

THE NORTH CAROLINA STATE BAR

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The Enduring Role of Lawyers as Mentors and Role Models

BY A. TODD BROWN

Years ago, while president of the Mecklenburg County Bar, I borrowed the quotation below to illustrate how mentors and role models can significantly influence others. Today, I employ it as a salutary reminder.

My wife took our grandson to a theme park that has a children's area, where he was playing by a little girl. When asked how old she was, the girl held up three fingers, and said, "but two when we come here." The park admitted children two and under for free.

While president of the Justice William Glenn Terrell American Inn of Court in Tampa, Florida, Tom Elligett used this illustration to posit that, like young children, young lawyers fresh out of law school and new to the practice of law will emulate what they see and hear. That they will learn by example. Elligett pondered whether the "little white lie" in the instance above was an early lesson in dishonesty. His supposition: senior lawyers model behavior for young lawyers and therefore "are empowered to mentor professionals or jerks."

Fortunately for us, Section 13 of the Preamble to our North Carolina Rules of Professional Conduct both aspires and inspires lawyers to model professionalism:

[13] Although a matter is hotly contested by the parties, a lawyer should treat opposing counsel with courtesy and respect. The legal dispute of the client must never become the lawyer's personal dispute with opposing counsel. A lawyer, moreover, should provide zealous but honorable representation without resort-

ing to unfair or offensive tactics. The legal system provides a civilized mechanism for resolving disputes, but only if the lawyers themselves behave with dignity. A

lawyer's word to another lawyer should be the lawyer's bond. As professional colleagues, lawyers should encourage and counsel new lawyers by providing advice and mentoring; foster civility among members of the bar by acceding to reasonable requests that do not prejudice the interests of the client; and counsel and assist peers who fail to fulfill their professional duties because of

substance abuse, depression, or other personal difficulties.

As our legal profession navigates new challenges and opportunities, and as new lawyers join us in the practice of law, the importance of mentorship remains undiminished, offering a plethora of advantages for both mentors and mentees. The call for lawyers as positive mentors and role models endures.

Reportedly, the roots of lawyer mentorship trace back to ancient civilizations, where legal apprenticeships were the cornerstone of legal education, apprentices learned the art of rhetoric and advocacy under the tutelage of seasoned advocates, and the mentor-mentee relationship not only transmitted legal knowledge, but also instilled ethical values and professional standards. During the Middle Ages, legal education coalesced around guilds and institutions, such as Inns of Court, where aspiring lawyers, known as "barristers," underwent rigorous training under the guidance of experienced practi-

tioners who emphasized practical skills, courtroom etiquette, and the nuances of legal practice. Today, law schools, bar review courses, and CLEs alone simply cannot impart the level of knowledge, experience, and skills that are critical for the professional development of young lawyers. Principled and ethical mentoring by senior lawyers remains one of the most effective tools for passing on years of wisdom and experience to the next generation.

Mentoring allows modeling of "best practices," fosters integrity, teaches professionalism, curbs incivility, enhances learning, helps manage risks, promotes diversity and inclusion, provides networking, facilitates career development, advances business imperatives, and aids the administration of justice. Solo practitioners, new associates at law firms, or lawyers moving laterally into new and different practice areas undoubtedly will benefit from senior lawyers imparting helpful advice and guidance amassed over many years of law practice.

Good mentors can be good role models, even sources of inspiration. A good mentor



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can play an invaluable and incalculable role for a mentee at the beginning of his or her career. Lawyers learn from watching other lawyers. It follows that if junior lawyers observe more senior lawyers being untruthful or uncivil toward opposing counsel; misleading or being less than candid with a tribunal; counseling clients to withhold information that should be disclosed; engaging in questionable billing practices; ignoring conflicts of interest; exhibiting disrespect for firm employees, court personnel, or court reporters; failing to abide ethical rules, etc., young lawyers may conclude that's just how lawyers practice law. It is not! Empirical evidence likely will support the proposition that young lawyers who "get in trouble" often are those rudderlessly engaged in the practice of law. Principled and ethical mentoring by senior lawyers will help minimize the development of "bad habits."

Critically, mentoring promotes the State Bar's mission of protecting the public and preserving the integrity of the legal profession. According to the National Legal Mentoring Consortium, "Clients, the public, and the profession are best served through

healthy lawyering practices and by the highest ideals of professionalism and collegiality, which can be effectively developed through mentoring." The NLMC similarly observed, "A calling like ours demands that wisdom and experience that cannot be captured from case law or textbooks be passed along from seasoned lawyers to the less experienced, especially in the areas of professionalism and ethics." Such realisms should lead seasoned lawyers not only to embrace the benefits of mentoring, but also to reject any suggestion that mentoring is only of marginal value to an already busy schedule.

Moreover, senior mentors themselves can benefit meaningfully from mentee interactions. Mentoring can materially contribute to senior lawyer well-being by providing avenues for professional growth, personal development, and emotional support as well as reinforcing their sense of accomplishment and legacy in the legal field. Mentees can serve to remind seasoned lawyers that the legal landscape evolves substantially over the decades of practice. Young lawyers can introduce seasoned lawyers to new ideas and perspectives on matters such as technology, artificial intelligence, social media, social responsibility, generational shifts in views on law practice, and other germane societal and law-related topics. Mentoring young lawyers can cause senior lawyers to reconsider long held but often outdated beliefs, and to rethink the conventional wisdom of continuing to do things a certain way simply because that is how they have always been done.

More succinctly, positive advantages of effective mentor-mentee relationships include:

- **Knowledge Transfer:** In an era of rapid legal evolution, mentorship serves as a conduit for the transfer of tacit knowledge and wisdom accumulated over years of practice. Seasoned lawyers have insights, strategies, and practical tips that are often not found in textbooks or legal manuals. By sharing their experiences, mentors empower mentees to navigate complex legal terrain with confidence and competence.

- **Professional Development:** Mentorship fosters holistic professional development by nurturing not only legal acumen, but also interpersonal skills, ethical integrity, and resilience. Mentees benefit from personalized guidance tailored to their strengths, weaknesses, and career aspirations. Moreover, mentors serve as role models, exemplifying

the highest standards of professionalism and integrity for the next generation of lawyers.

- **Networking and Relationship Building:** Beyond individual growth, mentorship cultivates a sense of camaraderie and community within the legal profession. Mentors introduce mentees to valuable networks of colleagues, clients, and mentors, facilitating opportunities for collaboration, mentorship, and career advancement. In an increasingly interconnected world, these networks are invaluable assets for navigating the complexities of legal practice.

- **Diverse and Inclusive Communities:** Mentorship plays a pivotal role in promoting inclusivity within the legal profession. By fostering mentorship relationships across diverse backgrounds, experiences, and perspectives, lawyers can contribute to a more inclusive and equitable profession. Mentors serve as advocates and allies, empowering mentees from underrepresented groups to overcome barriers and thrive in their legal careers.

- **Senior Lawyer Well-Being:** Mentoring allows senior lawyers to engage in relationships that foster a sense of purpose and fulfillment, combating feelings of isolation or stagnation that may accompany the later stages of a legal career. Mentors can gain fresh perspectives, learn new skills, and stay abreast of emerging trends, revitalizing their passion for the law and promoting ongoing learning and adaptation. By nurturing and investing in the next generation of legal talent, senior lawyers not only contribute to the future success of the legal profession, but also experience a profound sense of satisfaction and well-being derived from their role as mentors and guides.

Mentoring young lawyers is one of the best investments of time and energy we can make!

Each of us has a duty to help develop and mentor the next generation of lawyers, who are the lifeblood of our legal profession. Let us be intentional about crafting a mentoring plan that affords us the opportunity to discharge our duty. Let us be intentional about setting aside time to abide our profession's long-standing tradition of mentorship. Serving our profession as mentors and role models who contribute positively to the professional development of young lawyers will prove personally gratifying and professionally rewarding. ■

Mr. Brown is a partner with Hunton Andrews Kurth in Charlotte.



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Precedents on Precedent

BY THOMAS P. DAVIS

The Maxim

Nothing is settled until it is settled right.¹ So said the Supreme Court of North Carolina in 1997 in *State v. Barnes*,² quoting *Rabon v. Rowan Memorial Hospital Inc.* from 1967 for the maxim.³ In distinguishing a settled principle of the common law of crimes from a deviation from that principle by a recent spate of decisions, and overruling the latter, though, *Barnes* failed to acknowledge that *Rabon* had been quoting an even earlier opinion, *Sidney Spitzer & Co. v. Commissioners of Franklin County* from 1924.⁴ Had the court carefully acknowledged both *Rabon's* and *Spitzer's* prior use of the maxim, as current citation practice tediously recommends,⁵ then it might have taken a closer look at the earlier opinion and it might have concluded that *Spitzer* was the more apt precedent for justifying its decision to overrule the recent deviating judgments. Ironically, though, had the court looked even more closely—had it scrutinized both *Spitzer* and *Rabon*—perhaps it would have concluded that the opinions invoked the maxim for different reasons and that neither reason was the court's reason for invoking the maxim in *Barnes*. While *Spitzer*, *Rabon*, and *Barnes* each asserted that nothing is settled until it is settled right, they provide considerably different precedents in the doctrine of precedent. Each case is an example (i.e., “precedent” in a common sense of that word) of when the court might respectfully overrule its own prior decisions (i.e., “precedent” in a scientific sense of that word) for incorrectness.⁶

Settling the Common Law

In the month following the death of Chief Justice Walter Clark, a unanimous supreme court in *Spitzer*⁷ overruled his



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majority opinion from two years earlier in *Cooper v. Board of Commissioners*,⁸ justifying the quick turnaround by the maxim that nothing is settled until it is settled right.⁹

The court that decided *Cooper* had consisted of Chief Justice Clark and associate justices Platt D. Walker, Walter P. Stacy, William J. Adams, and William A. Hoke, who had dissented. Two years later, when *Spitzer* was filed, both Clark and Walker had died. The new justices on the court, Heriot Clarkson and George W. Connor,¹⁰ voted to overrule *Cooper*; Chief Justice Hoke¹¹ still disagreed with *Cooper* and so voted to overrule it; and Adams and Stacy switched their votes, making the overruling unanimous. Stacy wrote the majority opinion for the five-person court in *Spitzer*, while Clarkson provided a concurrence.

The task in *Cooper* had been the interpretation of a public-local act.¹² The general assembly had allowed Franklin County to

levy taxes for road bonds in Sandy Creek Township. The commissioners had done so but then lost in a court proceeding to restrain them from levying more than “required in good faith to pay the interest on said bonds.” They also lost on appeal in the supreme court, which affirmed that under the language of the public-local act, the commissioners could not create a sinking fund for the retirement of the bonds at their maturity.¹³ Chief Justice Clark’s construction of the public-local act for the majority proceeded along two lines: the general assembly had not used the words “sinking fund” in the act, and the general assembly would not have meant to provide for a sinking fund, since sinking funds were now recognized as dangerous, far more dangerous than were serial bonds, for example.¹⁴ Clark then cited *Hightower v. City of Raleigh* and other authority for the proposition that a sinking fund could not be created without

legislative authority.¹⁵ Justice Hoke dissented, pointing out that in none of the cases cited by the majority had a statutory power to levy a special tax existed.¹⁶

Two years later, Justice Stacy took up the attack on *Cooper* in his opinion for the majority in *Spitzer*. In overruling *Cooper*, he reiterated that one must read *Hightower* in context.¹⁷ Correctly understood, *Hightower* means that a county may not levy a special tax and use it toward a sinking fund without legislative authorization to levy the tax, not that a county may not pay into a sinking fund monies collected from an authorized special tax that has been levied. Since *Cooper* had unfairly read the precedents—that is, no series of cases in fact restricted localities as *Cooper* had suggested—that case could not begin to settle the law and needed to be overruled as wrong-headed. In so doing, *Spitzer* declared that a single recent decision is entitled to significantly less weight than a series of adjudications on the same point of law and that a court ought not blindly adhere to a decision that it soon realizes is erroneous.¹⁸ *Spitzer* also softened the bindingness of horizontal precedent by noting that the compulsion or exigency of stare decisis is moral and intellectual, not arbitrary and inflexible.¹⁹ In short, *Spitzer* did not unsettle the law when it overruled *Cooper* but corrected an erroneous opinion so that the court might take the first step in settling the law justly.

Twenty-five years later, the supreme court relied on *Spitzer* as an example of how to begin the process of settling the law justly by clearing the ground of unjustified decisions—especially of errors perpetrated by a divided court. In *State v. Ballance*,²⁰ the court overruled a decade-old decision²¹ that did “not call the rule of stare decisis in its true sense into play” because it was a single case weakened by a commanding dissent that had not been followed. In justifying the overruling, *Ballance* quoted *Spitzer* for the maxim that nothing is settled until it is settled right.²²

Both *Spitzer* and *Ballance* might have served as tolerable examples for *Barnes* to cite in 1997, when it overruled a spate of cases that were aiming to settle a new rule of common law. But in asserting the maxim that nothing is settled until it is settled right, *Barnes* would not cite *Spitzer* or *Ballance*, it would cite *Rabon*.

Unsettling the Common Law

In *Rabon v. Rowan Memorial Hospital*

Inc.,²³ filed in 1967, Justice Susie Sharp, writing for the majority, quoted the maxim that nothing is settled until it is settled right in the course of justifying the overruling of a long line of precedents as erroneous.²⁴ *Rabon* unsettled the doctrine of charitable immunity—at the least in reference to hospitals²⁵—in light of “current conditions, the tide of judicial decision elsewhere, and the general agreement among legal scholars that charitable immunity is insupportable,”²⁶ applying its new rule to causes of action arising after January 20, 1967.²⁷ The court overruled settled law on changed conditions because “injustices were resulting from it”²⁸ and because, as *Spitzer* had said, “There is no virtue in sinning against the light or in persisting in palpable error, for nothing is settled until it is settled right.”²⁹

The dissenting opinions in *Rabon* condemned the majority’s decision as a side-stepping of settled law in order to command immediate change—i.e., correction of grievous wrong and palpable error, in the majority’s view. Taking issue with the majority having abolished the doctrine of charitable immunity, Justice I. Beverly Lake Sr. exclaimed in his dissenting opinion that “the authority to determine that, by reason of changed conditions, that which was the law yesterday ought not to be the law tomorrow is ‘legislative authority’”—an authority the court did not have.³⁰ In a separate dissent, Chief Justice R. Hunt Parker noted that “the General Assembly is the ultimate tribunal to determine public policy,”³¹ arguing that the court was in no position to abolish the doctrine of charitable immunity when it had been “settled law [in North Carolina] by a uniform line of decisions for more than fifty-five years.”³² Thus, what *Rabon* overruled as error was argued in dissent to be weighty precedent.³³

So, justified by a majority opinion of a future chief justice, though weakened by a pair of dissents, *Rabon* unsettled the common law.³⁴

Resettling the Common Law

Thirty years later, the court invoked the maxim yet again. In *State v. Barnes*,³⁵ a sharply divided court overruled the recent decision in *State v. Blankenship*,³⁶ defending the overruling by the maxim that nothing is settled until it is settled right.

The court that decided *Blankenship* in late 1994 included many long-seated mem-

bers of North Carolina’s “Warren Court of Our Own”³⁷: Chief Justice James G. Exum Jr. and associate justices Louis B. Meyer, Burley B. Mitchell Jr., Henry E. Frye, John Webb, Willis P. Whichard, and Sarah Parker. By the time *Barnes* was filed in early 1997, both Exum and Meyer had left the court. The new justices on the court, I. Beverly Lake Jr.³⁸ and Robert F. Orr, along with justices Mitchell and Webb, each of whom had written separately in *Blankenship*, voted to overrule *Blankenship*.

The pertinent subject in *Blankenship* had been the doctrine of acting in concert. Chief Justice Exum, writing for the court, concluded that the jury instructions given by the trial judge were correct statements of the law to “apply the acting in concert doctrine to defendant’s criminal liability for first-degree murder under the felony-murder rule” but “erroneous insofar as they apply this doctrine to defendant’s criminal liability for premeditated and deliberated murder.”³⁹ The instructions, explained Exum, would permit a conviction for premeditated murder even if the defendant did not have specific intent to kill.⁴⁰ In an extensive string citation, Exum noted that other jurisdictions required a defendant to possess the requisite *mens rea* for the specific-intent crime charged under the theory of acting in concert.⁴¹ Focusing on another problem with the instructions, he noted that the court’s recent decision in *State v. Erlewine*⁴² had read *State v. Westbrook*⁴³ too broadly when its dicta expanded “accomplice liability under the acting-in-concert doctrine beyond those crimes which were within the common plan of the accomplices,”⁴⁴ and therefore *Erlewine* could not provide support for the instruction given in *Blankenship*. In dissent, Justice Mitchell acknowledged the chief justice’s long string of citations as proving the law of other jurisdictions but pointed out that their holdings were contrary to the law of North Carolina.⁴⁵ He also defended his majority opinion in *Erlewine*.⁴⁶

Two and a half years later, Chief Justice Mitchell⁴⁷ succeeded in his attack on *Blankenship* in his opinion for the majority in *Barnes*.⁴⁸ In overruling *Blankenship*, the majority characterized it as one of an aberrant spate of decisions out of harmony with the long-standing jurisprudence of the state⁴⁹ and reverted to the line of cases that had clearly and workably settled the law⁵⁰ of acting in concert from which the court had

departed only in recent years. In overruling *Blankenship*, then, *Barnes* neither unsettled the law nor began the process of settling it, but rather resettled the law.⁵¹

Declining to Unsettle the Common Law

If according to the doctrine of stare decisis the common law is normally not settled until a long line of adjudications argued by savvy attorneys and supported by well-reasoned opinions of respected jurists allows the holdings to be treated as a rule of law,⁵² the overrulings in *Spitzer*, *Rabon*, and *Barnes* relate to this doctrine in different ways. These differences are evident when one pauses to focus on “a long line of adjudications” as central to settling the law.⁵³ *Spitzer* overruled a solitary, recent decision interpreting a public-local act that had not been the subject of appeal in the past, *Rabon* overruled a rule of law settled by a long line of precedents, and *Barnes* overruled a handful of decisions that had deviated from a rule of law settled by a long line of precedents. *Spitzer*, then, had only a negative relation to this typical method of settling law—there was no line of cases, so *Spitzer* overruled the court’s recent wrongheaded decision. *Barnes* also engaged in overruling cases that had not settled a new rule of law, but in so doing, it reverted to a rule of law settled by a long line of cases decided prior to that handful of overruled cases. *Rabon* had likewise looked back at a rule of law settled by a long line of cases, but not uncritically.

While breaking with tradition is not unprecedented in North Carolina jurisprudence,⁵⁴ the supreme court is rarely willing to reach the question of error in a series of precedents that has settled a rule of law.⁵⁵ As Judge Thomas Ruffin⁵⁶ noted more than two hundred years ago in *Fentress v. Robins* when rejecting a case identified by the defendant that would have settled the dispute: “[T]hat decision is a solitary one [from a neighboring jurisdiction], and I cannot allow to it the authority of overturning a long train of contrary decisions and the oldest and best established maxims of our law.”⁵⁷ Ruffin here captured the central place in the doctrine of stare decisis of settling law by a series of adjudications, albeit without the sparkling language of the maxim quoted by *Spitzer*, *Rabon*, and *Barnes*.

The Maxim’s Provenance

Yet, if the sparkling expression of the

maxim that nothing is settled until it is settled right was as important in *Barnes* as was the meaning of the maxim, the court might have not only corrected its citation to include reference to *Spitzer* but also have indicated from what source *Spitzer* had co-opted that language in 1924. Although Justice Stacy was a thoughtful judge and a talented writer, he did not invent the relationship between the finality and the rightness of a decision, and he did not introduce this pithy maxim into the lexicon of the common law. If we confine our inquiry concerning the origin of this maxim to American jurisprudence, we find that by 1913 it was already considered a “familiar saying.”⁵⁸ A little more digging shows the maxim to have been a favorite of one of the most able and famous American practitioners and legal theoreticians of the late nineteenth century, James Coolidge Carter, Carter having died only a generation before *Spitzer* was filed.⁵⁹ The flip of another rock reveals that the maxim was also a favorite of President Abraham Lincoln.⁶⁰ Even based on this haphazard research, one sees that the maxim came from the lips of accomplished lawyers who were noted orators in an age when oratory was an important means of persuasion. Very tempting fare, then, was this maxim for writers of appellate opinions in the twentieth century.

The Maxim’s Continued Effectiveness

The court’s choice in *Barnes* not to point out President Lincoln’s predilection or Judge Ruffin’s position in *Fentress* is understandable. The court’s failure to provide a technically correct citation to *Rabon*, though, may have caused it to overlook the better precedent for its purposes, which was *Spitzer*. Aiming to minimize such oversights, the court in recent decades has tried in earnest to follow another maxim, though one that sets an ideal perhaps unachievable, that nothing be cited until it is cited right.

Not only might good citation practice have alerted the court that *Spitzer* was a more apt precedent than *Rabon*, but also such practice might have convinced the court to abandon its quotation in *Barnes* of the maxim that nothing is settled until it is settled right. After all, this maxim stresses the respect due a long series of adjudications in the settlement of the law unless that law proves to be manifestly unjust, and neither *Spitzer* nor *Barnes* overruled a case that had such a pedigree. That is to say, the maxim

has stronger clarifying effect in unsettling the law⁶¹ in the name of justice (*Rabon*) than in clearing away stray errors so that the law may either settle justly (*Spitzer*) or resettle on prior precedents (*Barnes*). But *Barnes* did cite the maxim, which perhaps gives the court good reason now to abandon it altogether.⁶² How much explanatory power does the maxim still have after the court has resorted to it in providing three very different precedents on overruling its precedents? ■

Thomas P. Davis is the librarian of the North Carolina Supreme Court Library. The author thanks Jennifer Wyatt, assistant administrative counsel of the Supreme Court of North Carolina, and Michael Byrne, administrative law judge at the North Carolina Office of Administrative Hearings, for having served as readers of this essay.

Endnotes

1. The maxim is cited by the Supreme Court of North Carolina in four cases in the twentieth century: *Sidney Spitzer & Co. v. Commissioners of Franklin County*, 188 N.C. 30 (1924); *State v. Ballance*, 229 N.C. 764 (1949); *Rabon v. Rowan Memorial Hospital Inc.*, 269 N.C. 1 (1967); and *State v. Barnes*, 345 N.C. 184 (1997). Opinions in other cases expressed the same sentiment in slightly different language. For example, Justice Harry Martin once noted in a concurring opinion that “the law is never settled until it is settled correctly.” *State v. Strickland*, 307 N.C. 274, 305 (1983), abrogated by *State v. Johnson*, 317 N.C. 193 (1986). For a recent reference to the maxim in an appellate opinion, see *infra* note 62.
2. 345 N.C. at 233.
3. 269 N.C. at 20–21.
4. 188 N.C. at 32.
5. THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION R. 10.6.3, at 109 (Columbia L. Rev. Ass’n et al. eds., 21st ed. 2020). The botched citation in *Barnes* to this sparkling legal maxim was accidental. One knows this because *Barnes* expertly cited a quotation of a quotation in discussing the doctrine of acting in concert. *Barnes*, 345 N.C. at 233 (discussing the traditional doctrine of acting in concert and citing “*Erlewine*, 328 N.C. at 637, 403 S.E.2d at 286 (quoting *Westbrook*, 279 N.C. at 41–42, 181 S.E.2d at 586) (alterations in original)”).
6. For reliance on this contrast in meanings of precedent, see Gerald J. Postema, *Philosophy of the Common Law*, in THE OXFORD HANDBOOK OF JURISPRUDENCE AND PHILOSOPHY OF LAW 588, 617–18 (2002) (“Making law’s authoritative directives central to our understanding of law...encourages us, for example, to think of precedent in terms of rules, as ill-drafted statutes, rather than as examples...” (emphasis added)).
7. 188 N.C. 30 (1924) (Stacy, J.).
8. 183 N.C. 231 (1922) (Chief Justice Walter Clark writing for the majority, with separate dissenting opinion by Justice William A. Hoke).
9. *Spitzer*, 188 N.C. at 32 (asserting the maxim without attribution).
10. At the time of the filing of *Spitzer* in June 1924, the court consisted of Chief Justice Hoke and associate justices William J. Adams, Walter P. Stacy, Heriot

- Clarkson, and George W. Connor.
11. Hoke was appointed chief justice by Governor Cameron A. Morrison upon the death of Chief Justice Clark.
 12. For a discussion of public-local acts, see Joseph S. Ferrell, *Local Legislation in the North Carolina General Assembly*, 45 N.C. L. REV. 340 (1967).
 13. *Cooper*, 183 N.C. at 232–33, 235.
 14. *Id.* at 234–35.
 15. Chief Justice Clark cited *Proctor v. Board of Commissioners*, 182 N.C. 56 (1921) (Stacy, J.); *Jackson v. Board of Commissioners*, 171 N.C. 379, 382 (1916) (Brown, J.); *Prichard v. Board of Commissioners*, 160 N.C. 476 (1912) (Hoke, J.); *Underwood v. Town of Asheboro*, 152 N.C. 641, 642 (1910) (Clark, C.J.); *Jones v. City of New Bern*, 152 N.C. 64, 65 (1910) (Brown, J.); *Hightower v. City of Raleigh*, 150 N.C. 569, 571 (1909) (Brown, J.).
 16. *Cooper*, 183 N.C. at 235 (Hoke, J., dissenting).
 17. *Spitzer*, 188 N.C. at 35 (“Every opinion, to be correctly understood, ought to be considered with a view to the case in which it is delivered.” (quoting *United States v. Burr*, 4 Cranch, 470, Fed. Cas. No. 14,692 (Marshall, C.J.))).
 18. *Id.* at 32. The court cited a legal encyclopedia and one of its recent decisions for the doctrine that *stare decisis* is flexible in cases where no rule of property is involved; it quoted an opinion from Louisiana for the relative weakness of a single decision as precedent; it asserted the legal maxim that nothing is settled until it is settled right without attribution; and it quoted North Carolina’s Chief Justice Clark without citation for the notion that precedent which is “wrong” ought to be “corrected” as soon as possible. Unfortunately, Clark’s alleged remark does not appear in any of his appellate opinions, nor has it been spotted in any of his other addresses or articles, though the sentiment is not inconsistent with other remarks made by Clark. See, e.g., *infra* note 55.
 19. *Spitzer*, 188 N.C. at 32. Although the court did not include a citation for its block quote containing the sentence, “the compulsion or exigency of the doctrine is, in the last analysis, moral and intellectual, rather than arbitrary and inflexible,” the block quote appears to be taken, with some slight variation, from D. H. Chamberlain, *The Doctrine of Stare Decisis as Applied to Decisions of Constitutional Questions*, 3 HARVARD L. REV. 125, 125 (1889).
 20. 229 N.C. 764 (1949) (Justice Sam James Ervin Jr. writing for the majority, with separate dissenting opinion by Chief Justice Walter P. Stacy, who is joined by Justice J. Wallace Winborne).
 21. *State v. Lawrence*, 213 N.C. 674 (1938) (Justice Heriot Clarkson writing for the majority, with separate dissenting opinion by Justice M. Victor Barnhill, who is joined by Justice A. A. F. Seawell).
 22. *Ballance*, 229 N.C. at 767.
 23. 269 N.C. 1 (1967) (Justice Susie Sharp writing for the majority, with separate dissenting opinions by Chief Justice R. Hunt Parker and Justice I. Beverly Lake Sr.).
 24. Such disregard of precedent was reminiscent of the Fusion-era days at the court, when law was cut loose from precedent and the alleged slogan of the more radical members of the court was, “Whatever is, is wrong.” Robert Watson Winston, *Chief Justice Shepherd and His Times*, 3 N.C. L. REV. 1, 10 (1925). Not only was precedent attacked vehemently at the turn of the twentieth century, when the pragmatist philosophy of William James gained prominence, but the twentieth-century philosophies of legal realism and legal process theory would ground continual attacks on precedent in American jurisdictions in the decades surrounding
- Rabon*. See generally Harold J. Berman, *The Crisis of Legal Education in America*, 26 BOSTON COLL. L. REV. 347 (1985).
25. According to the majority, the doctrine of charitable immunity would continue to extend to “churches, orphanages, rescue missions, transient homes for the indigent, and other similar institutions,” but not to Rowan Memorial Hospital because the “hospital has lost its status as a charitable institution.” *Rabon*, 269 N.C. at 21 (majority opinion). One dissenter, though, characterized the majority opinion as having abolished the doctrine of charitable immunity, and not simply its application to this party, *id.* at 22 (Parker, C.J., dissenting), and the other dissenter saw no reasoned “distinction between a nonprofit, charitable hospital corporation and any other nonprofit, charitable corporation with respect to the liability of such corporation for injury to a recipient of its services caused by the negligence of its employee in the course of that employee’s duties[.]” *id.* at 25 (Lake, J., dissenting).
 26. *Id.* at 4 (majority opinion).
 27. While some legislation sets its effective date to the minute, see, e.g., Internal Revenue Code of 1954, 68A Stat. 929 (“Approved August 16, 1954, 9:45 a.m., E. D. T.”) (codified at 26 U.S.C. § 4361, among other places), *Rabon* contented itself with merely appointing its filing date as the day at which its new rule of law would become effective.
 28. *Rabon*, 269 N.C. at 20.
 29. *Id.* at 20–21 (quoting *Sidney Spitzer & Co. v. Comm’rs of Franklin Cnty.*, 188 N.C. 30, 32 (1924) (Stacy, J.)).
 30. *Id.* at 26 (Lake, J., dissenting).
 31. *Id.* at 24 (Parker, C.J., dissenting).
 32. *Id.* at 22 (Parker, C.J., dissenting).
 33. It is ironic that a biography of the author of the majority opinion in *Rabon* is entitled, “Without Precedent.” ANNA R. HAYES, WITHOUT PRECEDENT: THE LIFE OF SUSIE MARSHALL SHARP (2008). While the title of this book relies on the common sense meaning of “precedent,” see *supra* note 6, one might aptly apply the scientific sense of the term, *id.*, to the majority opinion in *Rabon*, 269 N.C. at 21 (abolishing the doctrine of charitable immunity for hospitals as of “January 20, 1967”). Another example of Justice Susie Sharp authoring a majority opinion “without precedent”—one that arguably overrules a well-established line of authority—is *Smith v. State*, 289 N.C. 303, 320 (1976) (abrogating the defense of sovereign immunity of the State in contract cases as of “2 March 1976”).
 34. For support, *Rabon* nodded to perhaps the most unsettling decision in the history of North Carolina’s jurisprudence, *Mial v. Ellington*, 134 N.C. 131 (1903) (Connor, J.). *Rabon*, 269 N.C. at 20. *Mial* overruled *Hoke v. Henderson*, 15 N.C. (4 Dev.) 1 (1833) (Ruffin, C.J.), a decision which had been followed by well-respected judges of different political views in a line of precedent that had lasted almost seventy years. The court abandoned this venerable line of decisions in order to conform North Carolina’s jurisprudence with the “American doctrine” of public offices. *Mial* was authored by newly elected Justice George W. Connor and joined by newly elected Justice Platt D. Walker. Chief Justice Walter Clark, who frequently and vocally aimed to sidestep *Hoke* during his tenure as associate justice during the politically volatile 1890s, see, e.g., *State’s Prison v. Day*, 124 N.C. 362 (1899); *Taylor v. Vann*, 127 N.C. 243 (1900), settled for a concurrence in which he reiterated that no other state had adopted the doctrine of private property in public office. The remaining judges, associate justices Robert Douglas and Walter Montgomery, dissented.
- Of course, *Mial* and *Rabon* are not the only decisions to have jettisoned a long line of precedents set by once highly respected judges. For example, in *Smith*, 289 N.C. 303, the court abrogated the defense of sovereign immunity in contract cases for all such causes of action arising after 2 March 1976, noting that courts in many other jurisdictions had judicially abolished this aspect of the doctrine of sovereign immunity. *Id.* at 313–14. In dissent, Justice I. Beverly Lake Sr. noted that the “road to judicial dictatorship is also paved with good intentions.” *Id.* at 338 (Lake, J., dissenting). Another example, one which is pointed out by *Rabon*, is *State v. Blackmon*, 260 N.C. 352 (1963) (Denny, C.J.), in which Justice R. Hunt Parker dissented on the ground that “[i]f a change is to be made...it should be done by the General Assembly.” *Id.* at 359 (Parker, J., dissenting). More recently *Nelson v. Freeland*, 349 N.C. 615 (1998) (Wynn, J.), overruled a line of precedents on the law of premises liability that had been in use for “over one hundred years,” citing its ineffectiveness, “the nationwide trend of abandoning the common-law [doctrine],” and “policy reasons.” *Id.* at 617. *Nelson* drew a concurrence from Chief Justice Burley B. Mitchell Jr. joined by Justice I. Beverly Lake Jr. and Justice Robert F. Orr, which treated the majority opinion on the unjustness of the state’s settled law of landlord liability as mere dicta and furthermore rejected the notion of modifying settled principles of the common law without even the benefit of a brief or argument on the question unnecessarily reached.
35. 345 N.C. 184 (1997) (Chief Justice Mitchell writing for the majority, with separate dissenting opinion by Justice Henry Frye, who is joined by Justice Willis P. Whichard and Justice Sarah Parker).
 36. 337 N.C. 543 (1994) (Chief Justice James G. Exum Jr. writing for the majority, with separate concurring opinion by Justice John Webb and separate opinion concurring in part and dissenting in part by Justice Mitchell), overruled by *Barnes*, 345 N.C. 184.
 37. *Blankenship*, filed on 9 September 1994, was one of the final decisions made by the key members of what Justice Mark A. Davis would later call “a Warren Court of Our Own,” both Chief Justice Exum and Justice Louis B. Meyer finishing their service on the court a few months later, at the end of 1994. MARK A. DAVIS, A WARREN COURT OF OUR OWN: THE EXUM COURT AND THE EXPANSION OF INDIVIDUAL RIGHTS IN NORTH CAROLINA (2020). Justice Davis points out that an important member of the Exum Court for the years 1987–1991 was Justice Harry Martin, who reached the age of mandatory retirement and was replaced by I. Beverly Lake Jr. in early 1992. *Id.* at 38–43.
 38. In the 1992 general election, Sarah Parker defeated Justice I. Beverly Lake Jr. for the seat on the court to which he had recently been appointed. Justice Parker, then, was the newest member of the Exum Court when *Blankenship* was filed. Lake thereafter defeated Parker in the 1994 general election, but Parker was reappointed to the court upon Chief Justice Exum’s retirement and Justice Mitchell’s replacing Exum as chief justice at the close of 1994. Thus, both Parker and Lake were serving on the court when *Barnes* was filed on 10 February 1997.
 39. *Blankenship*, 337 N.C. at 557.
 40. *Id.* at 557.
 41. *Id.* at 559.
 42. 328 N.C. 626 (1991) (Mitchell, J.).
 43. 279 N.C. 18 (1971) (Lake, J.).
 44. *Blankenship*, 337 N.C. at 561.
 45. *Id.* at 565 (Mitchell, J., concurring in part and dissenting in part).

46. *Id.* at 567 (Mitchell, J., concurring in part and dissenting in part).
47. Mitchell was appointed chief justice by Governor James B. Hunt on 12 December 1994 and sworn in on 3 January 1995; he was elected to an eight-year term as chief justice in November 1996.
48. 345 N.C. 184 (1997) (Chief Justice Mitchell writing for the majority, with separate dissenting opinion by Justice Henry Frye, who is joined by Justice Willis P. Whichard and Justice Sarah Parker).
49. *Id.* at 231 (“The first instances in which this Court dealt with the concerted actions of multiple defendants date back at least 160 years. In *State v. Haney*, 19 N.C. 390 (1837)....”; *id.* (“[T]oday we overrule our decision in *Blankenship* and, returning to a body of law which was well established and long-standing in this jurisdiction prior to *Reese* and *Blankenship*, conclude that the instructions given in the case *sub judice* were not erroneous.”). For support not cited in *Barnes* for the rule that a handful of aberrant decisions does not outweigh the long-settled law of the jurisdiction, see the cases cited *infra* note 53.
50. 345 N.C. at 233 (citing *State v. White*, 322 N.C. 506, 518 (1988), for the relevance of the factors of inscrutability and unworkability).
51. What was overruled in order to accomplish this resettlement in *Barnes* is complicated. *Barnes* overruled *State v. Blankenship*, 337 N.C. 543 (1994) (Exum, C.J.), and *State v. Reese*, 319 N.C. 110 (1987) (Meyer, J.), as well as their “progeny,” which included *State v. Straing*, 342 N.C. 623 (1996) (Mitchell, J.). *Barnes*, 345 N.C. at 231–33. The court said that the traditional doctrine of acting in concert, to which it returned, had begun with *State v. Haney*, 19 N.C. (2 Dev. & Bat.) 390 (1837) (Gaston, J.), and had continued in an unbroken line of cases through *State v. Westbrook*, 279 N.C. 18 (1971) (Lake, J.), until *Reese* finally broke that line of cases in 1987. The traditional rule had soon thereafter been reaffirmed in at least two more cases, including *State v. Erlewine*, 328 N.C. 626 (1991) (Mitchell, J.), before being disavowed by *Blankenship*. *Barnes*, 345 N.C. at 231–32.
52. Regarding the modern doctrine of precedent, see HAROLD J. BERMAN, LAW AND REVOLUTION II: THE IMPACT OF THE PROTESTANT REFORMATIONS ON THE WESTERN LEGAL TRADITION 267–69, 270, 273–75 (2003) (linking the rise of the modern doctrine of precedent, with its characteristic respect for lines of adjudication and simultaneous recognition of the possibility of error, to the historical jurisprudence of Sir Matthew Hale, with its acceptance of empiricism and the search for probable truth of legal principles).
53. When *Barnes* was filed in 1997, many opinions in North Carolina had explicitly contrasted the weight of a single appellate opinion with that of a long series of appellate opinions. See, e.g., *White*, 322 N.C. at 518 (Justice Whichard writing for the majority, with separate dissenting opinion by Justice John Webb, who is joined by Justice Louis B. Meyer and Justice Mitchell) (“This decision is hardly novel or revolutionary. Rather, the Court merely reverts—following a brief aberrative period—to a well-established principle of law, thoroughly familiar to generations of lawyers and jurists.”); *State v. Ballance*, 229 N.C. 764, 767 (1948) (Justice Sam J. Ervin Jr. writing for the majority, with separate dissenting opinion by Chief Justice Walter P. Stacy, who is joined by Justice J. Wallace Winborne) (“These considerations have brought forth the salutary doctrine of *stare decisis* which proclaims, in effect, that where a principle of law has become settled by a series of decisions, it is binding on the courts and should be followed in similar cases. But the case at bar does not call the rule of *stare decisis* in its true sense into play. Here, no series of decisions exists. We are confronted with a single case....” (citations omitted)); *Lowdermilk v. Butler*, 182 N.C. 502, 506–07 (1921) (Walker, J.) (“As a general

rule, where a principle of law has become settled by a series of decisions, it is binding on the courts and should be followed. But it has been determined that a single decision is not necessarily binding.”); *Williamson v. Rabon*, 177 N.C. 302, 305–06 (1919) (Hoke, J.) (“In decisions... declaratory of the common law or of general equitable principles, in order to establishment of [sic] such a precedent, it is more usually required that there be a series of decisions on a given subject, or, if one, that it be so definitive in its terms and so generally acquiesced in and acted on that it has come to be recognized as the accepted rule on a given question.”); *Orbison v. Morrison*, 8 N.C. (1 Hawks) 467, 468 (1821) (Taylor, C.J.) (“A question is therefore presented, which may be considered settled by very many adjudications, and which it would be dangerous now to disturb, since it is familiar to the profession, and has become a rule of property under which many titles are held. A long train of decisions, with very few to the contrary, has fixed the principle....”); *Fentress v. Robins*, 4 N.C. 610, 612 (1817) (Ruffin, J.) (“*Ambler v. Wild*, 3 Wash., 36 [Ambler v. Wyld, 2 Va. (2 Wash.) 36 (1794)], has been cited by the defendant; and it must be admitted that it goes the full length of the present case. But that decision is a solitary one, and I cannot allow to it the authority of overturning a long train of contrary decisions and the oldest and best established maxims of our law.”).

54. See *supra* note 34.

55. On the question of how thoroughly a series of adjudications settles the law, two of North Carolina’s longest-serving chief justices held different views—at least when a series of decisions construes the positive law. Compare *Peterson v. Williamson*, 13 N.C. (2 Dev.) 326, 332 (1830) (Ruffin, J.) (“However erroneous the original construction may appear to our minds, at this day, it is too thoroughly settled to be disturbed. I am firmly convinced, that it was palpably erroneous. But I subdue myself into a practical obedience to the authority of a long train of the decisions of my predecessors, although my own understanding rejects the reasoning upon which they are founded, and I see them now productive of evils, which were not, and probably could not have been foreseen. The Court below was bound to lay down the law as it did, and this Court is bound to follow.”), with *State v. Hall*, 115 N.C. 811, 822 (1894) (Clark, J., dissenting) (“Civilized man must recoil from the practical ruling... that murder is privileged if committed across a State line. It may be safely said that the judge who first laid down a ruling from which such result practically follows did not foresee the purport and effect of his decision. We are called upon to correct, not to perpetrate, his errors, though others have since followed him.... Years ago *Chancellor Kent* (1 Com., 477) said that it would not do ‘to press too strongly the rule of *stare decisis*, when it is recollected that over one thousand cases in the English and American books have been overruled. Even a series of decisions are not always conclusive....”).

56. Thomas Ruffin served as a trial judge of the Superior Court of North Carolina and then as an associate judge of the Supreme Court of North Carolina from 1829 until he was chosen its chief justice in 1833. Ruffin resigned the office of chief justice in 1852 but then served again as an associate judge of the Supreme Court of North Carolina from 1858–1859.

57. 4 N.C. (Taylor) 610, 612 (1817) (Ruffin, J.).

58. 1 ELIHU ROOT, EXPERIMENTS IN GOVERNMENT AND THE ESSENTIALS OF THE CONSTITUTION, at iii (1913). Root was a New York City lawyer and frequent appointee to high-level federal government positions. In 1912, he won the Nobel Peace Prize.

59. Joseph H. Choate, *James Coolidge Carter: Address before the Bar Association of the City of New York, March 13, 1906*, in AMERICAN ADDRESSES 271 (1911) (“One of

[Carter’s] favorite maxims was, that nothing was finally decided until it was decided right, and so no amount of so-called authorities was sufficient to dissuade him from maintaining the contrary view.”). Choate was a famous New York City lawyer and diplomat.

60. 1 JAMES M. BECK, MAY IT PLEASE THE COURT 219 (1930). Beck was a renowned lawyer from Pennsylvania who served in the United States House of Representatives and as Solicitor General of the United States.

61. Technically, when a court legitimately overrules an erroneous decision—or even a long line of decisions based on an erroneous decision—the court does not unsettle the law but declares that the erroneous decision and its progeny had never properly settled the law. *Omnis Innovatio plus Novitate perturbat quam Utilitate prodest*, in HERBERT BROOM, A SELECTION OF LEGAL MAXIMS, CLASSIFIED AND ILLUSTRATED 61, 62 (Philadelphia, T. & J. W. Johnson, Law Booksellers 1845) (“This rule [of stare decisis], however, admits of exceptions, where the former determination is most evidently contrary to reason,—much more, if it be clearly contrary to the divine law. But, even in such cases, the subsequent judges do not pretend to make a new law, but to vindicate the old one from misrepresentation. For, if it be found, that the former decision was manifestly absurd or unjust, it is declared, not that such a sentence was *bad law* but that it was *not law*; that is, that it is not the established custom of the realm, as has been erroneously determined.”).

So, for example, had James Coolidge Carter, see *supra* note 59, lived another 100 years, he might have argued that the series of supreme court decisions apparently approving of *Calloway v. Ford Motor Co.*, 281 N.C. 496 (1972) (Justice Susie Sharp writing for the majority, with a separate opinion concurring in the result by Justice Carlisle W. Higgins), never properly settled the law and should be overruled because that decision, holding that “when one Superior Court judge, in the exercise of his discretion, has made an order denying a motion to amend, absent changed conditions, another Superior Court judge may not thereafter allow the motion,” *id.* at 505, was overbroad when decided and had resulted in injustices. Carter might have argued that *in fieri* orders should form a class containing two distinct categories of orders that cannot reasonably be conflated and that a mere interlocutory order should normally be open to reconsideration, even by a subsequent judge, so long as that order remains *in fieri*, while an immediately appealable interlocutory order should normally not be open to reconsideration, even by the same judge, due to the doctrine of acquiescence. See generally Thomas L. Fowler & Thomas P. Davis, *Reconsideration of Interlocutory Orders*, 5 N.C. STATE BAR J., Fall 2000, at 26. Carter’s imagined rejection of *Calloway*’s reasoning, of course, would not have precluded him from offering the court reasonable restrictions on reconsideration of even mere interlocutory orders, such as rules that mitigate the appearance of judge shopping in superior court districts that employ multiple terms of court or multiple judges. Yet, his opponent might have challenged Carter’s argument by asserting that imperfect declarations of law may by a series of decisions still settle the law and by denying that the common law restriction on the jurisdiction of a superior court judge arguably established in *Calloway* offends practical reason (i.e., natural law) or divine law, which were the exceptions to stare decisis noted by Broom in 1845. Aside from correcting lines of cases that have fallen into such fundamental error, Carter’s opponent might have argued, the court may not unsettle the common law once declared, but rather deviation from the common law must be reserved to the maker of court rules or of

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Mock Trial Program—Making North Carolina a Leader in Civic Education

BY REBECCA J. BRITTON

The more teens are exposed to high-quality civics education in high school, the more likely they are to be engaged in community service and voting as young adults.¹ To quote Abraham Lincoln, “The philosophy of the school-house in one generation will be the philosophy of the government in the next.”

On January 30, 2024, bar leaders from around the state met at the North Carolina State Bar to evaluate how we can make North Carolina a leader in civic education through the North Carolina Mock Trial Program. Chief Justice Paul Newby, a long-time participant and supporter of the program and keynote speaker, encouraged bar leaders and lawyers to become involved in mock trial: “I have seen a lot of civic education programs come and go, but the one I have seen that has continually had a positive impact on the participants and their communities is mock trial.”

For 32 years the North Carolina Mock Trial Program has been investing in our future leaders.² It began with a small group at Wake Forest University School of Law called CRA-DLE (Creative Research Activities Develop-



Chief Justice Newby with Mock Trial Ambassadors Kyvaughn Lyons, Olivia Sanchez-Dunn, Rose Elias, and Attorney Coach Hon. Darren Allen.

ment and Enrichment) putting on a civic education program where law students coached high school students in mock trials. The program was picked up, expanded, and run by the North Carolina Academy of Trial Lawyers (now North Carolina Advocates for Justice (NCAJ)) for 15 years. In 2008, a 501(c)(3) non-profit—the Carolina Center for Civic Education (now known as the North Carolina

Mock Trial Program)—took over the program from NCAJ and has been running it ever since.

The mission of the North Carolina Mock Trial Program (NCMTP) is to create engaged citizens through the hands-on learning activity of mock trial, thereby enabling students to gain the civic understanding, self-confidence, analytical reasoning, and communications skills that are vital for tomorrow’s leaders. The



Mock Trial Ambassadors Regan Carson and Katie Morris with alumni Elizabeth Knight, the Schmidly Coaching Award winner.

NCMTP Board of Directors is a diverse group of attorneys and educators who strongly believe in and support this program with their time, talent, and resources.³ The NCMTP also has many committed volunteers and ambassadors around the state who we count on to make this program happen. We have attorneys who serve as regional coordinators and attorney advisors for teams; paralegals and legal assistants who serve as site coordinators, scoring directors, and site volunteers. In this 2023/24 competition season alone, over 550 attorneys and judges volunteered their time to serve as scoring jurors and presiding judges at nine regional competitions across the state and at our State Finals Competition held in Raleigh at Campbell Law.

How Does it Work?

In a nutshell, high school teams are made up of seven to nine students with a teacher/coach and an attorney advisor. Teams are provided with case materials as well as rules of evidence and rules of competition. A new case is created each year, alternating between civil and criminal. The case is released, and teams start registering in September. Teams prepare and try BOTH sides of the case with three student attorneys, three student witnesses, and a bailiff/timekeeper. Cases are specifically created to be balanced—there are good and bad facts on both sides of the case and with every witness. Each of the three stu-

dent attorneys conducts one direct examination and one cross-examination along with handling and making objections; one student attorney will give an opening statement, and another will give a closing argument. All aspects of the trial are under strict time limits. Trials typically last around 90 minutes. A judge presides over each trial, and attorneys serve as jurors, scoring performances of the students as attorneys and witnesses.

All of this on its face sounds pretty straightforward. However, anyone who has been in the trenches coaching a team of students through the process has witnessed just how transformational the impact of this program is from beginning to end. It takes serious teamwork to prepare. Student teams analyze witness statements and evidence. They become familiar with the area of law at issue and the actual meaning of the burden of proof. They work and rework theories for both sides of the case. They develop witness characters and performances. They draft and redraft direct examinations, cross-examinations, opening statements, and closing arguments. They learn the competition rules of evidence, how to lay a foundation and admit exhibits into evidence, and how to object and make concise and persuasive arguments. As all this teamwork comes together, the shyest find confidence, the quietest find their voices, and all find a very real understanding of our system of justice. They also learn an incredibly important life lesson: There

are always two sides to every coin. All this transformational civic education happens before students ever step into a courtroom.

When students walk into courthouses around the state for regional competitions in early February, they know actual attorneys and judges will be evaluating them in real courtrooms with an audience watching. That is both intense and terrifying; thus, another life lesson—facing your fear. As students try each side of the case throughout the day, they must think on their feet, adapt to new information, and learn to rely on, work with, and support their teammates.

Following the regional competitions, 12 top teams (regional champions plus teams invited based on performance) compete at the State Finals. At State Finals, teams have the added challenge of moving about the well when conducting direct and cross-examinations. This element requires a whole new level of presentation skills, which is ultimately expected and required of the State Championship team that will represent North Carolina at the National High School Mock Trial Championship, hosted in a different state each year.

Impact on Civic Education in North Carolina

Each year the NCMTP awards the M. Gordon Widenhouse Scholarship for inspirational team leadership to one senior. Nominations are submitted by teacher coaches and/or attorney advisors, and nominees submit a personal essay and letters of recommendation. The following quotes from student essays over the years really drive home the powerful civic education impact of this program:

“...mock trial has left a much bigger impact on me than I on it. It has given me confidence in my academic abilities and my public speaking. I have found a love for law, especially civil, that has shaped the way I want to contribute to this world in the future.” Jessica Gross, J.H. Rose High School, 2018 Widenhouse winner.

“Mock trial has given me an outlet to practice and improve extremely important skills such as advocacy, leadership, memorization, public speaking, poise, collaboration, time management, and so much more. These skills are invaluable for individuals in high school, college, and life beyond, regardless of their current or future occupation. But mock trial has given me so much more than these skills. Mock trial has given me life lessons and

demonstrated that leadership is far more than just helping others. Leadership is empowering those around you to become leaders...Mock trial has taught me to never underestimate people and their capacity for greatness...I would not be who I am today without the skills and knowledge the program has imparted on me." Frederick Brooks Meine, Cape Fear Academy, 2021 Widenhouse winner.

"Mock trial is a place where competitors learn to be teammates, teammates learn to be leaders. It is where I learned to lead, and if I never step foot in a courtroom again, I know that I will carry those lessons for the rest of my life." Seth Fitch, Central Carolina Home-schoolers, 2020 Widenhouse winner.

"[A]s a new, fledgling [mock trial team] member...all these rules and regulations from this arcane rule book were confusing and restricting...But as the months progressed, I learned more and more. I began to realize that there were reasons for these rules of evidence, and I gained a deep appreciation for America's legal system...My three years in Mock Trial have transformed me not only into an effective and responsible leader, but also as a citizen with a broader appreciation for the American legal system and a strong interest in pursuing a career in law." Richard Xianying He, Raleigh Charter, 2013 Widenhouse winner.

As Chief Justice Newby pointed out to bar leaders in January: "This program teaches life in the trenches of the law...Issues are complex, life is complex. This program helps demonstrate life lessons that individuals can learn, but its reach is far beyond the participants; it impacts families and communities."

Civic education, when done well, produces young people who are more likely to vote, work on community issues, become socially responsible, and feel confident speaking publicly and interacting with elected officials.⁴ It starts with building the knowledge to understand our systems, and then fosters the skills and dispositions to engage in the public square, all while encouraging the motivation to do so. Civic education provides the pathway to lifelong civic engagement for our posterity.⁵ Mock Trial, hands down, is civic education done well.

Another factor that comes into play with this program is its ripple effect. With each team that participates in this program, there is an educator who sees its civic education power and a whole unrealized side of the legal community that stands behind it. With each student that participates, there is a fam-

ily that is exposed to what their child, brother, or sister is doing; they, too, bear witness to the tremendous impact of the program and the legal community that stands behind it. With each student and each team, there is an entire community that becomes more aware of our system of justice and the professionals that work within it. The civic education impact of this program extends far beyond the students themselves.

What it Takes to Make Mock Trial Happen

When NCMTTP took over the mock trial program in 2008, it was 100% volunteer-driven with extremely limited funds. Over the years we have grown to have part-time and then full-time program administrative support with one employee. We have managed to build a website for the program, continually improve our internal processes, develop and hold a summer camp program, and increase our number of regional competitions to service the growth in the number of student teams participating. In this 2023/24 season, we had our highest registrations to date—106 teams registered and 100 ultimately competed at nine regional sites. As the mock trial program has grown, our processes have had to grow and formalize as well. We have taken many of the "moving parts" of our program and created committees to support them. For example:

- Communications - oversees website, social media, newsletters, press releases, and other means of communication and/or marketing for the program.
- Case - prepares and finalizes the competition case over the summer before the season starts in September and then fields case questions and handles any required case clarifications with our teams statewide.
- Rules - reviews and updates our rules of evidence and rules of competition annually.
- Competition Operations - evaluates processes in place for the competition as well as evaluation and development of regional sites, competition structure, and operations as a whole.
- Regional Coordinator Support - focuses on resources and support for our regional

coordinators who not only oversee and run their regional competition on the day of the event, but also reserve courthouse space, set up security, and recruit all lawyers and judges to participate on the day of the event.

- Site Coordinator Support - focuses on resources and support for our site coordinators who handle all the behind-the-scenes logistics—recruiting and working with site volunteers to set up and clean up the courthouse space on the day of the event, as well as handling team check-in, food for volunteers, courtroom monitors, photography, managing ballots, scoring tabulation, and completing awards.

- Advisor Support - works with our teacher coaches and attorney advisors to provide tools, resources, and support for coaching mock trial teams.

- Summer Camp - working to re-implement and oversee the development and operations of our summer camp program, which has previously been a tremendous resource for students and helps develop new teams.

- Development - working on raising the funds and recruiting the volunteers needed to sustain, operate, and grow the mock trial program.

When NCMTTP took over the mock trial program in 2008, the expenses of operating the program were covered by pulling together regional sponsorships, registration fees, and individual contributions for six regional competitions and state finals. Since then, we

Mock Trial Ambassadors Rick Glazier, Hon. Pat Timmons-Goodson, Hon. Bob Edmunds.



Participant Interview

Following is a conversation with Haley Kramer. Haley is on the Central Carolina Homeschoolers team—North Carolina’s state champions—who represented North Carolina at the National High School Mock Trial Championship in Wilmington, DE. Haley received the M. Gordon Widenhouse Scholarship for Inspirational Team Leadership this year.

Q: What drew you to participate in the NC Mock Trial Program?

That story is a bit of a funny one. A friend dragged me along to a “mock trial” practice. I didn’t even know what mock trial was at the time! But after a while, I grew to love the case analysis, the objection arguments, the witness drama, and the people on my team.

Q: What are the biggest lessons you’ve learned?

Throughout my mock trial experience, I have learned so much. I have seen a glimpse of how our government works, and I have been able to better understand and appreciate the hard work that goes

into protecting the rights of US citizens. I learned how to work with others toward a common goal, and how to love and encourage my teammates; that confidence is a state of mind, not something you are born with; that anyone can be a leader; and that success is not achieved just through talent, but through hard work and determination.

Q: What impact has your attorney advisor had on you?

I joined the team a shy, anxious, and introverted sophomore. I was very quiet and unsure of myself. My attorney advisor, Judge Darren Allen, saw something in me that I didn’t see in myself. He saw potential. Over the years, he has pushed me to my limits and beyond them. Because of him, I unlocked talent and determination that I never knew I had. He always told me to “fake it ‘till I make it,” so I did. I eventually reached a point where I realized that I wasn’t faking it anymore. I was genuinely confident. Mr. Allen helped me grow into the leader, teammate, and competitor I am today.

often have students who find a love for the law and a desire to become attorneys. With the expansion of our program into rural areas of our state, it is our hope that some of our alumni, with mentoring from educators and the legal profession, may find their way home to practice law and serve as leaders in their communities.

How Can the Legal Community Help?

All the items of need discussed above require funding and volunteers, which is why we put out the call in January to bar leaders. We will continue to reach out around the state to bar groups, law firms, and individual lawyers. To support the hiring of an executive director, the adding of regional sites, and outreach to increase participation, we need to at least double our budget and significantly increase volunteer participation. With contributions of time, talent, and resources we—meaning the legal profession in North Carolina—can make this happen. Together, we could double or even triple the number of teams, high school students, and communities benefiting from this program across the state. Just think about the impact we can have as a profession if we come together to support this program. Together, we can invest in our future and create tomorrow’s leaders in North Carolina.

If you, your bar group, or your firm would like to support the North Carolina Mock Trial Program with your time, talent, and resources, please reach out to us. Email us at admin@nc-mocktrial.org. If you want to know more about the NCMTTP, visit our website at nc-mocktrial.org. If you would like to be inspired by our students and alumni, view our “I’m Mock Trial” video which can be found at: youtube.com/watch?v=Tmi9zKqbnJo. ■

Rebecca Britton serves as the president of the North Carolina Mock Trial Program.

Endnotes

1. *National Association of State Boards of Education*, as reported in *Education Week*.
2. A full and detailed history of the program can be found in “Investing in our Future Leaders – 30 Years and Beyond,” *NC State Bar Journal*, Summer 2022 issue.
3. ncmocktrial.org/about/north-carolina-mock-trial-program/board-of-directors.
4. CivXNow, a national cross-partisan coalition of over 325 organizations focused on improving our nation’s K-12 in and out-of-school civic education.
5. *Momentum Grows for Stronger Civic Education Across States*, Human Rights, Vol. 47, No.2

have continued to operate on regional and state finals sponsorships, grants, annual sponsorship from the North Carolina Advocates for Justice, registration fees, and individual contributions. With our increased number of teams this year, it was the first time we actually had to consider limiting the number of teams that could register because we simply did not have the resources or adequate staffing to support more. Over the last several years we have consistently functioned with an annual budget in the range of \$85,000-100,000, barely breaking even and sometimes in the red. Generally, this budget covers wages for one full-time employee; regional and state finals expenses such as security, awards, printing costs, food/catering, computer and software expenses; and expenses related to participating in the National High School Mock Trial Championship, among others.

The North Carolina Mock Trial Program is a great and growing success, but we have reached a point of critical mass where we need significant investment from the legal community to support and contin-

ue this growth and success. In addition to our full-time program administrator, we need to hire an executive director to work with our board to manage, oversee, and be a visionary for the program, as well as work with our Development Committee to grow financial and volunteer support. We need to add regional competition sites to handle our increasing number of high school teams participating, and with those regional sites, we need regional and site coordinators as well as attorneys and judges in those areas to volunteer. We need attorney advisors to work with teams, and volunteers to serve on our committees. We also want to bring this program to more high schools across the state and provide these life-changing learning opportunities to more students—especially those in more rural and economically challenged communities. We are currently exploring a partnership with the State Bar’s Access to Justice Committee to address “legal deserts,” where we have fewer than one attorney per 1,000 residents. While our goal is to reach rural high schools to develop key skills that span multiple career paths, we

NC State Juvenile Defender's Career Milestone is Celebrated

BY AMANDA BUNCH

In February 2024, the state juvenile defender walked into a room full of family, friends, guests, and colleagues—from the past and present—thinking he was going to a routine budget meeting. Instead, he found himself appropriately surprised, humbled, and grateful for the folks who had come to the North Carolina Administrative Office of the Courts (NCAOC) building in Raleigh to celebrate his 25 years of state service.

On the surface, it appeared to be a typical run-of-the-mill 25-year work anniversary. But there's more to it than that. In November 2004, Eric Zogry was appointed as the first state juvenile defender in North Carolina, with a term that began January 2005. Not only was he the first juvenile defender in the state, but he was also the first defender in the entire nation to work in a state office solely dedicated to defending youth rights. So, this milestone was quite special—not just for Zogry as a professional, but also for the practice of juvenile defense in North Carolina and all over the United States.

Since that initial appointment, Zogry has been reappointed a consecutive four more times. The trailblazer for statewide youth defense systems, Zogry dedicated the last 19 of his 25 years working in public defense for North Carolina's youth. His work has gained national attention and serves as the model for juvenile defense.

"North Carolina has a robust juvenile de-

fense system, thanks to Eric's outstanding leadership and vision. He has been a true advocate for court-involved youth and the lawyers who represent them," said the chair of the IDS Commission, the Honorable Dorothy Hairston Mitchell. "Eric and his team are always available and offer highly sought-after training to juvenile defense attorneys, and their expertise in this field is widely recognized. Eric ensures that his staff is made up of highly experienced and motivated individuals."

"When I was a juvenile defense attorney, I attended training sessions provided by Eric's office, and I know that I became a better lawyer as a result," she added. "Having them as a resource gave me confidence, and the continuous education they provided has also informed my service as a district court judge. And as the chair of the IDS Commission, I am incredibly proud of Eric and his team. We are grateful for his 25 years of service so far, and the legacy he is building."

The Gault Center is the national leader for



and resource to youth defense counsel providing guiding legal principles, training and technical support, policy guidance and support, and community building. Their state mission is "[t]o promote justice for all children by ensuring excellence in youth defense."

In a separate interview, Mary Ann Scali, executive director at the Gault Center, had this to say about Zogry:

"Eric was instrumental in creating the North Carolina State Bar Specialization in juvenile delinquency law, establishing the Office of the Juvenile Defender, creating and hosting training programs that are specialized, and leading several federal grant awards.

“He was also the director of the Southern Juvenile Defender Center from 2010 to 2014, and during his tenure in that role he re-formed the advisory committee, promulgated governing bylaws, performed site visits in all seven states, assisted local defenders on various initiatives, and planned and reinstated the Southern Regional Summit, which has since been held every year. Eric served on the committee to write and adopt the National Juvenile Defense Standards (now the National Youth Defense Standards).

“We would love for every state to follow North Carolina and establish a state-level Youth Defender office! Eric has truly elevated the status and practice of youth defense.”

Ebony Howard, assistant director of the Gault Center, said, “When talking about the best example for a strong system of youth defense, I point to the NC Office of the Juvenile Defender and Eric’s work on behalf of children. That office is a strong example of how youth defense systems should be designed, and Eric is an example of a leader we all want to emulate.”

Like most professional journeys, Zogry’s path to the Office of Juvenile Defense (ODJ) was not without a few bumps and missteps. As a matter of fact, he has kept various office items from previous gigs—souvenirs if you will—to serve as a visual reminder of how he got where he is and, in his words, “how not to screw up again.” Zogry admits that he has had to focus on becoming a more professional person to gain credibility and respect.

Zogry said that his public service career really began in 1995, when he was a summer intern with the then Department of Crime Control and Public Safety. After returning to North Carolina from attending law school at the Louisiana State University Paul M. Hebert Law Center, Zogry gained experience with the North Carolina Sentencing and Policy Commission and NCAOC Research Division, unaware at the time that these experiences were

the right combination for him to apply to the position of state juvenile defender when it was first created.

Zogry then took a short detour with a county attorney’s office, but it didn’t work out for either party and he soon found himself working at a temp agency called Accustaff—a place which may or may not still exist—where he worked as a temp. (He still keeps a mug to remind him of those days.)

From the mailroom, he heard from Tom Ross, senior resident superior court judge (and former Sentencing Commission director) to suggest he reach out to then Chief Public Defender Wally Harrelson in Guilford County and ask if they needed help in the public defender office.

As luck would have it, there was an opening, and Zogry landed a job in the Guilford County Public Defender Office as an assistant public defender. There, his quarter-of-a-century-long career in defense began. He spent six years as an assistant public defender, focusing only on youth defense and involuntary commitment cases, and gaining invaluable trial experience.

It was those experiences and being hand-picked with other in-state and national experts to work on a national landmark report on juvenile justice in the early 2000s that made him the right fit for the Office of the Juvenile Defender. The body of work in that now 20-year-old report fueled the establishment of the OJD in North Carolina. In a nutshell, the report found that youth defenders were not as effective or knowledgeable in juvenile work—they had no training and no support. It sparked the idea to create the OJD during a time in North Carolina history when, under the leadership of then Governor Jim Hunt, the Juvenile Code and court was changing drastically, focusing more on public safety, but less so on due process for youth.

Zogry said, “There wasn’t anything like [OJD]; there wasn’t anything like it in the country. They didn’t say, ‘What are they doing in Ohio or California?’ North Carolina was the very first to have a statewide, publicly funded office that only works with children in juvenile justice. There were bits and pieces in different places, but not quite what we have.”

Other states did not have an Office of Indigent Defense Services to provide guidance and oversight to the public defense system.

Zogry said that with the Office of Indigent Defense Services having been established in

2000, and in the wake of the report, “Policy makers were thinking, ‘IDS has an Office of the Capital Defender and an Office of the Appellate Defender, so why not have an Office of the Juvenile Defender?’” And that is how the OJD came to be.

And when the OJD was established, Zogry felt the pressure of being in a one-of-a-kind, brand-new state office, and he set out with only a two-page guide of requirements and expectations to take care of a couple of the “most logical” things first.

“IDS was supportive, but it was bumpy trying to set priorities—there were a lot! It was hard to figure out how to get a foothold and figure out what was going on. So, I got in the car, and I drove and visited,” said Zogry. “I saw everything from really strong practice, to folks who were just getting a fee app to stand there in the courtroom.”

The first order of business for Zogry was to launch the initial juvenile training offerings with the UNC School of Government.

He formed a Juvenile Committee to help focus the work of the office, and with their hard work drafted the Statement of the Role of Defense Counsel, which maintains that the youth defense counsel is to practice “expressed interest advocacy”—not guardian ad litem, and not “best interest advocacy.”

Zogry said, “This (expressed interest advocacy) is the guiding principle to this day. You are the child’s attorney. You work your defense from the child’s position. It wasn’t groundbreaking, but this was a foreign concept in some places because there was no training, no technical support, and no central philosophy. You don’t necessarily go to law school expecting to do this work... If you go to law school and you take criminal law, no one has to explain to you what your job is. But in this court, ever since the US Supreme Court case *In re Gault* in 1967 determined the right to counsel was constitutionally mandated, there wasn’t a clear definition of our role.”

To date, Zogry and his team have assisted on thousands of cases, including the US Supreme Court case *JDB v. NC*, which held that age must be considered when determining whether someone is in custody. OJD also helped drive the “Raise the Age” legislation, which was a substantive law. Passed in 2017 and effective in 2019, it was a game changer as it raised the age from 16 to 18 for youth who had committed crimes to be charged as adults.

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OJD has also been fortunate to receive grant funding from both the Office of Juvenile Justice and Delinquency Prevention and the Governor's Crime Commission. These resources paved the way for the OJD to expand its reach and establish support systems in three main regions in the state. The goal is to ensure attorneys who practice youth defense in underserved and remote areas—everywhere—have access to quality training and support.

Juvenile delinquency law is complicated. When asked, "Why juvenile work?" Zogry said that the most gratifying thing about youth defense is that there are some kids who go to court once and then move on from the experience to lead happy, productive lives.

"In juvenile defense, there are no juries, no death penalty, and there are literally 100 different systems of justice (in that each county runs court in unique, different ways)," said Zogry.

"Has it ever been shown that punitive measures have ever led to a desistence in committing crimes? No," he continued. "The kid that is before you now is not the kid who is going to be in front of you even weeks away,

let alone months or years. That is the whole reason why we have a separate system; it is because the idea is that they can grow and change. We know this because the brain is still growing."

Now, with full support from the IDS Commission, Zogry and his team are working to implement the "Juvenile First-Degree Murder Project," which would create rosters of private attorneys from all over North Carolina who are qualified to represent youth aged 13 to 17 charged with first degree murder and potentially facing life without parole. This will hopefully provide stable and capable defenders for these most difficult of cases.

Upon reflection and meeting the career milestone of 25 years of service as a defender, Zogry had this to say, "Here's the legacy: You know you've succeeded when the work continues and improves well after you are gone, and no one asks for a medal or award. I think it was Dean Smith who once said something like, 'It's amazing what you can accomplish when no one is worried about taking credit.' Our team is good at this."

"But I still want some credit," he said

with a wink. ■

Amanda Bunch is the communications specialist for the Office of Indigent Defense Services in Durham, NC.

Precedents on Precedent (cont.)

statutes. And to forbid the courts from deviating from the common law in this way, it might have been argued, would not preclude them from developing the common law by distinctions, as a legal theoretician of Carter's caliber would have demanded. *See* James Coolidge Carter, *The Provinces of the Written and the Unwritten Law: An Address Delivered at the Annual Meeting of the Virginia State Bar Association, at White Sulphur Springs, July 25, 1889, at 25–28* (New York and Albany, Banks & Brothers, Law Publishers 1889) (imagining how for the first judge facing the question of ratification of a contract after a person comes of age, justice required recognition of a new common law category).

62. In *Harper v. Hall*, 384 N.C. 292, 373 (2023) (Newby, C.J.), the opinion for the majority included the maxim in a parenthetical in a citation to *Sidney Spitzer & Co. v. Commissioners of Franklin County*, 188 N.C. 30, 32 (1924).

Serving as a Wind Down Trustee Might Just Be Your Cup of Public Service Tea

BY ALICE MINE, STATE BAR EXECUTIVE DIRECTOR

Last fall, I asked Jennifer Knox of Raleigh, Fred Morelock of Raleigh, and Leslie Rawls of Charlotte to tell me about their experiences serving as “wind down trustees.” All three lawyers are unsung heroes of the legal profession who volunteer to go into abandoned law practices to figure out the clients, files, trust money, and records, thereby ensuring that past and present clients of the practice are not harmed or disadvantaged by the lawyer’s disappearance.

A wind down trustee may find chaotic trust account records, shelves of ancient, unclosed client files, stacks of unfiled papers, and inadequate documentation of client identities or legal matters. Jennifer, Fred, and Leslie are experts at unraveling the mysteries of an abandoned practice and putting things right so that clients can move on with their legal matters and their lives.

Why We Need Lawyers to Serve as Wind Down Trustees

Why does the State Bar need lawyers to serve as wind down trustees? Each year, law practices of solo practitioners are abandoned

when a lawyer becomes “indefinitely unavailable.” This includes the disbarred lawyer who walks away from a practice, but also, as the State Bar website describes it, “the lawyer died, became disabled to the point that s/he can no longer practice law, or disappeared without notice to clients and there is no succession plan in place.”¹ In 2023, 15 law practices were abandoned.

When the State Bar identifies an abandoned law practice, it petitions the senior resident superior court judge in the district where the lawyer practiced to appoint a qualified member of the bar to serve as trustee pursuant to N.C. Gen. Stat. § 84-



Say-Chees/iStockphoto.com

28(j) and 27 N.C. Admin. Code 1B § .0122. The appointment order gives the trustee the authority to enter the unavailable lawyer’s office, review confidential client information, execute signature authority for the lawyer’s trust and fiduciary account(s), and take other steps necessary to protect the unavailable lawyer’s clients.² Once appointed, the State Bar helps the trustee wind down the lawyer’s practice. “The primary purpose of a trusteeship is to protect the

interests of the lawyer's clients. Trusteeships are generally intended to shut down, rather than to preserve, the lawyer's practice. The trustee does not represent the unavailable lawyer's former clients. The trustee's primary responsibilities are to let clients know they must arrange for new counsel, to refund unearned fees or other funds remaining in the lawyer's trust account, and to help clients obtain their client files."³

There is lots of information on the role of a wind down trustee in the State Bar's *Handbook for a Trustee of the Law Practice of an Unavailable Attorney* found on the State Bar website at the link shown in footnote 3. The following from the *Handbook* provides a good preview of what a trustee might expect when first opening the door of an abandoned practice:

In some cases, the unavailable attorney's practice was not active and little needs to be done to protect his or her clients. In other cases, particularly where the attorney had a large practice or disappeared suddenly, the trustee's job may be complicated and time-consuming. Regardless of the size or state of the abandoned practice, the trustee's duties can be summarized as consisting of two primary responsibilities: 1) client notification; and 2) returning client property.

Tales from the Front Lines of a Wind Down Trustee

The work isn't always easy, but clearly something about it attracts Jennifer, Fred, and Leslie, who have all volunteered to be appointed as trustees multiple times. I wanted to find out why Jennifer, Fred, and Leslie volunteer for this challenging service. Here are their answers to my questions about what they do and why:

Q: Why did you agree to serve as a wind down trustee?

Jennifer: I had been in public service since I graduated from law school in 2000, first as an assistant district attorney, then as a district court judge, and lastly as the Wake County clerk of superior court. It seemed like a good way to continue to serve the legal profession and the public.

Fred: I am at a point in my practice where I can devote the time, and I found this to be a way to contribute. The law practice of a missing lawyer cannot be ignored. Winding down the practice is critical for past and present clients.

Leslie: I agreed to serve each time because I wanted to help protect the clients who might get lost in the shuffle, and I wanted to ease the process of closing the lawyer's practice.

Q: What is the weirdest thing you observed while winding down a law practice?

Jennifer: Old lottery tickets—all losers. That same attorney would just buy a new computer every time he locked himself out of his and couldn't remember his password.

Fred: In one case the trust account had been reconciled by the paralegal for 16 years; however, there was no way to determine the ownership of the funds in the account when she began working 16 years ago. Ultimately the balance had to be escheated to the state.

Leslie: Desk drawers full of uneaten food and dirty napkins. Or maybe the 10,000+ files of an elderly lawyer who never threw anything out in almost 50 years of practice.

Q: What is the worse situation you found in an abandoned law practice?

Jennifer: One attorney had 2,876 closed files because he NEVER destroyed any of them. Since 1995. It was very time consuming to go through all those files, but you never know when you're going to find an original will in one.

Fred: Approximately 1,000 client files that were not closed or destroyed. A legal assistant and I spent many hours going through those files and trying to contact clients.

Leslie: In more than one instance, I found the attorney's trust records were incomplete, inaccurate, or otherwise out of compliance with the Bar requirements for maintaining trust account records. The lack of proper accounting can make it nearly impossible to determine whose money is in the trust account. In one case, it became clear fairly early that money in the operating account was also client trust money, just deposited in the wrong account. Inaccurate trust accounting makes it extremely difficult to ensure clients receive their funds in a timely manner, or perhaps at all. In closing one attorney's practice, I wound up with around \$70,000 in trust funds that I could not attribute to any client. As a result, the funds were escheated. Generally, when I've encountered poor trust accounting, I've gone through client files to check on the terms of engagement, reviewed real estate closing statements to match funds received and distributed, and just tried to untangle the records as best I can.

Q: What is the hardest part of winding down a law practice? What is the best part or the thing that you like doing the most?

Jennifer: I personally knew most of the attorneys whose practices I have wound down, and some have died tragically. That can be tough to process, especially if they died in their office. And there's a fair amount of physical labor. I think the most banker boxes I've had to handle for one attorney was around 75. So, that's 75 boxes I removed from his office and took to my storage unit. Then I transported about 20 at a time to my office to go through them. Luckily, I have an SUV and I do CrossFit. And dealing with trust accounts is often like trying to solve a puzzle without all the pieces. Best part: I enjoy seeing the types of cases that these lawyers handled. Several times I recognized a case they handled from the news. And I like helping their current clients get new legal counsel and feel secure that their legal issue isn't going to fall apart because their lawyer is not available.

Fred: Analyzing a trust account that has never been reconciled is the hardest part. The best part (in the case of a deceased lawyer) is helping the family. Also, I found many local lawyers that were willing to help without the expectation of compensation. And I appreciate the fact that this is one of the ways the State Bar helps our community of lawyers.

Leslie: The hardest part is getting on top of things quickly to ensure any clients with upcoming court dates, looming statutes of limitations, or other needs don't fall through the cracks. Or maybe the hardest part is untangling inaccurate trust records. It largely depends on the circumstances. The best part is knowing I'm helping clients. Most people come to lawyers because they have a difficulty or want to protect their interests through end-of-life planning or real estate transactions. The last thing they need is for their case or claim to languish because their attorney is no longer available.

Q: What advice would you give to a lawyer considering whether to be a trustee?

Jennifer: It's a great way to serve the community, but you have to be self-motivated and organized to get the job done (and not afraid to get dirty). The beginning is always overwhelming, because you never know what you're going to find that first time you walk in their office, and no two cases are the same. But I consult the *Trustee Handbook* every time I get a new case, devel-



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Thank you for your attention to this important matter.



op a plan, and chip away at the work.

Fred: Understand that the process takes a lot of time, often many months. Be patient.

Leslie: Be prepared to spend a big chunk of time on this task. I needed long stretches of time—full days of work—to figure out the office setup. And in each case I've handled, the process has taken at least several months as I balanced my practice with trustee responsibilities. Still, it's worth it to know we're helping the attorney's former clients get their cases back on track.

Q: Will you serve as a trustee again?

Jennifer: Absolutely. It's rewarding and interesting work. And often reminds me of how not to run a law practice.

Fred: Absolutely, it is a way of giving back.

Leslie: Yes, I would. I enjoy puzzles, and

closing another attorney's practice, in my experience, tends to be a puzzle. I also like knowing the clients will continue to be represented and have their rights protected even in their original attorney's absence.

Let Us Know if You're Ready to Help Solve the Puzzle of an Abandoned Practice

It isn't easy, as Jennifer, Fred, and Leslie have honestly reported, but it is rewarding work that allows the trustee to help not only the clients of the absent lawyer, but also the local legal community and the bar at large. And it is not entirely *pro bono* service: there is some remuneration available. If there is an estate, a claim can be made for services rendered and, even in the absence of an estate,

the State Bar compensates trustees for their time at the same rate as court-appointed counsel in a criminal case.

If your cup of tea is bringing order out of chaos, maybe acting as a wind down trustee is the public service opportunity you have been seeking. Send me an email to let me know! amine@ncbar.gov. ■

Endnotes

1. ncbar.gov/bar-programs/closing-the-practice-of-a-deceased-disabled-disbarred-or-missing-lawyer.
2. *Handbook for a Trustee of the Law Practice of an Unavailable (Disabled, Deceased, Disciplined, or Disappeared) Attorney*, NC State Bar Publication; ncbar.gov/media/283996/handbook-for-a-trustee-of-the-law-practice-of-an-unavailable-attorney.pdf.
3. *Id.*

High Point University Promises a Different Kind of Law School

BY MARK P. HENRIQUES

It's hard to ignore former Chief Justice Mark Martin's enthusiasm when he talks about the new High Point University Law School, the Kenneth F. Kahn School of Law, which will open this Fall. The school will start small, with an entering class of about 40-60 students, growing to 100-120 per year over time. The school will occupy a new state-of-the-art building on the High Point campus, which is expected to be completed in the Summer of 2025. It aspires to be a national law school, recruiting students from around the country, which would reflect



the rest of the HPU student body. Nearly 80% of HPU students are from out of state.

HPU's Law School will be different from the other law schools in North Carolina, judging by the faculty hired to date and the approach to instruction. The full-time and extended faculty listed on the school's website (highpoint.edu/law/faculty) includes an impressive list of more than 30 current and former judges from federal and state courts. Martin stresses that this group, who Martin has personally recruited, will help students gain practical skills from experienced judges and

lawyers using the English Inns of Court model, which promotes professionalism, civility, ethics, and legal skills in a collegial setting through education and mentoring.

Personal interactions with experienced jurists are not offered at most law schools, and it highlights HPU Law School's focus on mentorship and learning practical skills. Practical skills are part of the High Point University brand, which is "The Premier Life Skills University." The law school will feature a ratio of

ten or less students per faculty member to foster personal connections. Legal research and writing classes will all be ten students or less in size, creating more opportunities for individual instruction. Students will be invited to observe trials and hearings to learn litigation skills and the real-world application of case law. The school will also guarantee an externship opportunity to every student, which is unusual for law schools.

Access to justice will be another area of fo-



Chief Justice Mark Martin at the groundbreaking ceremony for the new law school.

cus for the law school. The faculty includes Texas Supreme Court Chief Justice Nathan Hecht, who has focused on access to justice issues in that state and across the nation. Martin will be personally teaching a course on professional identity formation, which will help students think through their professional journey, which could include BigLaw, small firms, and public service. The coursework will include a focus on civility and professionalism,

consistent with the leadership shown by the Chief Justice's Commission of Professionalism. All students will take a course on access to justice in their first year. The second year includes a mandatory advocacy class, followed by a leadership class in the third year. There will also be a Community Law Clinic and a *pro bono* Veterans Clinic.

The HPU Law School has been a long time coming. Discussions first began in 2008, but the Great Recession and the drop-off in law school admissions put those plans on hold. This decade finally saw action. The Southern Association of Colleges and Schools, the accrediting body for High Point University, approved the university issuing juris doctor degrees. Justice Martin, who had left the North Carolina Supreme Court to serve as dean of the Regent University School of Law in Virginia Beach, was invited to visit High Point. Martin and his wife loved the campus and Martin relished the idea of building something new. He wanted to focus on recruiting exceptional faculty who could bring a new curriculum to life for a relatively small group of engaged students.

Martin is quick to distinguish HPU Law School from the Charlotte School of Law, which operated from 2006 until 2017. Unlike HPU, the Charlotte School of Law was a for-profit school operated by InfiLaw. Profit pressures arguably led to larger class sizes, admission of less qualified students, and low bar passage rates. The American Bar Association put the school on probation in 2016, which led to its closure in 2017.

Martin understands the importance of ABA accreditation and is working closely with Barry Courier, who used to lead the ABA accreditation process. The focus will be on quality students taught by quality faculty, and on proficiency, not profitability. The annual tuition of \$45,000 per year is competitive with other schools, and scholarships and discounts will be available to well-qualified students. High Point University has committed to providing the resources necessary to make the law school successful in the long term.

Martin wants to educate law students in the life skills of effective written and oral communication, critical thinking, active listening, and cultural competence so that they will succeed as client-centered legal professionals in a competitive and rapidly changing world. Martin promises to "ground these skills in the knowledge, values, and mindset of a free society and the marketplace of ideas that is a part of that free society."

HPU Law School is accepting applications through June 15, 2024, for the Fall 2024 Session through its website or the Law School Admission Council (LSAC). ■

Mark Henriques is a partner in the Charlotte office of Womble Bond Dickinson, where he has practiced for over 32 years. He serves on the Firm Management Committee and chairs the firm's Editorial Board. Mark handles complex commercial and construction litigation, with a focus on class actions. He was an elected State Bar councilor for nine years and now serves as an advisory member.

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Can a Box on a Form Make a Difference for North Carolina's Veterans?

Justice Phil Berger Jr., was elected to the North Carolina Supreme Court in 2020. Clark Pennington is the chief operating officer of The Independence Fund¹ and executive director of its First Responder Action Group. Justice Berger and Clark Pennington are deeply committed to helping veterans. Together, Justice Berger, Clark Pennington/The Independence Fund, and many dedicated advocates in the veterans' and judicial communities worked to make a seemingly small change to a court form that will make a big difference to veterans involved in the criminal justice system.

Court forms rarely garner a great deal of attention. Often, court officials shuffle through prosaic paperwork on their way to motions and orders that clarify issues or resolve disputes. However, a change to one court form could have an enormous impact on our state's legal system and our veteran community. Revised affidavits of indigency now have a box that will serve as an important signal that a veteran may need services.

Justice Phil Berger Jr. recently collaborated with The Independence Fund, Administrative Office of the Courts (AOC), court stakeholders, and legislators on a groundbreaking initiative to identify justice-involved veterans and match them with necessary services, such as medical assistance, VA appointments, housing vouchers, or counseling. By amending affidavits of indigency to capture information on prior military service, court personnel now have information at their hands to immediately match veterans with available services.

"North Carolina's legal system can do more to support our veterans," Berger said. "There are a number of existing programs



Tim Kennedy, a former Green Beret and a well-known former Ultimate Fighting Championship competitor, speaks during a Veterans' Justice Initiative event held at the North Carolina Supreme Court.

that provide quality support, but a broader more streamlined approach could help many more veterans across our state."

Check the Box

This effort, known as "Check the Box," began in February 2023 when Berger heard Clark Pennington on a podcast known for its support of the veteran community. Pennington, a longstanding law enforcement leader, now spearheads the Veterans Justice Initiative for The Independence Fund (TIF), a North Carolina based veterans service organization. TIF is a nonprofit organization dedicated to empowering catastrophically wounded, injured, or ill veterans and their families to overcome physical, mental, and

emotional wounds incurred in the line of duty. TIF's Veterans Justice Initiative (VJI) helps justice-involved veterans and trains law enforcement on deescalation practices for veterans in crisis. TIF has a significant history of providing quality resources and solutions for the veteran community.

Pennington shared how veterans often face significant challenges when attempting to reintegrate into civilian life. According to Pennington, "These challenges can manifest as homelessness and mental health issues, highlighting the critical importance of improved support systems." Struggling veterans facing these and other issues may find themselves making poor decisions and landing in the criminal justice system.

Full Permanent Mailing Address Of Applicant (if different than above)		Applicant: Do you have other pending criminal charge(s) in which a lawyer has been appointed? <input type="checkbox"/> Yes <input type="checkbox"/> No Name Of Lawyer: _____	
Date Of Birth: _____			
<input type="checkbox"/> Defendant <input type="checkbox"/> Parent/Guardian/Trustee <input type="checkbox"/> _____		Applicant: (answering this question is optional) Have you ever served in the United States Armed Forces? <input type="checkbox"/> Yes <input type="checkbox"/> No	
MONTHLY INCOME (money you make)		MONTHLY EXPENSES (money you pay out)	
Employment - Applicant	\$ _____	Number Of Dependents	_____
Name And Address Of Applicant's Employer (if not employed, state reason; if self-employed, state trade)		Shelter <input type="checkbox"/> Buying <input type="checkbox"/> Renting	\$ _____
		Food (including Food Stamps)	\$ _____
		Utilities (power, water, heating, phone, cable, etc.)	\$ _____

But what really caught Berger's attention during the podcast was Pennington's discussion of the presentencing reports VJI had provided in criminal proceedings in Buncombe County. A former district attorney, Berger understood the value of these reports for judges, prosecutors, and defense attorneys, and recognized the potential to improve outcomes for justice-involved veterans across North Carolina.

"Better information leads to better outcomes for everyone," Berger said. "Presentencing reports typically identify the root causes of criminal behavior and contain offender-specific treatment and sentencing options."

Equipped with the information provided by presentencing reports, prosecutors can make better charging or deferral decisions, and defense attorneys can provide more effective representation to the veteran community. From there, judges can tailor sentences to address a veteran's particularized needs. By ensuring veterans have access to specialized services and support, this initiative has significant potential to reduce recidivism and facilitate successful transitions back into civilian life.

One of the earliest opportunities to identify veterans in need of services and presentencing reports is when there is a request for court-appointed counsel. Affidavits of indigency contain relatively straightforward information that judges use to determine whether defense counsel should be appointed. Justice Berger recognized that a simple amendment to the form would provide a mechanism to gather information about a

defendant's military status. Such a designation would ideally trigger notification to court officials to track the veteran through the judicial process and offer services. The Independence Fund and other veterans' organizations can also be notified and offer services including early intervention, counseling, housing assistance, and preparation of presentencing reports.

Force Multiplier

Berger contacted the podcast's co-host, Dan Hollaway, an army veteran, to see if there was merit to the Check the Box proposal. Hollaway then connected Berger with Sarah Verardo, a veteran advocate and CEO of The Independence Fund. Verardo herself lives the needs of veterans every day as the primary caregiver to Sgt. Michael Verardo, who was catastrophically wounded during his deployment to Afghanistan. Together, Verardo and Berger strategized how to make Check the Box a reality.

Collaborative Effort

Berger, TIF, and a coalition of supporters identified that the first step to improving outcomes was to amend the affidavits of indigency, thereby allowing vital information about military service to be captured at the local level. This critical step was carried out in under three months, with new affidavits of indigency going live in May 2023, thanks to the help of Administrative Office of the Courts Director Ryan Boyce, AOC Deputy Director Joseph Kyser, NC Representative Reece Pyrtle, NC Conference of District Attorneys' Legislative Liaison

Chuck Spahos, and legislative staff with NC Speaker of the House Tim Moore's office.

A Fighting Chance

In May 2023, a Veterans' Justice Initiative event was held at the North Carolina Supreme Court. Tim Kennedy, a former Green Beret and a well-known former Ultimate Fighting Championship competitor, added his celebrity power to the chorus of voices advocating for Check the Box. Kennedy affirmed the importance of this effort and other initiatives undertaken by The Independence Fund to provide comprehensive assistance to North Carolina's veterans and critical training to law enforcement when responding to an incident involving a veteran in crisis.

Marching Forward

While these measures will not guarantee positive outcomes for all veterans in the criminal justice system, Berger believes that identifying veterans early in the criminal justice process could be a big step toward positively impacting veterans in need.

"As we move forward implementing this life-altering initiative, North Carolina can establish itself as a national leader for veteran support," Berger noted. "Check the Box can be a blueprint for other states to follow as veteran-focused coalitions seek to build a nation that effectively cares for those who served in uniform." ■

Endnote

1. independencefund.org/pages/who-we-are

Grievance Committee and DHC Actions

NOTE: More than 32,500 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/dhccorders.

Disbarments

Mimi Yongzhi Rankin of Arlington, Texas, surrendered her law license and was disbarred by the State Bar Council at its April meeting. Rankin admitted she made false statements of material fact in her application for admission to the State Bar.

Suspensions & Stayed Suspensions

Mark T. Cummings of Greensboro misrepresented his residency when running for judicial office, instructed a courtroom clerk to issue a note containing false information, failed to issue required Forms 1099 and made related false statements about individuals who provided services to his law firm, and misrepresented the existence of evidence to the presiding judge during a trial. After a hearing, the DHC imposed a five-year suspension with the ability to apply for a stay after three years.

Meredith Ezzell of Wilmington neglected multiple clients, did not timely file and pay federal and state income taxes, did not timely pay employment taxes, and did not respond to the Grievance Committee. Ezzell is currently serving a suspension entered in 18DHC42. By consent order, the DHC suspended Ezzell's law license for an additional four years.

Earl H. Strickland of Lumberton did not conduct required trust account reviews and reconciliations, improperly disbursed entrusted funds, did not promptly disburse entrusted funds, did not escheat abandoned funds, and did not send required annual accountings to clients. By consent order, the DHC imposed a four-year suspension with the ability to apply for a stay upon compliance with conditions set out in the order.

Completed Grievance Noncompliance Actions before the DHC

Duane S. Miller of Concord failed to

comply with a grievance investigation and failed to show good cause for his noncompliance. The DHC entered an order suspending Miller's license until he demonstrates that he has complied with the investigation.

Censures

Walter Ramsey Jr. of Timberlake was censured by the Grievance Committee for engaging in a conflict of interest and conduct prejudicial to the administration of justice. While employed as an assistant district attorney, Ramsey dismissed a speeding citation pending against a close family member in the prosecutorial district where he was employed. Ramsey was aware that his office had a clear policy to notify the elected district attorney in such cases so a conflict prosecutor could take over the case. Ramsey did not disclose his conduct until confronted about the dismissal two months later.

Reprimands

Brian L. Crawford of Durham was reprimanded by the Grievance Committee. Crawford failed to keep his clients reasonably informed about the status of their matter, failed to promptly comply with reasonable requests for information, failed to timely and properly serve a summons and complaint and failed to maintain the validity of the summons, engaged in a conflict of interest, and engaged in conduct prejudicial to the administration of justice.

The Grievance Committee reprimanded Greensboro lawyer **Barry C. Snyder**. Snyder filed a lawsuit on behalf of a former client without the former client's knowledge or consent. In a separate matter, after consulting with a prospective client, Snyder did not inform the prospective client that he was declining the representation. This failure to communicate misled the prospective client into believing Snyder was pursuing a claim on her behalf. Snyder also failed to respond to the State Bar's supplemental requests for information.

Christopher S. Shumate of Charlotte was

reprimanded by the Grievance Committee for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation that reflects adversely on his fitness as a lawyer and engaging in conduct prejudicial to the administration of justice. Shumate falsely stated to multiple people that he represented an estate in a wrongful death action and engaged in settlement negotiations on behalf of the estate without authority to do so.

Admonitions

Thomas C. Goolsby of Wilmington engaged in conduct involving a misrepresentation when responding to an investigation of notary fraud by the NC Secretary of State Notary Enforcement Division. The DHC entered a Consent Order of Discipline admonishing Goolsby for his misconduct.

Completed Petitions for Reinstatement/Stay – Uncontested

In 2019, **Kenneth B. Holmes** of Statesville was suspended by the DHC for five years for engaging in conduct involving misrepresentation, entering into a prohibited transaction with a client, and violating various trust accounting rules. Holmes was eligible to apply for a stay after serving two years of active suspension and complying with certain conditions. The Office of Counsel consented to a DHC order staying the remainder of Holmes' suspension.

In 2018, **Arnold O. Jones** of Goldsboro was suspended by the DHC for five years for conduct resulting in a federal felony conviction for promising and paying gratuity to a public official. In January 2024, Jones petitioned for reinstatement. Finding that he had substantially satisfied the conditions set forth in the Order of Discipline, the Office of Counsel did not object to his reinstatement.

Completed Petitions for Reinstatement/Stay – Contested

Theodore G. Hale of Wilmington was

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Peter Holderness Ledford, Board Certified Specialist in Utilities Law

BY DENISE MULLEN, MANAGING DIRECTOR, BOARD OF LEGAL SPECIALIZATION

I recently had an opportunity to talk with Peter Ledford, a board certified specialist in utilities law. Ledford is currently serving as the North Carolina Clean Energy director, furthering the state's goals laid out in Executive Order 218. Ledford graduated from the University of North Carolina in 2006 with a bachelor's degree in geography and from the Wake Forest University School of Law in 2011. He worked at the North Carolina Sustainable Energy Association prior to this appointment. Ledford was also one of the founding members of the Utilities Law Specialty Committee, drafting and grading the state's first specialty certification exam in the practice area in 2016.

Q: Please tell me a little bit about your early interest in utilities and clean energy law.

I always knew that I had an interest in environmental issues. I also recognized that I wasn't good at hard science, and that I was much better with the public policy aspect. I developed a strong interest in energy efficiency, and particularly, energy efficient construction. When I chose law school to further my education, I knew I was headed in the direction of impacting the public policy side of clean energy.

Q: What inspired you to propose the creation of a new specialty certification in utilities law?

The idea was inspired at a retirement event for Henry Campen, who was regarded as one

of the top utilities lawyers in the state. Michael Youth, a colleague who also works in utilities law, and I were talking about the fact that the NC Energy Bar is small, and how to attract more talented lawyers to this critically important practice area.

We thought having the specialty certification might draw some interest and worked together to propose the specialty standards and gather the initial committee members.

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

This is a rapidly growing area of law with so many opportunities to be involved in the massive clean energy transformation we're seeing. There are huge projects to protect

our water supply, and many different career opportunities available.

Q: Can you share some information about Executive Order No. 218 and the impact it has on North Carolinians?

EO 218 was signed on June 9, 2021, with the express intent of advancing North Carolina's Economic and Clean Energy Future with Offshore Wind. The initiative clarifies the goal of developing 2.8 gigawatts ("GW") of offshore wind energy resources off the North Carolina Coast by 2030 and 8.0 GW by 2040. These projects are massively large, on a physical scale, and require a great deal of cooperation with other state regulatory bodies including the Utilities Commission, the Department of Commerce, and the Department of Environmental Quality. The protection of wildlife and

fishing are top considerations, as well as recognizing both military and industry priorities along the North Carolina coastline.

As both the furniture and textile industries have largely left North Carolina, it is important for the state and the population to support other areas of economic development. These projects provide huge opportunities for North Carolinians in terms of economic growth and workforce development if we can get all of the puzzle pieces together.

Q: How do you keep yourself motivated?

I have a strong desire to leave North Carolina better than I found it. This position allows me to work towards those goals while having an impact on clean energy strategies that protect our environment and climate.

Q: What are the trends you see within your specialty area currently?

This practice area has gotten so technical and intricate that a simple legal education is not enough to allow one to succeed. Lawyers who practice in utilities and energy law need to have a working knowledge of accounting, modeling software, electrical engineering, etc. There are massive, big picture shifts on the horizon, and many industry issues that are currently in litigation. These will shape both the future of legal practice and the future of our energy consumption.

Q: What advice do you wish you had been given when you were starting out?

To get out and talk to people, to have more conversations with other lawyers about how they got where they are in their careers. Most people are helpful and willing to share what they've learned and experienced. At this point, I would say to be persistent as well, to ask until people tell you no.

Q: Who are your role models (or mentors) and why?

Jo Anne Sanford has been both a role

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Overcoming Self-Doubt Using an Internal Family Systems (IFS) Lens

BY LAURA MAHR

A large law firm recently asked me to conduct a training for its attorneys on self-doubt. Some non-attorneys might ask, “Why would accomplished lawyers at a successful law firm



©iStockphoto.com/Jürgen Sack

need training on self-doubt? Lawyers’ egos are intact!” The rest of us know better: every lawyer I’ve ever met—starting with myself—has feelings of doubt at one point or another in their career, no matter their professional trajectory.

Where Self-Doubt Shows Up in a Lawyer’s Career

Law school and the practice of law can exacerbate self-doubt in a variety of ways. For example:

Law school students quickly learn that many law schools set students up for comparison and interpersonal competition versus collegiality and professional collaboration, which can cause doubt—as can failing the bar exam or job search challenges after graduation.

New lawyers are often taken off-guard by self-doubt in their first five years of practice

due to the tremendous learning curve of actually practicing law combined with countless high pressure responsibilities where errors could be made.

Mid-career lawyers may continue to experience self-doubt due to the societal pressures of high performance and perfectionism put on lawyers, in addition to the self-doubt that arises when comparing case outcomes or professional achievements to other attorneys.

Lawyers at the end of their careers may doubt their career-long accomplishments—wondering if they achieved enough or left a

lasting professional legacy—when considering retirement.

Lawyers who leave the practice of law and make a career switch may doubt their initial decision to pursue law, and regret the time and resources “wasted” on their education, or feel inferior because they couldn’t “hack” the law.

Self-Doubt and Belonging

Self-doubt can bring up feelings of “not belonging” in many places, such as at a firm, in a legal practice area, in a local legal community, or in the legal profession as a whole.

As we consider self-doubt in our profession, we need to also consider the cultural and historical factors that contribute to an individual attorney's experience of practicing law and feelings of belonging (or not belonging). Workplaces and organizations in the legal field that are not yet demonstrating inclusivity can cause feelings of doubt about belonging due to an attorney's race, gender, gender expression, sexual orientation, religion, neurodivergence, familial financial status, and upbringing, to name a few. When an individual feels unsafe or not included, these experiences often cause the person to do a "survival flip;" instead of thinking "something is wrong with this situation," the brain jumps to the conclusion that "something is wrong with me"—commonly referred to as "imposter syndrome."

Overcoming Self-Doubt Using IFS

While there are many strategies and tools to overcome self-doubt, mindfulness (seeing clearly what is happening inside of you in the moment) and self-compassion (turning toward what is happening inside of you with understanding) is the most powerful combination I have found.

The Internal Family Systems (IFS) model, developed by Dr. Richard Schwartz, incorporates both mindfulness and compassion.¹ The model helped me make sense of my own career change from sexual violence attorney to well-being trainer, consultant, and coach nine years ago. The transition felt like a HUGE leap of faith at the time—a transition in which I, undoubtedly, experienced doubt.

After using IFS to address the doubts I felt about leaving my job as a staff attorney, I recognized the powerful potential in studying the IFS model so that I could share it with others. Eight years ago, I spent an engrossing week at a retreat led by Dr. Schwartz, and subsequently completed my Level One IFS training. Fast forward to now, IFS has internationally become one of the most sought-after therapeutic modalities, with growing research showing its effectiveness. I use the IFS model daily in my coaching practice and training methodology.

IFS views the mind as consisting of multiple aspects, called "parts." Parts can be recognized as our thoughts, emotions, and behaviors that arise in different situations. In addition to parts, IFS also centers around the concept of the "Self." The "Self" refers

to the core positive essence in each of us—our innate best qualities, referred to as "the eight C's:" confidence, clarity, calm, courage, creativity, curiosity, connectedness, and compassion.

When a part of us experiences fear, anxiety, or doubt—as I'm discussing here—we lose connection to Self's confidence giving rise to self-doubt. The burden of self-doubt is most often connected to a time in the past when you were overwhelmed by embarrassment, shame, pain, or humiliation. In other words, a wounded part gets activated. In the current situation, a part tries to protect you from experiencing a repeat of the past pain. When this happens, the part gets cut off from the Self qualities. When overwhelmed by self-doubt, self-confidence feels inaccessible; you may feel like there's something wrong with you now, when in truth, something adverse happened to you back then. The IFS model can help you understand yourself better, particularly when you experience self-doubt in one area and confidence in another.

Types of "Parts"

To begin to understand the IFS model, let's look at how IFS defines different parts of us. Some parts are categorized as protective parts while other parts are considered to be wounded parts.

1. Wounded Parts: We all have wounded and vulnerable parts of the psyche that carry the pain, trauma, and unresolved emotions from past experiences. Wounded parts may manifest as feelings of fear, shame, or sadness—all of which can lead to self-doubt. IFS refers to our wounded parts as "exiles"—aptly named for the parts we try to hide from the world.

2. Protective Parts: Some of our protective parts are managerial in nature. These parts work hard to control and avoid the re-emergence of old emotions and memories. They often adopt strategies such as perfectionism, people-pleasing, or overachievement to maintain a sense of safety and control. IFS refers to our protective parts as "managers"—for the ways these parts manage our lives and attempt to manage the exiles from being exposed.

The more extreme and reactive protective parts are referred to as "firefighters." Firefighters emerge when the strategies of the managerial parts fail to contain the exiled emotional wounds. Firefighter parts engage

in impulsive, reactive, rash, or distracting behaviors (such as substance abuse, addictions, or self-harm) to escape from or to numb out overwhelming feelings.

3. Self: Self is NOT a part; Self is the calm, centering, non-reactive aspect of ourselves that is a fundamental source of wisdom and guidance. Self uses the "eight C's" mentioned above as guideposts for physical, mental, and emotional well-being—and also for practical decision making.

An IFS "Parts" Model Example

Let's look at a case example through the IFS lens to exemplify how parts show up in the experience of an individual attorney experiencing self-doubt.

Nova and her parents immigrated to the rural south from Central America when Nova was a toddler. She felt like she didn't fit in with her classmates at the prestigious law school she attended in the northeast. While she was in law school, she often got very little sleep because she stayed up late studying. With so little sleep, she had a hard time articulating herself well when speaking in class. One day, when her professor called on her to brief a case in property law, she drew a blank, stumbled on her words, and started crying. Everyone stared at her in silence, including the professor, until she ran out of the classroom. No one followed her, and no one checked on her later. Humiliated and alone at home, Nova berated herself saying, "I never should have gone to law school. No one in my family even graduated from college; I don't belong here. I should just quit." Nova didn't quit: she had student loan debt, so pushed herself to finish law school and take the bar exam. She took the first job she was offered in a small litigation firm after law school. Her work was respected, and within five years she was named to her state's "Up and Coming New Lawyers" list.

A few months ago, Nova took a new job at a larger law firm on the litigation team. Though Nova never had the opportunity to try a case in her previous job, she is now co-counsel on a case set for jury trial in a few months. Nova is up working late every night, filled with anxiety about the trial. She writes and rewrites her opening and ruminates constantly saying, "I'll never find the right words to explain my client's case to the jury. They're going to know I feel like a faker." In a moment of despair, Nova drafts a resignation email and is about to click "send."

Let's spot Nova's parts and see how her unprocessed adverse experiences in law school are causing self-doubt and impacting her self-confidence now.

As exemplified, Nova's humiliating experience in law school is impacting her current situation, and possibly—if the firefighters have their way—her career trajectory. If Nova worked with an IFS practitioner through guided exploration and dialogue, she would learn to identify each of these parts and understand what each part believes to be true and how they are trying to help. In the process of doing that, the parts settle down. When the parts get help, the formerly occluded Self qualities can then lead Nova's decision making process.

Nova's wounded parts (exiles)

- A part that carries the shame of being from a family whose members didn't go to college
- A part that carries the embarrassment of bumbling her words in the law school incident
- A part who felt alone with her humiliation and different from other students
- A part that feels like an imposter/faker
- Nova's protector parts (managers):
- The part that is filled with anxiety and is driving her to stay up late and work
- The part that is pushing her to write the "perfect" opening
- The part that is doubting her abilities despite five successful years practicing law and getting an offer at a larger firm
- The part that is criticizing her ability to find the right words for the jury
- Nova's extreme protectors (firefighters):
- The part that thought she should quit law school
- The part that drafts the resignation letter and is ready to send it in an effort to get Nova out of the emotional and mental angst she is in

Nova's Self—This is how Self might sound if Nova listened to what her inner wisdom had to say to her:

I recognize that I had a hard time in law school. That was a difficult time; I felt alone and different. I'm not in law school anymore. But I'm also not faking being a lawyer. I'm a reasonably experienced lawyer with an opportunity to try something new. I have support from co-counsel and I can ask for help if I need it. While I'm nervous about the trial, I can imagine myself calm and clear in the

courtroom. I can do this.

How did you do with your practice of issue spotting Nova's parts? Did it make sense? Did you find yourself identifying with some of her parts' reactions? If so, you're in good company. Think about a time when you felt a great deal of self-doubt. Did similar parts of you jump in to "help" in an overly managerial or reactionary way? Chances are the answer is "yes." It's important to keep in mind that parts are not 'bad,' they are simply aspects of you that are trying to help you cope in the best way they know how. It's just that some of their methods are outdated, and you'd be more effective if you brought more of Self's qualities in to help.

If you'd like to try spotting parts as they arise, try this:

1. When self-doubt starts to creep in, take it as a cue to turn toward your inner experience and get curious about what exactly is going on.
2. Ask yourself: "What part of me is talking right now?" "What is it saying?"
3. Discern what kind of part is activated: "Is it a wounded part, a protector, or an extreme protector?"
4. Get Self to help: "Why is this part saying this/feeling this/acting like this?" "Let me take some time to understand this situation using the qualities of Self instead of muddling through."

IFS serves as a way to unify the conflicting parts that make up our internal experience. By understanding and working with our parts, we can cultivate compassion and curiosity toward ourselves. When we do that, we heal our exiles' wounds from the past that create self-doubt in the present. When we consciously return to the places where we learned to doubt ourselves in the past and reframe the experience from Self's perspective, we free ourselves from the burdens of the old limiting beliefs.

Being mindful of our parts as they arise and looking inward for Self's confidence, clarity, calm, courage, creativity, curiosity, connectedness, and compassion is just the beginning of making sense of yourself and overcoming doubt using the IFS model. In my experience, IFS is most effective if you are guided in a one-on-one session by a trained IFS practitioner. While this is not necessarily easy work, it holds the potential to be deeply meaningful, confidence building, and solution-oriented. Who among us isn't looking for something like that?

If the IFS model intrigues you and you would like to find a practitioner near you, the IFS Institute maintains a provider list of IFS training graduates: ifs-institute.com/practitioners. If you would like to see IFS in action, you can find numerous demonstrations by Richard Schwartz on Youtube. ■

Many thanks to my IFS colleague Martina Williams, certified IFS clinician and consultant at thebraveintrovert.com for her peer review of this article. I am forever grateful to her for first introducing me to the model.

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 burnout and how to upgrade burnout beliefs and positively transform your personal or organizational experience, contact Laura through consciouslegalminds.com.

Endnote

1. ifs-institute.com.

Legal Specialization (cont.)

model and mentor to me. I met her while I was in law school, and she has always been willing to answer the phone and provide guidance. She's had a fascinating career, working for the Attorney General's Office, the Utilities Commission, and in private practice. She's always been a wealth of information and a trusted resource.

Q: What would be your dream vacation?

I don't know what's on the horizon next, but during the pandemic I was able to take a month-long sabbatical. My wife and I got a trailer and headed out west, camping along the way, to Salt Lake City. That will be hard to top! ■

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

Connecting the Dots

BY ROBYNN MORAITE

The ABA Task Force on Lawyer Well-Being (“Task Force”) was created in 2017 in response to the findings of the 2016 ABA Hazelden Study documenting the prevalence of impairment in our profession. The Task Force included the ABA Standing Committee on Professionalism; ABA Center for Professional Responsibility; ABA Young Lawyers Division; ABA Law Practice Division Attorney Well-being Committee; National Organization of Bar Counsel; Association of Professional Responsibility Lawyers; National Conference of Chief Justices; National Conference of Bar Examiners; and ABA Commission on Lawyer Assistance Programs. Together they created and published, *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change from the National Task Force on Lawyer Well-Being* (“Report”).

The Report’s recommendations focus on five central themes: (1) identifying stakeholders and the role each of us can play in reducing the level of toxicity in our profession, (2) eliminating the stigma associated with help-seeking behaviors, (3) emphasizing that well-being is an indispensable part of a lawyer’s duty of competence, (4) educating lawyers, judges, and law students on lawyer well-being issues, and (5) taking small, incremental steps to change how law is practiced and how lawyers are regulated to instill greater well-being in the profession.

Most of these recommendations focus on structural changes like fully funding a lawyer assistance program, adopting a mandatory mental health CLE requirement, and adopting a secured leave rule. Across almost every measure, North Carolina leads the way, and has for years. And yet...

The volume of cases continues to rise, and the types of cases we see involve more serious and complex mental health issues

than ever before. And we still have an astronomical lawyer suicide rate. Moreover, the latest research shows that lawyers who die by suicide are 91% more likely to have job problems that contributed to their death.

To quote Archbishop Desmond Tutu, “There comes a point where we need to stop just pulling people out of the river. We need to go upstream and find out why they’re falling in.”

You may be surprised to learn that in over 40 years of LAP operations, we have had less than five suicide deaths amongst active LAP clients or volunteers. That is because LAP clients and volunteers learn to prioritize their well-being above all else to maintain their equilibrium.

An overwhelming majority of the suicide deaths happen to lawyers with whom LAP has never had contact. We learn of these deaths after the fact, when we receive calls and emails from lawyers who practiced in the same district.

Because job-related factors are so prevalent in these cases, over the years as I listen to the stories, repeated patterns emerge. I have heard red flag after red flag involving lack of boundaries and self-care. I hope to use these tragic deaths, and the patterns they reveal, to connect the dots—to demonstrate why lawyer self-care and well-being practices are essential for not only a lawyer’s health, but also lawyer competence, protection of the public (i.e., a lawyer’s clients), and professionalism in general.

To begin, the single largest, universal issue for lawyers that wreaks havoc is lack of boundaries. I am using the term “boundaries” universally here as an all-encompassing term because no one ever teaches us how to discern our own personal boundaries (emotional limits) from the kinds of obstacles we encounter in our cases (legal limits). Until they understand the difference, most lawyers approach their own personal boundaries/emotional limits the same way they



approach the legal limits encountered in their work life.

As my yoga teacher says, “How we do one thing is how we do everything.” Unfortunately, what makes us good at practicing law can have terrible implications for us personally. We must learn to establish—then honor—our own personal boundaries and differentiate how we approach them from how we approach boundaries we encounter in our cases. It is not an innate skill, and unfortunately, no one ever acknowledges the dichotomy, much less teaches us how to do this.

Instead, the practice of law teaches us quite well how to bust boundaries. We are trained to figure out how to get a client from point A to point B. In that journey, we will encounter myriad obstacles. Obstacles might include certain facts, the law or how you interpret the law, who is going to be included as a party, where something is filed (state versus federal court... If federal, Eastern versus Western District), and that’s just the front end. There are so many strategic inflection points, so many potential obstacles or boundaries to overcome. The list is seemingly endless.

At each inflection point, a lawyer must figure out a way over, under, around, or through that boundary. Or as was the case

when I was a first-year associate, a senior partner showed me how to interpret a statute such that the boundary did not, in fact, exist for the client in that fact-specific situation. I exclaimed, “OMG! We totally got around the law!” Without missing a beat, he raised his index finger, tilted his head as if in a Norman Rockwell painting and replied, “We *complied* with the law.”

We come by this boundary-busting skillset honestly. For most of us, law school provides a prolonged, intensive, bootcamp-like indoctrination in the skilled arts of self-abandonment and first ignoring, then pushing past, our own endurance limits. To succeed, usually without explicitly articulating the process, we are also trained to detach from or set aside our own personal values (another form of self-abandonment) to best represent the interests of a client. We all rise to the occasion beautifully. It is no wonder that studies consistently show that law students enter law school with the same (or even lower) rates of alcoholism, depression, and suicidal ideation as the general public, but graduate at rates that mirror those seen in the profession, which are three to four times higher than those seen upon admission.

One of the most pervasive issues in the profession—and a pattern we see for lawyers who die by suicide as well as new, incoming LAP clients—is an inability to say no. We effectively abandon this skill in law school when we learn to push past our own endurance limits. The profession itself creates an environment that reinforces and rewards this behavior. At larger firms, senior associates dishing out advice to incoming associates regularly advise them to avoid saying no at all costs; to sacrifice whatever is needed in order to say yes to a request. Many lawyers new to LAP report fear of being fired if they say no. The issue is so common that we regularly have this as a topic of discussion at our LAP support group meetings, and it was the recent focus of a *Pathways to Well-being* column. (See bit.ly/3xSxNEP.)

Lawyers who never say no; who ignore—then push past—their own endurance limits; and consistently, day after day, year after year, put client needs or the billable hour goal above their own well-being and welfare, succeed mightily in the practice of law... until they don't. Lawyers who never say no end up stretched too thin. Often, by the time they get to LAP, these lawyers have neglected

their families, their children, and their own mental, physical, and financial health with far reaching consequences.

These lawyers are also prime candidates for burnout. The prolonged or chronic stress created results in emotional and physical exhaustion, cynicism, and reduced professional efficacy. Depression, apathy, anger, irritability, lethargy, and feelings of hopelessness can then follow. It creates a vicious cycle of struggling to meet never-ending demands while feeling a continuous sense of failure, inadequacy, and ineptitude.

We need to learn that there are limits to our mental, intellectual, and emotional endurance—not because we are ineffective losers who can't hack it, but because we are human.

Boundaries are often misunderstood as limits we place on other people. We can tell someone to not call past 10 PM, but we have no control over that individual. They may, in common parlance, “cross our boundary” by calling at 11 PM. But demanding another person do (or not do) something is not actually setting a boundary. Boundaries are limits we set within and for ourselves. Putting our phone on “do-not-disturb” so that it does not ring after 10 PM ensures that we will not receive calls after 10 PM.

As this example illustrates, what we have control over is our own behavior. We teach people how to treat us. If we respond to emails all evening, guess what our clients and partners grow to expect? Just like the phone call example, we can stop checking emails at a reasonable time and respond to them first thing in the morning. There are so many examples of ways in which we can learn to set healthy boundaries and engage in better self-care.

Years ago, I was having dinner with the then-current State Bar president the evening before a district bar meeting. We were chatting about all sorts of things, none of which had to do with LAP or boundaries. She offered up a story that I have since shared over the years. She said, “When I was a young attorney, I might have had a three-day weekend planned. A client would call on Thursday afternoon with some ‘emergency.’ I would immediately drop everything, cancel my plans, and see them on Friday morning. Today, if the same thing happens, I tell them I am unavailable Friday, but I can meet them first thing the following week. I ask them if they prefer Monday or Tuesday. They go right along without any

pushback and tell me what day they prefer to meet. I wish I could go back and tell my younger self not to be so panicked and to not cancel my plans.”

Simple enough, right? For some of us it is. But for some of us, it is more of a challenge.

Once working with LAP, what most lawyers quickly discover is how difficult it is for unrecovered people pleasers/approval seekers to set effective boundaries. It feels almost unbearably uncomfortable the first time we say no after a lifetime of saying yes. That's why we need people who understand the journey, and who can share their experience, root for us, and affirm us and our decisions.

Lawyers who attend our LAP support groups eventually become black belts in boundary setting. They call each other out when they spot a need for boundaries, like someone straying into murky waters of chronic overextension, whether emotional, financial, or even geographic. For example, one lawyer we heard about who died by suicide never said no to a case, and was regularly stretched across five or six large judicial districts. I even heard about a case that he took across the state on a flat fee arrangement. With the drive time alone, he probably wasn't even netting minimum wage.

Another way lawyers, especially in solo/small practice settings, overextend themselves is by not charging enough for their services. *Pro bono* or reduced-fee work is wonderful, but not at the cost of your own well-being. *Pro bono* work has its place, certainly; however, one cannot sustain a career on nothing but *pro bono* and reduced-fee work. Understanding our own personal worth as well as professional value not only plays a crucial role in determining how much we charge for services, but also impacts our ability to say no and set other kinds of boundaries for our own well-being.

In yet another example of failed or ignored boundaries—sometimes with far-ranging emotional and financial consequences—we have had many lawyers report “knowing in their gut” they should not take a case/a client, but they ignored that intuition, could not/would not say no, and wound up in a mess. The tendency is to want to blame others or our circumstances. Sometimes cases go sideways due to no fault of our own. But that's not the pattern I am identifying here.

When we are not setting and honoring our own boundaries, we don't realize that we

are doing it to ourselves. As a result, we often feel victimized by those around us: our law partners, our clients, our children, our spouses. It can feel like everyone is ungrateful, at best; taking advantage of us, at worst. Healing begins by identifying and acknowledging the ways in which we have abandoned ourselves.

How does all of this play out on the competence and professionalism stage? When we push past our own endurance limits and don't tend to our physical health—let's say the need for good, restorative sleep—then our calm, rational, frontal cortex goes off-line (due to glucose deficiency). Our amygdala gets fired up, begins to perceive threats everywhere, and we “flip our lid.”¹ We overreact and behave badly when faced with routine, day-to-day life and work scenarios. We behave unprofessionally. We lash out at opposing counsel. Because our frontal cortex is off-line and we are not thinking clearly or rationally, we may even lash out at a judge. It happens. We can even make catastrophic, permanent decisions or take catastrophic, permanent actions (like suicide) based on temporary, flared-up emotions.

Conversely, the more we set and honor our own boundaries, the easier it is to recognize and honor others' boundaries, including non-negotiable boundaries like the prohibition on misuse of entrusted client funds. Do you see how the thinking pattern that would lead an already-overextended lawyer to think he could juggle still more plates in the air could carry over into thinking he can “rob Peter to pay Paul” (use entrusted client funds for operating expenses) with the rationalization that he will eventually restore those entrusted funds/figure it out later? How we do one thing is how we do everything.

When we examine the broader societal context, the pandemic dramatically magnified the “flipped lid” effect. Engaging/enraging in debate on social media also magnifies it. Our brains can only take so much. This heightened level of anxiety causes us to remain on high alert, lose more sleep, etc. We cannot maintain this heightened stress response without crashing. Depression and other mental health issues result.

Anxiety and depression are rife within the profession. And what happens with depression? We withdraw, we go apathetic, we lose energy to engage in anything. We stop returning client calls. We miss filing deadlines because we cannot complete the

work. I have even seen cases where lawyers summoned what little energy they had left to show up in court, but stopped the administrative back-end work, including not billing clients for a year or two, and were in total financial ruin by the time they reached out for help.

Our brains are not wired to make us happy; they are wired to help us survive. Our brains basically shut down and go off-line to minimize stimuli and protect us. Eventually, many lawyers and judges begin to self-medicate with alcohol as a way of coping or use other drugs as a way of regulating internal chemistry (cannabis products for sleep; Adderall or cocaine for energy and focus—a dangerous combination that can lead to psychosis²).

But it does not have to get to this breaking point. We can all start doing some of these well-being practices and learning how to better regulate our nervous system and its response so that we don't end up in a situation where we need the relief, or better living through chemistry, that results in harm to ourselves and eventually our clients. There are dozens of scientifically-validated ways to improve well-being. We cover loads of well-being practices in our new CLE, *Calm in the Midst of Chaos*.

For example, exercise specifically calms our nervous systems and counteracts the “flipped lid” effect. A simple 20-to-30-minute exercise routine that elevates our heart rate serves to calm the amygdala and restore the neurotransmitter and hormonal imbalance that builds up throughout our day. In neuroscience it is called, “completing the stress cycle” because it releases pent-up stress and restores our brains to a state of “homeostasis.” That is just one example.

In these pandemic-residual-effect, social-media-dominated days, it takes extra effort to really focus on self-care. So do a quick well-being inventory check:

- Are you getting enough quality sleep?
- How is your diet?
- Are you getting exercise?
- Have you said yes when you want to say no?
- If so, how often?
- Where do you specifically feel overextended?
- Is that a temporary or chronic situation?
- Does something on social media really trigger you?
- Can you unfollow/block that triggering

source?

- What self-care boundaries can you put in place today?
- Do you have someone who can encourage you to honor those boundaries over the long haul?

We are not all going to be stellar in all these areas. That is an unrealistic expectation. But we have to move the needle and start somewhere. Some of the practices that we cover in our well-being CLE programming might seem like common sense and easy to implement, while others might seem totally out of reach. Start where you can with the practices that are easiest for you to implement. They do not have to be time-consuming. You just have to be intentional about doing them.

Lawyers are not happy campers when they arrive at LAP's doorstep, but if they follow our suggestions and stick with it, they become some of the happiest, most balanced, friendliest lawyers I know. That is because recovery from any kind of mental health issue forces us to learn how to establish and honor mental, emotional, financial, and other self-care boundaries. We must learn how to stop abandoning ourselves. It takes mindful awareness, committed intention, repeated practice, and plenty of encouragement from people who have been down that road. That's why LAP's peer support model is so important.

It can seem a non sequitur to have LAP, a program that deals with lawyer “impairment,” discuss boundaries, financial health, exercise, healthy eating, and good sleep habits. But if you connect the dots, it makes perfect sense. LAP volunteers become experts in well-being practices because their recovery—ultimately, their lives—depends on it. You may not be at a breaking point, but we are all on that continuum: somewhere from professional/top of our game all the way down to unprofessional/unfit to practice.³ Well-being techniques help us move further up the continuum to the top of our game.

LAP often interfaces with lawyers who have entered the discipline and grievance process. Some become LAP clients, but some do not. A lawyer who did not work with us at the time recently emailed me. I have included this with his permission.

I shared with [a therapist I know] my personal search for a mental health diagnosis that fits the criteria for what I had experienced during that time in my life [when a

grievance was filed against the lawyer]. The self-diagnosis was Prolonged Stress Disorder. The symptoms mirror PTSD, but instead of there being one major event causing the disorder, there is persistent stress over time. I did not research any further once I was satisfied that I had not just become a bad person. I realize I was always a good person, just one with clouded judgment from prolonged stress. And I had a lot of circumstances going on that demanded better judgment than I was able to exercise at that time in my life. So, I have a special appreciation for LAP, because you all see everyone as I was able to ultimately see myself.

That quote provides a real-world example of connecting the dots, illustrating how prolonged stress exposure impacted professional

competence and judgment.

What we have seen over the last 40+ years at LAP is that lawyers can engage in effective boundary-setting and self-care with a firm commitment to their own well-being, while also having thriving, successful practices. They do not have to sacrifice one for the other. So, start connecting the dots for yourself: focus on better boundaries and self-care. Not only will these well-being practices help your competence and professionalism, but you might also just find you enjoy life and law more than you ever have before. ■

Robynn Moraites is the 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, depres-

sion, 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.

Endnotes

1. See a short two-minute video about how the brain works when we “flip our lid” at bit.ly/3xFP04h.
2. Adderall use combined with cannabis use (like Delta-8) can result in psychosis, which may become a permanent condition even after cessation of the substances. See *PSA: Adderall and Delta-8*, bit.ly/3Uob4JA.
3. See *A Framework for Lawyer Well-being* bit.ly/448CF55.

In Memoriam

Basil Agapion
Greensboro, NC

Carl Atkinson Jr.
Troy, NC

Kathy Atkinson
Santa Rosa Beach, FL

William Belcher
Bluffton, SC

Corey Buggs
Lexington, NC

Stafford Bullock
Raleigh, NC

Baccuhus Carver
Lillington, NC

Gary Chadwick
Wilmington, NC

Aaron Clinard
High Point, NC

Patrick Cook
Charlotte, NC

Comann Craver Jr.
Winston-Salem, NC

Jack Crawley Jr.
Raleigh, NC

Max Crohn Jr.
Chapel Hill, NC

David Dansby
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William Etheridge
Rocky Mount, NC

Woodard Farmer Jr.
Asheville, NC

Thomas Farr
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Brad Heath
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Rebecca Killian
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Horace Kimel Jr.
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Howard Kohn
Raleigh, NC

Willie Lumpkin III
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John Martin
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Windell Smith Jr.
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Clyde Stanley Jr.
Supply, NC

Ned Stiles
Charlotte, NC

Odes Stroupe Jr.
Raleigh, NC

Brenda Unti
Phoenix, AZ

Charles Wannamaker III
Greensboro, NC

Committee Publishes Revised Opinion; Continues Study of Opinion on Artificial Intelligence

Council Actions

The State Bar Council did not adopt any new ethics opinions this quarter.

Ethics Committee Actions

At its meeting on April 18, 2024, the Ethics Committee considered a total of eight inquiries. Six inquiries were sent or returned to subcommittee for further study, including an inquiry examining the ethical requirements relating to a lawyer's departure from a law firm 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, in January 2024 the Ethics Committee published Proposed 2024 Formal Ethics Opinion 1, Use of Artificial Intelligence in a Law Practice; based on comment received during publication, the committee voted to return the inquiry to subcommittee for further study. The committee also approved an advisory opinion concerning a lawyer's professional responsibility when inheriting a client file containing confidential information, and the committee approved the publication of one proposed formal ethics opinion for comment, which appears below.

Proposed 2023 Formal Ethics Opinion 3

Installation of Third Party's Self-Service Kiosk in Lawyer's Office and Inclusion of Lawyer in Third Party's Advertising Efforts

April 18, 2024

Proposed opinion provides that a lawyer may allow a third-party business to install a self-service kiosk in the lawyer's office for the provision of ignition lock services but may not receive rent or referral fees, and further concludes that a lawyer may be included in the business's advertising efforts upon compliance with Rule 7.4.

Inquiry #1:

Lawyer's practice consists mostly of representing clients on charges of driving while intoxicated (DWI). Lawyer has been approached by a third-party business (Company) that offers ignition lock services that are often ordered by the court in DWI cases. Company wants to rent a space in Lawyer's law office to install a self-service kiosk that would allow Lawyer's DWI clients to sign up for an ignition lock serviced by the business. Company would pay a rental fee to Lawyer to have the kiosk installed in Lawyer's law office. The kiosk would be entirely supported by Company, and Lawyer would have no ownership interest or control over the kiosk or the Company.

May Lawyer permit Company to rent space in Lawyer's law office and install the ignition lock self-service kiosk for Lawyer's clients to use?

Opinion #1:

No, if Lawyer will collect rent from Company. Per Rule 1.7, a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if the representation of one or more clients may be materially limited by a personal interest of the lawyer, including financial interests of the lawyer. Rule 1.7(a)(2); *see also* Rule 1.7 cmt. [10] ("[A] lawyer may not allow related business interests to affect representation, for example, by referring clients to an enterprise in which the lawyer has an undisclosed financial interest.").

In this instance, the rental fee to be paid to Lawyer creates a financial interest in the kiosk. Although Lawyer does not have a direct financial interest in Company's business, Lawyer has a financial interest in receiving additional rent from Company, which presumably will continue if Lawyer's clients sign up for Company's services through the kiosk in Lawyer's office (and which will presumably

Rules, Procedure, Comments

All opinions of the Ethics Committee are predicated upon the North Carolina Rules of Professional Conduct. Any interested person or group may submit a written comment—including comments in support of or against the proposed opinion—or request to be heard concerning a proposed opinion. The Ethics Committee welcomes and encourages the submission of comments, and all comments are considered by the committee at its next quarterly meeting. Any comment or request should be directed to the Ethics Committee at ethicscomments@ncbar.gov no later than June 30, 2024.

Public Information

The Ethics Committee's meetings are public, and materials submitted for consideration are generally NOT held in confidence. Persons submitting requests for a formal opinion are cautioned that inquiries should not disclose client confidences or sensitive information that is not necessary to the resolution of the ethical questions presented.

discontinue if clients do not sign up for Company's services, thus creating an incentive for Lawyer to refer clients to Company through the kiosk). As such, Lawyer has a personal conflict of interest in recommending Company to clients pursuant to Rule 1.7(a)(2).

Many conflicts of interests are consentable.

However, in the present scenario where the conflict is caused by Lawyer's financial interest in sustaining income from the kiosk, the conflict is not consentable. Therefore, Lawyer's financial interest creates a nonconsentable personal conflict of interest for Lawyer under Rule 1.7(a). *See also* 99 FEO 1. Although Lawyer may allow Company to place a kiosk for ignition lock services in his office, he may not accept a rental fee for the kiosk.

Inquiry #2:

May Lawyer recommend Company to his clients for ignition lock services via the kiosk if Lawyer does not receive a rental fee from Company for the kiosk?

Opinion #2:

Yes, provided Lawyer's recommendation of Company is in the client's best interest and is derived from Lawyer's independent judgment. Rule 5.4(c).

Inquiry #3:

May Lawyer receive a referral fee from Company for each client that signs up for Company's services via the kiosk in Lawyer's office?

Opinion #3:

No. Accepting a referral fee for every client referred to Company could create a significant financial windfall, interferes with Lawyer's professional judgement, and therefore is a nonconsentable conflict of interest. Rule 1.7(a).

The Ethics Committee previously opined that a lawyer may not receive a referral fee for referring a client to a third-party investment advisor. The opinion provides:

A lawyer must exercise independent professional judgment on behalf of a client when referring a client to a third party for services related to the subject matter of the legal representation. *See* Rule 1.7(b). If a lawyer will receive a referral fee from the third party, the lawyer's professional judgment in making the referral is or may be impaired. Written disclosure to the client will not neutralize the potential for the lawyer's self-interest to impair his or her judgment. Other ethics opinions are consistent with this holding. CPR 241 rules that a lawyer who sells insurance should not sell insurance to clients for whom he has done estate planning. Similarly, RPC 238 permits a law firm to

provide financial planning services provided no commission is earned by anyone affiliated with the firm.

99 FEO 1.

Lawyer must not allow his personal financial interest in receiving referral fees to interfere with his professional judgment. Rule 1.7(a)(2); *see also* Opinion #1. Here, the referral fees are tied to performance by Lawyer. If Lawyer does not refer enough clients to Company, Company will likely remove the kiosk from Lawyer's office and Lawyer will lose that additional source of income. Lawyer is, therefore, more likely to refer every DWI client to Company for ignition lock services even if the referral is not in the client's best interest. Because accepting a referral fee may impair Lawyer's professional judgment, it is a nonconsentable conflict of interest to accept a referral fee from Company. *See also* 2006 FEO 2 (lawyers may not accept a "finder's fee" from a financial company in exchange for a referral).

Inquiry #4:

May Lawyer participate in Company's efforts to market their product, which includes listing Lawyer's name and contact information in the Company's list of providers or affiliates?

Opinion #4:

Yes, provided Lawyer complies with Rule 7.4.

Intermediary organizations are organizations that engage in "referring consumers of legal services to lawyers or facilitating the creation of lawyer-client relationships between consumers of legal services and lawyers willing to provide assistance." Rule 7.4(a). When participating in an intermediary organization, a lawyer must make reasonable efforts to ensure that the intermediary organization's efforts comply with the professional obligations of the lawyer, including the following:

- (1) The intermediary organization does not direct or regulate the lawyer's professional judgment in rendering legal services to the client;
- (2) The intermediary organization, including its agents and employees, does not engage in improper solicitation pursuant to Rule 7.3;
- (3) The intermediary organization makes the criteria for inclusion available to prospective clients, including any payment made or arranged by the lawyer(s) partic-

ipating in the service and any fee charged to the client for use of the service, at the outset of the client's interaction with the intermediary organization;

(4) The function of the referral arrangement between lawyer and intermediary organization is fully disclosed to the client at the outset of the client's interaction with the lawyer;

(5) The intermediary organization does not require the lawyer to pay more than a reasonable sum representing a proportional share of the organization's administrative and advertising costs, including sums paid in accordance with Rule 5.4(a)(6); and

(6) The intermediary organization is not owned or directed by the lawyer, a law firm with which the lawyer is associated, or a lawyer with whom the lawyer is associated in a firm.

Rule 7.4(b). If a lawyer discovers that an intermediary organization in which the lawyer participates is noncompliant with Rule 7.4(b), the lawyer must either seek to correct the non-compliance or withdraw from participating in the intermediary organization. Rule 7.4(c).

In this scenario, Company is acting as an "intermediary organization" in that its marketing efforts are "referring consumers of legal services to [Lawyer] or facilitating the creation of lawyer-client relationships between consumers of legal services and Lawyer[.]" Rule 7.4(a). Accordingly, Lawyer is tasked with ensuring that Company complies with Rule 7.4(b); if Lawyer discovers that Company is not in compliance with the Rules, Lawyer must seek to correct Company's efforts or withdraw from participating in Company's marketing efforts pursuant to Rule 7.4(c). ■

Need Ethics Advice?

After consulting the Rules of Professional Conduct and the relevant ethics opinions, if you continue to have questions about your professional responsibility, any lawyer may request informal advice from the ethics department of the State Bar by calling (919) 828-4620 or by emailing ethicsadvice@ncbar.gov.

Amendments Approved by the Supreme Court

On March 20, 2024, the North Carolina Supreme Court approved the following rule amendments. (For the complete text of the amendments, see the Fall 2023 and Winter 2024 editions of the *Journal* or visit the State Bar website: ncbar.gov.)

Amendments to the Duties of the Secretary

27 N.C.A.C. 1A, Section .0400, Election, Succession, and Duties of Officers

The amendments permit the secretary of the State Bar to delegate ministerial tasks, such as the certification of copies of court records, to other State Bar employees.

Amendments to the Rules Governing the Authorized Practice Committee

27 N.C.A.C. 1D, Section .0200, Procedures for the Authorized Practice Committee

The amendments to the rules governing the Authorized Practice Committee improve clarity and ensure that the rules reflect the current procedures of the committee.

Amendments to the Procedures for Fee Dispute Resolution

27 N.C.A.C. 1D, Section .0700, Procedures for Fee Dispute Resolution

The amendments permit multiple methods for service of process of a letter of notice on a fee dispute respondent.

Amendments to the Rules Governing the Specialization Program

27 N.C.A.C. 1D, Section .3500, Certification Standards for the Employment Law Specialty

The amendments create a specialty in employment law. The rules, which are all new,

Highlights

- On March 20, 2024, the Supreme Court approved the creation of a new specialty certification in employment law.
- On April 19, 2024, the State Bar Council approved for publication amendments to the rules governing the trust account compliance program to streamline and improve the effectiveness of the program.

establish the standards for the new specialty.

Proposed Amendments

At its meeting on April 19, 2024, the council voted to publish for comment the following proposed rule amendments:

Proposed Amendments to the Rules Governing the Administrative Committee

27 N.C.A.C. 1D, Section .0900, Procedures for the Administrative Committee

The proposed amendments create a clear process for lawyers to transfer directly from administrative suspension status to inactive status and update the requirements for transfer from active status to inactive status.

Rule .0901, Transfer to Inactive Status

(a) Petition for Transfer from Active to Inactive Status

Any active member who desires to be transferred to inactive status shall file a petition with the secretary addressed to the council setting

forth fully

- (1) the member's name and current address;
- (2) the date of the member's admission to the North Carolina State Bar;
- ~~(3) the reasons why the member desires transfer to inactive status;~~
- (4) that at the time of filing the petition the member is in good standing having paid all membership fees, Client Security Fund assessments, late fees and costs assessed by the North Carolina State Bar, as well as all past due fees, fines and penalties owed to the Board of Continuing Legal Education ~~and without any grievances or disciplinary complaints pending against him or her;~~
- ~~(5) any other matters pertinent to the petition.~~

(b) Petition for Transfer from Administrative Suspension Status to Inactive Status

Any member suspended pursuant to Rule .0903 who desires to be reinstated and immediately transferred to inactive status shall file a petition with the secretary addressed to the council setting forth fully

- (1) the member's name and current address;
- (2) the date of the member's admission to the North Carolina State Bar;
- (3) the date of the member's administrative suspension;
- (4) that at the time of filing the petition the member has paid all membership fees, Client Security Fund assessments, late fees and costs assessed by the North Carolina State Bar, as well as all past due fees, fines, and penalties owed to the Board of Continuing Legal Education;
- (5) that the member acknowledges that any subsequent petition to transfer from

inactive status to active status will require satisfying the requirements for reinstatement from suspension pursuant to Rule .904, using the effective date of the member's suspension to calculate the requirements of Rule .0904(d)(3) or (4).

~~(b)~~ (c) Conditions Upon Transfer

No member may be voluntarily transferred to disability-inactive status, retired/nonpracticing status, or emeritus pro bono status until:

- (1) the member has paid all membership fees, Client Security Fund assessments, late fees, and costs assessed by the North Carolina State Bar or the Disciplinary Hearing Commission, as well as all past due fees, fines and penalties owed to the Board of Continuing Legal Education;
- (2) the member acknowledges that the member continues to be subject to the Rules of Professional Conduct and to the disciplinary jurisdiction of the State Bar including jurisdiction in any pending matter before the Grievance Committee or the Disciplinary Hearing Commission; and,
- (3) in the case of a member seeking emeritus pro bono status, it is determined by the Administrative Committee that the member is in good standing, is not the subject of any matter pending before the Grievance Committee or the Disciplinary Hearing Commission, and will be supervised by an active member employed by a nonprofit corporation qualified to render legal services pursuant to G.S. 84-5.1.

~~(e)~~ (d) Order Transferring Member to Inactive Status

Upon receipt of a petition which satisfies the provisions of Rule .0901(a) or (b) above, the council may, in its discretion, enter an order transferring the member to inactive status and, where appropriate for petitions filed pursuant to Rule .0901(a), granting emeritus pro bono status. The order shall become effective immediately upon entry by the council. A copy of the order shall be mailed to the member.

~~(d)~~ (e) Transfer to Inactive Status by Secretary of the State Bar

Notwithstanding paragraph ~~(e)~~ (d) of this rule, ~~an active~~ member may petition for transfer to inactive status pursuant to paragraph (a) or (b) of this rule and may be transferred to inactive status by the secretary of the State Bar upon a finding that the ~~active~~ member has complied with or fulfilled the conditions for transfer to inactive status set forth in paragraph ~~(b)~~ (c) of this rule. Transfer to inactive status

by the secretary is discretionary. If the secretary declines to transfer a member to inactive status, the member's petition shall be submitted to the Administrative Committee at its next meeting and the procedure for review of the petition shall be as set forth in paragraph ~~(e)~~ (d) of this rule.

Proposed Amendments to the North Carolina State Bar Discipline and Disability Rules

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

The proposed amendments will (1) recognize the creation within the Office of Counsel of a Trust Account Compliance Department that consists of the Trust Account Compliance Program (TAC Program) and the random audit program; (2) facilitate a voluntary deferral to the TAC Program by the Grievance Committee upon a finding that a respondent has failed to employ sound trust accounting procedures; (3) permit the specific criteria and procedures for eligibility to participate in the trust account compliance program be established by policy and guidelines of the council (rather than rule); and (4) facilitate referrals by the staff (the counsel, the director of the Trust Account Compliance Department, and the auditor) to the TAC Program of lawyers whose random audits have disclosed one or more violations of Rule 1.15 of the Rules of Professional Conduct.

Rule .0112, Investigation; Initial Determination; Notice and Response; Committee Referrals

...

(k) Referral to Trust Accounting Compliance Program

(1) Voluntary Deferral to Trust Account Compliance Program. If, at any time before a finding of probable cause, the Grievance Committee determines that the alleged misconduct is primarily attributable to the respondent's failure to employ sound trust accounting techniques, the committee may offer the respondent an opportunity to ~~voluntarily~~ participate voluntarily in the Trust Account Compliance Program of the State Bar's Trust Account Compliance Department (the program) ~~Program~~ for up to two years before the committee considers discipline.

Policies governing the criteria and procedures for eligibility to participate in the program, participation in, and completion

Comments

The State Bar welcomes your comments regarding proposed amendments to the rules. Please send your written comments by June 30 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.

of the program shall be established by the Council.

If the respondent accepts the committee's offer to participate in the ~~compliance~~ program, the respondent must fully cooperate with the staff of the Trust Account Compliance ~~Council~~ Department and must ~~provide~~ produce to the ~~staff~~ Office of Counsel ~~all documentation and proof of compliance requested by the staff.~~ quarterly proof of compliance with all provisions of Rule 1.15 of the Rules of Professional Conduct. Such proof shall be in a form satisfactory to the Office of Counsel. If the respondent does not accept the committee's offer, the grievance will be returned to the committee's agenda for consideration of ~~imposition of~~ discipline.

(2) Completion of Trust Account Compliance Program. If the respondent successfully completes the program, the committee may consider successful completion of the program as a mitigating circumstance and may, but is not required to, dismiss the grievance for good cause shown. If the respondent does not fully cooperate with the ~~Trust Account Compliance Council staff~~ of the Trust Account Compliance Depart-

ment and/or does not successfully complete the program, the grievance will be returned to the committee's agenda for consideration of imposition of discipline.

(3) **Ineligible for Referral.** The committee will not refer to the program: ~~any case involving possible misappropriation of entrusted funds, criminal conduct, dishonesty, fraud, misrepresentation, or deceit, or any other case the committee deems inappropriate for referral.~~ The committee will not refer to the program any respondent who has not cooperated fully and timely with the committee's investigation.

(a) any respondent whose grievance file involves possible misappropriation of entrusted funds, criminal conduct, dishonesty, fraud, misrepresentation, or deceit, or any other alleged misconduct the committee determines to be inappropriate for referral;

(b) any respondent who has not cooperated fully and timely with the committee's investigation;

(c) any respondent who has already participated in the program as the result of the conduct in issue; or

(d) any respondent who declined an offer to participate in the program before the conduct at issue was referred to the Grievance Committee.

(4) **Termination of Deferral Upon Discovery of Evidence of Serious Misconduct.** If the Office of Counsel or the committee

~~discovers~~ **learns of** evidence that a respondent who is participating in the program may have misappropriated entrusted funds, engaged in criminal conduct, or engaged in conduct involving dishonesty, fraud, misrepresentation, or deceit, the chair will terminate the respondent's participation in the program and the disciplinary process will proceed.

(5) **Referral No Defense to Allegations of Professional Misconduct.** Referral to the Trust Accounting Compliance Program is not a defense to allegations **of professional misconduct** ~~that a lawyer misappropriated entrusted funds, engaged in criminal conduct, or engaged in conduct involving dishonesty, fraud, misrepresentation, or deceit, and it does not immunize a lawyer from the disciplinary consequences of such conduct.~~

...

Rule .0132, Trust Accounts; Audit

...

(b) Random Audit Investigative Subpoenas and Investigations – The chairperson of the Grievance Committee may randomly issue investigative subpoenas to members compelling the production of any records required by the Rules of Professional Conduct to be kept relative to the handling of client funds or property ~~by the Rules of Professional Conduct~~ for inspection by the counsel or by any auditor appointed by the counsel to determine

compliance with the Rules of Professional Conduct. Any such subpoena will disclose upon its face its random character and contain a verification of the secretary that it was randomly issued. No member will be subject to random selection under this section more than once in three years. **Any member whose random audit discloses one or more violations of the Rules of Professional Conduct may be referred by the counsel, by the director of the Trust Account Compliance Department (the department), or by the auditor to the department's Trust Account Compliance Program. Determination of a member's qualification for referral to the Trust Account Compliance Program after random audit shall be made by the counsel, by the director, or by the auditor pursuant to guidelines established by the council. The counsel, the director, or the auditor may also report any violation of the Rules of Professional Conduct discovered during the random audit to the Grievance Committee for investigation. The auditor may allow the attorney a reasonable amount of time to correct any procedural violation in lieu of reporting the matter to the Grievance Committee. The director of the department and the auditor shall each have authority under the original subpoena for random audit to compel the production of any documents necessary to determine whether the attorney member has corrected any violation identified during the audit.**

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Client Security Fund Reimburses Victims

At its April 16, 2024, meeting, the North Carolina State Bar Client Security Fund Board of Trustees approved payments of \$124,770 to 13 applicants who suffered financial losses due to the misconduct of North Carolina lawyers.

The payments authorized were:

1. An award of \$700 to a former client of Charles R. Gurley of Goldsboro. The board determined that the client retained Gurley to handle a DWI charge. The client paid \$700 towards the \$2,500 quoted fee. Gurley was

dishonest in accepting the fees paid knowing he could not complete the representation due to his impending disbarment for misappropriation. Gurley provided no meaningful legal representation for the fee paid prior to his disbarment. Gurley was disbarred on June 27, 2023. The board previously reimbursed 72 other Gurley clients a total of \$69,109.

2. An award of \$2,200 to a former client of Charles R. Gurley. The board determined that the client retained Gurley to represent

her on several criminal charges. The client paid \$2,200 towards the \$5,000 quoted fee. Gurley was dishonest in accepting the fees paid knowing he could not complete the representation due to his impending disbarment for misappropriation. Gurley provided no meaningful legal representation for the fee paid prior to his disbarment.

3. An award of \$850 to a former client of Charles R. Gurley. The board determined that the client retained Gurley to represent him on the criminal charges of DWI and

possession of a firearm by a felon. The client paid \$850 toward the \$2,500 quoted fee. Gurley was dishonest in accepting the fees paid knowing he could not complete the representation due to his impending disbarment for misappropriation. Gurley provided no meaningful legal representation for the fee paid prior to his disbarment.

4. An award of \$5,330 to a former client of Charles M. Kunz of Durham. The board determined that the client retained Kunz to assist him and his wife with their immigration status as well as in obtaining employment authorization. Kunz filed for asylum for the client and his wife, unbeknownst to them, and filed the applications for employment authorizations for both. Kunz accepted payments from the client toward the \$8,000 fee charged when he knew or should have known that he could not complete the representation, knowing that he intended to surrender his license due to his misappropriation of entrusted funds and engaging in multiple instances of neglect and dishonesty. Kunz was disbarred on April 14, 2023, and then passed away on April 21, 2023. The board previously reimbursed 23 other Kunz clients a total of \$103,810.

5. An award of \$1,800 to a former client of Charles M. Kunz. The board determined that the client retained Kunz to file his complaint for child custody. Kunz was paid his \$1,800 quoted fee but failed to file the complaint or provide any meaningful legal services for the fee paid prior to his disbarment and passing.

6. An award of \$4,650 to a former client of Charles M. Kunz. The board determined that the client retained Kunz to represent her and her son with their immigration case and file for asylum. The client paid \$4,650 toward the \$10,000 quoted fee. Kunz accepted the payments knowing he would be unable to provide any meaningful legal services for the fee paid prior to his impending disbarment.

7. An award of \$2,000 to a former client of Charles M. Kunz. The board determined that the client retained Kunz to assist with her custody, divorce, and child support matters. Kunz charged and was paid his quoted \$2,000 fee. However, Kunz failed to provide any meaningful legal services for the fee paid prior to his disbarment and passing.

8. An award of \$6,740 to a former client of Charles M. Kunz. The board determined that the client retained Kunz to assist her

with her immigration status and filing for divorce. The client paid the quoted fee and filing fees. Kunz filed the complaint for divorce, custody, and ED and the I-130 Petition for Alien Relative; however, he failed to provide any meaningful legal services for the fee paid prior to his disbarment and passing.

9. An award of \$6,000 to a former client of Charles M. Kunz. The board determined that the client retained Kunz to assist him with his and his family's immigration status. The client paid \$6,000 toward his quoted \$15,000 fee. Kunz accepted the payments while he knew or should have known that he would be unable to complete the legal services. Kunz failed to provide any meaningful legal services for the fee paid prior to his disbarment and passing.

10. An award of \$1,000 to a former client of Charles M. Kunz. The board determined that the client retained Kunz for a court appearance in Boston, Massachusetts. The client paid Kunz's quoted fee, but Kunz failed to appear on the client's behalf and passed away the next day. Kunz engaged in dishonesty by accepting the fee knowing he could not complete the representation due to his impending disbarment. Kunz failed to provide any meaningful legal services for the fee paid prior to his disbarment and passing.

11. An award of \$4,500 to a former client of Charles M. Kunz. The board determined that the client retained Kunz to represent him in filing an asylum application. The client paid \$4,500 toward the quoted \$8,000 fee. Kunz failed to perform any meaningful legal services for the fee paid prior to his disbarment and passing.

12. An award of \$85,000 to a former client of Charles M. Kunz. The board determined that the client retained Kunz to handle the sale of his business. Kunz completed the sale and the sales proceeds were deposited into his trust account. Kunz disbursed a portion of the funds and then misappropriated the remaining \$85,000 for his own personal purposes and debts. Due to misappropriation and embezzlement, Kunz's trust account balance is insufficient to pay all his client obligations.

13. An award of \$4,000 to a former client of Charles M. Kunz. The board determined that the client retained Kunz to assist her family in filing two juvenile visa applications and a filing for asylum. The client paid \$4,000 toward the \$10,000 quoted fee.

Kunz failed to provide any meaningful legal services for the fee paid prior to his disbarment and passing.

Funds Recovered

It is standard practice to send a demand letter to each current or former attorney whose misconduct results in any payment from the fund, seeking full reimbursement or a confession of judgment and agreement to a reasonable payment schedule. If the attorney fails or refuses to do either, counsel to the fund files a lawsuit seeking double damages pursuant to N.C. Gen. Stat. §84-13, unless the investigative file clearly establishes that it would be useless to do so. Through these efforts, the fund was able to recover a total of \$1,649.82 this past quarter. ■

Disciplinary Department (cont.)

disbarred by the DHC in 2004. The DHC found that he misappropriated money from his former law partner, charged and collected money from the parents of a criminal defendant he was appointed to represent without telling them that he was obligated to represent their son at state expense, and collected and converted to his own use \$15,287.09 in proceeds of an annuity contract. In February 2019, the DHC recommended denial of Hale's first petition for reinstatement and Hale did not seek council review. On February 20, 2024, Hale filed a notice of voluntary dismissal terminating proceedings on his second petition for reinstatement.

Notice of Intent to Seek Reinstatement

In the Matter of Matthew Ragaller

Notice is hereby given that Matthew Ragaller, intends to file a Petition for Reinstatement before the Disciplinary Hearing Commission of The North Carolina State Bar. Mr. Ragaller was disbarred effective April 2, 2015, for misappropriating client funds and filing a false and inaccurate accounting with the clerk of court.

Individuals who wish to note their concurrence with or opposition to this petition should file written notice with the secretary of the State Bar, PO Box 25908, Raleigh, NC, before August 1, 2024. ■

2024 First Quarter Random Audits

Audits were conducted in Durham, Guilford, Mecklenburg, Orange, and Wake Counties. Lawyers selected for random audit are drawn from a randomized list of all active lawyers in the state.

Five audits were conducted in Durham County, five audits were conducted in Guilford County, nine audits were conducted in Mecklenburg County, four audits were conducted in Orange County, and 19 audits were conducted in Wake County.

The following are the results of the 42 audits.

1. 40% failed to identify the client and source of funds, when the source was not the client, on the original deposit slip.

2. 36% failed to:

- review bank statements and cancelled checks each month;
- identify the client on confirmations of funds received/dispensed by wire/electronic/online transfers.
- maintain images of cleared checks or maintain them in the required format.

3. 31% failed to complete quarterly transaction reviews.

4. 27% failed to sign, date, and/or maintain reconciliation reports.

5. 24% failed to complete quarterly reconciliations.

6. 17% failed to indicate on the face of each check the client from whose balance the funds were drawn.

7. 12% failed to complete monthly bank statement reconciliations.

8. Up to 10% failed to:

- prevent over-disbursing funds from the trust account resulting in negative client balances;
- maintain a ledger of lawyer's funds used to offset bank service fees;
- take the required one-hour trust account 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;
- promptly remove earned fees or cost reimbursements;
- promptly remit to clients funds in possession of the lawyer to which clients were entitled;
- provide written accountings to clients at the end of representation or at least annually if funds were held more than 12

months;

- escheat unidentified/abandoned funds as required by GS 116B-53;

- provide a copy to their depository bank of the Bank Directive regarding checks presented against insufficient funds.

9. Areas of consistent rule compliance:

- properly maintained a ledger for each person or entity from whom or for whom trust money was received;
- prevented bank service fees being paid with entrusted funds;
- properly deposited funds received with a mix of trust and non-trust funds into the trust account;
- 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.

Based on the geographic plan for 2024, audits for the second quarter will be conducted in Beaufort, Cherokee, Cleveland, Craven, Edgecombe, Forsyth, Franklin, Haywood, Hyde, Johnston, Macon, Mecklenburg, Nash, New Hanover, Onslow, Pitt, Wake, and Watauga Counties. ■

John B. McMillan Distinguished Service Award

Wanda Copley

Attorney Wanda Copley was presented with the John B. McMillan Distinguished Service Award on April 1, 2024, at the New Hanover County Historic Courthouse in Wilmington, North Carolina. North Carolina State Bar President A. Todd Brown and current State Bar councilor, Judge Allen Cobb, presented the award.

Ms. Copley attended the University of South Carolina for her undergraduate degree, and the University of Memphis School of Law. She began her career in public service in 1984 as an assistant county attorney in New Hanover County. In 1992, she became the first female county attorney in North Carolina. She served in the role until her retirement in July 2023. After 39 years of service, Ms. Cop-

ley remains the longest-serving county attorney in North Carolina.

Ms. Copley provided dedicated, diligent, excellent professional service and servant leadership, which has enhanced the lives of the citizens of New Hanover County. During her tenure, Ms. Copley provided guidance and gave advice to many different boards of commissioners. She provided counsel to the ABC

Board and Airport Authority. Ms. Copley led New Hanover County in being at the forefront of many issues in public health, safety, education, cultural arts, and the environment. She provided oversight on numerous projects and initiatives, which included the purchase of Airlie Gardens to preserve it as a historical garden, building a new jail, construction of a judicial annex, and the sale of New Hanover Regional Medical Center.

During the early days of AIDS, Ms. Copley advised the Health Department, which became one of the first to provide direct treatment before established drugs and protocols were known. She led the county's opioid litigation, resulting in the county receiving more than \$18 million in opioid settlement funds. Additionally, she advised the county through major hurricanes and other crises in the community, including the COVID-19 pandemic.

Ms. Copley is a pioneer who paved the way for aspiring women to become county and government attorneys. Her presence promoted diversity in the legal profession, and she emerged as a respected role model. Ms. Copley served as a mentor to young female attorneys beginning their careers. Over her years of service, she earned a sterling reputation, and is known for her impeccable character and integrity. The confidence and trusting embrace she received from the many different commissioners she served is the best evidence of her enduring professionalism. She is a beloved public servant, and her work will have a lasting impact on our state.

Ms. Copley has also been active in her community. In 2003, she served as president of the North Carolina Azalea Festival. She received the YWCA Lifetime Achievement Award in 2014. And as a tribute to her leadership skills and service, Governor Roy Cooper awarded her the Order of the Long Leaf Pine in June 2023. She is a most deserving recipient of the John B. McMillan Distinguished Service Award.

Theodore C. Edwards II

Theodore C. Edwards II was presented with the John B. McMillan Distinguished Service Award on February 23, 2024, during the 2024 LAP Minority Outreach Conference. North Carolina State Bar President A. Todd Brown presented the award.

Mr. Edwards grew up in Chatham County. He graduated from Duke University with a double major in political science and sociology and received his juris doctor degree from the

Duke University School of Law. After graduation, Mr. Edwards clerked for the Honorable Alexander B. Denson, US magistrate judge for the Eastern District of North Carolina. Mr. Edwards was a partner at the two law firms now known as Kilpatrick Townsend & Stockton LLP and Fox Rothschild LLP. He has been a principal with The Banks Law Firm, PA, since 2015. In his law practice, Mr. Edwards handles a wide variety of commercial litigation matters. He is also a certified mediator and has an active mediation practice.

Mr. Edwards has a long, distinguished history of service to our bars and our community. He has served as president of the Wake County Bar Association. He served for nine years as a State Bar councilor for the 10th Judicial District. He currently serves on the NC IOLTA Board of Directors, and previously served on the LAP Board, including two years as the board's chair. Prior to that he served on the Disciplinary Hearings Commission and was chair of the Client Security Fund.

While LAP Board chair, Mr. Edwards was instrumental in the board's recommendation to the North Carolina State Bar officers that they take a leadership role regarding race issues within the profession. The recommendation ultimately resulted in the State Bar Council adopting nine recommendations regarding the promotion of diversity, equity, and inclusion in the State Bar's operations and mission.

Mr. Edwards is also an active member of the North Carolina Bar Association. He has served as chair of the Young Lawyers Division and on its Board of Directors, in addition to numerous committees such as the Legislative Advisory Committee, the Nominations Committee, and the Personnel Committee. The Bar Association has recognized Mr. Edwards with their Citizen Lawyer Award, which honors attorneys for exemplary public service activities. The Bar Association also recognized Mr. Edwards for his *pro bono* work, awarding him their William L. Thorp Pro Bono Service Award, which recognizes attorneys who provide exceptional pro bono legal assistance to low-income citizens in North Carolina.

Mr. Edwards is also active in his community. He currently serves as chair of the Board of Directors for Central Children's Home, which is an orphanage in Oxford, North Carolina. He serves as the teaching leader for the Durham class of Bible Study Fellowship, Inc., and he leads a weekly life group for his church. In addition, he currently serves on the boards of the North Carolina Housing Coalition, the

National Institute of Minority Economic Development, and the Safety and Health Council of North Carolina. He previously served as the children's pastor in his church and on other boards such as Habitat for Humanity of Wake County. Mr. Edwards was also a JAG officer in the North Carolina National Guard.

As noted by one of Mr. Edwards' colleagues, Mr. Edwards "brings great honor to the law profession not simply because of his works, but because of his ways. During a time where integrity is not prioritized as it should be, Ted Edwards is a sterling example of how a lawyer that holds himself to the highest moral standards can promote positive change in the community." Mr. Edwards is well-respected and highly regarded in the legal community throughout the state and he serves as a model for many young lawyers of color. He is a most deserving recipient of the John B. McMillan Distinguished Service Award.

Shirley L. Fulton

The Honorable Shirley L. Fulton was posthumously presented with the John B. McMillan Distinguished Service Award on April 19, 2024, during the State Bar Council's quarterly meeting in Raleigh. State Bar President A. Todd Brown, along with Bar Councilor George V. Laughrun II, presented the award. Judge Fulton's son, Kevin Goode, accepted the award on her behalf.

Judge Fulton grew up in Kingstree, South Carolina. She entered North Carolina A&T College at the age of 16 and graduated in 1977. Judge Fulton then graduated from the Duke University School of Law in 1980. After law school she worked in private practice before joining the Mecklenburg County District Attorney's Office in 1982. She was the first African American female prosecutor in Mecklenburg County. In 1987, Judge Fulton was appointed to the NC District Court bench, and then in 1988 she was elected to the NC Superior Court bench. She was the first African American woman to win a seat as a judge in superior court. She served as senior resident superior court judge for 14 years. While on the bench, Judge Fulton led the courts in revising superior court calendaring procedures, successfully campaigned for bonds to build the current Mecklenburg County Courthouse, and developed programs to address the needs of non-English speaking court participants. During this time, Judge Fulton survived two bouts of breast cancer.

Judge Fulton promoted diversity through

both her example and the mentoring of young lawyers. After leaving the bench, Judge Fulton was a founding partner at the Charlotte-based Tin Fulton Walker & Owen law practice, where she practiced business and real estate law. She later formed her own alternative dispute resolution firm, Fulton Consulting, and practiced with Singletary Law Firm.

Judge Fulton served on the Charlotte-Mecklenburg Schools Task Force, as chair of the Board of Advisors for the Charlotte School of Law, and as president of the Mecklenburg County Bar. She served as chair of the Charlotte Housing Authority Board of Commissioners, chair of the Juneteenth Festival of the Carolinas Board of Directors, and as co-chair of the United Agenda for Children in Meck-

lenburg County.

In 2009, Judge Fulton was the recipient of a Citizen Lawyer Award from the North Carolina Bar Association. In 2010 she received the Governor's Order of the Long Leaf Pine in recognition of her service to North Carolina. Judge Fulton was also presented with the Chief Justice's Professionalism Award. In 2018, Fulton was inducted as a Legal Legend of Color by the North Carolina Bar Association's Minorities in the Profession Committee. Further awards include the North Carolina Bar Association Citizen Lawyer Award, the NC Association of Women Attorneys Judge of the Year Award, the NC Charlotte Woman of the Year Award, the Urban League Whitney Young Award, and the NAACP Le-

gal Defense Fund Award.

Judge Fulton passed away on February 7, 2023, at the age of 71. Her remarkable and inspirational career makes her a most deserving recipient of the John B. McMillan Distinguished Service Award.

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 board, commission, or committee should email State Bar 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 5, 2024. The council will make the following appointments at its July 2024 meeting:

Board of Legal Specialization (Three-year terms)—There are four appointments to be made. Gina Cammarano (workers' compensation law specialist) and Barbara R. Morgenstern (family law specialist) are eligible for reappointment. Jan E. Pritchett (chair; criminal law specialist) and Patricia Head (public member) are not eligible for reappointment. The rules governing the Board of Legal Specialization require the council to appoint the board's chair and vice-chair annually.

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 related 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 to the public 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.

Disciplinary Hearing Commission—There is one lawyer appointment to be made to complete the term of Margaret M. Hunt, which expires on June 30, 2025. The lawyer appointed to complete this term is eligible to serve two additional three-year terms.

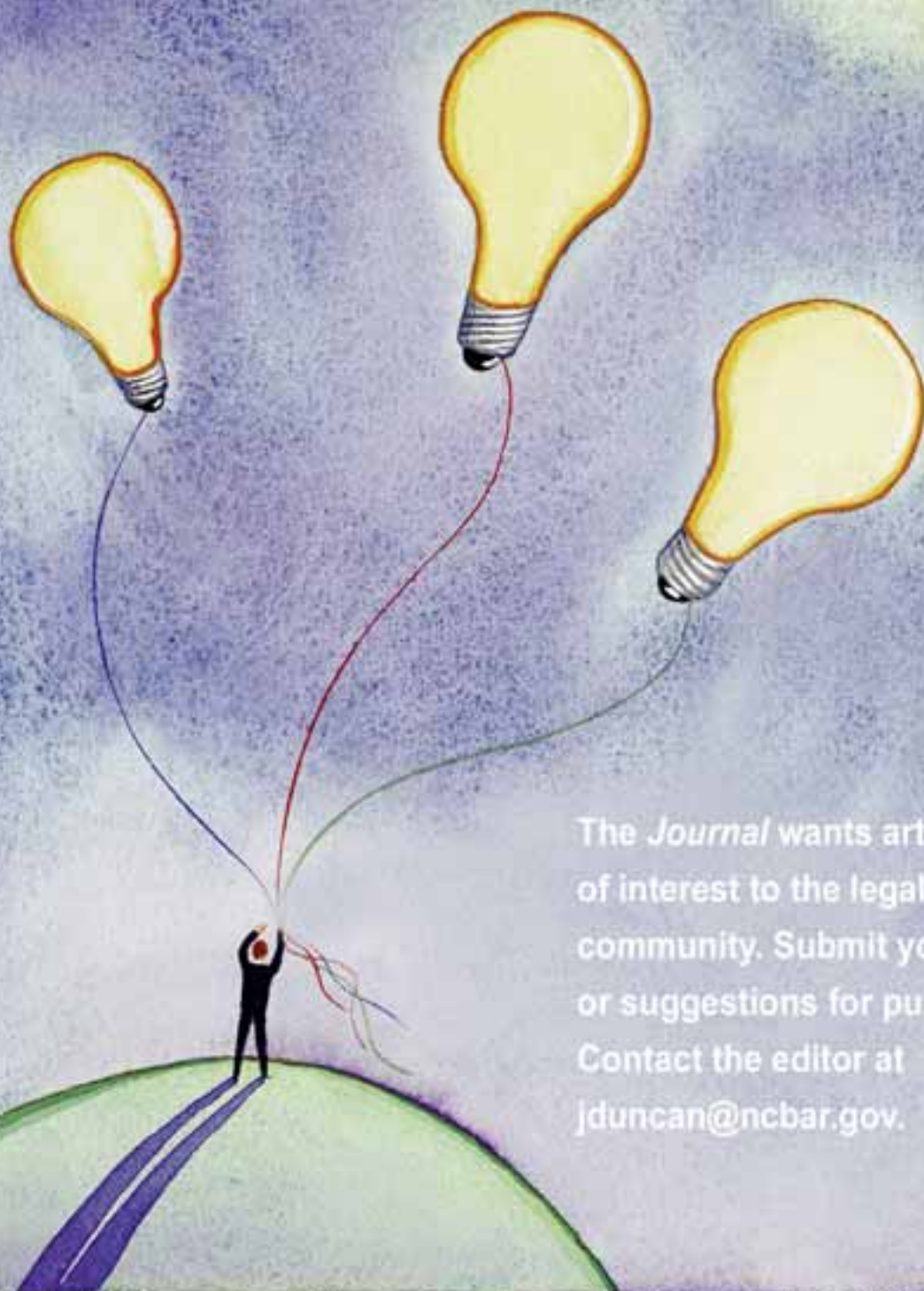
The Disciplinary Hearing Commission (DHC) is an independent adjudicatory body that hears all contested disciplinary cases. It is composed of 18 North Carolina lawyers who are appointed by the State Bar Council and the three branches of government. The eight public members are appointed by the governor and the General Assembly. The DHC sits in panels of three: two lawyers and one public member. In addition to disciplinary cases, the DHC hears cases involving contested allegations that a lawyer is disabled and

petitions from disbarred and suspended lawyers seeking reinstatement.

IOLTA Board of Trustees (Three-year terms)—There are three appointments to be made. Theodore C. Edwards, Sharika Richardson Shropshire, and Jacob Kyle Smith are all eligible for reappointment. Appointments for the chair and vice-chair of NC IOLTA will also be confirmed at the July meeting.

The IOLTA Board of Trustees is a nine-member board comprised of at least six North Carolina lawyers. The board establishes policy related 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 periodic meetings scheduled in between as needed. NC IOLTA is a nonprofit 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. ■

Share Your Thoughts and Ideas with the Bar



The *Journal* wants articles
of interest to the legal
community. Submit your work
or suggestions for publication.
Contact the editor at
jduncan@ncbar.gov.

July 2024 Bar Exam Applicants

The July 2024 bar examination will be held in Raleigh on July 30 and 31, 2024. Published below are the names of the applicants whose applications were received on or before May 1, 2024. 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.

Jacquelyn Aaron Charlotte, NC	Kelli Baker Concord, NC	Victoria Bice Glen Allen, VA	Jacob Brooks Ennice, NC	Alexis Carter Wilson, NC
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Nabeel Abdelmajid Jamestown, NC	Brian Ball Fort Worth, TX	Marisa Bishop Cary, NC	Valentin Bruder Asheville, NC	Gibson Caudill Raleigh, NC
Maxwell Adams Charleston, WV	Latasha Baptist Raleigh, NC	Riley Blake VA Beach, VA	Jeremiah Brutus Durham, NC	Adia Caviness Ramseur, NC
Nikhaya Adams Raleigh, NC	Scott Barbag Las Vegas, NV	Mallory Blue Sanford, NC	Sydney Bryant Morrisville, NC	Kyle Cayton Reidsville, NC
Christopher Agoranos Durham, NC	Anyah Barber Irmo, SC	Jake Blum Lake Lure, NC	Kennedy Buechner Littleton, NC	Marc Celotto Williamsville, NY
Jonathan Agustin San Diego, CA	Gabriella Barcinas Cary, NC	Katherine Bock Chapel Hill, NC	Brianna Buford Washington, DC	Preston Chaffee Winston-Salem, NC
Brittany Akers Durham, NC	Joel Barker Charlotte, NC	Nicholas Bolduc Apex, NC	Jacob Bunting Raleigh, NC	Chelsea Chagnon Arlington, VA
Hikmat Al-Chami Indian Trail, NC	Brittany Barnes Plymouth, NC	Monta Bolles Tampa, FL	Raymond Burchette Raleigh, NC	Katherine Chandrasena Sumter, SC
Corey Alcivar Raleigh, NC	Lauren Barnett Talbot, TN	Melissa Bond Zebulon, NC	Joshua Burkart Metairie, LA	Kayla Chargois Durham, NC
Gisselle Alejo Chapel Hill, NC	Daven Barnett Waxhaw, NC	Conor Bondurant Swannanoa, NC	Larissa Burke Durham, NC	Dorothy Chater Chapel Hill, NC
April Alex Durham, NC	Meghan Barney Holly Springs, NC	Audrey Bonham Winston-Salem, NC	Alexis Burnett Miami, FL	Seoyeon Cho Winston-Salem, NC
Hay'alah Alghorazi Goldsboro, NC	Max Baron Garner, NC	Theodore Boone Lexington, VA	Meagan Burns Florence, SC	Justin Chow Garner, NC
Rhabiya Alhassan Pembroke, NC	Cecilia Barreca Zebulon, NC	Angela Bostick Cornelius, NC	Jordan Byers Mooresville, NC	Jeffrey Christensen Charlotte, NC
Summer Allen Bluff City, TN	Barbara Bathke Daniel Island, SC	Andrew Bowers Knightdale, NC	Benjamin Byers Raleigh, NC	Kengyeh Chu Cary, NC
Dema Alqudwah Raleigh, NC	Tekia Bazemore High Point, NC	Nathaniel Bowers Raleigh, NC	Kimberly Byrd Raleigh, NC	Michael Civis Raleigh, NC
Arianna Aly Lynchburg, VA	Morgan Beatty Huntersville, NC	Elizabeth Bowlus West End, NC	Michael Byrd Durham, NC	Amanda Clark Columbia, SC
Raleigh Anderson Goldsboro, NC	Megan Bechtel Washington, DC	Victoria Boyte Raleigh, NC	Jeffrey Caison Wendell, NC	Christopher Clark Waxhaw, NC
Gloris Anderson Durham, NC	Jack Belk Durham, NC	Cole Brady VA Beach, VA	Alejandro Calderon Winston-Salem, NC	Kevin Claussen Kenersville, NC
Ravil Ashirov Ann Arbor, MI	Ashlee Bell Durham, NC	Susan Brancaccio Raleigh, NC	James Caldwell Indian Land, SC	Adrianne Clevon Moncure, NC
Emily Askew Garner, NC	Ashley Benefield Greensboro, NC	Sophia Brandenburg Princeton, IL	Casey Caldwell Castle Hayne, NC	Rachelle Cline Moriah, NY
Marietta Averitte Angier, NC	Denise Bennett Oxford, NC	Jacob Brault Summerville, SC	Gabrielle Carlini Durham, NC	Paul Clowes Mauldin, SC
Benjamin Axelman Clayton, NC	Victoria Bennett Clayton, NC	Kaylee Bravo Charlotte, NC	Kayley Carpenter Indian Trail, NC	Seth Conard Lynchburg, VA
Jack Ayers Raleigh, NC	Evan Bermudez Charleston, SC	Hallie Brennan Portland, OR	Gabriel Carrillo Apex, NC	Brenna Connor Mount Pleasant, SC
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Zoey Howe Raleigh, NC	Bill Kanos Durham, NC	Sydney Kraft Fayetteville, NC	Tyler Long Winston-Salem, NC	Jordan McIntyre Shelby, NC
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Cameron Huffstutter Raleigh, NC	Cameron Kelshaw Raleigh, NC	Alexander Lambert Hope Mills, NC	Ashley Loveless Durham, NC	Kristin Melo Raleigh, NC
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Ryan Moore	Raleigh, NC	Brooks Peterson	Summerfield, NC	Justin Russell
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Samantha Moore	Wiston-Salem, NC	Lauren Peterson	Fort Worth, TX	Olivia Rust
Arlington, VA	Christopher Nolan	Durham, NC	Connor Reid	Greensboro, NC
Micah Mooring	Charlottesville, VA	Aliya Peterson	Cornelius, NC	John Salt
Goldsboro, NC	Liam Nolan	Raleigh, NC	Zaire Reid	Chapel Hill, NC
Kasey Moraveck	Washington, DC	Carmen Peterson	Charleston, SC	Katina Sammis
Chapel Hill, NC	Taylor Norton	Charlotte, NC	Robert Reid	Chapel Hill, NC
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Ke'Aria Morgan	Vero Beach, FL	Callie Phillips	Oxford, MS	Jonathan Sampson
Charlotte, NC	Mukeni Ntumba	Franklin, NC	Lance Reynolds	Wilmington, NC
Austin Morris	Charlotte, NC	Dominic Piazza	Lancaster, SC	Gladys Sanchez
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Chapel Hill, NC	Joaquin Ortiz	Winston-Salem, NC	Scott Riddell	Durham, NC
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Knightdale, NC	Brooklyn Owens	Durham, NC	William Roach	Arden, NC
Dvimidha Muniappan	Wilmington, NC	Stephanie Placzek	Durham, NC	Jasmin Scardino
Chapel Hill, NC	Uzorma Owete	Raleigh, NC	Lisa Roach	Tega Cay, SC
Charlotte Murphy	Durham, NC	Lauren Pless	Raleigh, NC	David Schengber
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Justin Murphy	Raleigh, NC	William Plumides	Charlottesville, VA	Morgan Schriener
Fenton, MI	Hannah Palczuk	Columbia, SC	Jason Roberts	Cary, NC
Emily Murphy	West Chester, PA	Robert Porter	Durham, NC	Sarah Scott
Raleigh, NC	Karl Palenkas	Chapel Hill, NC	Abigail Robertson	Charleston, SC
Noelle Musolino	Rocky Mount, NC	Tawana Porter	Oviedo, FL	Leandre'a Scott
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Apex, NC	Meighan Parsh	Troy, MI	Antony Robreno	Salisbury, NC
Daphne Myers	Chapel Hill, NC	Philip Preen	Miami Lakes, FL	Matthew Seely
Greensboro, NC	Andrew Parslow	Sherrills Ford, NC	Melissa Rodriguez	Chicago, IL
Saadiah Myles	Charlotte, NC	Cameron Pressley	Raleigh, NC	Jordan Sellers
Durham, NC	Peyton Paschke	Raleigh, NC	Rachel Rogers	Perrysburg, OH
Shaina Myslinski	Jefferson City, MO	Caitlin Preston	Raleigh, NC	Brandi Seppala
Cary, NC	William Pastor	Raleigh, NC	Isabelle Rohde	Charlotte, NC
Bridgette Navejar	Woodbridge, NJ	Amy Price	Columbia, SC	Serena Shah
Fayetteville, NC	Hinal Patel	Chapel Hill, NC	Margaret Roman	Chapel Hill, NC
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Salisbury, NC	Earthvi Patel	Charleston, SC	Taylor Rosbrook	Chapel Hill, NC
Brenda Neal	Raleigh, NC	Angel Price	Knightdale, NC	Luke Shapiro
Chapel Hill, NC	Janee Patterson	Raleigh, NC	Kathryn Roseman	Winston-Salem, NC
Laurin Neal	Fayetteville, NC	Taylor Price	Newton, NC	Parissa Sharifyazdi
Lexington, NC	Erica Paulsen	Raleigh, NC	Matthew Rosencrance	Raleigh, NC
Richard Neal	Eugene, OR	Grace Prillaman	Winston-Salem, NC	Kyndall Shaw
Charlotte, NC	Rebecca Pearson	Raleigh, NC	Lindsey Ross	Raleigh, NC
Emily Nelson	Durham, NC	Nicholas Provencher	Raleigh, NC	Kendall Shepherd
Fayetteville, NC	Robert Penington	Charlotte, NC	Chandler Roten	West Jefferson, NC
Ashlynn Nelson	Winston-Salem, NC	Elizabeth Purdy	Charlotte, NC	Hannah Shirar
Hudson, NC	Abigail Perdek	Danbury, NC	Cherish Rotundo	Winston-Salem, NC
McCaul Nelson	Moultrie, GA	Rachel Putnam	Naples, FL	Michael Shirley
Raleigh, NC	Zachary Perhach	Cary, NC	Emmett Rouse	Durham, NC
Lucas Nelson	Chapel Hill, NC	Taylor Qualls	Luray, SC	Madison Sholar
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Jillian Nerenberg	Scottsdale, AZ	Matthew Queen	Gastonia, NC	Colin Shrouts
Southern Pines, NC	Nicholas Perkins	Mebane, NC	Kirsten Rowe	Clemmons, NC

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New Bern, NC	David Stevens	Greenville, SC	Anna Washa	Winston-Salem, NC
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Durham, NC	Christopher Stewart	Raleigh, NC	Aman Washington	Raleigh, NC
Carolyn Sierra	Pittsboro, NC	Nils Tracy	Durham, NC	Alexandra Wilson
Hope Mills, NC	Emily Stiles	Cornelius, NC	Emma Watts	Fort Mill, SC
Jeffrey Sigmund	Rouses Point, NY	Damon Tragni	Raleigh, NC	Emily Wilson
Wake Forest, NC	Henry Stockard	Efland, NC	Aubrey Watts	Charlotte, NC
Hailey Sim	Durham, NC	Devin Trapp	Lewisville, NC	Sonja Wilson
Greensboro, NC	Thomason Stockton	Plainview, NY	Rebecca Weinstein	Duncan, SC
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Winston-Salem, NC	Olivia Suggs	Raleigh, NC	James Whitaker	Raleigh, NC
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Oxford, MS	Emily Sullivan	Winston-Salem, NC	Jason White	Chapel Hill, NC
Brandon Smith	Morehead City, NC	Jordan Turner	Raleigh, NC	Mars Wood
Gainesville, FL	Clarita Sullivan	Raleigh, NC	Brianna White	Durham, NC
Dustin Smith	Holly Ridge, NC	Michael Tuton	Winston-Salem, NC	David Woodlief
Louisburg, NC	Sarah Summa	Jacksonville, NC	Cal White	Chapel Hill, NC
Don Smith	Charlotte, NC	Robert Tyson	Winston-Salem, NC	Deonta Woods
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Chapel Hill, NC	Alejandro Swinson	Gibsonia, PA	Jenna White	Clyde, NC
Tyler Smith	Angier, NC	Jacob Van Horn	Charlotte, NC	Stacie Wormley
Charleston, SC	James Szymanski	Chapel Hill, NC	Michael Whitfield	Charlotte, NC
Heather Smith	Chapel Hill, NC	Kailee Vance	Mooresville, NC	Andrew Worrell
Swanquarter, NC	Jia Talley	Mullica Hill, NJ	Jordan Wideman	Sanford, NC
Yvonne Smith	Durham, NC	Hogan VanSickle	Hampton, VA	Seth Worthen
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Baxter Sobolewski	Columbia, SC	Sarah Varela	Winston-Salem, NC	Ariana Wright
Chapel Hill, NC	Blaithe Tarley	Fuquay Varina, NC	Daniel Wilkes	Knoxville, TN
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Cassidy Somers	Apex, NC	Sandra Vasher	Hendersonville, NC	Diana Xavier
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Raleigh, NC	Caroline Tervo	Durham, NC	Flynn Williams	Raleigh, NC
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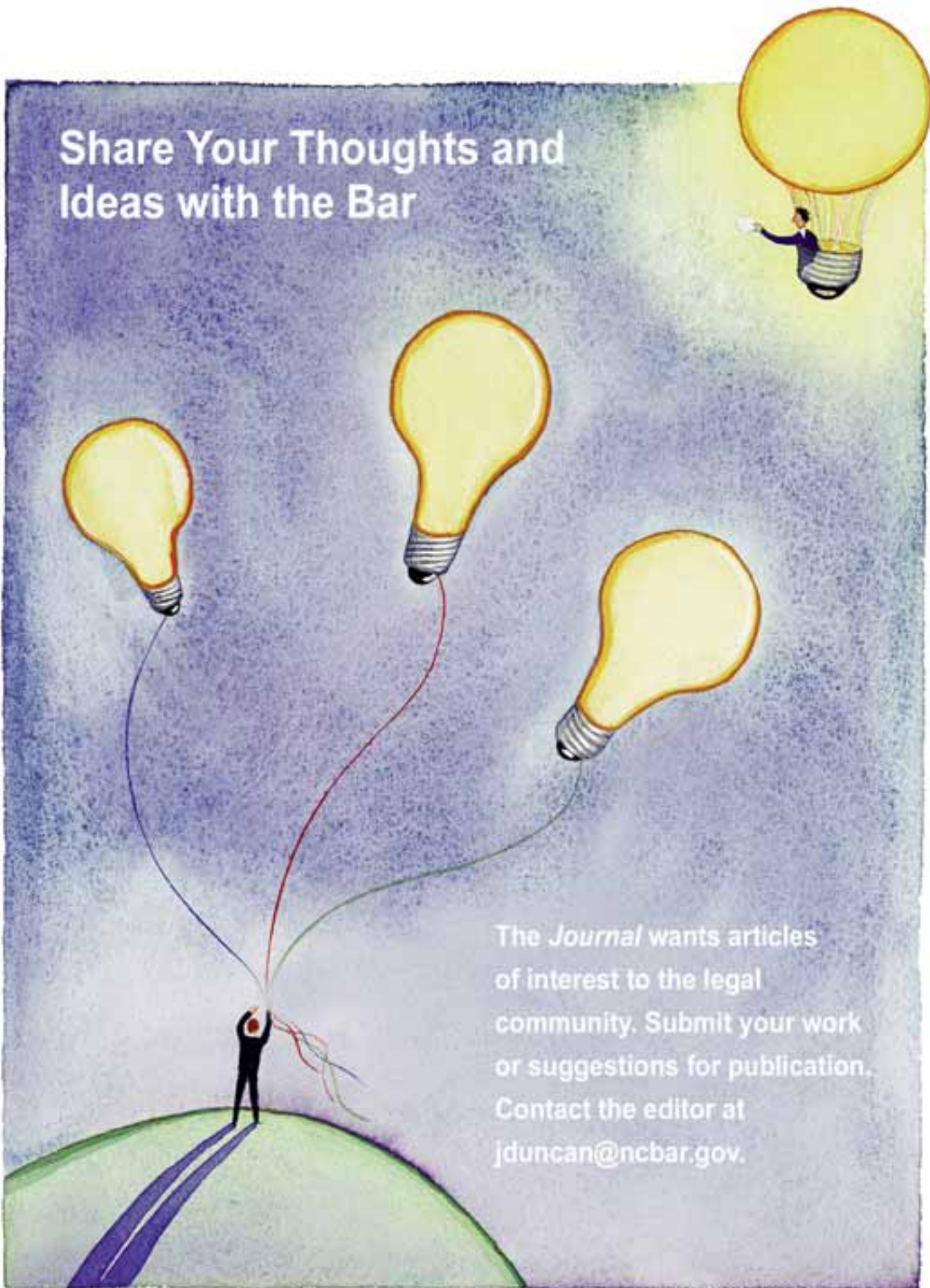
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