroscience, it remains a useful shorthand to illustrate thought processes that most people understand. Lawyers operate from a left-brain perspective: executive functioning, analysis, strategy, sequencing, and logical thinking fall in this realm. But when a traumatic experience occurs, the left side of the brain shuts down and the right side of the brain takes over to process the event. Right side functions include creativity, intuition, emotion, imagination, and the like.

A traumatic event isn't logical or reasonable; it doesn't follow linear or strategic thinking, and therefore doesn't make sense to our left-brain way of operating in the world. This processing disconnect makes it more difficult for us to process through the trauma because we can't make that round peg fit in the square hole, so to speak. So, in the aftermath of a traumatic event, it may be difficult to identify, integrate, or process certain emotions. Even if we can identify them, we may find it almost impossible to regulate

them. Traumatic events are difficult for all people, but lawyers may have an especially difficult time processing them because of the way we are trained to think.

In the wake of the recent shooting, many have asked what they could do to help someone who has experienced a traumatic event. My hope is to equip you with the tools and information you may one day need to enable you to help a friend or colleague who suffers an acute trauma. Or in the event you experience a traumatic event, this article can serve as a roadmap to healing.

So, what exactly is a traumatic experience? A traumatic experience is an extraordinary and stressful event that shatters one's sense of safety and security. These events often involve situations that potentially place our life or the lives of others at risk. But any situation that leaves one feeling fearful, overwhelmed, and isolated can result in a trauma response, even if it doesn't involve physical harm. It is not the objective circumstances that determine whether an event is traumatic for an individual. Rather, it is that person's subjective emotional experience of the event. In other words, the real determinant is not the situation or event itself, but how one reacts to it. People don't interpret the same events in the same way. Two individuals could be in the exact same situation and each person could have a different reaction. There is not a right or a wrong way to react to any situation.

Tip: Even though we think we know, or would like to think we know, how we would react to any given traumatic situation, we actually have no idea. We cannot predict how we will react. We will likely react in a way that surprises us or that we might feel is "out of character." It is, therefore, critical that we not judge anyone (or ourselves) for their (or our) reaction. The only way to begin healing is by having a safe, non-judgmental space.

Why do people react or respond the way



they do? There is no way to predict how an individual will be impacted by a traumatic event. Factors that might influence how one will react include: the type and severity of the event, the amount of support received following the incident, current life stressors, certain personality traits, developed resilience skills (or natural levels of resilience), and any previous traumatic experiences.

What should we expect to see in the immediate aftermath? If a person experiences a trauma response, it will temporarily disrupt the individual's ability to function at the level they normally do. But they may not realize it. They may exhibit a numb, dazed, or shell-shocked response. Or they might exhibit the opposite. In certain life-threatening situations like a car crash or a situation involving physical violence, the adrenaline system goes into hyper-drive. A person could have a reaction that looks hypo-manic, ADHD, or hyper-adrenalized for a few days—talking constantly, unable to sleep—until about 48 to 72 hours later, when comes the inevitable crash as the body's energy is totally depleted. Thereafter, a person may be lethargic and have to sleep for a few days.

Tip: Do not try to convince someone they are having more of a reaction than they think or say they are. You just need to be aware that their acute reaction is just that—

Psychological/emotional:

shock, denial, disbelief (especially initially)
 heightened anxiety or fear
 irritability, restlessness, or overexcitability
 sadness, crying
 helplessness or hopelessness
 numbness or detachment
 estrangement or isolation from others
 “survivor guilt”
 self-blame or wishing you could/should have done something different
 sudden, dramatic mood shifts
 depression

Physical:

headaches
 nausea or upset stomach
 exaggerated startle response (tendency to startle easily at noises)
 fatigue or feeling slowed down, lethargic
 sleep disturbances including insomnia
 changes in appetite
 distressing dreams and/or nightmares
 worsening of existing medical conditions
 racing heartbeat
 excessive sweating

Cognitive:

re-experiencing the traumatic event, including intrusive thoughts or images
 (flashbacks) of the event
 repeatedly playing certain parts of the event over in the mind
 difficulty concentrating
 feeling confused or dazed, slower thought than normal
 distracted
 difficulty handling tasks or making decisions
 memory problems
 trying to understand how and why it happened

Behavioral:

hyperactivity or less activity
 being overly protective of others
 withdrawal, social isolation
 accident prone
 avoidance of activities or places that remind one of the traumatic event
 strong need to talk about the event, read accounts about the event
 refusal to talk about the event or any impact from it
 hypervigilance to surroundings, scanning for possible danger
 wandering around or just sitting and staring without direction
 using alcohol or other drugs to numb or escape feelings

helps us cope better and recover more quickly if we have suffered a traumatic experience. If we are supporting someone else, it will help us better understand what that person may be experiencing.

How long does it take to process a traumatic experience? The time it takes to process through a traumatic experience varies as much as the reactions do. It is impossible to predict how long any one individual will experience the effects of a traumatic experience. With proper treatment, the effects should gradually decrease over time. Being intentional about self-care strategies will help minimize the intensity and duration of these reactions. There are plenty of effective self-care strategies. Each individual needs to find what works best for them.

Some Do's and Don'ts**DO...**

Talk about it...It's a step toward healing. While it may be uncomfortable, talking about it takes some of the power out of the trauma and can be cathartic. Some people even need to talk repetitively about it, so talk as much as you need to, but only to folks who can listen and support you.

The inherent difficulty with this suggestion is that after experiencing a trauma, people feel different from others, even if it was a group experience. The experience typically feels surreal and often makes us question the necessity and value of mundane, daily activities in our lives. We often believe that nobody can fully understand what we have experienced or how it has impacted us, so we think or assume that sharing our feelings, thoughts, and reactions related to the trauma isn't helpful. It is helpful if we can let go of the need for (or idea that) anyone is going to truly “get” what we experienced. They may, they may not. It is still helpful to talk about it to reduce the power of it.

Tip: If you are supporting a friend, just listen. If they do not want to talk about it, do not try to force the issue. Just let them know you are available to listen should they want to talk about it, then turn your attention to being present with them in other ways. On the other hand, if they need to talk repetitively about it, remember that this is normal and do not try to make them stop or “let it go” or be more rational. Please be aware that you probably cannot fathom what the person has been through, so it is best not to try to manufacture similarities based on your historic experience, as it will likely come

an acute reaction that will usually subside over time as a part of the mind and body's natural healing and recovery process.

While everyone responds differently to trauma, these reactions and responses typically fall into four basic categories of psycho-

logical/emotional, physical, cognitive, and behavioral. (See the table above.) Being able to recognize these responses helps us to attach no judgment to them, whether we are helping a friend or recovering ourselves. Understanding what is happening and why

across as minimizing, insincere, or invalidating. Just hold the space and listen. That being said, it can be emotionally exhausting to listen for prolonged periods of repetitive processing. It is OK to also take care of yourself and take a break when you need to. For a suggestion about how best to do this, please see the tip under “seek support” below.

Express your feelings as they arise... Gradually confront what has happened, but don’t try on one hand to force it or on the other hand to block it out. Allow yourself to cry, rage, and express your feelings when you need to in a healthy and appropriate way. Recognize that you have been through a distressing and/or frightening experience and you will have a reaction to it. Talk through your feelings, write them down, or seek professional help if you need guidance. Don’t bottle up your feelings or self-medicate them as it will only make things worse. Try not to get angry or frustrated with yourself if you are not able to do things as well or efficiently as normal. That is to be expected.

Seek support...from supportive people. Tell people what you need, even if it is nothing more specific than just being there if you need them. Sometimes the best support is simply in knowing others care about you and are willing to help if they can. It’s also important to tell people what you don’t need or what is not helpful. Be honest with yourself when you need to seek professional help.

Tip: When we are in the supportive role, it can be exhausting. It is always a good idea to have a specific time frame established on the front end to set the expectation going in. For example, when you arrive, you can tell your friend that you can only stay one hour (or two hours, etc.), and that you can come back the next day (also set a time frame for that visit when you arrive the next day). What we are trying to avoid is a situation that feels invalidating to the trauma victim. Because they will be in processing mode, whether they are talking or not, any “surprise” exit (whether two hours later or six) can feel unsupportive. Setting the expectation on the front end helps protect everyone from misunderstandings and potential hurt feelings.

Confront memories and/or feelings brought up by the trauma...Allow yourself to acknowledge them, verbalize them, or find other healthy ways of confronting them because trying to force yourself not to think about them will only make them more intense and harder to deal with. When intense feelings

arise, allow them, then immediately think of a fond memory, look at photographs of your favorite places or people you love, and so on. The reason for this has to do with neuroscience. There is a saying for this: “What fires together wires together.” Repetitive thinking lays down embedded neuropathways. This suggested activity helps neutralize the “felt” sense memory from the trauma event. While it will take time and intention, you can get to a place where the feelings are replaced by increases in the positive thoughts and memories. If the trauma involves the loss of someone you loved, this will also affirm the essence of who they were and help appease the images (real or imagined) of what happened to them.

Understand that flashbacks may occur... A special word here about triggers and flashbacks. A trigger is a stimulus that sets off a memory of the trauma or a specific portion of it. A trigger can be any sensory reminder of the traumatic event: a noise or sound, a smell, a temperature, or other physical sensation, or a visual scene. Some triggers are obvious and, therefore, can be anticipated and avoided easily, but many are subtle and inconspicuous, which catches us off guard and thus ratchets up the intensity of the feelings. A trigger may set off a memory or a flashback.

A flashback is more than an unexpected memory that pops up. A flashback is the re-experiencing of a previous traumatic experience as if it were actually happening in the moment. In a flashback, we often react the way we did during the traumatic event. Flashback experiences are usually very brief and typically last only a few seconds, but the emotional aftereffects can linger for hours or days. Flashbacks are commonly initiated by a trigger, but not necessarily so. Sometimes they occur out of the blue. Other times, specific physical states increase a person’s vulnerability to having a flashback (e.g., fatigue, high stress levels, etc.).

One might think that flashbacks only occur in the immediate aftermath, but again, not necessarily so. Flashbacks can happen months or even years later. These can be very disturbing not only for the intensity of the experience, but because they seemingly come out of the blue.

Tip: It is critical to understand that this is a normal process that is to be expected. When this happens, knowing what it is (a flashback) and that it is normal will help remove internal self-judgmental dialogue. Also, knowing it is

a flashback can help reduce the emotional impact. Similar to waking up from a nightmare, when we startle awake, while we may still have lingering feelings from a nightmare, knowing it was one helps us resolve the lingering emotions. So, recognize a flashback for what it is, then turn your attention to getting grounded back in the present moment.

Practicing mindfulness...will help you stay in the moment where you are safe, and not in the past where it is traumatic. Try feeling your feet on the floor. Try the 5-4-3-2-1 sensory exercise (nclap.org/exercises-for-getting-present). It will also help to focus on the positive things around you, such as aspects of nature, that we sometimes don’t stop long enough to appreciate.

Eat well, sleep well, get rest...After a trauma, the body must come out of its state of heightened arousal. The internal alarms need to be turned off, the high levels of energy have to subside, and the body needs to re-set itself to a normal state of balance and equilibrium. So, listen to your body and respond accordingly. Rest when you are tired, and do something productive if you experience a boost of energy or hyperactivity. It is common to feel exhausted at times even if you haven’t done a lot. It’s your body working hard internally to get back to homeostasis.

Exercise...Physical activity helps cleanse your body and mind of tension and stress. It helps to combat the “fight or flight” response associated with the trauma, and thus helps get us back to homeostasis. It may not be at the level of exercise you did before, but any movement is good.

Relax and enjoy...Use relaxation techniques such as yoga, breathing, or meditation. Do things you enjoy and that feel nurturing to you. Go to a place where you feel your best.

Keep your normal routine...or return to it as soon as possible. That includes when you eat and sleep, not just going back to work or school. It helps make life feel more normal and thus safer and/or more secure. Staying busy allows our minds to be distracted for a while. But we do not want to do it to the point of avoiding dealing with the feelings we are experiencing.

Find meaning in what happened...Focus on positive ways to fit the trauma into the way you think about yourself, other people, or the world in general. Use it as the catalyst

CONTINUED ON PAGE 36

Tuning into the Wisdom of Your Body to Optimize Your Legal Practice

BY LAURA MAHR

Lost in My Mind

Before I became a lawyer, I taught yoga and geeked out on anatomy and physiology. It was endlessly fascinating to discover and observe the profound impact that coordinating movement with breath had on my own emotional well-being and mental clarity, and that of my students. When I went to law school, however, I erroneously retired my wisdom of the body to pursue the knowledge of the mind. I put away my yoga mat and put on my thinking cap, certain that there wasn't a need for both in the field of law. Regrettably, after three years of law school and ten years lawyering, I found myself physically exhausted and wondering what had gone wrong. To understand my experience—and to help others circumvent the same from happening to them—I turned my mind to researching the role of the mind-body-emotion connection in the field of law. Now, years into studying with national thought leaders, neuroscientists, neuropsychologists, and clinical pioneers such as Dr. Peter Levine, Deb Dana, Dr. Stephen Porges, Dr. Diane Poole Heller, and Dr. Richard Schwartz, I understand that if we want to work and feel our best, we have to draw upon the wisdom of *both* the body *and* the mind to get there. In the past eight years of coaching and training law firms how to build resilience and prevent burnout, one thing has become clear: the foundational body of knowledge from which I draw is, well, *the body*.

More Than a Brain

The human body is capable of experiencing a vast range of sensations and physical responses. Yet, for many of us in the legal profession, we have developed subconscious habits that ignore or suppress our physical awareness and favor the rational mind. While we understandably rely on our intellect and logical rea-

soning as a foundation for practicing law, the body also provides invaluable wisdom that can be tapped for guidance. By paying attention to physical sensations and responses throughout the day, it's possible to notice the body's signals and use those signals as an antenna—along with cognitive skills—to make well-informed decisions. This kind of bodily awareness can also support mental, physical, emotional, and spiritual health, and in turn help lawyers find balance amidst a stressful work environment.

How Law Disconnects Us from Our Bodies

One reason why lawyers and judges may struggle with body awareness is the demanding nature of our professions. When lawyering, I was guilty of pushing aside my physical needs and emotional feelings to meet the mental demands and time pressures of work. Many times, I felt that I was doing something wrong—that I might disappoint someone or fail—if I took breaks during the workday. Too frequently I skipped eating, pausing to reset, or exercising to get my to-do list t-done. Now, when I train other lawyers and judges, I hear that many are depleted from over-working, tired from under-sleeping, and overwhelmed from over-committing. Additionally, we hold stress for *our clients*. Numerous coaching clients share that *they* spend sleepless nights tossing and turning over client problems so that *their clients* can rest assured. I'm observing that in the legal field, productivity, billable hours, and profes-



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sionalism often come at the expense of self-care. Does any of this resonate with your work habits and self-care experience?

Turning away from the signals the body communicates today can also seriously compromise long-term wellness. Ignoring our bodies can have serious consequences on our physical, mental, and emotional health over time. Most of us can attest that our bodies (as well as our minds) hold chronic tension from working in a high-stress, adversarial profession. How many of us suffer from on-going headaches, migraines, low back pain, high blood pressure, digestive problems, insomnia, hypertension, anxiety, or depression? Chronically ignoring our basic physical needs for food, water, sleep, and stress recovery are risk factors for compromised immune function, chronic disease, serious mental health conditions, and a shortened life span. *Yikes! Why don't they mention this when we sign up for the LSAT???*

Intero-what?

The mind-body connection is a vast and deep topic, yet it comes with learnable skills. One place to start your journey of connecting to your body is by developing interoception.

Interoception, also called somatic awareness, is defined as the ability to sense and interpret the internal states of the body (soma). Internal states of the body include respiration/breathing, heart rate, body temperature, hunger, thirst, and elimination. Interoception also includes the ability to notice sensations of pleasure and pain, tension and relaxation, along with being able to ascertain your emotional state (e.g., happy, sad, frustrated, confused).

Interoception is important not only for regulating our physical bodies, but also for emotional regulation and cognitive processing. The better our “interoceptive accuracy” (the ability to accurately perceive and interpret bodily signals), the more likely we will be emotionally balanced, mentally clear, and less chronically stressed. As lawyers, when we develop interoceptive accuracy, we are more likely to pay better attention to not only what we need, but also to what *our clients* need, thereby better equipping ourselves to give accurate counsel and zealous representation.

Putting Interoception to Work

Below are a few examples of how you may utilize your interoception during your workday, and how it may enhance your legal practice:

1. You are in a mediation and notice your jaw tensing and your stomach fluttering. You pause and see what is happening in the negotiations. You look at the frustrated faces and closed off body language of both sides and realize that the parties are at an impasse. Instead of pushing for a resolution, you ask for a break. During the break, you encourage your clients to go outside and stroll around the block. While they are out, you take a few long exhales and make sure everyone has enough water to drink; you open the windows and let sunshine and fresh air into the previously darkened room. When your clients return, they have had a shift of perspective and so has the other party. Negotiations are successful. You go home with energy to spare.

2. You are meeting with a new client and notice chest tightness. Instead of ignoring the sensation, you instead take a moment to tune in and see what your body is telling you. Is something amiss? You reflect and realize you need to ask the client more questions to clarify an incongruence in the facts before moving forward.

3. You’ve been laser-focused drafting a document. After several hours, you notice you have to go to the bathroom. Instead of “holding it” and working another 15 minutes, you go to the bathroom. On your way back to your desk, you remember two points you intended to include in the document, but your mind had been so focused you’d forgotten.

Ten Ways to Enhance Your Interoceptive Accuracy

To cultivate interoception and tap into the wisdom of your body, start by paying attention to your body’s physical sensations as they arise. To cultivate your interoceptive accuracy, try one or more of the suggestions below. While these tools have been helpful for me and others, everyone’s body is different. Try experimenting with one that catches your attention and stay with it if it feels effective. If it doesn’t, try something different. Remember, your body is your compass and only *you* know what feels good for you!

Practices for Cultivating Interoception

1. **Base Needs Tending:** Notice when you need to take a break, when you are thirsty, need to go to the bathroom, or need to breathe more deeply. Give your body what it is asking for and notice what shifts or changes. If you’ve never done any specific interoceptive practices, this is a good place to start.

2. **Mindful Breathing:** Focus on the breath while breathing naturally or by using specific breathing practices. Notice what happens with your body, emotions, and thoughts as you breathe.

3. **Body Scanning:** Mentally scan your body from head to toe, paying attention to sensations in each area.

4. **Yoga:** Practice yoga. Notice what you feel when you link your body’s movements to your breath. You may want to attend yoga classes that intentionally slow down the body, such as gentle yoga, yin yoga, or “slow flow.”

5. **Mindfulness Meditation:** Practice being fully present in the moment and aware of your thoughts, feelings, and physical sensations without judgment.

6. **Massage:** Notice your body’s patterns of holding and releasing tension when getting a therapeutic massage.

7. **Mindful Eating:** Pay attention to your body’s sensations of hunger before you eat.

Be conscious of chewing your food all the way and noticing the taste and flavors. Notice when you get full.

8. **Exercise with Awareness:** Practice noticing your body’s internal sensations during physical activity. In particular, stay alert to sensations of pain.

9. **Sensory Input:** Explore different sensory experiences such as new foods or beverages, different types of music, the sensations of being outside at a different time of day or night, or wearing new colors or textures.

10. **Interoception Journaling:** Write about your bodily sensations, your emotions, and your thoughts to track patterns and to increase awareness of internal shifts and patterns.

Word to the Wise: Get Support when Tuning into Your Body

One challenge of tuning into the sensations of the body is that when the awareness drops in, you may feel the compound effect of what you have previously disregarded or missed. Most of us are not neutral about our bodies. We have opinions about our bodies formed by what has been taught to be “normal” by our family, friends, partners, and society at large. Most of our bodies have undergone some kind of hardship or trauma. Our legal minds, trained to find fault, can be particularly self-critical toward our own bodies, even when we are trying to do something helpful for our bodies. Many people turn away from the body for a whole host of reasons: disinterest, lack of familiarity, discomfort, shame, and/or confusion. Experiencing any of those things—or all of them at once—can feel anywhere from uncomfortable to intolerable.

If you try any of the above-listed interoceptive-enhancing practices and feel overwhelming discomfort (emotional, physical, or both), stop, or try something different. It’s possible that a somatically-trained therapist or coach could be helpful to support you in processing and understanding your experience. Note that not all therapists or coaches are trained in the mind-body connection. I highly recommend working with a professional who has specific somatic training, such as a Somatic Experiencing practitioner, or therapists and coaches trained in Applied Polyvegal Theory, somatic-based Internal Family Systems (IFS) therapy, trauma-informed yoga, or body-centered mindfulness (to name a few).

Lawyers Resonate with Tapping into the Body

In 2019 I presented a plenary at the North Carolina Bar Association's annual meeting with a similar title to this article. At the time, it felt like an edgy subject and outside the norm to talk to lawyers and judges about the body's intelligence. And yet, the audience was engaged and the feedback from the plenary was overwhelmingly positive. I still hear from participants who share how profound an experience it was to talk about stress management in the legal field from the body's perspective.

Inspired, I have continued to teach lawyers, support staff, and judges about the mind-body connection through individual coaching and group trainings. Last fall I conducted a six-week virtual mental health CLE series for the Buncombe County Bar applying the principles of Somatic Experiencing, created by Dr. Peter Levine, to the legal profession. In the course, lawyers learned different somatic practices that return the body to a state of regulation when stuck in a dysregulated state of fight, flight, collapse, or freeze. I heard from many par-

ticipants that this was their favorite course to date...so useful that they want to take it again! I felt encouraged to hear that the participants' experiences with somatic tools were genuinely transformative with significant, noticeable results. One of the key tenets of somatic experiencing is that the body has a natural ability to heal itself—it is inspiring to witness as it happens!

What I Know So Far

While I will endlessly be learning about the mind-body connection, there's one thing I know so far: the body-mind connection is interesting, helpful, and applicable to our profession. Teaching the body-centered tools that helped me recover from professional burnout *is helping other lawyers and judges, too*. What a victory! This success brings me relief and hope. Despite the concerning research that is currently being conducted about the abysmal state of mental health in the legal profession, there *is* a way through.

By incorporating interoception into your workdays, you can develop a deeper level of self-awareness and awareness of others. This enables you to practice law more effectively

while cultivating greater well-being and balance in your own life. I invite you to go on a journey to discover what's happening in your body so that you can arrive at a clear, calm mind. My wish for you is that the information in this article brings not only more wisdom and success to your law practice, but that it also equips you to enjoy more fully the felt pleasures of being alive. ■

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. Her work is informed by 13 years of practice as a civil sexual assault attorney, 25 years as a teacher and student of mindfulness and yoga, and eight years studying neurobiology and neuropsychology with clinical pioneers. If you are interested in learning more about how somatic principles can positively transform your personal or organizational experience in the law, contact Laura through consciouslegalminds.com.

Lawyer Assistance Program (cont.)

to make positive changes in your perspective, and perhaps eventually in your life. Affirm you did your best, reacted the way you did because of the circumstances, and so on. Don't allow unhelpful thoughts such as self-blame, would-have, could-have, should-have, or what-ifs to distort the reality in that moment of time.

DON'T...

Don't isolate...Spend time with others even if you don't feel like talking or doing much of anything. It's often comforting just knowing you are not alone. Sometimes all we need is "sacred silence," which means just sitting silently and being present with someone.

Tip: If you are supporting a friend, when you offer to spend time with them, ask them how they would like to spend the time, then defer to the request. Don't impose your needs.

Don't self-medicate...Using alcohol, drugs, food, and other activities as a way to cope are only brief numbing agents and not

coping mechanisms. They will only complicate your situation by preventing you from using healthy coping skills and have the potential to create other problems.

Don't let the trauma confine your life...so don't go out of your way to avoid certain places, situations, or people that remind you of what happened. However, you may need to ease back into it as well. It won't likely feel comfortable or easy at first, but the longer you put it off the more difficult it will become.

Don't let the trauma control your life...but also recognize you can't control everything in your life either. It's natural to become more controlling initially because it gives us a sense of security. But it is a false sense and can create even more stress when things don't go as we wanted or planned.

Don't make any major life decisions...or big life changes if at all possible. You don't want to make permanent decisions based on temporary emotions. It's also not a time to put pressure on yourself to do anything out of the ordinary. Stability helps you concentrate on the here-and-now and focus on taking care of yourself.

Healing and recovery from a traumatic experience is a process. It takes time, energy, and intentional effort. We need to be kind and gentle with ourselves and others. Accept that you will not feel your normal self for a while. Eventually, this will get better, and you will return to functioning at your former level. Keep reminding yourself that your responses are normal responses to an abnormal and very stressful situation. Give yourself permission to do whatever you need to do to take care of yourself. Your body and mind will tell you what you need to do—your job is to listen to them. ■

Robynn Moraites is the director and Cathy Killian is the clinical director of the North Carolina Lawyer Assistance Program, 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.

Grievance Committee and DHC Actions

NOTE: More than 30,500 people are licensed to practice law in North Carolina. Some share the same or similar names. All discipline reports may be checked on the State Bar's website at ncbar.gov/dhcorders.

Disbarments

Sean Thomas Dillenbeck of Gastonia acknowledged that he misappropriated entrusted funds totaling at least \$38,500. He surrendered his law license and was disbarred by the State Bar Council at its April meeting.

Kenneth A. Free Jr. of Greensboro acknowledged that he misappropriated funds he received in trust as an escrow agent. He surrendered his law license and was disbarred by the Disciplinary Hearing Commission.

Charles M. Kunz of Durham acknowledged that he misappropriated entrusted funds totaling approximately \$85,000. He surrendered his law license and was disbarred by the State Bar Council at its April meeting.

Christi A. Misocky of Monroe acknowledged that she misappropriated entrusted funds, provided false information to the Grievance Committee, did not provide information requested by the Grievance Committee, abandoned client files, and pled guilty in federal court to conspiracy to commit fraud by using confidential client information to create and cash fraudulent checks. She submitted an affidavit of surrender of her law license and was disbarred by the Wake County Superior Court.

Omowunmi Odedere of Thomasville acknowledged that she assisted a suspended lawyer in engaging in the unauthorized practice of law and made misrepresentations to the Grievance Committee. She surrendered her law license and was disbarred by the State Bar Council at its April meeting.

Suspensions & Stayed Suspensions

Valerie Bennett Queen of Raleigh did not act with diligence or communicate with two clients, did not respond when both clients filed fee disputes with the State Bar, and did not respond to the Grievance Committee. The DHC suspended Queen's law license for five years.

Queen will be eligible to apply for a stay of the balance of the suspension after 18 months upon satisfaction of enumerated conditions.

Andre Hogan of Fayetteville did not reconcile his trust account, improperly disbursed entrusted funds, and did not respond to the Grievance Committee. The DHC suspended his license for one year. The suspension is stayed for two years upon enumerated conditions, including the requirement that his trust account activity must be monitored.

Robert A. Hedrick of Raleigh continued to represent a client by recording a correction deed after the client asserted that Hedrick had prepared a deed incorrectly, thereby creating a potential claim for malpractice and a conflict of interest; advised the client that he could file a correction deed when there was no basis for doing so; and recorded the correction deed, knowing that it would create a cloud on title. The DHC suspended his license for five years.

Completed Grievance Noncompliance Actions before the DHC

Earnest N. Bailey of Winston-Salem did not respond fully and timely to the Grievance Committee in multiple files and did not respond to an order issued by the chair of the DHC to show cause why his license should not be suspended for noncompliance with the grievance process. The chair of the DHC determined that Bailey was noncompliant and suspended his law license.

Completed Disciplinary Review Panels

The first four disciplinary review panels met on February 10. One review was continued.

At its April 2023 meeting, the Grievance Committee considered any recommendations of the February 10 review panels for dispositions that differed from the discipline issued by the Grievance Committee.

Four more disciplinary review panels met on April 21. One review was continued. At its July 2023 meeting, the Grievance Committee will consider any recommendations of the April 21 review panels for dispositions that differ from the discipline issued by the

Grievance Committee.

Reprimands

Jeremy Clayton King of Greenville was reprimanded by the Grievance Committee. King initiated a wire transfer of entrusted funds without verifying the instructions with the lending institution. The wiring instructions he followed were fraudulent. King did not supervise his nonlawyer staff in connection with the wire transfer. As a result of the wire transfer, \$124,160.43 was wired to a fraudster. King had to replenish all those funds.

Richard M. Morgan of Wilmington was reprimanded by the Grievance Committee for initiating multiple wire transfers of seller proceeds in real estate transactions without verifying with the sellers the authenticity of the wiring instructions. In each instance, the instructions Morgan followed were fraudulent. As a result of the wire transfers, \$573,451.48 was wired to fraudsters. Morgan had to replenish all funds.

William H. Morgan Jr. of Elizabethtown was reprimanded by the Grievance Committee for initiating a wire transfer of seller proceeds in a real estate transaction without verifying the instructions with the seller. The wiring instructions Morgan followed were fraudulent. Morgan did not supervise his nonlawyer staff in connection with the wire transfer and did not immediately self-report the misappropriation to the State Bar. As a result of the wire transfer, \$100,150.30 was wired to a fraudster. The entire amount was eventually recovered.

Completed Petitions for Reinstatement/Stay – Contested

David Shawn Clark of Hickory was disbarred by the DHC in 2013 for having a sexual relationship with a client, filing a frivolous lawsuit to deter the client from revealing the relationship, coercing the client to sign a false affidavit denying the relationship, and engaging in three counts of obstruction of justice by, among other things, threatening

CONTINUED ON PAGE 46

Legal Needs Spotlight: Expanding Resources in Family Law Matters

Background

Each day North Carolinians searching for a solution to their legal problems are forced to navigate the system alone, facing cases in court, administrative bureaucracy, and complex problems without the assistance of a lawyer. In 2021, the NC Equal Access to Justice Commission and NC Equal Justice Alliance released the 2020 Legal Needs Assessment, the first comprehensive assessment of civil legal needs in North Carolina in more than two decades. Completed with funding support from NC IOLTA, the executive summary and report documented with greater clarity the most significant legal needs and the biggest barriers facing individuals seeking legal help.

The Executive Summary is available at nclegalneeds.org.

In 2022, NC IOLTA convened the legal aid community to discuss specific strategies to respond to the greatest areas of identified need. An in-person convening in March led to the formation of four working groups, comprised of subject matter experts from NC IOLTA grantees and stakeholders, to provide recommendations for improving the availability of and access to legal services in four areas: 1) family law; 2) legal services for immigrant populations; 3) outreach and com-

munications; and 4) coordinated intake. The working groups released their recommendations in September 2022.

The full set of recommendations can be found on NC IOLTA's website at ncbar.gov/media/730714/legal-needs-assessment.pdf.

As NC IOLTA works this year to respond to the needs identified in the report and the community's recommendations about how to improve the availability of and access to legal services, we plan to highlight each identified area of need and the work being done across the state to provide solutions. We hope you will take this opportunity to learn more about pressing challenges facing our communities and join in meeting our shared professional obligation to improve the justice system and ensure the availability of legal services for all.

Family Law

Family law, particularly custody proceedings, was by far the most often mentioned area of underserved need in the research conducted for the Legal Needs Assessment. According to data analyzed from the Administrative Office of the Courts, behind only summary ejectment, divorce is the second most prevalent civil legal case type statewide. Domestic violence and custody are not far behind.

The research is clear: legal services in family law matters are in high demand. However, while many legal aid providers handle domestic violence matters, most organizations simply do not have the resources to take on divorce and custody matters, particularly given the time-intensive nature of these cases.

In response to the lack of available services and the realities of this practice area, the Family Law Working Group recommended the following:

- (1) Improving pro se resources for family law issues by initiating a review of currently available resources and strategies for providing legal assistance to pro se individuals and working toward development of best practices in this area.
- (2) Exploring opportunities for expansion and promotion of unbundled family law services offered by legal aid program staff, *pro bono* attorneys, and the family law bar more broadly.
- (3) Developing a central repository of family law resources including pro se materials, templates, forms, and samples to make legal resources more available given the limitations that constrain the availability of legal assistance.
- (4) Ensuring coordination with court staff to better understand the court resources

- **IOLTA Revenue.** Income from IOLTA accounts in 2022 totaled \$7.7 million, exceeding the historical peak of IOLTA revenue in 2021 of \$5.6 million. The IOLTA Board of Trustees designated an allocation of funds from 2022 revenue to the Reserve Fund with the goal of ensuring grantmaking stability in future years when revenue decreases.

- **New Funding Opportunity.** The NC IOLTA Board of Trustees also approved a

new out of cycle grant opportunity at their meeting in April to support progress on recommendations developed last year for the statewide improvement of civil legal services in four areas. Recommendations were developed following the release of the Legal Needs Assessment, which identified the most significant barriers in accessing legal services. The new funding opportunity was released on May 1 and applications are due on June 30. Awards will be announced in September.

- **Updated Prime Partner List.** NC IOLTA continues to celebrate the commitment of Prime Partners—financial institutions that are approved to hold IOLTA accounts in NC that pay a more favorable interest rate in support of increased access to legal services. Current Prime Partners include Bank of Oak Ridge, Blue Ridge Bank, First Capital Bank, Providence Bank & Trust, Roxboro Savings Bank, and Wells Fargo.

available to pro se litigants, including Guide and File, and working to maximize the use and future improvement of such resources in partnership with the courts.

While much of the family law work of legal aid programs has focused on domestic violence, a number of IOLTA grantees are working to expand assistance in this area despite the unique challenges and the lack of capacity to provide full representation in many family law cases.

More information about a few available programs that NC IOLTA supports is below.

Durham Pro Se Center

JusticeMatters offers a Pro Se Center in the Durham County Courthouse to serve individuals with issues related to child custody, increasing access to legal services, and alleviating burdens on court personnel. Members of JusticeMatters' staff provide limited legal representation at the Pro Se Center in the form of one-time consultations to pro se individuals who do not have a lawyer to assist with their family law matter. To learn more about the services offered through the

Durham Pro Se Center, visit justicemattersnc.org/legal-services.

Wake County Legal Support Center

While not focused on family law exclusively, the Wake County Legal Support Center is a new effort of the NC Equal Access to Justice Commission in partnership with several other entities to provide a resource hub inside the Wake County Courthouse for self-represented litigants. The center provides information and services to help individuals navigate the court system by accessing court packets, Guide and File forms, and tutorials on the legal problems they face. Since opening, Legal Support Center staff have identified that domestic matters are among the most requested areas of assistance for individuals who visit the center. The center will also offer clinics and other opportunities to receive limited assistance from *pro bono* attorneys. For more information about the Legal Support Center visit wakelsc.org.

Legal Aid Child Custody and Divorce Clinics

Legal Aid of North Carolina offers "Listen

and Learn" sessions—free opportunities to learn about basic legal issues. Child custody and simple divorce clinics are held monthly via Facebook Live and Zoom. While clinics do not provide individualized legal advice, they do provide general legal information and guidance as well as an opportunity to ask questions. Legal Aid also provides packets that give legal information, links to the appropriate forms and instructions for filing them, and other guidance about the court process. For more information about child custody and divorce clinics, visit legalaidnc.org/clinics. ■

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In Memoriam

Duncan Earl Alford
Columbia, SC

William Wallace Aycock Jr.
Holden Beach, NC

William Henry Barker
Vanceboro, NC

Jackson Columbus Bebbler
Arden, NC

Donald Ray Billings
Durham, NC

Bert Collins
Durham, NC

Melanie Stewart Cranford
Conover, NC

James Maxton Elliott
Concord, NC

Francis Marion Fletcher Jr.
Charlotte, NC

Shirley L. Fulton
Charlotte, NC

Nick Galifianakis
Durham, NC

Pamela Stanback Glean
Durham, NC

Ellen Gordon
Winston-Salem, NC

Fred Warren Harrison
Kinston, NC

Harold Parks Helms
Matthews, NC

John Wood Kiser Jr.
Statesville, NC

Laura Antoinette Kratt
Charlotte, NC

Ronald Charles Link
Chapel Hill, NC

Benjamin David McCubbins
Salisbury, NC

Charles Robert Medlin
Wilmington, NC

Michael David Meeker
Greensboro, NC

William Lee Nelson
Winston-Salem, NC

Cecil Lee Porter
Wilkesboro, NC

Ann Ingle Rucker Leonard
Greensboro, NC

Billy Marian Sessoms
Durham, NC

Roger William Smith Sr.
Raleigh, NC

Tracey Glenn Tankersley
Greensboro, NC

Amy Winston Carr Thullen
Raleigh, NC

Timothy J. Vanderweert
Raleigh, NC

Council Adopts One New Opinion, Publishes Proposed Amendment Permitting a “Humanitarian Exception” to Rule 1.8(e)

Council Actions

At its meeting on April 21, 2023, the State Bar Council adopted the ethics opinion summarized below:

2023 Formal Ethics Opinion 1

Sale or Closure of Law Practice and Proper Handling of Aged Client Files

Opinion clarifies a lawyer’s professional responsibility when closing and/or selling a law practice and when handling aged client files.

The council voted to publish a proposed amendment to Rule 1.8(e) that would create a new exception to the general prohibition on providing financial assistance to a client in connection with pending or contemplating litigation. The proposed amendment would allow a lawyer to provide modest gifts for basic

living expenses provided that a) the client is indigent, and b) the representation is *pro bono* (including representation of indigent clients through legal service organizations and law school clinics). The new exception would also apply to lawyers representing court-appointed clients. The proposed rule amendment states that a lawyer acting under this exception is prohibited from advertising or publicizing the ability to make such gifts, is prohibited from stating or implying the availability of a gift as an inducement to secure representation, and is prohibited from seeking or accepting reimbursement of the gift from the client or anyone affiliated with the client.

Ethics Committee Actions

At its meeting on April 20, 2023, the

Ethics Committee considered a total of eight inquiries, including the opinion and proposed rule amendment noted above. Five inquiries were sent or returned to subcommittee for further study, including Proposed 2022 FEO 4, Billing Considerations for Overlapping Legal Services; Proposed 2023 FEO 2, Confidentiality Clause that Restricts a Lawyer’s Right to Practice; and an inquiry addressing a lawyer’s ability to obligate a client’s estate to pay the lawyer for any time spent defending the lawyer’s work in drafting and executing the client’s will. Additionally, the committee approved an ethics advisory opinion addressing a lawyer’s ability to serve as an escrow agent in connection with a residential real estate closing. No new opinions were published for comment this quarter. ■

Extreme Punishment (cont.)

for his own trial. Though Charlie is still the only member of the Adelson family under indictment, little doubt exists that his parents, Donna and Harvey, and his sister, Wendi, were also at least knowledgeable about the plan to murder Dan, if not direct participants. What will happen to them? Although Katie sat in jail proclaiming her innocence from 2016 to 2022, with the conviction and sentence she suddenly had a tremendous incentive to finally turn state’s evidence and cooperate. As does Garcia. The book ends with the possibly prophetic declaration that “justice for Daniel Eric Markel and his family may be just around the corner.”

Extreme Punishment is catnip for litigators. Author Steve Epstein has tried numerous jury cases himself, knows his way around the

courtroom, and knows how trial attorneys think. He understands the feelings a trial lawyer has when, having done his or her level best, the case is given over to the dozen laypersons sitting as jurors. His characterizations of the prosecution team, the investigators, and the defense attorneys are convincing, no doubt because, as the book’s Acknowledgments section reveals, most of them were willing to discuss the case with him in the cool of the day. As a result, Steve was able intelligently to address the strategy each team followed, along with the problems they faced and how they handled them. Based on his own experience, Steve points out the spots where, in hindsight, questionable decisions were made or unexpectedly revealing testimony was overlooked by counsel. Litigators know there is no perfect trial. No less instructive, Steve was able to speak with two of the

jurors who sat for the first trial. Suffice it to say that almost every weary thought you’ve had about jurors is proven accurate.

Steve Epstein has again shown himself to be a perceptive observer of, as well as participant in, the process of trying tough cases. His conversational writing style moves the book along while helping the reader keep the individual characters sorted out. Settle in with this book—you probably won’t need two sessions to finish it. I’m eagerly awaiting his next outing. ■

Justice Robert H. Edmunds Jr. served for 16 years as an associate justice of the North Carolina Supreme Court. He had previously served on the North Carolina Court of Appeals and as US attorney for the Middle District of North Carolina. Since leaving public service in 2017, he has been counsel at Fox Rothschild LLP in its appellate group.

Amendments Approved by the Supreme Court

On March 1, 2023, the North Carolina Supreme Court approved the following rule amendments. (For the complete text of the amendments, see the Fall and Winter 2022 editions of the *Journal* or visit the State Bar website: ncbar.gov.)

Amendments to the Rule on Standing Committees of the Council

27 N.C.A.C. 1A, Section .0700, Rule .0701, Standing Committees and Boards

The amendment designates the Access to Justice Committee as a standing committee of the State Bar Council.

Amendments to the Discipline and Disability Rules

27 N.C.A.C. 1B, Section .0100, Rule .0119, Effect of a Finding of Guilt in Any Criminal Case

The amendments set forth what the State Bar must do when a criminal conviction relevant to a disciplinary matter has been expunged, overturned, or otherwise eliminated.

Amendments to the Rules for Administrative Reinstatement

27 N.C.A.C. 1D, Section .0900, Rule .0902, Reinstatement from Inactive Status

The amendments permit a member of the federal judiciary who is an inactive member of the State Bar to use each year (or portion thereof) of service as a federal judicial official to offset each year of inactive status for the purpose of determining whether the judge (inactive member) must sit for and pass the bar exam to be reinstated to active status.

Amendments to the IOLTA Rules

27 N.C.A.C. 1D, Section .1300, Rules Governing the Administration of the Plan for Interest on Lawyers' Trust Accounts (IOLTA)

The amendments to Rules .1306, .1313, .1314, .1316, and .1319 are largely technical and seek to improve clarity and revise designated dates and timeframes to comport with practice.

Amendments to the Rules on Prepaid Legal Services Plans

27 N.C.A.C. 1E, Section .0300, Rules Concerning Prepaid Legal Services Plans

The amendment to Rule .0301 changes the definition of a prepaid legal services plan to prohibit a plan from operating simultaneously as an intermediary organization (formerly known as a lawyer referral service).

Highlights

The CLE rule amendments that change fundamental aspects of the way mandatory CLE is enforced will be sent to the Supreme Court this quarter for approval. The changes, if approved, will be effective in 2024. Note that additional amendments are proposed for four CLE rules that are published for comment below.

Amendments to the Rules of Professional Conduct

27 N.C.A.C. 2, Rule 1.15, Safekeeping Property

The amendments add definitions for four different types of ledgers to Rule 1.15-1, and reorder subparagraphs in Rules 1.15-2 and 1.15-3 to make the progression of requirements more logical.

27 N.C.A.C. 2, Rule 4.1, Truthfulness in Statements to Others

The technical correction to Rule 4.1, comment [2], replaces a reference to "tortious misrepresentation" with "tortious misrepresentation."

Amendments Pending Supreme Court Approval

At its meeting on April 21, 2023, the North Carolina State Bar 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 Spring 2023 edition of the *Journal* or visit the State Bar website.)

Proposed Amendments to the CLE Rules and Regulations

27 N.C.A.C. 1D, Section .1500, Rules Governing the Administration of the Continuing Legal Education Program; 27 N.C.A.C. 1D, Section .1600, Regulations Governing the Administration of the Continuing Legal Education Program

The proposed amendments reimagine the procedures and processes for regulating

compliance with mandatory CLE. The changes include the adoption of a two-year reporting and compliance cycle, the elimination of the annual report requirement, and the elimination of the credit hour attendee fee in favor of program application fees and an annual attendance fee assessment of active State Bar members. Rollover credit of up to 12 CLE hours has been retained. Section .1600 of the CLE rules is deleted.

Proposed Amendments

At its meeting on April 21, 2023, the council voted to publish for comment the following proposed rule amendments:

Proposed Amendments to the Discipline and Disability Rules

27 N.C.A.C. 1B, Section .0100, Discipline and Disability of Attorneys

The proposed amendment is a technical correction that clarifies that the procedure for refusing a letter of warning is distinct from the requirements for service of process of a letter of warning.

Rule .0113, Proceedings Before the Grievance Committee

(a) Probable Cause...

...

(j) Letters of Warning

(1) ...

...

(3) Service of Process:

(A) ...

(B) If valid service upon the respondent has not previously been accomplished by certified mail, personal service, publication, or acceptance of service by the respondent or the respondent's counsel, a copy of the letter of warning shall be served upon the respondent by certified mail or personal service. If diligent efforts to serve the respondent by certified mail and by personal service are unsuccessful, the letter of warning shall be served by mailing a copy of the letter of warning to the respondent's last known address on file with the State Bar. Service shall be deemed complete upon deposit of the letter of warning in a postpaid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service. ~~Within 15 days after service, the respondent may refuse the letter of warning and request a hearing before the commission to determine whether the respondent violated the Rules of Professional Conduct. Such refusal and request will be in writing, addressed to the Grievance Committee, and served on the secretary by certified mail, return receipt request-~~

~~ed. The refusal will state that the letter of warning is refused. If the respondent does not serve a refusal and request within 15 days after service upon the respondent of the letter of warning, the letter of warning will be deemed accepted by the respondent. An extension of time may be granted by the chairperson of the Grievance Committee for good cause shown.~~

(4) Within 15 days after service, the respondent may refuse the letter of warning and request a hearing before the commission to determine whether the respondent violated the Rules of Professional Conduct. Such refusal and request will be in writing, addressed to the Grievance Committee, and served on the secretary by certified mail, return receipt requested. The refusal will state that the letter of warning is refused. If the respondent does not serve a refusal and request within 15 days after service upon the respondent of the letter of warning, the letter of warning will be deemed accepted by the respondent. An extension of time may be granted by the chairperson of the Grievance Committee for good cause shown.

(45) In cases in which the respondent refuses the letter of warning, the counsel will prepare and file a complaint against the respondent at the commission.

(k) Admonitions, Reprimands, and Censures . . .

Proposed Amendments to the Rules Governing the Continuing Legal Education Program

27 N.C.A.C. 1D, Section .1500, Rules Governing the Administration of the Continuing Legal Education Program

Rules .1517, .1520, .1522, and .1525 were previously amended and published for comment in the Spring 2023 edition of the *Journal* as part of the overhaul of the CLE rules. Those rules are presently undergoing further amendment, and those additional changes implemented since the last publication appear in red text below.

The proposed amendments to Rules .1517, .1520, .1522, and .1525 extend the existing exemption from CLE for members of

Comments

The State Bar welcomes your comments regarding proposed amendments to the rules. Please send your written comments to Alice Neece Mine, The North Carolina State Bar, PO Box 25908, Raleigh, NC 27611.

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.

the judiciary and judicial law clerks and add an exemption from CLE for lawyers who are full-time employees of the General Assembly; add an annual renewal fee for on-demand programs; create a Registered Sponsor status that can be granted by the CLE Board to sponsors that meet certain requirements; and limit the presentation of PNA programs to registered sponsors and judicial district bars approved by the board to offer such programs.

Rule .1517, Exemptions

(a) Notification of Board. To qualify for an exemption, ~~for a particular calendar year, a member shall notify the bBoard of the exemption in~~ during the annual membership renewal process or in another manner as directed by the Board, report for that calendar year sent to the member pursuant to Rule .1522 of this subchapter. All active members who are exempt are encouraged to attend and participate in legal education programs.

...

(c) Judiciary and Clerks. Members of the state judiciary who are required by virtue of their judicial offices to take ~~an average of (twelve) 12 or more hours of~~ continuing judicial or other legal education ~~annually~~ and all

members of the federal judiciary are exempt from the requirements of these rules for any calendar year in which they serve some portion thereof in such judicial capacities. Additionally, Aa full-time law clerk for a member of the federal or state judiciary is exempt from the requirements of these rules for any calendar year in which the clerk serves some portion thereof in such capacity, ~~provided, however, that~~

~~(1) the exemption shall not exceed two consecutive calendar years; and, further provided, that~~

~~(2) the clerkship begins within one year after the clerk graduates from law school or passes the bar examination for admission to the North Carolina State Bar whichever occurs later.~~

(d) Nonresidents. The Board may exempt an active member from the continuing legal education requirements if, for at least six consecutive months immediately prior to requesting an exemption, (i) the member resides outside of North Carolina, (ii) the member does not practice law in North Carolina, and (iii) the member does not represent North Carolina clients on matters governed by North Carolina law. Any active member residing outside of North Carolina who does not practice in North Carolina for at least six (6) consecutive months and does not represent North Carolina clients on matters governed by North Carolina law shall be exempt from the requirements of these rules.

(e) Law Teachers and General Assembly Employees. An exemption from the requirements of these rules shall be given to any active member who does not practice in North Carolina or represent North Carolina clients on matters governed by North Carolina law and who is:

(1) A full-time teacher at the School of Government ~~(formerly the Institute of Government)~~ of the University of North Carolina;

(2) A full-time teacher at a law school in North Carolina that is accredited by the American Bar Association; ~~or~~

(3) A full-time teacher of law-related courses at a graduate level professional school accredited by its respective professional accrediting agency; ~~or~~

(4) A full-time employee of the North Carolina General Assembly.

(f) Special Circumstances Exemptions. The ~~b~~Board may exempt an active member from the continuing legal education require-

ments for a period of not more than one year at a time upon a finding by the ~~b~~Board of special circumstances unique to that member constituting undue hardship or other reasonable basis for exemption, ~~or for a longer period upon a finding of a permanent disability.~~

(g) Pro Hac Vice Admission. Nonresident ~~attorneys~~ lawyers from other jurisdictions who are temporarily admitted to practice in a particular case or proceeding pursuant to the provisions of G.S. 84-4.1 shall not be subject to the requirements of these rules.

(h) Senior ~~Status~~ Exemption. The ~~b~~Board may exempt an active member from the continuing legal education requirements if

(1) the member is sixty-five years of age or older; and

(2) the member does not render legal advice to or represent a client unless ~~the member associates with~~ under the supervision of another active member who assumes responsibility for the advice or representation.

(i) Bar Examiners. Members of the North Carolina Board of Law Examiners are exempt from the requirements of these rules for any calendar year in which they serve some portion thereof in such capacity. CLE Record During Exemption Period. During a calendar year in which the records of the board indicate that an active member is exempt from the requirements of these rules, the board shall not maintain a record of such member's attendance at accredited continuing legal education programs. Upon the termination of the member's exemption, the member may request carry over credit up to a maximum of twelve (12) credits for any accredited continuing legal education program attended during the calendar year immediately preceding the year of the termination of the exemption. Appropriate documentation of attendance at such programs will be required by the board.

~~(j) Permanent Disability. Attorneys who have a permanent disability that makes attendance at CLE programs inordinately difficult may file a request for a permanent substitute program in lieu of attendance and shall there-in set out continuing legal education plans tailored to their specific interests and physical ability. The board shall review and approve or disapprove such plans on an individual basis and without delay.~~

(~~kj~~) Application for Substitute Compliance and Exemptions. Other requests for substitute compliance, partial waivers,

and/or other exemptions for hardship or extenuating circumstances may be granted by the ~~b~~Board on an annual yearly basis upon written application of the ~~attorney member~~.

~~(l) Bar Examiners. Credit is earned through service as a bar examiner of the North Carolina Board of Law Examiners. The board will award 12 hours of CLE credit for the preparation and grading of a bar examination by a member of the North Carolina Board of Law Examiners.~~

(k) Effect of Annual Exemption on CLE Requirements. Exemptions are granted on an annual basis and must be claimed each year. An exempt member's new reporting period will begin on March 1 of the year for which an exemption is not granted. No credit from prior years may be carried forward following an exemption.

(l) Exemptions from Professionalism Requirement for New Members.

(1) Licensed in Another Jurisdiction. A newly admitted member who is licensed by a United States jurisdiction other than North Carolina for five or more years prior to admission to practice in North Carolina is exempt from the PNA program requirement and must notify the Board of the exemption during the annual membership renewal process or in another manner as directed by the Board.

(2) Inactive Status. A newly admitted member who is transferred to inactive status in the year of admission to the North Carolina State Bar is exempt from the PNA program requirement but, upon the entry of an order transferring the member back to active status, must complete the PNA program in the reporting period that the member is subject to the requirements set forth in Rule .1518(b) unless the member qualifies for another exemption in this rule.

(3) Other Rule .1517 Exemptions. A newly admitted active member who qualifies for an exemption under Rules .1517(a) through (i) of this subchapter shall be exempt from the PNA program requirement during the period of the Rule .1517 exemption. The member shall notify the Board of the exemption during the annual membership renewal process or in another manner as directed by the Board. The member must complete the PNA program in the reporting period the member no longer qualifies for the Rule .1517 exemption.

Rule .1520, Requirements for Program Approval (Replaced in its entirety)

(a) Approval. CLE programs may be approved upon the application of a sponsor or an active member on an individual program basis. An application for such CLE program approval shall meet the following requirements:

- (1) The application shall be submitted in the manner directed by the Board.
- (2) The application shall contain all information requested by the Board and include payment of any required application fees.
- (3) The application shall be accompanied by a program outline or agenda that describes the content in detail, identifies the teachers, lists the time devoted to each topic, and shows each date and location at which the program will be offered.
- (4) The application shall disclose the cost to attend the program, including any tiered costs.
- (5) The application shall include a detailed calculation of the total CLE hours requested, including whether any hours satisfy one of the requirements listed in Rules .1518(b) and .1518(d) of this subchapter, and Rule 1.15-2(s)(3) of the Rules of Professional Conduct.

(b) Program Application Deadlines and Fee Schedule.

- (1) Program Application and Processing Fees. Program applications submitted by sponsors shall comply with the deadlines and Fee Schedule set by the Board and approved by the Council, including any additional processing fees for late or expedited applications.
- (2) Free Programs. Sponsors offering programs without charge to all attendees, including non-members of any membership organization, shall pay a reduced application fee.
- (3) Member Applications. Members may submit a program application for a previously unapproved **out of state, in-person** program after the program is completed, accompanied by a reduced application fee. **On-demand program applications must be submitted by the program sponsor.**
- (4) On-Demand CLE Programs. Approved on-demand programs are valid for three years. **During this initial three-year term, sponsors shall pay an annual renewal fee each year in the amount set by the Board.** After the initial three-year term, programs may be **approved** annually in a manner approved by the Board that includes a certi-

fication that the program content continues to meet the accreditation standards in Rule .1519 and the payment of a program **re-certification** fee.

(5) Repeat Programs. Sponsors seeking approval for a program, **or portion of a program**, that was previously approved by the Board within the same CLE year (March 1 through the end of February) shall pay a reduced application fee.

(c) Program Quality and Materials. The application and materials provided shall reflect that the program to be offered meets the requirements of Rule .1519 of this subchapter. Sponsors and active members seeking credit for an approved program shall furnish, upon request of the Board, a copy of all materials presented and distributed at a CLE program. Any sponsor that expects to conduct a CLE program for which suitable materials will not be made available to all attendees may be required to show why materials are not suitable or readily available for such a program.

(d) Online and On-Demand CLE. The sponsor of an online or on-demand program must have an **approved method for reliably and actively** verifying attendance and reporting the number of credit hours earned by each participant. **Applications for any online or on-demand program must include a description of the sponsor's attendance verification procedure.**

(e) Notice of Application Decision. Sponsors shall not make any misrepresentations concerning the approval of a program for CLE credit by the Board. The Board will provide notice of its decision on CLE program approval requests pursuant to the schedule set by the Board and approved by the Council. A program will be deemed approved if the notice is not timely provided by the Board pursuant to the schedule. This automatic approval will not operate if the sponsor contributes to the delay by failing to provide the complete information requested by the Board or if the Board timely notifies the sponsor that the matter has been delayed.

(f) Denial of Applications. Failure to provide the information required in the program application will result in denial of the program application. Applicants denied approval of a program may request reconsideration of such a decision by submitting a letter of appeal to the Board within 15 days of receipt of the notice of denial. The decision by the Board on an appeal is final.

(g) Attendance Records. Sponsors shall

timely furnish to the Board a list of the names of all North Carolina attendees together with their North Carolina State Bar membership numbers in the manner and timeframe prescribed by the Board.

(h) Late Attendance Reporting. Absent good cause shown, a sponsor's failure to timely furnish attendance reports pursuant to this rule will result in (i) a late reporting fee in an amount set by the Board and approved by the Council, and (ii) the denial of that sponsor's subsequent program applications until the attendance is reported and the late fee is paid.

Rule .1522, Registered Sponsors [NEW RULE] - The previous proposed amendment to Rule .1522 deleted the rule in its entirety and reserved the rule for future use. New proposed Rule .1522 addresses Registered Sponsors.]

(a) Registered Sponsor Status. Notwithstanding the requirements of Rule .1520(b), the following rules apply to registered sponsors:

- (1) Presumptive Approval of Programs. Once an organization is approved as a registered sponsor, the continuing legal education programs sponsored by that organization are presumptively approved for credit; however, application must still be made to the Board for approval of each program pursuant to Rule .1520(a). The Board will provide notice of its decision on CLE program approval requests pursuant to the schedule set by the Board and approved by the Council. A program will be deemed approved if the notice is not timely provided by the Board pursuant to the schedule. The registered sponsor may request reconsideration of an unfavorable accreditation decision by submitting a letter of appeal to the Board within 15 days of receipt of the notice of disapproval. The decision by the Board on an appeal is final.
- (2) Professionalism for New Admittees (PNA) Programs. Registered sponsors shall be permitted to provide PNA programs approved pursuant to Rule .1525 of this subchapter.
- (3) Other services provided by the Board. The CLE Board may, in its discretion, provide additional services and adjustments to registered sponsors, including but not limited to reduced program application fees, different application deadlines, and optional payment structures. However, all registered sponsors

shall be treated uniformly.

(b) Eligibility Standards. The Board may, in its sole discretion, register a sponsor if it meets the following requirements:

- (1) The sponsor shall submit an application in the manner directed by the Board;
- (2) The application shall contain all information requested by the Board and include payment of an application fee in an amount set by the Board;
- (3) The sponsor must have had at least 20 programs approved for credit in the year prior to applying for Registered Sponsor status; and
- (4) The sponsor shall suitably demonstrate a history of consistent compliance with the rules of this subchapter.

(c) Annual Renewal. Registered Sponsors must renew their status annually in the time and manner directed by the Board, including the payment of an annual renewal fee in an amount set by the Board.

(d) Revocation of Registered Sponsor Status. The Board may, at any time and in its sole discretion, revoke the registration of a registered sponsor for failure to satisfy the requirements of this subchapter. A sponsor who has its status revoked may re-apply for Registered Sponsor Status pursuant to Paragraph (b) of this rule.

(e) Previously Registered Sponsors. A sponsor that was previously designated by the Board as a registered sponsor prior to the effective date of this revised rule shall maintain its registered sponsor status for the duration of the CLE year in which this rule becomes effective but shall be required to renew its status annually subject to the revised eligibility requirements in Paragraph (b) of this rule.

Rule .1525, Professionalism Requirement for New Members (PNA) [NEW RULE]

(a) Content and Accreditation. The State Bar PNA program shall consist of 12 hours of training in subjects designated by the State Bar including, but not limited to, professional responsibility, professionalism, and law office management. The chairs of the Ethics and Grievance Committees, in consultation with the chief counsel to those committees, shall annually establish the content of the program and shall publish any changes to the required content on or before January 1 of each year. **PNA programs may only be provided by sponsors registered under Rule .1522 of this subchapter or judicial district bars specifically approved by the Board to offer PNA programs.**

To be approved as a PNA program, the program must satisfy the annual content requirements, and a sponsor must submit a detailed description of the program to the Board for approval. A sponsor may not advertise a PNA program until approved by the Board. PNA programs shall be specially designated by the Board and no program that is not so designated shall satisfy the PNA program requirement for new members.

(b) Timetable and Partial Credit. The PNA program shall be presented in two 6-hour blocks (with appropriate breaks) over two days. The 6-hour blocks do not have to be attended on consecutive days or taken from the same provider; however, no partial credit shall be awarded for attending less than an entire 6-hour block unless a special circumstances exemption is granted by the Board. The Board may approve an alternative timetable for a PNA program upon demonstration by the provider that the alternative timetable will provide an enhanced learning experience or for other good cause; however, no partial credit shall be awarded for attending less than the entire 12-hour program unless a special circumstances exemption is granted by the Board.

(c) Online programs. The PNA program may be distributed over the internet by live streaming, but no part of the program may be taken on-demand unless specifically authorized by the Board.

(d) PNA Requirement. Except as provided in Rule .1517(1), each newly admitted active member of the North Carolina State Bar must complete the PNA program during the member's first reporting period. It is strongly recommended that newly admitted members complete the PNA program within their first year of admission.

Proposed Amendments to the Rules Governing the Specialization Program

27 N.C.A.C. 1D, Section .1700, The Plan of Legal Specialization; Section .3400, Certification Standards for the Child Welfare Specialty

The proposed amendments clarify a specialist's duty to report professional misconduct to the board, and make technical corrections to rules relating to the new specialty in child welfare law.

Rule .1723, Revocation or Suspension of Certification of a Specialist

- (a) ...
- (b) Discretionary Revocation or

Suspension. The board may revoke its certification of a lawyer as a specialist if the specialty is terminated or may suspend or revoke such certification if it is determined, upon the board's own initiative or upon recommendation of the appropriate specialty committee and after hearing before the board as provided in Rule .1802 and Rule .1803, that

(1) ...;

...

(6) the lawyer certified as a specialist received public professional discipline from the North Carolina State Bar ~~on or after the effective date of this provision~~, other than suspension or disbarment from practice and the board finds that the conduct for which the professional discipline was received reflects adversely on the specialization program and the lawyer's qualification as a specialist; ~~or~~

(7) the lawyer certified as a specialist ~~was sanctioned or~~ received public professional discipline ~~on or after the effective date of this provision~~ from any state or federal court or tribunal or, if the lawyer is licensed in another jurisdiction, from the regulatory authority of that jurisdiction in the United States, or the lawyer certified as a specialist was found to have engaged in misconduct by any state or federal court or tribunal, and the board finds that the conduct for which the sanctions or professional discipline was received reflects adversely on the specialization program and the lawyer's qualification as a specialist; ~~or~~

(8) the lawyer certified as a specialist was criminally convicted by any state or federal court and the board finds that the conduct underlying the conviction reflects adversely on the specialization program and the lawyer's qualification as a specialist.

(c) Report to Board. A lawyer certified as a specialist has a duty to inform the board promptly of any professional discipline received by the lawyer, any judicial finding of misconduct, any criminal conviction, or any fact or circumstance described in Rules .1723(a) and (b) above. The board may consider a lawyer's failure to promptly report in determining whether to suspend or revoke certification.

(d) ...

Rule .1725, Areas of Specialty

There are hereby recognized the following specialties:

(1) ...

...

- (5) criminal law
- (a) federal ~~and state~~ criminal law
- ...
- (14) child welfare law

Rule .3407, Applicability of Other Requirements [NEW RULE]

The specific standards set forth herein for certification of specialists in child welfare law are subject to any general requirement, standard, or procedure adopted by the board applicable to all applicants for certification or continued certification.

Proposed Amendments to the Rules of Professional Conduct

27 N.C.A.C. 2, Section .0100, Client-Lawyer Relationship

The proposed amendment allows a lawyer to provide modest gifts to the client for basic living expenses if the lawyer is representing an indigent client *pro bono*, a court-appointed client, an indigent client *pro bono* through a non-profit legal services or public interest organization, or an indigent client *pro bono* through a law school clinic or *pro bono* program, subject to certain conditions.

Rule 1.8, Conflict of Interest: Current Clients: Specific Rules

- (a) ..
- ...

(e) A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that:

- (1) a lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter; ~~and~~
- (2) a lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the ~~client~~; client; and
- (3) a lawyer representing an indigent client pro bono, a lawyer representing a court appointed client, a lawyer representing an indigent client pro bono through a non-profit legal services or public interest organization, and a lawyer representing an indigent client pro bono through a law school clinical or pro bono program may provide modest gifts to the client for food, rent, transportation, medicine, and other basic living expenses. The lawyer:

(A) may not promise, assure, or imply the availability of such gifts prior to retention or as an inducement to continue the client-lawyer relationship after

retention;

(B) may not seek or accept reimbursement from the client, a relative of the client, or anyone affiliated with the client; and

(C) may not publicize or advertise a willingness to provide such gifts to prospective clients.

Financial assistance under this Rule may be provided even if the representation is eligible for fees under a fee-shifting statute.

(f) ...

Comment

...

Financial Assistance

[10] ...

[11] Paragraph (e)(3) provides another exception. A lawyer representing an indigent client pro bono, a lawyer representing a court appointed client, a lawyer representing an indigent client pro bono through a nonprofit legal services or public interest organization, and a lawyer representing an indigent client pro bono through a law school clinical or pro bono program may give the client modest gifts. Gifts permitted under paragraph (e)(3) include modest contributions for food, rent, transportation, medicine, and similar basic necessities of life. If the gift may have consequences for the client, including, e.g., for receipt of government benefits, social services, or tax liability, the lawyer should consult with the client about these considerations prior to making the gift. See Rule 1.4.

[12] The paragraph (e)(3) exception is narrow. Modest gifts are allowed in specific circumstances where it is unlikely to create conflicts of interest or invite abuse. What constitutes a modest gift is dependent on a variety of factors, including the client's circumstances, the client's needs for basic living expenses, the type or purpose of the gift, or whether the assistance is needed to enable the client to withstand delay in litigation that would otherwise put substantial pressure on the client to settle a case because of financial hardship rather than on the merits. Paragraph (e)(3) prohibits the lawyer from (i) promising, assuring, or implying the availability of financial assistance prior to retention or as an inducement to continue the client-lawyer relationship after retention; (ii) seeking or accepting reimbursement from the client, a relative of the client, or anyone affiliated with the client; and (iii) publicizing or advertising a willingness to provide gifts to

prospective to clients beyond court costs and expenses of litigation in connection with contemplated or pending litigation or administrative proceedings.

[13] Financial assistance, including modest gifts pursuant to paragraph (e)(3), may be provided even if the representation is eligible for fees under a fee-shifting statute. However, paragraph (e)(3) does not permit lawyers to provide assistance in other contemplated or pending litigation in which the lawyer may eventually recover a fee, such as contingent-fee personal injury cases or cases in which fees may be available under a contractual fee-shifting provision, even if the lawyer does not eventually receive a fee.

Person Paying for a Lawyer's Services

~~[14]~~ ...

[Subsequent comments re-numbered.]

Grievance Committee (cont.)

his employee not to tell the truth about the relationship. Clark unsuccessfully petitioned for reinstatement in 2019. After a two-day hearing on his second petition for reinstatement, the DHC announced its conclusion that Clark should not be reinstated. The order has not yet been entered.

In 2009, Demetrius G. Rainer of Charlotte surrendered her law license to the Wake County Superior Court and was disbarred following her guilty plea in federal court to conspiracy to engage in bank fraud, conspiracy to launder monetary proceeds of fraudulent real estate transactions, and conspiracy to launder monetary proceeds of the unlawful distribution of controlled substances. After a two-day hearing, the DHC entered an order recommending denial of Rainer's petition for reinstatement.

Completed Petitions for Reinstatement/Stay – Uncontested

In November 2021, Christopher C. Peace of Charlotte was transferred to disability inactive status by the Grievance Committee. The DHC reinstated Peace to active status upon enumerated conditions.

Transfers to Disability Inactive Status

Richard Dail of Thomasville and Robert Lewis Jr. of Raleigh were transferred to disability inactive status. ■

John B. McMillan Distinguished Service Award

David Freedman

David Freedman was posthumously awarded the John B. McMillan Distinguished Service award on March 10, 2023, at the Temple Emanuel in Winston-Salem, North Carolina, where he was an active member and past-president. Speakers included Rabbi Charlie Citron-Walker, Judge Richard Gottlieb, State Bar Counsel Katherine Jean, and State Bar Deputy Counsel Carmen Bannon. Former State Bar President Barbara Christy presented the award to Mr. Freedman's family.

Mr. Freedman graduated from the University of North Carolina at Chapel Hill in 1979 and from its law school in 1982. He moved to Winston-Salem after completing his law degree where he worked as an attorney for nearly 40 years. During his career, Mr. Freedman represented numerous judges and attorneys in state disciplinary actions. He won jury verdicts in complex civil trials representing both plaintiffs and defendants. He also handled hundreds of serious felonies, including those involving clients charged with first-degree murder. In addition, Mr. Freedman often represented local law-enforcement officers through the Police Benevolent Association. Mr. Freedman was most recently a partner in the law firm of Freedman, Thompson, Witt, Ceberio & Byrd.

Mr. Freedman was a North Carolina Board Certified Specialist in both federal and state criminal law. He served as president of the Forsyth County Bar Association, chair of the Criminal Law Section of the North Carolina Academy of Trial Lawyers (now known as the North Carolina Advocates for Justice), and past-president of the Forsyth County Criminal Defense Lawyers Association. He was a recipient of the Harvey Lupton award from the Forsyth County Criminal Defense Trial Lawyers Association, and was named the state's best criminal defense attorney in 2006 by *Business North Carolina* magazine.

Mr. Freedman was heavily involved in legal education during his career. He was an adjunct professor of law at Wake Forest University School of Law for 15 years, where he taught criminal procedure and trial practice. He wrote and presented the Criminal Law Update for the WFU Annual Review from 2001 to 2010. Mr. Freedman spoke at numerous Continuous Legal Education Seminars for the North Carolina Bar Association and North Carolina Advocates for Justice. He also spoke to the Virginia Bar and the solicitors of Kentucky as well as to an ethics class at Harvard University.

Mr. Freedman gave generously of his time, knowledge, and experience. He was always gentle and kind, and his generosity of spirit reverberated through the legal community. He engaged in many *pro bono* endeavors.

During his nearly 40-year career as an attorney, Mr. Freedman was a zealous advocate for his clients and a dedicated mentor to his friends and colleagues.

Robin J. Stinson

The John B. McMillan Distinguished Service Award was presented to Robin J. Stinson on April 10, 2023, at a meeting of the Forsyth County Bar Association in Winston-Salem, North Carolina. North Carolina State Bar President Marcia Armstrong presented the award.

Robin J. Stinson was born and raised in Winston-Salem. She received her undergraduate degree from Duke University in 1981, graduating cum laude. In 1984 she earned her law degree from UNC-Chapel Hill where she was a member of the Holderness Moot Court Bench. Ms. Stinson practiced in Winston-Salem and surrounding counties for more than 37 years, having practiced at several family law firms before joining Bell, Davis & Pitt to start its family law practice in 1997. Ms. Stinson focuses her practice in all areas of family law and dispute resolution, including complex marital estates and financial issues in equitable distribution, alimony,

and child support cases.

Ms. Stinson has been a leader in the family law community for decades. She was a certified as a family law specialist by the North Carolina State Bar in 1991, and is a fellow in the American Academy of Matrimonial Lawyers. She is certified by the North Carolina Dispute Resolution Commission as a mediator for superior court and for family financial mediations, and is certified as an arbitrator by the Academy of Matrimonial Lawyers. Ms. Stinson previously served as president of the North Carolina chapter of the Academy of Matrimonial Lawyers.

She is well known for her many manuscripts and speaking engagements. She has devoted decades of her life and her career to strengthening the legal education of lawyers beginning their family law practice. She has a legacy of educating young lawyers to practice law with exceptional legal knowledge and high ethical standards.

Ms. Stinson is a past-president of the Forsyth County Bar Association and past-chair of the 21st Judicial District Bar Ethics and Grievance Committee. She has served in numerous positions with the North Carolina Bar Association and Bar Foundation, including as chair of the Endowment Committee; Bar Foundation director; member of the Development Committee; member of the Personnel Committee; member of the Board of Governors; Family Law Section chair; and forum editor. Ms. Stinson is a past board chair of The Children's Law Center of Northwest North Carolina; past board member for the Legal Aid Society of Northwest North Carolina; and member of the Directors for Northwest Child Development Council, Inc.

Ms. Stinson was in the inaugural class of Women of Justice, presented by NC Lawyers Weekly, and received the James E. Cross Jr. Leadership Award presented by the North Carolina State Bar Board of Legal Specialization. She has also received the YWCA

Women of Vision Leadership Award.

Robin J. Stinson has served the legal community and the public in such a way as to make the practice of family law reach the highest ethical standard.

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 Suzanne Lever at slever@ncbar.gov. ■

Upcoming Appointments

Anyone interested in being appointed to serve on a State Bar's board, commission, or committee should email the State Bar's Executive Director, Alice Neece Mine, at amine@ncbar.gov, or Lanice Heidbrink at lheidbrink@ncbar.gov to express that interest, being sure to attach a current resume. Please submit before July 7, 2023. The council will make the following appointments at its July meeting:

Board of Legal Specialization (three-year terms)—There are three appointments to be made. Laura V. Hudson (public member) and Nancy Ray (non-specialist lawyer member) are not eligible for reappointment. Jan E. Pritchett is eligible to serve one more year in the capacity of chair.

The Board of Legal Specialization is a nine-member board comprised of six lawyers (at least one of whom cannot be a board-certified specialist) and three public members. The board establishes policy relative to the execution of the specialization program's mission and is responsible for oversight of the operation of the program subject to the statutes governing the practice of law, the authority of the council, and the rules of the board. The specialization board meets four times a year.

The specialization program assists in the delivery of legal services to the public by identifying those lawyers who have demonstrated special knowledge, skill, and proficiency in a specific field and seeks to improve the competency of members of the bar by establishing an additional incentive for lawyers to participate in continuing legal education and to meet the other requirements of specialization.

Commission on Indigent Defense Services (four-year terms)—There is one appointment to be made. Stacy Rubain is eligible for reappointment.

The Commission on Indigent Defense Services establishes the policies governing the work of the Office of Indigent Defense Services (IDS). IDS oversees the legal representation for indigent defendants and others entitled to counsel in North Carolina. IDS trains, qualifies, and sets performance standards for attorneys, as well as determines the most appropriate and cost-effective methods for delivering legal defense services in each of the state's judicial districts. The organization's programmatic work includes efforts to increase communication and resource sharing with the private bar; the development of legal training programs, often in partnership with the UNC School of Government; the establishment of a specialized Office of the Juvenile Defender; and the creation of performance guidelines for appointed counsel across several practice areas. IDS also works regularly with the Offices of the Capital Defender and Appellate Defender to recruit and evaluate attorneys for their respective rosters, ensure their appointments in a timely and equitable manner, and to support them with expert services.

The Commission on Indigent Defense Services consists of 13 commissioners who are appointed by various officials and organizations including the governor, the chief justice, the speaker of the House of Representatives, and the president pro tempore of the Senate. The State Bar Council has one appointment to the commission. The commission meets on a quarterly basis, often virtually.

North Carolina Dispute Resolution Commission (three-year terms)—There is one appointment to be made. Charlot F. Wood is not eligible for reappointment.

The North Carolina Dispute Resolution Commission is an 18-member body estab-

lished by N.C. Gen. Stat. §7A-38.2. Appointments to the commission are made by all branches of government. The president of the North Carolina State Bar makes two appointments.

The commission certifies and regulates private mediators who serve the courts of this state. The commission also recommends policy, rules, and rule revisions relating to dispute resolution in North Carolina's courts; provides support to court-based mediation programs; certifies mediation training programs; serves as a clearinghouse for information about court-based mediation programs; and assists other state agencies interested in or providing dispute resolution services to their constituencies.

IOLTA Board of Trustees (three-year terms)—There are three appointments to be made. John S. Arrowood and John J. Keane (public member) are both eligible for reappointment. Anita Brown-Graham is not eligible for reappointment.

The IOLTA Board of Trustees is a nine-member board comprised of at least six North Carolina lawyers. The board establishes policy relative to the execution of IOLTA's mission and is responsible for oversight of the operation of the program subject to the statutes governing the practice of law, the authority of the council, and the rules of the board. The IOLTA Board usually meets three times per year (April, September, and December) with other meetings scheduled as needed.

NC IOLTA is a non-profit program created by the NC State Bar that works with lawyers and banks across the state to collect net interest income generated from lawyers' general, pooled trust accounts for the purpose of funding grants to providers of civil legal services for the indigent and programs that further the administration of justice. ■

2023 First Quarter Random Audits

Judicial Districts 1 and 31 were randomly selected for audit for the first quarter of 2023. Lawyers randomly selected for audit are drawn from a list generated from the State Bar's database based upon judicial district membership designations in the database.

Judicial District 1 is composed of Camden, Chowan, Currituck, Dare, Gates, Pasquotank, and Perquimans Counties. Six lawyers/firms were audited in the district.

Judicial District 31 is composed of Forsyth County. Thirty six lawyers/firms were audited in the district.

Recommendations were made to open grievance investigations on three lawyers based on the audit results.

Following are the results of the 42 audits:

1. 41% failed to maintain images of cleared checks or maintain them in the required format;
2. 31% failed to perform quarterly transaction reviews;
3. 29% failed to identify the client and source of funds, when the source was not the client, on the original deposit slip;
4. 24% failed to:

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

5. 12% failed to:

- identify the client on confirmations of funds received/dispensed by wire/electronic/online transfers;
- escheat unidentified/abandoned funds as required by GS 116B-53;

6. up to 10% failed to:

- properly maintain a ledger for each person or entity from whom or for whom trust money was received;
- perform monthly bank statement reconciliations;
- prevent over-disbursing funds from the trust account resulting in negative client balances;
- prevent bank service fees being paid with entrusted funds;
- maintain a ledger of lawyer's funds used to offset bank service fees;
- take the required one-hour trust account management CLE course;
- remove signature authority from employee(s) responsible for performing

monthly or quarterly reconciliations;

- properly record the bank date of deposit on the client's ledger;
- indicate on the face of each check the client from whose balance the funds were withdrawn;
- promptly remove earned fees or cost reimbursements;
- provide written accountings to clients at the end of representation or at least annually if funds were held more than 12 months;
- provide a copy of the Bank Directive regarding checks presented against insufficient funds.

7. Areas of consistent rule compliance:

- properly deposited funds received with a mix of trust and non-trust funds into the trust account;
- promptly remitted to clients funds in possession of the lawyer to which clients were entitled;
- used business size checks containing the Auxiliary On-U's field;
- signed trust account checks (no signature stamp or electronic signature used);
- properly maintained records that are retained only in electronic format. ■

July 2023 Bar Exam Applicants

The July 2023 bar examination will be held in Raleigh on July 25 and 26, 2023. Published below are the names of the applicants whose applications were received on or before May 2, 2023. Members are requested to examine it and notify the Board of Law Examiners 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.

Frances Abbott
Raleigh, NC
Lalisa Abdul-Malek
Durham, NC
Charlee Abernathy
Chapel Hill, NC
Holly Abernathy
Wilkesboro, NC
Alexus Acree
Clemmons, NC

Maian Adams
Chapel Hill, NC
Ghulam Akhuzada
High Point, NC
Suraya Akkach
Raleigh, NC
Lillian Akridge
Raleigh, NC
Cameron Alderman
Raleigh, NC

Rianah Alexander
Harrisburg, NC
Stuart Algood
Charlotte, NC
Rhabiya Alhassan
Charlotte, NC
Faduma Ali
Charlotte, NC
Safwan Ali
Henderson, NC

Kayla Allen
Oxford, NC
Dawnwin Allen
Charlotte, NC
Kendall Alligood
Washington, NC
Rachel Allore
Chapel Hill, NC
Christian Allred
High Point, NC

Haley Almany
Festus, MO
Emily Almanza
Wilson, NC
Silas Alzheimer
Cary, NC
Maria Alzate
Simpsonville, SC
Carly Amatuzzo
Chapel Hill, NC

| | | | | |
|--------------------------|--------------------|--------------------|-------------------------|---------------------------|
| Jordan Anderson | Raleigh, NC | Julius Brittman | Oak Ridge, TN | Briana Cool |
| Durham, NC | Hope Ben-Israel | Fayetteville, NC | Peter Carlton | Frankfort, NY |
| Shari Anhalt | Greensboro, NC | Adam Brooker | Morgantown, WV | Donj'e Cooper |
| Long Beach, CA | Rudy Benitez | Raleigh, NC | Sha'Lantae' Carmon | Greensboro, NC |
| Ifunanya Anikamadu | Cary, NC | Jakob Brooks | Scotland Neck, NC | Christian Cooper |
| Durham, NC | Kara Bennett | Morrisville, NC | Joshua Carpenito | York, SC |
| Sasha Arroyo | Fairmont, WV | Alecia Brooks | Durham, NC | Courtney Coppage |
| Concord, NC | Karen Bensch | Smithfield, NC | Jordin Carpenter | Chapel Hill, NC |
| Brandon Avery | Raleigh, NC | Jacob Brooks | Harrisburg, NC | Nick Corn |
| Raleigh, NC | Carli Berasi | Raleigh, NC | Jeannette Carson | Rocky Mount, NC |
| Elisha Ayer | Cary, NC | Elizabeth Brooks | Whitsett, NC | Selin Coskun |
| Raleigh, NC | Mark Berlick | Gastonia, NC | Kathryn Carter | Charlotte, NC |
| Towqir Aziz | Tampa, FL | Donnie Brooks | Salemburg, NC | Pearson Cost |
| Durham, NC | Sean Berman | Myrtle Beach, SC | William Carter | Chapel Hill, NC |
| Marguerite Bacon | Durham, NC | Amelia Brosnahan | Thiensville, WI | Joseph Cottingham |
| Salisbury, NC | Grace Berner | Winston-Salem, NC | Morgan Carter | Mooresville, NC |
| Amie Baek | Helena, MT | Shelley Brown | Charlotte, NC | Katie Cottle |
| Cary, NC | Zachary Bernstein | Beaufort, NC | Ethan Case | Garner, NC |
| Gisele Bailey | Brookline, MA | Marcus Brown | Charlotte, NC | Fiona Craig |
| Durham, NC | Dominique Best | Carrboro, NC | Pamela Case | Chapel Hill, NC |
| Christian Baker | Ladson, SC | Ellenor Brown | Pittsboro, NC | Adia Craig |
| St. Louis, MO | Brittany Betham | Chapel Hill, NC | Savannah Catalano | Garner, NC |
| William Baker | Raleigh, NC | Steven Brown | Rocky Mount, NC | Daniel Crandol |
| Austin, TX | Melissa Betron | Louisburg, NC | Rebecca Cathcart | Tarboro, NC |
| Elisabeth Baldwin | Tampa, FL | Tiquece Brown | Chapel Hill, NC | Kelley Creacy-Durham |
| Chapel Hill, NC | Adam Beyer | Kings Mountain, NC | Sterling Chafin | Sanford, NC |
| Alexis Baldwin | Durham, NC | Denver Brown | Colfax, NC | Miranda Cromley |
| Bessemer, AL | Kimberley Beyer | Greensboro, NC | Caroline Cheek | Wake Forest, NC |
| Carlo Ballesteros-Flores | Glenville, NC | Louise Brunson | Elon, NC | Bryant Cross |
| Winston-Salem, NC | Brandye Birdsall | Raleigh, NC | Sarah Cheeley | Kalamazoo, MI |
| Sofia Baneth | Elizabeth City, NC | Marc Brunton | Charlotte, NC | Elizabeth Crowther |
| Raleigh, NC | Dylan Blackburn | Charlotte, NC | Duoja Chen | Beaufort, SC |
| Ayana Banks | Clinton, NC | Candler Bryson | Chapel Hill, NC | Savannah Croxton-Zweigart |
| Mocksville, NC | Cameron Blake | Concord, NC | Kaitlyn Chesney | Raleigh, NC |
| Joshua Barfield | Rutherfordton, NC | Talia Buenrostro | Burlington, NC | Derrick Cruz |
| Sharpsburg, NC | Madison Blevins | Rocky Mount, NC | Nickolas Christopherson | Pearland, TX |
| Artrice Barksdale | Richmond, VA | Benjamin Bullins | Sioux Falls, SD | Michael Cruz |
| Charlotte, NC | Garrett Blom | Eden, NC | Michael Clancy | Lynchburg, VA |
| Sean Barlow | Raleigh, NC | Kennedy Bullis | Atlanta, GA | Audrey Curelop |
| Morrisville, NC | Michala Blue | Graham, NC | Sydney Clark | Lexington, VA |
| Brittany Barnes | Durham, NC | Emma Burgess | Brighton, MA | Andrew Curry |
| Plymouth, NC | Dylan Bobbitt | Raleigh, NC | Brendan Clark | Lexington, NC |
| Max Baron | Knightdale, NC | Brittany Burks | Charlotte, NC | Kaeli Czosek |
| Garner, NC | Hannah Boles | Raleigh, NC | Jeremiah Clarke | Wadsworth, IL |
| William Bartlett | Mooresville, NC | Breann Burns | Cary, NC | Hannah Daigle |
| Goldsboro, NC | Anthony Bologna | Raleigh, NC | Ethan Clewis | Chapel Hill, NC |
| Laura Basora | New Orleans, LA | Cameron Burns | Lumberton, NC | Nicole Dalrymple |
| Chapel Hill, NC | Sydney Booker | Raleigh, NC | Tony Cline | Charlotte, NC |
| Allison Bateman | Raleigh, NC | Kyle Busch | Lexington, NC | Brent Damery |
| Durham, NC | Angela Bostick | Durham, NC | Kyle Coffino | Bunnlevel, NC |
| David Batts | Cornelius, NC | Shena-Kaye Butler | Washington, DC | Matthew Darby |
| Raleigh, NC | Kylie Bouplon | Greensboro, NC | Lucas Colantonio | Raleigh, NC |
| Karli Bayne | Raleigh, NC | Mason Butner | Raleigh, NC | Simona Dautartaite |
| La Grange, NC | Allison Bowen | King, NC | Deswin Cole | Wendell, NC |
| Tekia Bazemore | Huntersville, NC | Aubrey Butto | Charlotte, NC | Dylan Davis |
| High Point, NC | Melissa Box | Charleston, SC | James Coleman | Raleigh, NC |
| Taryn Beachler | Williamsburg, VA | Rachel Byrd | Greensboro, NC | Delany Davis |
| Durham, NC | Madison Boyer | Raleigh, NC | George Coleman | Durham, NC |
| Jonathon Beatty | Winston-Salem, NC | Jacob Byrd | Wilmington, NC | Alexa Davis |
| Shelby, NC | Lena Bradshaw | Raleigh, NC | Leea Collard | Wilson, NC |
| Anna Beck | Raleigh, NC | Brenton Byrd | Chesapeake, VA | Madison Davis |
| Chapel Hill, NC | Corey Brandenburg | Lake Waccamaw, NC | Pamela Collins | Raleigh, NC |
| Cole Beck | Greensboro, NC | Sarah Beth Cain | Durham, NC | LaToya Davis |
| Leland, NC | Alanna Brannam | Knoxville, TN | Mary Coltrane | Charlotte, NC |
| James Bell | Chapel Hill, NC | Sydney Calas | Raleigh, NC | James Davis |
| Georgetown, SC | Skylen Brannon | Decatur, GA | Andrew Cone | Davidson, NC |
| Jessica Bell | Hendersonville, NC | Bryan Canales | Raleigh, NC | Austin Day |
| Faison, NC | Alexis Braswell | Mooresville, NC | Kyle Conway | Hampstead, NC |
| Rachael Beller | Arlington, VA | Natashia Cannedy | Wilson, NC | Katherine DeAngelis |
| Lexington, KY | Cameron Bray | Fort Mill, SC | Molly Cook | Chapel Hill, NC |
| Mario Benavente | Winston-Salem, NC | Courtney Cannon | Memphis, TN | Annie DeHart |
| Fayetteville, NC | James Brewer | Durham, NC | Debra Cool | Durham, NC |
| Trenor Bender | Roanoke Rapids, NC | Courtney Cantrell | Durham, NC | Alessandra Deiorio |

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|------------------------|----------------------|--------------------|--------------------------|--------------------|
| Durham, NC | Olivia Fisher | Clayton, NC | John Harris | Angier, NC |
| Angela Delfino | Efland, NC | Kathryn Glaser | Carrboro, NC | Ashley Holton |
| Wilmington, NC | Paul Fisher | Apex, NC | Turner Harrison | Cary, NC |
| Gabrielle Delgado | Salisbury, NC | William Godwin | Raleigh, NC | Laura Hooven |
| Spring Lake, NC | John David Fisher | Dunn, NC | Kimberly Harron | Columbia, SC |
| Mark DeLoach | Lexington, VA | Lorena Gomez | Raleigh, NC | Ryan Hopfe |
| Chapel Hill, NC | Alexandra Fishman | Wake Forest, NC | Brittany Harry | Winston-Salem, NC |
| Frederieke Demas | Durham, NC | Maira Gonzalez | Durham, NC | Tyler Horne |
| Chapel Hill, NC | Elizabeth Fitzgerald | Flat Rock, NC | Anna Hartis | Raleigh, NC |
| Timothy DeNofrio | Wake Forest, NC | Nathalie Good | VA Beach, VA | Brittany Horne |
| Brighton, MA | Chyanne Flores | Syracuse, NY | Sarah Harvey | Columbia, SC |
| Matthew Densford | Mebane, NC | Catherine Goodman | Raleigh, NC | Kathleen Horton |
| Charlotte, NC | Eduardo Flores | Durham, NC | Thomas Harvey | Wilmington, NC |
| Allison Denton | Raleigh, NC | Jeffrey Gordon | Elon, NC | Lillian House |
| Ooltewah, TN | Warren Flowers | Raleigh, NC | Vanessa Harvey | Chapel Hill, NC |
| Elizabeth Dils | Clayton, NC | Corey Goss | Fort Myers, FL | Abby House |
| Raleigh, NC | Raquel Foriest | Roper, NC | Erynn Hatch | Charlotte, NC |
| Kailah Douglas | Kernersville, NC | Michael Govan | Durham, NC | Tiffany Hoyd |
| Durham, NC | Warren Foster | Suffolk, VA | Kendall Hathaway | Durham, NC |
| Alexander Dowdy | Matthews, NC | Julianna Grant | Roanoke Rapids, NC | Helen Hoyt |
| Chapel Hill, NC | Clark Fowler | Manteo, NC | Carson Hauth | Columbia, SC |
| Andrew Draper | Hot Springs, NC | Mia Graves | Pacific City, OR | Christina Hubbard |
| Durham, NC | David Fowler | Greensboro, NC | Raun Haven | Chapel Hill, NC |
| Chiodera Drayton-Smith | Durham, NC | Novian Graves | Franklin, NC | James Huey |
| Dacula, GA | Mi'Eja Fox | Greensboro, NC | Margaret Hay | Raleigh, NC |
| Wallace Driggers | Hampton, VA | Lindsay Gray | Chapel Hill, NC | Park Huff |
| Clayton, NC | Kyle Franklin | Mount Pleasant, SC | Maia Heath | Nashville, TN |
| Izabella Drogoszewski | Cary, NC | Edward Greco | Baton Rouge, LA | Lauren Hulse |
| Knightdale, NC | Morgan Freeman | Charlotte, NC | Joseph Heath | Port Charlotte, FL |
| Jordan Dunbar | Mars Hill, NC | Alexis Greene | Chapel Hill, NC | Bailey Humphries |
| Beverly, NJ | Sabrina Frenette | Raleigh, NC | Brandon Hedgebeth | Lexington, SC |
| Edwin Duque | Waxhaw, NC | Cole Griffin | High Point, NC | Nigia Hunt |
| Winston-Salem, NC | Jacob Friedman | Lumberton, NC | Payton Hein | Durham, NC |
| Lucas Earle | Pittsboro, NC | Austin Grinder | Decatur, GA | Talece Hunter |
| Atlanta, GA | Tyler Fuller | St. Petersburg, FL | Madeline Helms | Charlotte, NC |
| Morgan Earp | Mound, MN | Mollie Grose | Winston-Salem, NC | Charisma Hunter |
| Alma, AR | Kathryn Fulton | Jamestown, NC | Lucas Helton | Norton, VA |
| Morgan Eddy | Lynchburg, VA | Caitlin Grow | Winston-Salem, NC | Connie Huntsman |
| Tampa, FL | Cameron Funderburk | Syracuse, NY | Matthew Hendley | Whittier, NC |
| Samuel Edelstein | Harrisburg, NC | Evan Gungor | Durham, NC | William Hyland |
| Miami, FL | William Furr | Apex, NC | Aren Hendrickson | Huntersville, NC |
| Kyle Eiswald | Rockwell, NC | Margaret Gunn | Winston-Salem, NC | Saad Iftikhar |
| Elkin, NC | Logan Furr | Raleigh, NC | Megan Hennings | Irmo, SC |
| Catherine Elbakidze | Columbia, SC | Melissa Gustafson | West Miami, FL | Sarah Imbarlina |
| Greensboro, NC | Austin Futrell | Durham, NC | Noelle Henry | Wexford, PA |
| Seth Elizondo | Carrboro, NC | Kira Hague | Winston-Salem, NC | Ashley Ireland |
| Winston-Salem, NC | Zoe Gabrielson | Garner, NC | Tanner Henson | Concord, NC |
| Meredith Ellington | Chapel Hill, NC | Benjamin Hahn | Asheboro, NC | Jeffrey Ivashuk |
| Garner, NC | Ashley Garcia | Greenville, NC | Nehemias Hernandez-Lopez | Pisgah Forest, NC |
| Hayes Elliott | Lincolnton, NC | Charles Hallinan | Durham, NC | John Jackson |
| Newton, NC | Sherry Gardner | Wilmington, DE | Mary Hickey | Metairie, LA |
| Joshua Elmetts | Fuquay Varina, NC | Christopher Hamby | Charlotte, NC | Meagan Jackson |
| Carrboro, NC | Aquilla Gardner | Raleigh, NC | Emily Hickman | Pinehurst, NC |
| Sarah Elzawahry | Washington, NC | Anna Hamel | Chapel Hill, NC | Kaitlyn Jackson |
| Raleigh, NC | Jamie Gaynor | Woodbine, MD | Matthew Higgins | Stokesdale, NC |
| Emily Erickson | Raleigh, NC | Andrew Hamill | Cary, NC | Quincy Jallah |
| Raleigh, NC | Brianna George | Gainesville, FL | Gregg Hill | Savannah, GA |
| Brittany Eudy | Durham, NC | Reyona Hammond | Sandy Spring, MD | Arielle James |
| Salisbury, NC | Samuel Gerstemeier | Charlotte, NC | Tenisha Hines | Durham, NC |
| Michael Everett | Blythewood, SC | Cobe Haney | Cary, NC | Aurora Jaques |
| Fayetteville, GA | Elham Ghaemmaghami | Raleigh, NC | Paul Hobbs | Chapel Hill, NC |
| Adelaide Everidge | Apex, NC | Denise Hanrahan | Charlotte, NC | Justin Jarrett |
| Alexandria, VA | Hanley Gibbons | Raleigh, NC | Samuel Hobbs | Lexington, VA |
| Diana Fairweather | Newberry, FL | Mary Hardee | Charlotte, NC | Lillian Jenks |
| Carrboro, NC | Kate Giduz | Greenville, NC | Sophia Hogg | Chapel Hill, NC |
| Ryan Feeley | Chapel Hill, NC | Aaron Harding | Beckley, WV | Aujay Jhala |
| Raleigh, NC | Austen Gilbert | Chapel Hill, NC | Ayanna Holden | Cary, NC |
| Christopher Ferrantino | Athens, GA | Haley Hardy | Durham, NC | Yiran Jiang |
| Raleigh, NC | Shelby Gilmer | Hope Mills, NC | Larry Holder | Everett, MA |
| Adam Ferrebee | Charlotte, NC | Daria Harrington | Raleigh, NC | Krishara Johnson |
| Clemmons, NC | Lucas Gladstein | Morrisville, NC | Joseph Holguin | Durham, NC |
| Aaron Finkel | Columbia, SC | Parker Harris | Macon, GA | Lauren Johnson |
| Chapel Hill, NC | Madison Gladwell | Ithaca, NY | Shannon Holland | Athens, GA |

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|----------------------|------------------------|--------------------------|-------------------------|------------------|---------------------|
| Carter Jones | Durham, NC | Ashton Makey | Raleigh, NC | Chandler Morgan | Charlotte, NC |
| Mt. Olive, NC | Nicholas LeFever | Raleigh, NC | Kyle McHale | Charlotte, NC | Ke'Aria Morgan |
| Kendall Jones | Winston-Salem, NC | Matthew Malone | Columbia, SC | Ke'Aria Morgan | Knightdale, NC |
| Knoxville, TN | Shelby Lennon | East Rochester, NY | GA McKnight | Lance Morley | Charlotte, NC |
| Chanelle Jones | High Point, NC | Claire Maloney | Durham, NC | Cameron Morris | Raleigh, NC |
| Chesapeake, VA | Probese Leo | Charlotte, NC | Adia McLaughlin | Makail Mosley | Durham, NC |
| James Jordan | Charlottesville, VA | Katherine Mansoor | Pinehurst, NC | Imani Muhammad | Zachary, LA |
| Raleigh, NC | Marino Leone | Chapel Hill, NC | Ashlee McLean | Matthew Mullins | Chapel Hill, NC |
| Nash Joyner | Durham, NC | Courtney Marion | Winston-Salem, NC | Rachael Mullins | Morgantown, WV |
| Chapel Hill, NC | Erika Lessane | Hanahan, SC | Sophia McMahan | Michael Mulvey | Greensboro, NC |
| David Kahn | Concord, NC | Sara Markov | Apex, NC | Emily Mundt | Coralville, Iowa |
| Asheville, NC | Rebekah Lester | Charlotte, NC | John McNab | Matthew Muntean | Durham, NC |
| Omar Kalala | Chapel Hill, NC | Kaci Marks | Gastonia, NC | Duncan Murchison | Charlotte, NC |
| Charlotte, NC | Jordyn Levinsky-Carter | Jacksonville, NC | Shanne McPherson | Jerry Murphy | Tyler, TX |
| Sarah Kalis | Greensboro, NC | Colleen Marron | Durham, NC | Liam Murray | Raleigh, NC |
| New Orleans, LA | Malcolm Lewis | Carlisle, PA | Alexis Medley | Samuel Murray | Raleigh, NC |
| Mina Kalu-Ezikpe | Durham, NC | Cheryl Marshall | Asheville, NC | James Murray | Pittsboro, NC |
| Somerville, MA | Samuel Lewis | Lexington, NC | Christopher Medlock | Chandler Myers | Birmingham, AL |
| Brian Karpf | Winston-Salem, NC | Caleb Marshall | Raleigh, NC | Joseph Nader | Greensboro, NC |
| Charlotte, NC | Shya Lewis | Lynchburg, VA | Ralph Meekins | Colleen Naglee | Durham, NC |
| Jacob Kauer | Savannah, GA | Emily Martchek | Cary, NC | Ashley Nagy | Chapel Hill, NC |
| Rocky Mount, NC | John Lightbourne | Durham, NC | Emily Mehalek | Andrew Nail | Pikeville, NC |
| Kyler Kee | Charlotte, NC | Hannah Martell | Raleigh, NC | Laurin Neal | Lexington, NC |
| Besemer City, NC | Shaun Lillard | Diamondhead, MS | Kristin Melo | Jernigan Newell | Sanford, NC |
| Liam Kelleher | Arlington, VA | Shannon Martells | Raleigh, NC | Marshall Newman | Carrboro, NC |
| Durham, NC | Mackenzie Lintz | Durham, NC | Anai Mendez | Linh Nguyen | Pleasant Garden, NC |
| Brigitte Kelly | Charleston, SC | Maggie Martin | Saint Pauls, NC | Clara Nieman | Durham, NC |
| Holly Springs, NC | Duncan Liseski | Winston-Salem, NC | Isabel Mendoza-Garcia | Hannah Norem | Winston-Salem, NC |
| Bethany Keyes | Mooresville, NC | Hannah Martin | Wadesboro, NC | Audrey Normandin | Four Oaks, NC |
| Atlanta, GA | William Little | Liberty Township, OH | Laura Merriman | Kiley Novak | Charlotte, NC |
| Adya Khanna | Mount Holly, NC | Arianna Martinez | Winston-Salem, NC | Erin November | Raleigh, NC |
| Raleigh, NC | Derrick Lloyd | Raleigh, NC | Lauren Merritt | James Nye | Raleigh, NC |
| Lieth Khatib | Durham, NC | Nain Martinez | White Lake, NC | Scott Oakley | Lynchburg, VA |
| Chapel Hill, NC | Brittany Locke | San Antonio, TX | Donald Messick | Nnaemeka Obiagwu | Charlotte, NC |
| Clara Kho | Winston-Salem, NC | Adriel Mason | Lexington, VA | Alexandra Obiol | Durham, NC |
| Cary, NC | Oscar Locklear | Raleigh, NC | Emmanuel Mijangos Lopez | Adaora Oguno | Durham, NC |
| Abigail Killingier | Pembroke, NC | Christina Mason | Angier, NC | Trynity Ojeda | Raleigh, NC |
| Draper, UT | Harrison Longano | Charlotte, NC | Mercedes Miles | Deborah Olagunju | |
| Jacob Kincer | Lenoir, NC | Kenneth Massey | Burlington, NC | | |
| Burlington, NC | Michael Longo | Raleigh, NC | David Miller | | |
| Charles King | Asheville, NC | Nicholas Massey | Charlotte, NC | | |
| Raleigh, NC | Juan Lopez | Durham, NC | Tyler Miller | | |
| Amber King | Spring Lake, NC | Haley Matson | Thomasville, NC | | |
| Garner, NC | Sarah Lott | Waxhaw, NC | Isaiah Milligan-Smith | | |
| Michael King | New Orleans, LA | Martin Matuszewski | Durham, NC | | |
| Chesapeake, VA | Davis Lovvorn | Knightdale, NC | Sarah Mills | | |
| Julie Kirstein | South Bend, IN | LeAnne McAbee | Raleigh, NC | | |
| Fairview, NC | Graham Lowder | Greenville, NC | Jack Milne | | |
| Morgan Kleinhandler | Raleigh, NC | Ian McAdoo | Danville, CA | | |
| Mooresville, NC | Calvin Lowery | Carrboro, NC | Sarah Mink | | |
| Zachary Klovile | Kernersville, NC | James McAllister-Ashley | Raleigh, NC | | |
| Memphis, TN | Guadalupe Lugo | Raleigh, NC | Samantha Mishko | | |
| Dillon Kopec | Charlotte, NC | Frances McBryde | Charlotte, NC | | |
| Chapel Hill, NC | Anna Lukaszewicz | Chapel Hill, NC | Marianna Mitchell | | |
| Angel Lainhart | Durham, NC | Victoria McCabe | Durham, NC | | |
| Kings Mountain, NC | Christian Lunghi | Tulsa, OK | Madison Mitchell | | |
| Patrick Lambert | Garner, NC | Kailah McClenney-Johnson | Shelby, NC | | |
| Cherokee, NC | Kiah Lynn | Durham, NC | Elijah Moffe | | |
| Taylor Lammonds | Durham, NC | Brian McCormick | Durham, NC | | |
| Selma, NC | Alanna Maddox | Havertown, PA | Michael Mohun | | |
| Megan Laney | Cameron, NC | Bailey McDaniel | Raleigh, NC | | |
| Cary, NC | Zena Maddux | Havelock, NC | Jacob Moir | | |
| Brandon Lanier | Denver, CO | Marianna McDevitt | Morganton, NC | | |
| Ocean Isle Beach, NC | Paloma Magallanes | Columbia, SC | John Monroe | | |
| Aaron Laster | Raleigh, NC | John McDonald | Chapel Hill, NC | | |
| Millers Creek, NC | Avery Maggiolo | Oxford, MS | Stephanie Montoya | | |
| Niayai Lavien | Raleigh, NC | Kathryn McEvoy | Claremont, NC | | |
| Raleigh, NC | Ryan Mahabir | Frederick, MD | Sara Moore | | |
| Dylan Laws | Oak Ridge, NC | Kennon McFalls | Raleigh, NC | | |
| Lenoir, NC | Pamela Maher | Mt. Holly, NC | Heather Moore | | |
| Sang Eun Lee | Wake Forest, NC | Connor McGinley | Kinston, NC | | |
| La Mirada, CA | Tess Mahosky | Greensboro, NC | Joshua Mooring | | |
| Lisa Leeaphorn | Burlington, NC | Elizabeth McGowan | Morganton, NC | | |

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|-----------------------|-----------------------|------------------------|---------------------|------------------------|
| Durham, NC | Sarah Pierre | Greer, SC | Gabrielle Sanderson | Charlotte, NC |
| Sofie Oldroyd | Saint Martinville, LA | Huimeng Ren | Norfolk, VA | Andreia Smith |
| Los Angeles, CA | Amy Pilson | Chapel Hill, NC | Megan Saturley | Charlotte, NC |
| Tessa Olinger | Bradenton, FL | Devon Rhodes | Asheville, NC | Yvonne Smith |
| Greensboro, NC | Nathan Pinnell | Chapel Hill, NC | Sorrell Saunders | Liberty, NC |
| Brody O'Neal | Atlanta, GA | Eric Rhoton | Sanford, NC | David Smith |
| Raleigh, NC | Lori Pittman | Asheville, NC | Hunter Savage | Davidson, NC |
| Babatunde Opaleye | Enfield, NC | Myron Richard | Manteo, NC | Christian Smith-Bishop |
| Greensboro, NC | Brittane Pitts | Raleigh, NC | Hartman Saylor | Pikeville, NC |
| Corinne O'Reilly | Morrisville, NC | Aaron Richards | Durham, NC | Hunter Snowden |
| Rocky Point, NY | Joshua Plummer | Durham, NC | Samantha Schaum | Decatur, GA |
| Joaquin Ortiz | Clemmons, NC | Joshua Richards | Asheville, NC | Elizabeth Snyder |
| Chesapeake, VA | Elizabeth Poole | Decatur, GA | Abigail Scheper | New Orleans, LA |
| Taylor Osborne | Chapel Hill, NC | Samantha Richardson | Charlotte, NC | Anna Somberg |
| Clyde, NC | Amelia Poore | Raleigh, NC | Garrett Schwartz | Garner, NC |
| Tiffany Ours | Raleigh, NC | Margaux Richardson | Columbia, SC | Rebecca Sommers |
| Taylors, SC | Caroline Pope | Raleigh, NC | Nathaniel Scripa | Raleigh, NC |
| Kathryn Overby | Cary, NC | Angelica Richardson | Mooresville, NC | Grayon Sotir |
| Raleigh, NC | Diana Pope | Durham, NC | Hazheen Selevany | Raleigh, NC |
| Tia Overway | Memphis, TN | Kearra Richardson | Raleigh, NC | Victoria Southerland |
| Knightdale, NC | James Porter | Durham, NC | Carol Sellers | Smithfield, NC |
| Maxwell Owens | Morrisville, NC | Gabrielle Rife | Bonita Springs, FL | Kathryn Spangler |
| Fuquay-Varina, NC | Clare Poston | Cayce, SC | Jacob Selvey | Nashville, TN |
| William Pace | Cary, NC | Charles Riggs | Harrisburg, NC | Caroline Spence |
| Durham, NC | Alyssa Presson | River Forest, IL | Caroline Sessions | Carrboro, NC |
| Juan Pacheco | Charlotte, NC | Chantane Riley | Alexandria, VA | Kenton Spencer |
| Morrisville, NC | Myia Pretty | orangeburg, SC | Olivia Setser | Wake Forest, NC |
| Austin Panameno | Durham, NC | Daniel Rios | Raleigh, NC | Cydney Spencer |
| Wake Forest, NC | Taylor Price | Durham, NC | Cynthia Shawamreh | Burlington, NC |
| Midushi Pandey | Raleigh, NC | Jordan Riullano | Weaverville, NC | Margaret Sport |
| Charlotte, NC | Matthew Propper | Zachary, LA | Lydia Shelley | Atlanta, GA |
| Mike Papakonstantinou | NY, NY | Lisa Roach | Chapel Hill, NC | Elijah Stacks |
| Asheville, NC | William Pulliam | Charlotte, NC | Kelsie Shipley | Chesapeake, VA |
| Hanna Pardini | Raleigh, NC | Jodi Robertson | Williamsburg, VA | Avery Staley |
| North Charleston, SC | Kelsey Purcell | Lithonia, GA | Sheyenne Shropshire | Mooresville, NC |
| Inyoung Park | Raleigh, NC | Sarah Robey | Charlotte, NC | Danny Stamey |
| Winston-Salem, NC | Connor Purks | Raleigh, NC | William Shuford | Pasadena, CA |
| Jonelle Parker | Cary, NC | Kathryn Anne Robinson | Waynesville, NC | Daniela Stephen |
| Raleigh, NC | Andrew Quesnelle | Raleigh, NC | Jullien Silva | Charlotte, NC |
| Alexa Parker | Greer, SC | Joya Rodgers | Mooresville, NC | Jacob Stewart |
| Pinehurst, NC | Allison Quigley | Charlotte, NC | Kendra Simmons | Raleigh, NC |
| Joshualan Parrish | Chapel Hill, NC | Lee Rodio | Durham, NC | Christopher Stock |
| Kernersville, NC | Matthew Quigley | Durham, NC | Consuela Simmons | Raleigh, NC |
| Trevor Parrish | Chapel Hill, NC | Malcom Rodriguez | Raeford, NC | Antoinette Stone |
| Raleigh, NC | Emily Ramdial | Raleigh, NC | Peter Simms | Durham, NC |
| Jacob Parrott | Miami, FL | Daniel Rodriguez | Raleigh, NC | Caleb Strawn |
| Winston-Salem, NC | Jillian Randles | Charlotte, NC | Wilton Simons | Durham, NC |
| Rebecca Parsons | Hillsborough, NC | Israel Rodriguez Rubio | Fayetteville, NC | James Street |
| Lowgap, NC | Brianna Randolph | Durham, NC | Amika Singh | Durham, NC |
| Pratista Patel | Greensboro, NC | Grace Roman | Cary, NC | Madison Surry |
| Sylva, NC | Kendall Rankin | Arlington, VA | Simerjit Singh | Raleigh, NC |
| Simi Patel | Raleigh, NC | Hannah Roney | High Point, NC | Benjamin Suslavich |
| Anaheim, CA | Victoria Rasberry | Raleigh, NC | Joseph Singleton | Winston-Salem, NC |
| Lindsey Patterson | Winterville, NC | Isabel Rose | Winston-Salem, NC | Alex Swanson |
| Garner, NC | Deborah Rasmussen | Carboro, NC | Haley Sink | Burlington, NC |
| Taylor Peacock | Morrisville, NC | Emmett Rouse | Thomasville, NC | Lily Talerman |
| Fuquay Varina, NC | Alexander Ray | Luray, SC | Asia Skyers | Durham, NC |
| Arianna Pearson | Fuquay-Varina, NC | MaKenzie Rowland | Wake Forest, NC | McKenzie Taranto |
| Durham, NC | Bader Rayyan | Danville, VA | Tyra Slade | Tallahassee, FL |
| John Pearson | Wilmington, NC | James Rudolph | Durham, NC | Tabreah Tatem |
| Mills River, NC | Thomas Reardon | Concord, NH | Stuart Small | Elizabeth City, NC |
| Claudia Perez | Rockville, MD | Carrie Ruff | Asheville, NC | Lindsey Taulbee |
| Chapel Hill, NC | Brittany Reaves | Rutherfordton, NC | Sydney Smith | Nashville, TN |
| Cameron Perry | Durham, NC | William Billy Ruff | Roseboro, NC | Charles Taylor |
| Elizabeth City, NC | Gary Redding | Athens, GA | Zachary Smith | Wilson, NC |
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