THE NORTH CAROLINA STATE BAR

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IN THIS ISSUE

A Promise for the People, By the People

By *Ashley Campbell, CEO of Legal Aid of North Carolina*

As Americans, we are bound by the ideals our flag represents: liberty, justice, and a commitment to the collective good. These values aren't just words—they are a promise. A promise made by the people, for the people. At Legal Aid of North Carolina, we work every day to uphold these principles, ensuring that liberty and justice are not reserved for a privileged few but are accessible to all.

The Pledge of Allegiance closes with a powerful commitment: "with liberty and justice for all." But for many in our state, the promise of justice remains out of reach. Imagine being a single mother living with a violent abuser, a veteran denied healthcare, or a grandmother defrauded by a scheme that wipes out her savings, navigating the legal system alone. For these North Carolinians, liberty and justice are not abstract ideals—they are urgent, tangible needs.

Legal Aid of North Carolina steps into this gap, offering hope and solutions. Through legal representation, community partnerships, and tireless advocacy, we provide civil legal assistance to those who cannot afford it. We fight to ensure that every person—regardless of their income, background, or circumstance—has the opportunity to exercise their rights and live with dignity.

The American flag waves proudly as a symbol of unity and perseverance. In that same spirit, Legal Aid of North Carolina's attorneys, paralegals, and volunteers work in courtrooms, shelters, and communities across the state to champion justice. Whether it's protecting a family's home, advocating for fair treatment in the workplace, or securing benefits for those who've served our nation, we embody the ideals our country holds dear.

But we can't do it alone. Liberty and justice for all require a collective effort. It's a promise we must renew each day. I invite you to join us—whether as a volunteer, donor, or advocate—in this vital work. Together, we can ensure that the ideals represented by our flag are not just aspirations but realities for all who call North Carolina home.

In the words of the Preamble to our Constitution, we are here to "establish justice" and "secure the blessings of liberty" for every person. That is our mission, our passion, and our promise.

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Contents

FEATURES

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Contents

The Nerve Center of Justice: In Praise of Court Clerks

The State of North Carolina has undergone a transformation in its case management system over the past year as we transition into Odyssey/Enterprise throughout the judicial system. As with any change, there will be some inevitable growing pains. I want to take this opportunity, on behalf of the attorneys of this state, to thank the folks on the front lines of this change—the clerks, deputy clerks, and assistant clerks.

The Clerk's Office is often an underrecognized component of our legal system. The importance of the clerk and their role in the judicial system is codified in Article IV, Section 9 of the North Carolina Constitution—the same section that establishes superior court judges. North Carolina clerks of court have a role that is both different from and unique among clerks in other states. The duties of these clerks vary widely in scope. A clerk is the *ex officio* judge of probate and, in the absence of a district court judge, even has the statutory authority to conduct first appearances in criminal matters. The clerk is also responsible for managing all funds from filing fees, traffic tickets, and restitution payments that flow through the system every single day.

So, the clerk often wears the hat of judge, accountant, manager, and keeper of records. Those in the Clerk's Office are also the first to meet with the public when they have an issue. They are the first to deal with disgruntled attorneys and, of course, they interact with our judges in the courtroom. The clerks, in essence, are the nerve center of every courthouse in the state.

Whatever your area of practice, you will deal with a clerk in some shape or form—be it in federal court, business court, or every level of state court. These folks can be your best resource in practice, especially in small towns. Whether it's finding a file (and sometimes a judge) or just being the calm in the storm that is a Monday morning at the courthouse, a Clerk's Office can make you a better attorney.

I had the pleasure of learning in my first days as an attorney from one of the most experienced clerks in North Carolina. For purposes of this article, we'll call her "Pat." By the time I was licensed, Pat had been around for more than 20 years. Pat was always helpful to a young attorney exploring new areas of the law. She was clever in that she didn't simply give me the answers but instead taught me how to utilize the Clerk's Office and its files to learn for myself. A case from years ago might come to Pat's mind as an example of how to deal with my issue. She would direct me to that file, and more often than not, it had the solution. With all due respect to my alma mater, Pat may have taught me more about the actual practice of law than three expensive years of law school.

In my practice of estates, special proceedings, and guardianships, the clerk (and the assistant clerks in many counties) serves as the judge—which often meant appearing before Pat. As years went on and I gained more confidence, I still sought Pat's assistance. On rare occasions, I disagreed with her analysis or ruling. I even had to appeal one of her rulings to a superior court judge. (For those keeping score at home, I won.)

It has been my privilege to work with several clerks, assistant clerks, and deputy clerks throughout my practice. Their devotion to their craft and willingness to help everyone is inspiring. I encourage you to take a moment and watch a clerk interact with a member of the judicial system or the public. Their patience and calm demeanor will impress you. On the other hand, if you see someone disrespect a clerk, offer that clerk encouragement. We all have a duty to protect the judicial system.

As the North Carolina judicial system moves through this new technological change, remember to give some grace, some kindness, and some thanks to those who are dealing with the new system, the public, and yes, even us.

Next time you see a clerk, thank them.

And PS — thanks, Pat. ■

Matthew Smith is an associate and partner at Maddrey Etringer Smith Hollowell & Toney, LLP, in Eden.

Ten-Year Follow-Up Study

In 2016, the ABA Commission on Lawyer Assistance Programs (CoLAP) partnered with the Hazelden Foundation and Researcher Patrick Krill to conduct the first-ever nationwide study of lawyer mental health. Many will remember the groundbreaking study—the findings and statistics have been cited in articles and CLE programs for years now. Much has happened in the past decade, from COVID to e-courts to AI. ABA CoLAP and Mr. Krill are launching a ten-year follow-up study.

Please be on the lookout for an email from the State Bar asking you to participate. This will be a blind, randomized study. As such, only a random sample of NC lawyers and judges will receive the email (as determined by a software program). The study will not collect any personally identifying information, so neither the State Bar nor researchers will know who responds. We encourage you to participate.

Why I Became a Lawyer: The Influence of Gary Tash

BY PETER G. BOLAC

There are over 32,000 licensed North Carolina lawyers, and I'd bet each one of us has been asked: "What made you want to become a lawyer?" In fact, I'm pretty sure we all answered some version of that question on our bar application.

I've heard plenty of these stories over the years, and they range from "I saw injustice and wanted to help," to "I loved Perry Mason or Matlock" (or my personal favorite, Vinny Gambini), to "I didn't get into medical school." While I did want to fight injustice, loved *My Cousin Vinny*, and was definitely not cut out for medical school, these were not the reasons I wanted to be a lawyer. I ultimately decided to be a lawyer because I wanted to be like Gary Tash.

Gary Tash, for those unlucky enough to have never met him, was a family law specialist and former district court judge in Winston-Salem. He was a mentor, mediator, teacher, and consummate professional. His illustrious legal career, though cut short by Alzheimer's Disease, spanned over four decades and culminated with him being recognized with the State Bar's John B. McMillan Distinguished Service Award in 2017. But to those of us fortunate enough to have known him, Gary Tash was far more than what could ever be captured in a CV.

In addition to his legal career, Gary served as a fraternity advisor at Wake Forest University. Gary was an example to hundreds of young men like me on what it means to be a good lawyer, and more importantly, on what it means to be a good husband, father, friend, community member, and public servant. His personable and charismatic presence filled up a room, but when Gary spoke with you, he made you feel as if you were the only one in it. He carried himself with humble prestige that quietly, but immediately, demanded, deserved, and received respect. There are dozens, if not hundreds, of lawyers around the country today who chose this career path because of the inspiration of Gary Tash.

Gary was "one of one" in many ways, but we all have the capacity to be an inspiration to others. An inspirational lawyer models excellence, professionalism, and civility; shows compassion and empathy; and mentors and encourages others. These traits were quoted often in the letters of recommendation submitted with Gary's Distinguished Service Award nomination.

Excellence, Professionalism, and Civility

"I was always able to trust Mr. Tash's word when he made any representations on behalf of himself and/or his client."

"As a judge, Mr. Tash had a reputation for treating all people in his courtroom with dignity and respect, with his knowledge of the law being first rate."

"I was able to witness his expertise as a zealous advocate for his client balanced with his compassionate counseling role in guiding his clients towards a resolution which often saved the client money and further emotional expense."

"He equally nurtured relationships with lawyers he competed against, and those he laughed beside. Gary's attitude engendered civility among the Bar's members."

Compassion and Empathy

"We were drawn to him because he embraced us as his own and was only concerned with making us better men than when he found us."

"While I was still living in North Carolina, Gary took time out of his busy schedule to provide legal counsel for me free of charge in a time of need for my family. I cannot adequately express how much that meant and still means to me. Gary barely knew me at that time, but he saw someone in need and jumped to act without a second thought. This is who Gary is: compassionate, helpful, and at all times selfless; a model for any lawyer, young or old."

Mentorship and Encouragement

"No conversation insignificant, no detail too small, Gary always gave the moment his full attention."

"For a man of Gary's stature to think I was capable of more meant a great deal to me. He knew subtle encouragement and endorsement would help me better realize my potential, even if I wasn't there yet in my own mind."

"He showed me and many others that practicing law does not mean parasitism and billables-at-all-costs, but that, above all else, practicing law means helping people."

* * *

Lawyers and judges face more public skepticism today than at any time in recent memory. Doubts about our professionalism and civility continue to spread, whether justified or not. Furthermore, younger lawyers who entered our profession over the past five years are increasingly isolated and in need of mentors and role models. Each of us, through our individual and collective actions, has an opportunity and a responsibility to shape our profession for the better. To inspire.

So, find a new lawyer or law student and take them out to lunch. Take the extra second to have a personal conversation with your opposing counsel. Volunteer your time and expertise for a cause in which you believe. Be both a zealous advocate and patient counsel for your clients.

Someday, someone will be asked why they became a lawyer—and they just might name you. ■

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

Justice Under Attack: A Call to Defend Judicial Independence

By John R. Wester

"The greatest scourge an angry Heaven ever inflicted upon an ungrateful and sinning people was an ignorant, a corrupt, or a dependent Judiciary." —Chief Justice John Marshall, 1829

In the spring of 1776, Congressman William Hooper was leaving Philadelphia on his way home to North Carolina, where he would write a new constitution for our state. Hooper asked fellow Congressman John Adams, who had drafted the Constitution of Massachusetts, for his ideas on this endeavor.

Adams' response is known today as *Thoughts on Government*. Pulitzer Prize winner David McCullough describes the parameters of Adams' thinking: "The structure of government was a subject of passionate interest that raised fundamental questions about the realities of human nature, political power, and the good society." In Adams' own words, he could hardly believe his good fortune:

> It has been the will of Heaven that we should be thrown into existence at a period when the greatest philosophers and lawgivers of antiquity would have wished to live....How few of the human race have ever had an opportunity of choosing a system of government for themselves and their children? How few have ever had anything more of choice in government than in climate?

Much as Adams foresaw trying days ahead in the war for independence, he carried deep optimism for what independence would provide. Central to Adams' vision of government was "an able and impartial administration of justice," separate and wholly independent from the legislative and executive. "Men of experience on the laws," Adams writes of the judiciary he has in mind, "of exemplary morals, invincible patience, and unruffled calmness...should be *subservient to none*."

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Declining Public Trust in the Judicial System

Regrettably, like many American institutions, public trust in the judicial system is suffering. According to *The Economist*, Americans' trust in institutions has sunk to the lowest levels of any of the G7 countries.[1] As recently as 2000, trust in the judiciary sat at 75%. By 2022, that figure had sunk to 47%.[2] A 2024 Gallup poll shows that Americans' confidence in the nation's judicial system has dropped further to 35%.[3]

If we do not take steps to restore this trust, social cohesion in America will decline. When citizens lose trust in our courts, they are more open to placing constraints on those courts, and in the most

extreme cases, resorting to threats and violence against judges and other elected officials. What remains essential for the courts to maintain their authority is the public's willingness to adhere to the courts' rulings. Critical to securing the public's trust is the public's perception of the fairness and impartiality of the courts.

As members of the bar, lawyers are sworn to uphold the US and North Carolina constitutions. The first comment in the Preamble to the North Carolina Rules of Professional Conduct reminds each lawyer that "as a member of the legal profession, [a lawyer is]…an officer of the legal system, and a public citizen having special responsibility for the quality of justice."[4] The last comment to the Preamble adds, "[l]awyers play a vital role in the preservation of society. The fulfillment of this role requires an understanding by lawyers of their relationship to our legal system."[5] Lawyers are professionally obligated to support and defend the judiciary and the judicial system. We share the ideal that judges reach the bench based on their qualifications and their commitment to upholding the rule of law.

What can lawyers do to defend judicial independence and improve our fellow citizens' perceptions of the fairness and impartiality of the judicial branch of government? Please consider supporting the following: improved civics education on the critical role of the judicial branch and on candidate qualifications; nonpartisan judicial elections; public funding for judicial elections; legislation to protect the physical safety of our judges; and improved funding for the judicial branch.

Civics Education on the Judicial Branch

The Preamble of the North Carolina Rules of Professional Conduct admonishes that "[a] lawyer should further the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority."[6] In an era of declining trust in government institutions, lawyers can take an active part in educating citizens about the role of the judicial branch in a constitutional democracy. This can be done individually or through bar organizations, working with traditional media or on social media, to post articles that explain the judicial system, judicial independence, and the value of the rule of law. In addition, lawyers can participate in programs to provide civic education to help all citizens understand the judicial system and their role in voting for qualified candidates.

To aid our voters, our bar could put in place a judicial candidate evaluation program—patterned after the ABA's format put in place during the Eisenhower administration. Lawyers from across the state would volunteer to review the records and writings of statewide judicial candidates, interview candidates willing to be interviewed, and develop a rating for each candidate—well-qualified, qualified, and less-qualified. Developing such a process would inform our fellow citizens in a manner inspiring higher confidence than the media advertisements on which they depend today. And our profession would be leading the way. The lawyers who evaluate the candidates willing to be evaluated would provide their service *pro bono publico*.

Nonpartisan Judicial Elections

Before the Civil War, the General Assembly appointed all of our judges. The Constitution of 1868, readmitting North Carolina to the Union, required judges to stand for popular elections. These elections were partisan for well over a century.

In 1998, the General Assembly changed superior court elections to nonpartisan. District court and appellate court elections became nonpartisan in 2002 and 2004, respectively. Although these revisions did not remove politics from judicial campaigns, removing partisan labels from the ballot diminished the impact of politics on judicial selection.

On the ballot, the election of the judiciary stood apart from the election of legislative and executive officials. For the next 12 years, voters could learn the partisan affiliation of judicial candidates from public records, but the absence of party designation on the ballot eliminated the facial implication of partisan allegiance on the part of a candidate for the bench. Superior Court Judge James Ammons spoke in favor of no labels: "I think it lends more to people having to learn about us," Ammons said. "I get to tell voters the things I've done with my life."

In late 2016 and early 2017, legislation restored partisan elections to all divisions of the North Carolina court system, including the appellate, superior, and district courts. In each election, party affiliation now appears alongside the name of each candidate for the bench. In addition to heightening the public perception that judges are partisan instead of impartial, partisan elections add to the influx of money into judicial elections with the concomitant public perception—whether true or not—that financial contributions to a judicial candidate's campaign will subsequently influence the elected judge's rulings.

Public Funding for Judicial Elections

In 2002, North Carolina began a public policy experiment on judicial funding for state Supreme Court and court of appeals candidates. From 2002 to 2013, legislation created a judicial election fund from a $50 annual assessment on all active members of the State Bar and a voluntary $3 donation that taxpayers could select on state income tax forms. A judicial candidate could choose whether to use the public fund instead of private donations. A 2015 study ("Does Public Financing Affect Judicial Behavior?") showed that judicial candidates who used the public funds to campaign were subsequently 60% less likely to vote in favor of donors who contributed to their campaigns.[7] In 2002, the last year without public financing, attorneys and special interest groups funded 73% of judicial candidates' campaigns. In 2004, that number plummeted to 14%.[8]

Judge Wanda Bryant, who served on our court of appeals from 2002 to 2020, relied on the public funding. "Our country's judicial system exists so those appearing before the court are able to receive a fair and impartial hearing, with decisions being decided based solely on the evidence and the law. However, with millions of dollars flowing into judicial races—and those giving money often appearing in front of those judges—one begins to wonder about the independence of an elected judiciary."

The public funding program was expanded to include the elections for commissioner of insurance, state auditor, and superintendent of public instruction. A significant drop in contributions to judicial races followed. This effort to make judicial races less beholden to financial contributions brought positive results for NC citizens, at least in the appearance of independence.

Public financing for North Carolina judicial elections ended in 2013. In the absence of a public funding option, spending from special interest groups can dominate judicial elections. In the 2021-22 judicial races, state court elec-

tions broke numerous records for spending. North Carolina was one of four states that saw their most expensive election cycles ever.[9]

Threats and Violence Against Judges

In recent years, violent, indeed tragic, attacks on state and federal judges have risen significantly. According to the American Bar Association, threats of physical harm or death against judges, their staff, and their families have doubled since 2019. In 2023, there were 457 credible threats targeting federal judges across the country.

In July 2020, the son of New Jersey Federal District Court Judge Esther Salas was shot dead, and her husband was shot three times at their family home. The gunman was an attorney who had argued a case before her.

State court judges have not escaped violence. Andrew Wilkerson, a Maryland county circuit court judge, was shot to death in his driveway in October 2023. The suspect had lost custody of his children in a case that Wilkerson had presided over.

In 2015, Judge Julie Kocurek, a Texas county district court judge, was shot in her car while her son watched from the back seat.

On September 19, 2024, Kentucky District Court Judge Kevin Mullins was shot dead inside the judge's chambers by one of the sheriffs charged with his protection.

In Chief Justice Roberts' year-end report for 2024, he warned that threats of violence, disinformation, and defiance of court orders have risen significantly.

During the 118th Congress that just ended, the Senate passed a bill titled "Countering Threats and Attacks on Our Judges Act." The bill did not pass the House prior to the end of the session. If revived in the current session, the legislation will create a new center to conduct research, monitor activity, and provide training aimed at ensuring the physical safety of the judiciary. The question remains as to whether it will be sufficient to counter the threats and real violence now being directed at the judiciary.

Increased Funding for the Judicial Branch

In the pending North Carolina budget (FY 2025-26), total appropriations for the Justice Department are set to decrease (from $71m to $67m), as is spending as a percentage of the budget (from 2.96% to 2.2%). There has been no meaningful increase in the allocation to the judicial branch over the last three years. The state's population and attendant demands on the courts have risen significantly, and the funding must rise accordingly.

Independence Is Paramount

There is no single answer for protecting the independence of the courts, but we can encourage our state representatives and officials to pass meaningful judicial protection laws, return to nonpartisan judicial elections, restore the public funding option for judicial elections, and provide adequate funding for the operation of our courts. Moreover, lawyers play a critical role in educating fellow citizens on the role and the importance of the judicial branch and of judicial independence.

CONTINUED ON PAGE 25

Protecting Our Courts from Polarization and Violence

By Michelle Kaminsky

In the fall of 2024, the Bolch Judicial Institute of Duke Law School hosted a conference at Duke University as part of its Defending the Judiciary initiative, which aims to mobilize the legal profession to defend judges and the judiciary from a growing wave of unjust and unsubstantiated attacks that threaten judicial independence and diminish public faith in the judicial system.

The conference drew lawyers and judges from around the country for a day and a half of discussions about strategies for defending the judiciary and boosting public understanding of the role of judges and the work of the courts. Recordings of all conference panels, as well as additional resources on "How to Respond to Attacks on Judges and the Judiciary" for judges, lawyers, bar associations, and policymakers, can be found on the Bolch Judicial Institute of Duke Law School website.

The conference began with the presentation of the Bolch Judicial Institute's 2024 Raphael Lemkin Rule of Law Guardian Medal to Judge Esther Salas of the US District Court for the District of New Jersey in recognition of her efforts to strengthen laws that protect the physical safety of judges and their families. In the aftermath of the 2020 murder of her son by a former litigant from her courtroom, Judge Salas worked with legislators to pass bipartisan legislation to better protect federal judges and their families. She is now leading efforts to assist states in passing similar laws to protect state court judges and their families.

After welcome remarks from Chief Judge Chris Dillon of the North Carolina Court of Appeals, panelists tackled a variety of challenges facing the judiciary in a polarized political climate, including threats to judicial independence and public trust in the judicial system, the impact of disinformation and misinformation, and judicial security. Panels focused on solutions and practical advice for what judges, courts, and bar associations can do to address these challenges and the critical role civic education plays in defending the judiciary.

Ringing the Alarm on Threats to the Judiciary

Judge Paul W. Grimm, the David F. Levi Professor of the Practice of Law, Director of the Bolch Judicial Institute, and a retired US District judge for the District of Maryland, moderated the first panel, which centered on the increasing threats to the judiciary and the

importance of a unified, bipartisan effort to ensure public faith in the judicial system.

Judge Grimm noted that the judicial system and judges are "not above legitimate and fair-minded criticism," but stressed that the "founding principles that we all believe make our country amazing and unique, where opportunity, hope, and aspirations can thrive, depend upon the rule of law." He added, "There's not a single right or single matter of our history we can be proud of that was not achieved and maintained through the rule of law."

Judge Grimm emphasized that unjustified attacks on judges are not new, and the groups represented by the panelists and conference attendees—American Association for Justice, American Board of Trial Advocates, American College of Trial Lawyers, and Lawyers for Civil Justice, among others—have been working to defend the judiciary for many years. Panelists then discussed how their organizations are working to counter increasing misinformation, political polarization, and inflammatory rhetoric through public statements, increased community outreach, and engagement with policymakers to pass legislation protecting judges and improve public rhetoric about the judiciary.

What Can Judges Do?

While ethics rules often restrict what judges can say about active cases, there is much they can do to speak in defense of the judiciary, the rule of law, and the administration of justice. Judge Karoline Mehalchick of the US District Court for the Middle District of Pennsylvania moderated a discussion about what judges can do to help improve faith in the courts and public understanding of the role of the courts and judiciary.

Panelists urged judges to collaborate with bar organizations on educational efforts to improve public understanding of the judiciary and raise awareness of the meaning and value of judicial independence.

"We can talk about the idea that what judicial independence means is that you're going to get predictable results, even if they're not popular," said Judge Robert Jonker, US District Court, Western District of Michigan. "Because that's what the rule of law requires. It allows capital investment to coalesce. It gives us social stability, all the values that we like. Those are perfectly legitimate topics for us as judges to talk about."

Panelists argued that, while judges are not able to talk about specific cases and must refrain from direct engagement in political processes, judges do have the ability—and even the responsibility—to speak in defense of the judicial system and advocate for the needs of the courts. Maryland Chief Justice Matthew Fader described his efforts to support state legislation to enhance security for judges and courts in the wake of the assassination of a Maryland judge in 2023.

"I think that's maybe a more stark case than others of where it is appropriate for us to lobby," he said. "One of those places is certainly our own interests in connection with our operations, with our safety, where we can—and I think should—take an active role in a lobbying effort in order to make sure we can get the results we need."

Managing Security Challenges

Another panel explored specific ways in which judges and courts can improve their own physical safety and that of their courts and families. In a discussion moderated by Ron Zayas, CEO of Ironwall by Incogni, panelists offered examples of measures courts and judges can take, such as providing judges with separate, secure parking and remote access to parking gates, improving court screening processes for mail and packages, and encouraging judges to engage home security services. Judges were urged to work with security services to scrub personal information from the internet and to pay attention to—and report—things that seem out of the ordinary.

Two of the panelists—Judge Joan Lefkow, US District Court, Northern District of Illinois, and Judge Esther Salas, US District Court, District of New Jersey— experienced horrific losses when former litigants targeted their respective homes. Judge Lefkow's husband and mother were murdered in her home in 2005, and Judge Salas's 17-year-old son, Daniel, was murdered at her home in 2020. As they shared their stories, both urged fellow members of the judiciary to take all precautions possible.

"One of the most frustrating things I hear is the statistic that not all the judges are signing up for HIDS, the Home Intrusion Detection System," said Judge Salas. HIDS was established by the United States Marshals Service in 2005 to provide home security systems for federal judges. "I've heard US marshals say, 'Well, they're complaining about the reimbursement,' and I say, 'What is a life worth to you?' And if the answer to that question is anything like I know it is—because I know what Daniel's life is worth, and I'd give mine in a second to trade places—the answer is: Do whatever you have to do to protect your families, period. Full stop."

Disinformation, Misinformation, and Threats Online

The rise of disinformation on social media has added a new dimension to the safety challenges judges face. Duke Law Professor Shane Stansbury, a member of the North Carolina Bar Association Judicial Independence Committee, moderated a panel discussion examining how increased threats against judges and decreased public confidence in the courts have paved the way for partisan extremists and international actors to spread disinformation and misinformation online.

Whether it is flatly false stories about the courts or campaigns designed to deepen anger over judicial decisions, these mis- and disinformation efforts work to deepen partisan divides, seed public support for political violence, and weaken public trust in the courts and other government institutions.

"More people don't believe the courts are providing 'equal justice to all' than those who do," said Jesse Rutledge, vice-president for public affairs at the National Center for State Courts, citing recent polling on declining public trust in institutions. "That is a major systemic problem that opens up those fissures even greater. [Disinformation campaigns] can pour gasoline on that fire more readily when people feel that way."

Disinformation relating to judicial elections can be particularly problematic, the panelists noted. Partisan judicial elections can open the door to inflammatory rhetoric and stoke public perceptions of judges as political actors.

"The partisan aspect of judicial elections is not consistent with the oath we take to be impartial," commented Justice Robin Hudson, a retired associate justice of the North Carolina Supreme Court. "It's not consistent with our constitutional provisions that require us to be impartial. All of us involved in helping to try to restore public confidence in the judiciary should be putting whatever kind of influence we can to people who can get partisanship out of judicial elections and selection processes."

Panelists called for social media platforms to explore greater fact-checking capabilities for AI-produced disinformation as well as proactive communication policies to anticipate and counter the spread of false information. Other

recommendations included responsibly leveraging AI to combat misinformation while maintaining freedom of speech, and increased civic education to raise the public's awareness of the judiciary's critical role in the defense of democracy.

What Can the Bar Do?

Another panel addressed the idea that lawyers and bar organizations are ethically obligated to speak in defense of the judiciary and the rule of law. In a discussion moderated by Alex Dahl, general counsel of Lawyers for Civil Justice, panelists explored the ways lawyers and bar groups can appropriately and effectively interact with traditional news media, use their personal and professional social media platforms, and engage in civic education to improve public understanding of the courts and speak out when judges are unfairly attacked. Rapid, strategic response is critical in responding to attacks on judges, they emphasized.

Panelists agreed that judges, attorneys, and bar associations must collaborate to strengthen and support judicial independence and sustain a culture of civility and respect between the bar and the judiciary.

"We, as judges and lawyers, are leaders in our community, and as such, we must act like leaders," said Judge Robin Rosenberg of the US District Court, Southern District of Florida. "As leaders, we must exercise civility at all times, particularly when temperatures are high and emotions can get the best of people. We set the tone for how others will act in response to us."

Barbara Smith, partner and co-chair of the Appellate and Supreme Court Group at Bryan Cave Leighton Paisner LLP, said lawyers have a particular responsibility to speak respectfully about judges.

"As lawyers, when folks come to us—people we know, our friends and family—and bring up issues of public concern, how we respond matters because we as lawyers are viewed as having some authority," she said. "When you're discussing judicial decisions, don't name-check the judge. It doesn't matter who decided something; it matters what they decided. Avoid mentioning who appointed a judge or the judge's party affiliation—not an Obama judge or a Bush judge or a Biden judge or a Clinton judge, not a Republican or Democrat or a red or blue judge. The process of becoming a judge is political. The act of judging is not."

What Can Courts Do?

As lawyers and judges work to defend against unfair attacks on judges, courts can also work to improve their services to the public to enhance transparency, accessibility, and trust. David F. Levi, the James B. Duke and Benjamin N. Duke dean emeritus of law of Duke Law School and president of the American Law Institute, led a discussion on how courts can improve public trust as a way to counter and diffuse attacks on judges.

Panelists highlighted the importance of making courts more user-friendly—with examples like improved remote proceedings during COVID-19 and changes to eviction processes—and emphasized the need for accessible legal aid and reforms that address systemic inequities. They also discussed the need for public information officers to improve communications with the public and the media and to increase transparency.

"The opportunities to make very user-friendly changes in the operation of the system makes it possible for us, I think, to have a better message for the people, both for the lawyers and the public," said retired Texas Chief Justice Nathan Hecht. "We can't talk about our decisions. But we can talk about making the courts user-friendly. We've been presented with a lot of opportunities to make positive changes that we can then go take to the people and say, 'This is how the courts are trying to administer justice where you live,' and hopefully raise public confidence that way."

Efforts to adopt "plain-language" opinion writing and to communicate more transparently and effectively with the public could also go a long way toward improving public perceptions, panelists suggested.

Neil Eggleston, a partner at Kirkland & Ellis LLP, noted the importance of "getting judges more into the community so that they're known not just in connection with a particular opinion." He added that judges should speak at bar association and judicial functions about the operation of the judicial system. "It's a chance for the members of the bar and the members of the community to see them apart from a preconceived view that as someone who came out of a particular advocacy organization."

Best Practices for Using Civic Education Opportunities to Bolster Public Faith in the Judiciary

The program concluded with a panel discussion led by Justice Hudson on the role of civic education in enhancing public understanding of the judiciary, fighting misinformation, and maintaining public trust.

Panelists highlighted several judge-led civics programs that engage judges with members of the public, including the Informed Voters Fair Judges Project, youth voter initiatives, teacher training, mobile courts, and the North Carolina Supreme Court's initiative to hold hearings in counties across the state to provide students and residents the opportunity to see the court in session. The National Association of Women Judges' Judicial Independence Committee, which Justice Hudson chairs, has developed jury orientation materials that leverage jury service as a civic education opportunity and help jurors understand their work in the context of our tripartite system of government.

"I think the main message is you should not have to recreate any new wheel" when getting involved in civics education, said Judge Kimberly Mueller, US District Court for the Eastern District of California, noting that many bar organizations, courts, and judicial groups provide ready-made materials for judges who want to speak to a classroom, bring children to the courthouse, or present in a law school or community setting. "You can find what is the best fit and then tailor it to what your needs are."

Judge Vince Rozier Jr. of North Carolina's Wake County Superior Court noted that perhaps the best opportunity judges have to boost public trust in the judiciary is by simply treating people in their courtrooms with respect. When judges behave bombastically or demean people in the courtroom, he said, it's easier for people to come away with feelings of anger and distrust, to see the court as political, and to fall prey to disinformation. "So with civic education, perhaps accountability training for judges may be something that we can utilize," he said. "What we do in the courtroom and how we conduct ourselves may instill confidence in the public and what our ruling is." ■

Michelle Kaminsky is a senior writer and editor for the Bolch Judicial Institute. Learn more about the Bolch Judicial Institute's Defending the Judiciary initiative and how everyone can do their part to defend judges from inappropriate attacks that threaten both judicial independence and the public's trust in our judiciary.

When Disaster Strikes: The Power of Unity after Helene

By Christiana Johnson

On a November evening in Watauga County, I pulled into the parking lot of a Lutheran church where community members had gathered. I said hello to a Methodist pastor who, four days after Helene, had invited me to her church to speak on FEMA as she walked between rows of people eating a free meal. That day, I listened as a local Baptist leader helped facilitate the meeting, alongside local nonprofits, businesses, and concerned community members. We were gathered to answer a simple but difficult question: How do we help?

As I sat, listened, and participated, I could not help but marvel at the unity in the room. In a world that often feels so polarized, here we were, setting aside religious and political differences to work on something we all agreed upon: our beloved mountain area needed help, and we wanted to be part of providing it. Sitting there in a church basement on a cold winter evening in the High Country, it felt clear—we were stronger together.

Alicia Edwards, project director of Legal Aid of North Carolina's Disaster Relief Project, and Christiana Johnson, managing attorney of the High Country office, at a recent disaster relief event in Boone, NC.

In the wake of Helene, I told several people that when disaster strikes, you tend to see the true colors of a community. What I saw in rural western North Carolina in the months following Helene humbled me and made me proud to be an adopted member of the community.

For many people, faith is the catalyst for their work. Exhibit A: myself. After graduating from law school and clerking, some people didn't quite understand why I wanted to work for a legal services organization. Some days, I didn't quite understand it either. But when I spoke at my law school graduation and shared that the world didn't really need more attorneys—it needed more justice seekers, mercy lovers, and humble walkers with their God (Micah 6:8)—I meant it. My faith compelled me to action because of Scripture's emphasis on caring for the widow, the orphan, the immigrant, the abused, and the outcast.

I cannot count the number of people who ran after justice, clung to mercy, and walked humbly as they carried the burdens of others after Helene. That cold November evening was just one of many gatherings across the High Country in which individuals came together to serve those in desperate need. To play any part in this community's relief efforts was the honor of a lifetime. And just as the survivors' stories will replay in my mind for years to come, so will the images of those who gathered around folding tables in church basements. ■

Christina Johnson is a managing attorney for Legal Aid of North Carolina in Boone.

From Charlotte to Stokes County: An Attorney's Journey Home to a Legal Oasis

An Interview with Attorney Whitney Taylor

Whitney Taylor is an attorney in the small town of King, in Stokes County, where she and two associates focus on family law. Whitney is the only board certified family law specialist in the 23rd Judicial District. She has been recognized as a North Carolina Super Lawyers Rising Star (2020-24) and as one of the Top Ten Lawyers Under 40 by the National Academy of Trial Lawyers. Raised in rural Stokes County, she practiced in Charlotte before returning home.

Q: Describe your journey from rural Stokes County to Charlotte (via Washington, DC) and back home again.

I grew up on the northern side of Stokes County, 25 minutes from any stoplight, near the Virginia border. My parents are divorced, and during high school, my mom began dating my stepdad, who worked in Washington, DC, as the director of operations for various restaurants in Georgetown. When we visited him in DC, I was captivated by the city's culture, fine dining, and the convenience of everyday things like coffee and groceries. I didn't have to drive 15 minutes just to fill up my tank. In fact, I didn't have to drive at all; hopping on the metro was fun and easy. When my stepdad proposed to my mom during my junior year of high school, I knew immediately that I wanted to move there after graduation. I made an early commitment to George Mason University and moved the day after graduation.

During the summer before my senior year of college, I met my now-husband, who, coincidentally, was also from Stokes County. I had already taken the LSAT and was considering moving to New York, Los Angeles, or back to North Carolina—but not to Stokes County. He was studying accounting and finance and had recently moved to DC. LA was off the table for him; he argued we couldn't have dogs in New York, so we chose Charlotte. It was the second-largest financial district. He could pursue his career in finance while I attended law school.

At the time, Charlotte offered a part-time evening law school program, so I worked full-time as a family law paralegal during the day and went to law school at night. We handled complex equitable distribution, high-net-worth, and high-conflict custody cases in both district court and the court of appeals. I graduated, was licensed, and started working as an attorney. When my husband and I began discussing having children, we dreamed about what raising a family would be like in Char-

lotte versus returning to Stokes County. We chose the "road less traveled" for its slower pace, smaller schools, and beautiful scenery. We also considered the impact we could make in our community. In 2018, our son was born, and I opened my law office shortly thereafter.

Q: What advice would you give to big-city lawyers who longs for a slower pace?

Get out and explore the smaller judicial districts, visit the courthouses and clerk's offices. There are places in North Carolina with shorter dockets and colleagues who genuinely care. People will remember that your child was sick last week and ask how they're doing. Opposing counsel and court personnel look forward to your return from vacation to hear all about your trip and help you plan the next one.

Q: What are the biggest challenges facing small-town lawyers?

We face growing caseloads and scheduling conflicts because there aren't enough of us. Many practitioners are retiring, and few attorneys are coming in to replace them, so mentorship opportunities are decreasing.

Q: Can you share how practicing law in Charlotte prepared you to open your own thriving practice in Stokes County?

I'm grateful for the experiences I had in Charlotte. I worked with colleagues who were willing to answer my questions and be available when I needed mentorship. They challenged me to learn the Rules of Civil Procedure and emphasized the importance of keeping up with the latest case law. One of my mentors, Tom Bush, would always quote Proverbs, "Iron sharpens iron." The confidence I gained from crafting legal arguments that I knew would likely result in a court of appeals opinion, reviewing case law with some of the best litigators in the state, and handling cases in a high-pressure environment reinforced my belief that I could succeed anywhere.

Q: Much has been made of legal deserts and oases in recent years. There is no shortage of lawyers in Mecklenburg County, and too few in Stokes. How does the practice of law differ between these two counties?

Oh, it's vastly different. In Charlotte, litigation is brutal. There is an expectation of performance that brings about an unhealthy amount of stress, pressure, and conflict. It can take a toll on your mental health. Practicing family law is hard enough, much less dealing with opposing counsel who terrorize your every move. Once, I watched another attorney question a colleague over a doctor's appointment when he asked for a case not to be set on a particular day. If you had family events with your kids on your trial day, you were expected to send someone in your place or miss the event. Before having kids, I already worried about what it would be like when I needed to take a day off because

my child was sick.

In Stokes County, our smaller dockets allow us to have some afternoons off and, most importantly, I find opposing counsel and local judges to be accommodating with most requests relating to family and personal obligations.

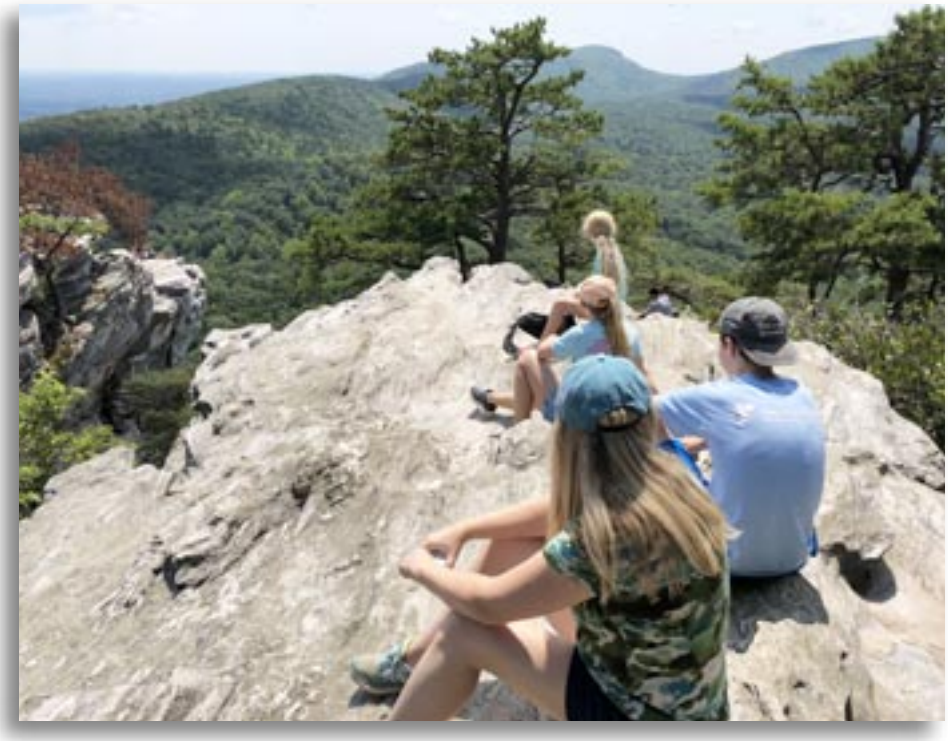
That said, I do appreciate the number of local rules in Mecklenburg that focus on expediting cases, requiring document disclosures, and ensuring no cases fall through the cracks. Moving away from litigation in family law was becoming a priority for many of my colleagues when I left, and alternatives to litigation—such as collaborative divorce and arbitration—were becoming more prevalent. This is incredible progress for families, as the adversarial nature of our system isn't conducive to families transitioning through separation and divorce.

Q: What can young lawyers in small towns do to optimize their personal and professional experience?

Call the attorneys in town—I promise that 99% of them will be glad to meet you for lunch. Ask a lot of questions and be open to advice and constructive criticism. Commit to reading the Rules of Civil Procedure, Rules of Evidence, and the NC Statutes related to your preferred area of practice every single year. For law students, visit neighboring courthouses and ask to meet the presiding judge. Introduce yourself to the attorneys in the courtroom. Get involved with your community and meet as many people as possible.

Q: The North Carolina novelist Thomas Wolfe famously wrote, "You can't go home again." Have you proved him wrong?

Absolutely. Coming home was the best decision I could have ever made for myself, my family, and my career. In Charlotte, I knew I would take the board specialist exam when I was qualified to do so. I knew family law was always going to be my preferred practice area, and moving here didn't change that. The rigor with which I approach cases hasn't changed, but the number of families I am able to assist has increased. What's different is that here, I am rooted in my community. I can walk into the local gas station on my way to court and see former teachers, coaches, and people who ask how my parents or grandparents are doing. I get to walk through hard times with my neighbors, and I get to serve my community with *pro bono* and reduced-fee services as we navigate the hardships that rural America is facing. I would encourage more people to consider the difference they could make by simply going home. ■



Tell Us in a Few Sentences

Welcome to a new column in the *Journal*, Tell Us in a Few Sentences. Each quarter we'll ask you, our readers a question. This quarter we asked you to tell us...***what's the strangest form of payment you've received***?

■ I began practicing law with Joe Hackney in 1975, and we learned of a deceased lawyer whose office furniture was being sold in Albemarle, NC. We drove a dilapidated pickup truck down, walked up a rickety flight of stairs to the second floor above a drugstore, and reviewed the furniture. A three-foot-by-three-foot locked combination safe was also available. Since there was no way to open it, the seller threw in the safe for free.We maneuvered it down the stairs, loaded it into the pickup, and made our way back to Chapel Hill. There it sat in our office for months—an impregnable fortress. Luckily, I was soon appointed to represent a young defendant charged with safecracking. It took him less than 30 minutes to get in, as he knew exactly what he was doing. As I recall, the combination was written on a piece of paper inside the safe, and there wasn't much else of value. To this day, the safe sits in our office—a constant companion for the past 50 years.—***Robert Epting***

■ I remember when one of my farmer friends came to see me. He had just gotten a DWI. He was embarrassed about his actions, but fortunately, he was willing to come talk to me about his problem. It had been a tough year for his farming operation, and I knew he didn't have much money beyond what was needed to meet his family's and business's basic needs.

Near the end of our conversation, we started to talk about payment. I quoted him my standard fee. He said he didn't have that much. Given the circumstances, I offered to cut the fee in half. He still didn't have that much. I reduced it further. Again, he said he couldn't pay it. Finally, I leaned back in my chair and asked, "Well, what do you have?"

He told me he had an extra donkey. I told him that would do.

Six months later, I realized that my pet donkey—who was doing a great job guarding the goats I had received for another fee—was getting fat. I remember going out on Palm Sunday and discovering two donkeys. We named the baby Hosanna.

All was going fine until I noticed Hosanna messing with her mama. I quickly had Hosanna fixed, but about six months later, I noticed her mom was getting fat again. Soon enough, we had another baby donkey. This one had bigger ears and didn't grow quite as large. Not a bad fee for a DWI.—***Jimbo Perry***

■ The most unusual form of payment I ever received was a quilt. I was retained to represent a local non-profit that had been sued in an employment case. They had very limited funds to pay for legal representation, but they needed assistance, so I agreed to represent them *pro bono* once their legal budget was exhausted.

The case went to trial, and we secured a verdict in our favor. Afterwards, a number of the women on the board of the non-profit made a quilt and gave it to me. It was the kindest fee I ever received.—***Scott C. Hart***

■ Years ago, as a third-year law student practicing under the third-year practice rule, I represented a man who was charged with shoplifting. He was functionally homeless and made his living—such as it was—by dumpster diving. He would rescue partially broken items, fix them, and then resell them for cash. He was handy with tools, had an artistic bent, and occasionally sold pictures he had drawn.

After the representation was completed (a dismissal through the misdemeanor diversion program), we said goodbye, and I assumed I had seen the last of him. Two months later, I received a package through the law school. He had painted a portrait of me and placed it in a frame, complete with mat and glass. I have no doubt that everything—from the canvas to the frame—was secondhand, except for his time and effort.

I consider the painting my first payment for legal services rendered. It still hangs in my office and holds a special place in my heart.—***Meredith S. Nicholson***

■ A friend gave me a rusty 1966 Chevrolet C-10 pickup because his wife kept yelling at him to get it out of her yard. I named her Charlie. After spending some time under the hood, I decided she needed a floor, a fender, and a few other things. So I traded with a client who did bodywork to make Charlie pretty again.

The problem was that I weighed only 115 pounds, and driving that truck was hard—I had to practically stand on the brakes. Then came a client with a custody case, who probably saved several lives by installing power brakes. I kept the original parts, felt a bit embarrassed, and I think the truck was confused, but we rode happily together all summer.

Eventually, a guy from Boston—who could actually use the original parts—came and bought her. That was the strangest and best payment for services I've ever had.—***Kelly Fairman***

And now it's your turn, readers! **In a few sentences please tell us...what's the most embarrassing moment a client had in court?** Send your answers to the editor, Jennifer Duncan, at jduncan@ncbar.gov.

Closing the Certified Question Loop

An Approach for Establishing a Constitutional Certification Mechanism in North Carolina

By D. Martin Warf and Lorin J. Lapidus

North Carolina remains the lone state in this republic to lack a certification mechanism from a federal court to its state's court of last resort. But such mechanism provides an essential means for a federal court confronted with a case determinative—but unsettled question of North Carolina substantive law—to ask North Carolina to answer that important question of North Carolina law.

Andrii Yalanskyi/istockphoto.com

The need for a certification mechanism in North Carolina is clear in our system of cooperative federalism. Under that system, federal courts across the country are asked to decide live cases, which involve application of North Carolina substantive law. *See e.g., Bockweg v. Anderson*, 328 N.C. 436, 439 (1991), *citing Erie Railroad v. Tompkins*, 304 U.S. 64, 78 (1938) ("[E]xcept in matters governed by the federal Constitution or acts of Congress, diversity cases involve application by the federal court of substantive provisions of state law.") But federal courts are not always equipped with the essential tools required to accurately answer difficult and unresolved questions of North Carolina law. A certification mechanism would serve as a much-needed safety valve which federal courts can turn on by requesting assistance from a co-sovereign court in an area that such sister court naturally knows best. After all, "it is the duty of the Supreme Court of North Carolina alone to declare what the law is under our Constitution." *Holmes v.*

Moore, 384 N.C. 426, 438 (2023); *cf. State v. Tucker*, 385 N.C. 471 ,490 (2023), *quoting Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177, 2 L. Ed. 60 (1803) ("After all, '[i]t is emphatically the province and duty of the judicial department to say what the law is.'"). Thus, the best equipped institution to ultimately say what the law of North Carolina is, particularly when that jurisprudence is unsettled, the Supreme Court of North Carolina.

The lack of a certification mechanism in North Carolina has been problematic for some time. The need for a certification mechanism has appropriately concerned the United States Court of Appeals for the Fourth Circuit. *See, Stahle v. CTS Corp.*, 817 F.3d 96, 113-115 (2016) (Thacker, J. concurring) ("I write to express my view that a North Carolina certification procedure would have provided this panel with a beneficial tool. As we have noted many times, North Carolina is the only state in the Fourth Circuit without such a mechanism."). Judge Thacker's concurring opinion aptly summarized this core conundrum as follows:

> [as] a federal court sitting in diversity, our role is to apply governing state law, or, if necessary, predict how the state's highest court would rule on an unsettled issue. Because the issue presented in this appeal is not settled by the North Carolina courts, we must, in a sense, trade our judicial robes for the garb of prophet. Some characterize the process of predicting what a state court would do as speculative or crystal-ball gazing, but without the benefit of a certification procedure, it is a task which we may not decline.

Id. (internal citation and quotation marks omitted). *The Fourth Circuit's rationale here is powerful—a certification mechanism will appropriately accord "[North Carolina's] own state courts a chance to influence the interpretation of the laws operating within its borders, rather than leaving it to the federal courts to divine how North Carolina should operate." Id.* (emphasis added). Leaving it to federal courts to prognosticate the law of North Carolina can render North Carolina jurisprudence effectively undetermined and even could even result in federal opinions which appear to conflict with binding state appellate precedent. Charging that sole responsibility to the federal judiciary, which is unaccountable to the citizens of North Carolina, frustrates cooperative federalism, the plenary power of the General Assembly, and the duty of this state's Supreme Court.

Implementing a certification mechanism in North Carolina has unfortunately been challenging. Some scholars have identified key legal barriers to achieving a constitutionally sound certification mechanism and have offered good suggestions to achieve certification in North Carolina. *See e.g.*, Eric Eisenberg, Note, *A Divine Comity: Certification (At Last) in North Carolina*, 58 Duke L.J. 69 (2008); Michael Klotz, Comment, *Avoiding Inconsistent Interpretations: United States v. Kelly, the Fourth Circuit, and the Need for a Certification Procedure in North Carolina*, 49 Wake Forest L. Rev. 1173 (2014); Sharika Robinson, Note, *Right, But for the Wrong Reasons: How a Certified Question to the Supreme Court of North Carolina Could Have Alleviated Conflicting Views and Brought Clarity to North Carolina State Law*, 34 N.C. Cent. L. Rev. 230 (2012); Jessica Smith, *Avoiding Prognostication and Promoting Federalism: The Need for an Inter-Jurisdictional Certification Procedure in North Carolina*, 77 N.C. L. Rev. 2123 (1999). To date, many of these theories have been studied by state legislators, judicial officials, and other stakeholders but no certification mechanism has yet been adopted. A bill introduced in the North Carolina General Assembly in 2017 failed to make it out of committee for wider debate. *See* N.C. HB 157 (2017) (proposed bill would have added 7A-27A to our General Statutes, permitting a federal court to certify a question of law to the North Carolina Supreme Court) available at ncleg.net/Sessions/2017/Bills/House/PDF/H157v1.pdf (last accessed __2025).

It appears that two structural concerns have prevented the adoption of a federal certification mechanism in North Carolina by either general statute or rule of appellate procedure. Those concerns are: (1) whether the North Carolina Supreme Court lacks subject matter jurisdiction to receive and answer a certified question directly from a federal court under Article IV, Section 12(1) of the North Carolina Constitution; and (2) whether an answer to a certified question by a North Carolina court would constitute an impermissible advisory opinion, also contrary to this state's constitution.

The concern about North Carolina courts rendering impermissible advisory opinions is more readily addressed. Indeed, our Supreme Court has long held that when an issue has not been "drawn into focus by [court] proceedings," any decision of our courts would "be to render an unnecessary advisory opinion." *Wise v. Harrington Grove Cmty. Ass'n, Inc.*, 357 N.C. 396, 408, 584 S.E.2d 731, 740 (2003); *see also Poore v. Poore*, 201 N.C. 791, 792, 161 S.E. 532, 533 (1931) ("It is no part of the function of the courts, in the exercise of the judicial power vested in them by the Constitution, to give advisory opinions..."). The necessary ingredients to a justiciable matter that North Carolina courts can address under this state's constitution require adverse parties and their legal theories tested in an actual live controversy. *State ex rel. Edmisten v. Tucker*, 312 N.C. 326, 345, 323 S.E.2d 294, 307 (1984).

Certified questions do not bear the problematic features of advisory opinions under North Carolina Supreme Court precedent. A certified question of North Carolina law from a federal court comes directly from an actual case or controversy between two or more adverse parties, and from a federal court that itself has threshold jurisdiction over the cause under the federal constitution. Under *Erie*, that federal court is charged, in our cooperative federal system, to apply North Carolina substantive law to issues in a matter before it *in a case determinative fashion*. Before the issue would be certified by the federal court, the parties in the federal action must address the concerns regarding the unsettled nature of certain facets of North Carolina law, at least in written briefing. The federal court would also certify the specific issue or issues along with the stipulated or decided facts needed to understand and resolve the question. That way, North Carolina state courts would not engage in guesswork or hypotheticals of any sort. The answer to the certified question must also be determinate of one or more issues in the case pending in the certifying court to qualify for certification. Thus, the answer to the certified question would be accorded the same force and effect as any other decision of the North Carolina Supreme Court. The answer would also constitute the law of the case for the parties and further have binding *res judicata* effect on current and future litigants. Both North Carolina Supreme Court precedent and existing scholarly literature appear to reach a general consensus on the accuracy of these important points. *See* Smith, *supra* at 2138-2141; Eisenberg, *supra* at 83-85. Thus,

such critical components of the certification process should alleviate any concern about North Carolina courts exceeding the bounds of their own authority to decide live justiciable cases in a cooperative federal system by answering certified questions.

Overcoming the hurdle of the North Carolina Supreme Court's subject matter jurisdiction under this state's constitution to directly answer certified questions, however, has been an unsurmountable hurdle. Proponents for a certification mechanism have run into the text of the North Carolina constitution, which alone governs the North Carolina Supreme Court's jurisdiction. The North Carolina Constitution decrees, in salient part, that "[t]he Supreme Court shall have jurisdiction to review upon appeal any decision *of the courts below*, upon any matter of law or legal inference." N.C. Const. Art IV, Sec 12(1) (emphasis added). It is difficult to classify a federal court as a court below the North Carolina Supreme Court. *See* Smith, *supra* at 2141-2143; Eisenberg, *supra* at 91-102. Our federal system does not work in such a linear fashion. Instead, federal courts and state courts structurally operate as co-equal sovereigns across a wide legal spectrum, sometimes working together cooperatively, and at other times are compelled by constitutional or statutory limitations to stay in their assigned lanes. The North Carolina Supreme Court itself has construed Article IV, Sec. 12(1) to prohibit the General Assembly from expanding the Supreme Court's jurisdiction. *See Smith v. State*, 222 S.E.2d 412, 429 (N.C. 1976) ("The General Assembly [is] without authority to expand the appellate jurisdiction of [the North Carolina Supreme Court] beyond the limits set in the Constitution.") Thus, the General Assembly appears to be without constitutional authority to codify a certification mechanism from a federal court directly to the North Carolina Supreme Court.

Theories have been advanced to overcome this barrier. *See* Smith, *supra* at 2141-2143; Eisenberg, *supra* at 91-102. These theories range from examining the exercise of the North Carolina Supreme Court's reserved powers, suggesting that the Supreme Court could answer a certified question without exercising any jurisdiction at all, to a constitutional amendment expressly authorizing a federal certification mechanism. *Id*. To date, these principles have not yet been implemented into practice through legislation, appellate court rule, or a combination of both.

Trying to compel certification from a federal court directly to the North Carolina Supreme Court has caused a constitutional conundrum. But a state constitutional amendment on such an arcane legal topic has proven to lack public interest and political will. The answer, if this state is to find one, must realistically start and end with one or more of the elected branches. On that point, perhaps a novel approach that utilizes the full machinery of North Carolina's General Assembly and General Court of Justice is in order. "The reason is simple; our Constitution confers jurisdiction, and the General Assembly reaffirms that principle elsewhere in our General Statues." *State v. Singleton*, 386 N.C. 183, 204 (2024). Under this thinking, *the superior court*, through statutory authorization, appears to be the constitutionally best equipped state court to receive and provide an initial answer to certified questions directly from a federal court. Unlike the narrowly circumscribed jurisdiction accorded to the North Carolina Supreme Court under the state constitution, the provision applicable to the superior court's jurisdiction stands broader and leaves more room to work legislatively. *See* N.C. Const. Art. IV, Section 12(3) ("Except as otherwise provided by the General Assembly, the Superior Court shall have original general jurisdiction throughout the State."); *see also State v. Wall*, 271 N.C. 675, 680 (1967) ("Under the quoted provisions of Article IV, the superior court has original general jurisdiction throughout the State *except as otherwise provided by the General Assembly*.") (emphasis in original).

This constitutional provision permits the superior court to serve as an allowable first stop in the General Court of Justice for receiving and answering a certified question from a federal court. The term "original general jurisdiction throughout the state" is quite expansive language. In North Carolina, "original jurisdiction means a court's power to hear and decide a matter before any other court can review the matter." *See In re H.L.A.D.*, 184 N.C. App. 381, 386, 646 S.E.2d 425, 430 (2007), *aff'd per curiam*, 362 N.C. 170, 655 S.E.2d 712 (2008); *cf. Williams v. Greene*, 36 N.C. App. 80, 84, 243 S.E.2d 156, 159 (1978) ("According to common interpretation, original jurisdiction should be distinguished from appellate jurisdiction.") That is precisely the role that a statutory certification mechanism would ask the superior court to serve—as the initial receiver of a certified question of North Carolina law from a federal court that is charged to answer that question. The superior court's posture is a natural consequence of a certification order from a federal court. Since the superior court would be the first stop in this state, no other North Carolina court could have previously addressed the matter. And even though the case was first filed in federal court, a federal court and a state court can have concurrent original jurisdiction over a case. *See e.g. Burton v. Smith*, 191 N.C. 599, 602-03 (1926) ("The jurisdiction of the Superior Court of this State is concurrent with that of the District Court of the United States; either court may try the action, and render judgment, finally determining the rights of the parties"); *cf. Eways v. Governor's Island*, 326 N.C. 552, 559 (1990) ("Generally speaking, the federal and state courts that have concurrent jurisdiction over civil actions may be considered as courts of separate jurisdictional sovereignties[.]"). And the certification order itself confirms that the federal court has not reviewed and adjudicated the unsettled question of North Carolina law. The federal court is instead asking the North Carolina superior court to be the first court to hear and decide the unsettled question of state law.

Even if there is some nuance to a statutory certification mechanism in our cooperative federal system, the General Assembly can still codify a constitutionally sound certification mechanism. *See* N.C. Const. art. IV, § 12(3) ("*Except as otherwise provided by the General Assembly*, the Superior Court shall have original general jurisdiction throughout the State.") (emphasis added). Under Art. IV, Sec. 12(3), the General Assembly is accorded with ample legislative prerogative to expand and enhance the superior court's jurisdiction to accommodate a certification mechanism. *See Harper v. Hall*, 384 N.C. 292, 322 (2023) ("[T]he General Assembly possesses plenary power as well as the responsibilities explicitly recognized in the text of the state constitution."); *cf. Bullington v. Angel*, 220 N.C. 18, 20, 16 S.E.2d 411, 412 (1941) ("The Legislature, within constitutional limitations, can fix and circumscribe the jurisdiction of the courts of this State."). The constitutional limits on the General Assembly's power to expand or modify the superior court's jurisdiction are two-fold

under precedent: (1) a statute cannot *remove or eliminate* the superior court's threshold constitutionally defined role as a court of original general jurisdiction throughout the state; and (2) the legislative power to otherwise set the superior court's jurisdiction must be done "without conflict with the other provisions of this Constitution." *Jones v. Standard Oil Co.*, 202 N.C. 328, 332-34 (1932) (emphasis added).

Neither constitutional impediment is present here. A certification statute directing that the superior court be the first North Carolina tribunal to receive and answer a certified question does not remove or eliminate the superior court's bedrock constitutional jurisdiction as a court of general original jurisdiction throughout the state. Such jurisdiction remains undisturbed. Instead, a certification statute could permissibly expand the superior court's jurisdiction to cover a nuanced procedural posture inherent in our cooperative federal system. In that context, the superior court could be statutorily authorized to serve as the initial North Carolina trial court to receive and answer a certified question of North Carolina substantive law from a federal court. Making legal conclusions and rendering an order based on such conclusions and in accordance with stipulated or predetermined facts is a function well within the wheelhouse of the superior court. There consequently appears to be no state constitutional bar to expanding the superior court's jurisdiction to cover a federal certification context.

Such a proposed certification statute also does not impinge upon the constitutional jurisdiction of either the Supreme Court or court of appeals. Since time immemorial, the Supreme Court stands unable to accept a certified question directly from a federal court—by statute—due to the narrowly circumscribed constitutional grant of power. Nor would such a certification statute upset the constitutional balance of power of the superior court with respect to the court of appeals, which "shall have such appellate jurisdiction as the General Assembly may prescribe." N.C. Const. Art IV. Sec 12(2). Even if answering a certified question could be properly classified as an exercise of appellate jurisdiction, it is inapposite in our federal system's structure to statutorily empower this state's intermediate appellate court under the North Carolina Constitution to have appellate jurisdiction relative to any federal court. Finally, since answering a certified question is an inherently judicial function, the constitutionally assigned functions of the Legislative and Executive Branches would not be impaired by a statute authorizing the superior court to initially take the certification reigns.

With constitutionally proper authority now grounded in the superior court, that court's ruling on the certified question may then be permissibly reviewed by the North Carolina Supreme Court under that court of last resort's constitutional supervisory powers. *See* N.C. Const. Art. IV. Sec. 12(1) (empowering the North Carolina Supreme Court to "issue any remedial writs necessary to give it general supervision and control over the proceedings of the other courts."). The applicable procedure of Supreme Court review may be promulgated by the Supreme Court itself, by appellate rule, through a remedial writ of certiorari. Since the Supreme Court is the final arbiter of North Carolina law, an appellate rule can detail the two possible outcomes following the superior court's order and opinion on the certified question. The Supreme Court, in its sole discretion, can either: (1) allow the writ of certification, for the sole purpose of vacating the superior court judge's order, and return the certified question unanswered to the federal court; or (2) allow the writ of certification, for the purpose of retaining supervisory jurisdiction over the superior court judge's ruling, and file a written opinion reviewing the superior court judge's order which ultimately answers the certified question.

Given the jurisdictional constraints found in this state's Constitution, this proposed two-court process authorized by statute, and supplemented by appellate rule, may prove to be a workable solution to a long-standing challenge in North Carolina. Under this proposed model, the superior court serves as the constitutionally firm gateway into the General Court of Justice, which then provides the Supreme Court with the jurisdictional means to exercise final supervisory jurisdiction—by remedial writ—over the certified question of North Carolina substantive law. In fact, the superior court judge selected by the chief justice for the special commission in Wake County could make the Supreme Court's later work easier by doing the initial legwork into studying and answering the certified question. The chief justice, acting under his express constitutional authority, can make an appropriate assignment of a superior court judge with the requisite background and specialized knowledge to answer the certified question or questions. *See* N.C. Const. Art. IV, Sec. 11 ("The Chief Justice of the Supreme Court, acting in accordance with rules of the Supreme Court, shall make assignments of Judges of the Superior Court[.]" Thus, North Carolina's certification mechanism, through careful drafting, could likely accommodate the average delay of 6.6 months - 8.2 months that federal litigants typically wait for answers to questions certified by federal courts. Eisenberg, *supra* at 77-78, *citing* Jona Goldschmidt, *Certification of Questions of Law: Federalism in Practice* 98 (1995).

Our state should take an opportunity to reexamine new ways of adopting a federal certification mechanism in a constitutionally sound way. To facilitate that endeavor, drafts of a proposed general statute and rule of appellate procedure consistent with the reasoning contained in this article appear below. There is no good reason why the Supreme Court of North Carolina, in our cooperative federal system, should not have the final say on what the law of this state is, especially when a federal court confirms that it does know the answer. Our legislature and courts should work together to find a way to assist. ■

D. Martin Warf and Lorin J. Lapidus are both North Carolina board certified appellate practice specialists, and former appellate law clerks, who maintain vibrant appellate practices at Nelson Mullins Riley & Scarborough, LLP, in North Carolina and beyond. Martin and Lorin provide strategic appellate counsel to businesses in high stakes litigation in the appellate courts and serve as embedded appellate counsel to assist trial counsel with pursuing critical motions, lodging objections, and ensuring proper error preservation.

I. Proposed Amendment to the North Carolina General Statutes

The General Assembly of North Carolina enacts:

SECTION 1. Article 20 of Chapter 7A of the General Statutes is amended by adding a new section to read:

§ 7A 254. Certifying question mechanism.

(a) Any court of the United States, on motion of a party to a pending cause, or its own motion, may certify one or more ques-

tions of North Carolina law to a Superior Court Judge of the North Carolina General Court of Justice if:

(1) The pending cause before it involves one or more questions to be decided under North Carolina state law;

(2) The answer to the question or questions is determinative of one or more issues in the pending cause; and

(3) No North Carolina controlling statute or decision of the appellate division of the North Carolina General Court of Justice provides a sufficient answer to the question or questions.

(b) A certification order under subsection (a) of this section shall contain:

(1) A statement of the grounds confirming the federal court's subject matter jurisdiction over a justiciable case or controversy before it;

(2) A statement of stipulated or decided record facts, which contain the factual predicate necessary to answer the question or questions certified, and further showing fully the nature of the controversy out of which the question or questions arose;

(3) The specific question or questions of North Carolina law to be certified for an answer; and

(4) The names and addresses of counsel of record and any unrepresented parties.

(c) The federal court shall transmit its certification order to the director of the North Carolina Administrative Office of the Courts along with the record, or any portion of the record, requested by the director for presentation to the chief justice. The chief justice shall appoint a superior court judge to sit for the dispatch of business in Wake County to receive and answer the certified question or questions. Should the original superior court judge appointed by the chief justice be disqualified or otherwise unable to serve or be removed at the discretion of the chief justice, the chief justice shall appoint, as a replacement, another superior court judge to serve.

(d) Based solely upon the record materials provided by the federal court related to its certification order, the superior court judge shall render and file a written order and opinion answering the question or questions of law certified to it by the federal court within 45 days after entry of the chief justice's order appointing the superior court judge.

(e) The superior court judge's written opinion is subject to review pursuant to the North Carolina Rules of Appellate Procedure.

SECTION 2. This act is effective when it becomes law.

Authority: N.C. Const. Art IV Sec. 3 ("Superior Court. *Except as otherwise provided by the General Assembly*, the Superior Court shall have original general jurisdiction throughout the State. The Clerks of the Superior Court shall have such jurisdiction and powers as the General Assembly shall prescribe by general law uniformly applicable in every county of the State." (emphasis added); N.C. Const. Article IV, Section 11 ("The Chief Justice of the Supreme Court, acting in accordance with rules of the Supreme Court, shall make assignments of Judges of the Superior Court[.]"; General Rules of Practice for the Superior and District Court, Rules 2.1 (2024) (indicating "The Chief Justice may designate any case or group of cases as 'exceptional'")

II. Proposed Amendment to the North Carolina Rules of Appellate Procedure

Article V- Extraordinary Writs

Rule 21.1. Writ of Certiorari on Certified Question

(a) Scope of the Writ

(1) Supervisory Review of Superior Judge's Opinion and Order - Within 45 days from entry of the superior court judge's written opinion answering one or more questions of North Carolina law certified to it pursuant to N.C.G.S. § 7A-254(c), the Supreme Court, shall, on its own motion, treat the superior court judge's order and opinion on the certified question or questions, and the parties' related filings, as a petition for writ of certiorari to exercise supervision over the superior court judge's written opinion and, within that same time period, enter an order on the writ.

(b) Procedure on Disposition of Writ of Certiorari

(1) The Supreme Court's order on the writ of certiorari shall either:

(A) allow the writ for the purpose of vacating the superior court judge's written opinion. Upon such action, the clerk of the North Carolina Supreme Court shall promptly transmit the supreme court's order to the clerk of the requisite federal court, and the parties, that the question or questions certified by it are returned unanswered. No petition for rehearing of a denial of a writ of certification shall be entertained; or

(B) allow the writ for the purpose of retaining jurisdiction over the superior court judge's written opinion. Upon such retention, the party who sought certification in the requisite federal court, shall serve and file a supporting brief addressing the certified question or questions of North Carolina law within 30 days after entry of an order allowing the writ of certification. The party who opposed certification shall serve and file a responsive brief within 30 days after service of the supporting brief. If the federal court certified the question or questions on its own motion, the Supreme Court shall set the briefing schedule for the parties. No reply briefs or oral argument will be received or allowed unless otherwise ordered by the Supreme Court upon its own initiative.

(c) Rescission of Certification. The Supreme Court, in its discretion, may rescind its prior supervisory retention of jurisdiction over the superior court judge's written opinion as improvidently allowed. Upon deciding to rescind its prior retention, the Clerk of the Supreme Court shall transmit such Order to the parties and the federal court of such action.

(d) Decision. The opinion of the Supreme Court reviewing the superior court judge's ruling and answering the certified question or questions shall be filed as promptly as practicable and state the law of North Carolina governing the certified question or questions. The clerk of the North Carolina Supreme Court shall transmit the Court's opinion to the clerk of the requisite federal court and to the parties. No petition for rehearing of an opinion deciding a writ of certification shall be entertained. The opinion filed shall be accorded the same force and effect as any other decision of the Supreme Court and shall be likewise published with the opinions of the Supreme Court.

Authority: N.C. Const. Art IV Sec. 1 (The North Carolina Supreme Court "may issue any remedial writs necessary to give it general supervision and control over the proceedings of the other courts."); N.C. Const. Art IV, Sec 13(2) ("The Supreme Court shall have exclusive authority to make rules of procedure and practice for the Appellate Division.) ■

Justice, Service, and the Future of Law: A Conversation with Dean Patricia Timmons-Goodson

By Margaret Dickson

Patricia Timmons-Goodson received her BA and JD degrees from Carolina in 1976 and 1979, respectively. She began her legal career as a prosecutor in the office of the Cumberland County District Attorney. In 1984, at the age of only 29, she was appointed district court judge, a position she held for 13 years until she was elevated to the North Carolina Court of Appeals in 1997.

Timmons-Goodson retired from the court of appeals in 2005, thinking that she had completed her service to North Carolina, but within only a few months Governor Michael Easley asked her to accept appointment to the North Carolina Supreme Court. She is the first African American woman to serve as a judge in her home county of Cumberland, the first to be elected to any state appellate court, and the first to serve on North Carolina's highest court. At Timmons-Goodson's induction ceremony, Chief Justice Sarah Parker pointed out that this was the first time that the Court had two women among its seven justices. She retired from the Court in 2012.

On July 1, 2023, Timmons-Goodson was named Dean of North Carolina Central University School of Law, a position she will leave at the end of the academic year in June 2025.

Timmons-Goodson was inducted into the North Carolina Women's Hall of Fame in 2010. In 2014, President Barack Obama appointed her to the United States Commission on Civil Rights.

* * *

Dickson: You have spent most of your legal life in a judicial role. How do you feel that time on the bench may have influenced your tenure as dean of the law school?

Timmons-Goodson: The bench has influenced my tenure here at North Carolina Central University School of Law in several ways. First, a critical function of judging is listening. I listened to victims, witnesses,

attorneys, and their clients. So, I learned the importance of listening and how to be a good listener. Since July 1, 2023, I have served as the dean of the law school. Leadership requires that one listen to those you are privileged to lead—hear their thoughts and ideas on how to move forward. While it is important to have a vision and to bring new ideas, a leader must gather as much information as possible by listening to those who will be impacted by their decisions. And so, I came in a listening mode, a skill that I acquired on the bench.

My judicial experience taught me a fair amount of patience. As a judge, you had to be patient, so I brought along my listening ear and patience.

I also brought to the law school my notion of what a good lawyer looks like. As a judge, I saw great lawyers practicing law as we would want law to be practiced—great models. It is my goal/vision to ensure that NCCU legal eagles are trained in these models.

Finally, this may sound strange, but service in the judiciary often requires courage. Judges are frequently called upon to make difficult decisions, requiring great courage. Proposed changes or a different way of doing business can take courage.

I am frequently asked about my decision to transition from judicial service to legal education. Truthfully, there is not the disconnect that one might think. That is because judges are teachers, of a sort. As a lawyer, I learned from the judges before whom I appeared. Every day, judges teach lawyers both the law and trial practice—how to be better lawyers. I decided to come to NCCU because I desired to continue in public service and to further impact the law. What better way to impact the law than to educate the next generation of lawyers. And so, I'm here and I'm having the time of my life.

Dickson: Because my husband was a judge, we often discussed how there is rarely the absolute right answer or the absolute wrong answer—that most issues are in shades of gray. Is that something you think law students should learn?

Timmons-Goodson: Speaking of your late husband, Judge John Dickson, you may not know that as a senior assistant district attorney, he presented me to the court for my first oath as an assistant district attorney.

We are working to teach our students how to think like a lawyer and to behave like a lawyer. We teach professionalism—the balancing that is required, and the fact that there is often no perfect answer in the law. One can look at the same facts, interpret the same law, and reasonably come to a different conclusion. When a disappointing decision is reached through the legal process and all appeals exhausted, one must accept the result and act with civility.

Dickson: What are the pressing issues in legal education today, and specifically in North Carolina?

Timmons-Goodson: There are a number of pressing issues in legal education: access to justice; technology and artificial intelligence; affordability of legal education, just to name a few.

In parts of North Carolina, as in many other jurisdictions, access to justice is a real issue—whether access is denied by the high cost of legal representation or the lack of lawyers to handle the legal work of a community. Several factors contribute to the shortage of lawyers, to include affordability of legal education and perhaps licensure. Our system of law, the rule of law, works best when individuals trained in law are involved in the litigation representing the parties. We need individuals trained in the law. It simply works better that way. Where citizens are unable to afford lawyers or there is not a sufficient number of lawyers, the system is unable to function as designed. The rule of law is weakened. For our nation's continued prosperity, our legal system must work.

Dickson: I think what you were talking about are the legal deserts that exist in rural parts of the state.

Timmons-Goodson: Yes, and I did not use the term "legal desert," but that's exactly what I am describing. And it's not just North Carolina that has this problem. We see it throughout the country, and folks are beginning to work to develop solutions to this pressing issue. I recently co-chaired a working group of deans at the 2025 Annual Meeting of the American Association of Law Schools to examine rural access to justice.

Another situation that I highlight is that the law is changing and evolving, like other professions, with the use of artificial intelligence. The use of AI is huge, and AI is here to stay. In fact, AI is only going to get bigger and more pervasive. So, we must find ways to use the best parts of AI and work to resolve any issues that may negatively impact society.

I am very proud of the Law Technology and Policy Center, headed by Dean April Dawson, at the law school. The center is one of the first of its kind in the country. We are doing tremendous work to prepare the next generation of lawyers to function in the changing world of technology. We are educating our students and licensed lawyers on how to navigate the digital space. We are collaborating with law and policy makers to address the challenges and opportunities presented by technology.

Recently, the law school hosted its Technology, Law, and Policy Summit, where we brought in legislators responsible for drafting legislation and leaders from across the country in the area of technology. So, we at North Carolina Central are in many ways at the forefront of technology and the law.

Dickson: There have been recent changes in licensure in North Carolina. What do you think of those changes and others that have been proposed, including doing away with the bar exam?

Timmons-Goodson: I don't think it is likely that the bar exam in North Carolina is going to be discarded. The discussion of alternative bar licensure is being driven in large measure by the insufficient number of lawyers in much of rural North Carolina. It's related to the legal desert issue you have in North Carolina and many other states. There are growing pockets or areas in our state where lawyers are growing old and leaving the practice of law. No lawyer is there to replace them. Consequently, the citizens are left without lawyers to handle their legal affairs. Estate issues, property issues, and family law issues loom. Might alternative licensure provide a way to reduce the number of legal deserts?

Licensure could take many forms, other than sitting for the bar exam. I don't know what North Carolina is going to do, but I take the position, as many do, that we should examine what is out there. Let us examine other options. Let us learn more about the issue, what other jurisdictions are doing, and how alternative licensure options are working. As I indicated previously, I am co-chairing a group of law school deans from across the nation looking at what law schools could do to alleviate the problem of legal deserts in rural communities. We had approximately 30 deans present explaining the problem their state is experiencing with legal deserts. They cited alternative licensure options being implemented or considered as possible solutions. The deans hailed from Maine to Iowa.

Someone who has graduated from an accredited law school and met the character requirements might work for a couple of years under the supervision of a licensed lawyer. Licensure would result after several years. To tell you the truth, North Carolina kind of has that now through the third-year law student practice rule. You can petition as a third-year law student to be permitted to practice law under the supervision of a licensed lawyer. Once the student graduates, third-year practice is no longer an option. Some have asked that if a third-year law student can be authorized to practice, what sense does it make once the person has graduated from law school for the supervision option not to be available. Something to think about.

Dickson: Has the treatment of women lawyers changed over your career?

Timmons-Goodson: Absolutely! There very definitely have been changes, and the biggest change is greater acceptance of women in the practice of law. Acceptance has come because women lawyers have demonstrated that we can do the legal work. It's just whether folks are willing to give us the opportunity to do it. I am grateful for the women who came before me and performed their work in such a way that the bar was more receptive to other women coming along.

When I arrived in Fayetteville, North Carolina, in 1979, there were five women lawyers in the entire town. Unbelievable! The late Virginia Fox, Sylvia X. Allen, Maxine Best, Nary Ann Tally, and Beth Keever. Jocelyn Breece Davis and Beth Fleishman had recently moved from Fayetteville. These women lawyers were my heroines. Judge Beth Keever was our first female judge in the former 12th Judicial District. Now, it appears that about half of the Cumberland County Bar are women. How far we have come!

Dickson: What is the breakdown of men and women in the law school?

Timmons-Goodson: Approximately 60% of the law school population are women. In fact, NCCU School of Law was recently recognized by ENJURIS Magazine as one of the top ten law schools in the nation for female enrollment. This ranking highlights the law school's commitment to gender diversity.

Dickson: You have been in this job for more than a year now, and you have settled in. What is the best part of your job, the part you enjoy the most, the part that is the most fun?

Timmons-Goodson: The best part of the job is the opportunity to interact with students and to share my experiences and for them to share their experiences. In many of them, I see myself. Many are the first in their family to attend law school. They don't know what they don't know, and there is no one in the family to advise them. I see in more instances than I wish, students who lack the confidence now that they will have in years to come. I welcome the opportunities to speak with them and say, "Look, it's going to be all right. You're going to be just fine. You just need to do the same things that you had to do to get to this point. Keep moving forward. Continue to work hard and maintain a positive attitude. There are people out there—more than you can even imagine—who want you to succeed and are willing to invest in you."

When I need to brighten my day, I find students and ask what their day looks like.

The best part of the job? I'm not sure how to articulate this, but the students understand that becoming a lawyer is not just about them. They understand that their success is significant to the family—mama, daddy, aunt, uncle, grandparents. All will take pride in the student's achievement. In many cases it has taken generations to produce a lawyer in the family.

Dickson: Is there anything else you would like to say?

Timmons-Goodson: I wish to publicly say that I have been so blessed in my life. How many unique opportunities does one individual get to serve her state and nation? Assistant district attorney, legal services lawyer, district court judge, court of appeals judge, justice on the Supreme Court of North Carolina, commissioner, United States Commission on Civil Rights, dean of North Carolina Central University School of Law—leading one of the six remaining historically black law schools in the nation. It just doesn't get any better. Praise God. ■

Justice Under Attack (cont.)

Supreme Court Justice Sandra Day O'Connor spoke to the goal and the reality of independence, including that it is not self-sustaining: "Judicial independence does not happen all by itself. It is very hard to create, and it's easier than most people imagine to destroy."

In clear view today is the need to defend the very foundations of our justice system. Safeguarding our judicial system fulfills our duty as lawyers. It cannot be postponed. ■

John "Buddy" Wester is a business litigator with Robinson Bradshaw in Charlotte. He serves on the Leadership Council of the Bolch Judicial Institute and attended the conference on Defending the Judiciary featured in the accompanying article. A long-time fellow of the American College of Trial Lawyers, he was recently chosen to serve as the inaugural chair of its General Committee for Judicial Independence, which will lead the college's efforts in defending the judiciary from attacks and threats and promoting its independence. "Essential to our democracy is our citizens' abiding trust in the fair, impartial administration of justice," Wester said. "Our committee looks forward to reinforcing that trust in the days ahead."

Endnotes

1. *America's Trust in its Institutions Has Collapsed*, Economist, 4/17/2024.
2. *Trust in Federal Government Branches Continues to Falter*, Gallup, 10/11/2022.
3. *Americans Pass Judgment on Their Courts*, Gallup (Vigus & Saad), 12/17/2024.
4. NC Rules of Prof'l Conduct, 27 NCAC 2.0.1, Cmt. [1].
5. NC Rules of Prof'l Conduct, 27 NCAC 2.0.1, Cmt. [17].
6. NC Rules of Prof'l Conduct, 27 NCAC 2.0.1, Cmt. [6].
7. *Does Public Financing Affect Judicial Behavior? Evidence from the North Carolina Supreme Court* (Hazelton, Montgomery, & Nyhan), 9/2/2015.
8. *A Profile of the Judicial Public Financing Program, 2004-2006*, 6/2006 Democracy North Carolina.
9. *The Politics of Judicial Elections*, Brennan Center for Justice, 1/29/2024.

Insights from NC's Pioneers in Employment Law Certification

By Katie Seruset, Certification Coordinator, Legal Specialization


Osborne


Oden


Patino


Gray


McVey

I recently had the opportunity to speak with the founding committee members and first NC State Bar board certified specialists in employment law. Grant Osborne, the committee chair, practices at Ward and Smith in Raleigh and has been practicing employment and labor law for more than 30 years. Will Oden practices at Ward and Smith in Wilmington and has practiced employment law for over two decades in both federal and state courts at the trial and appellate levels. Nicole Patino practices in Asheboro at the Law Offices of L. Nicole Patino as a labor and employment attorney who advocates for both public and private sector clients. Ken Gray practices at Ward and Smith in New Bern and has been an attorney for more than 30 years, advising clients in various areas of employment-related litigation. Andy McVey is an attorney at Murchison, Taylor & Gibson PLLC in Wilmington, where he practices complex commercial litigation and employment law. Each member was instrumental in the development of the employment law specialty certification now offered by the NC State Bar Board of Legal Specialization. They shared their insights into the development of employment law certification, its value, and their passion for practicing employment law.

Q: How do you think employment law certification in NC will benefit the public?

Grant: By enabling members of the public to identify, with relatively little effort, practitioners who, based on objective measurement, have the skills and experience needed when confronting legal matters in the complex field of employment law.

Ken: Our offices receive approximately ten to 15 cold calls a week regarding employment-related issues. I serve as the gatekeeper after staff has conducted a conflicts check and obtained the basic facts. Due to conflicts, location, and various other factors, I refer the majority of those inquiries elsewhere. It is often challenging to match the caller with an appropriate employment lawyer based on their circumstances. Having a list of employment law specialists will help the public and other lawyers like me identify capable lawyers who can help those in need.

Q: How do you think your certification in employment law will benefit your clients?

Grant: In two ways: First, by ensuring that I remain competent in the field due to mandatory CLE and continued practice in Employment Law, and second by assuring clients that they have retained a lawyer who knows what he's doing and takes pride in his competence in the field.

Will: My personal certification, along with my role as the co-vice chair of the Employment Law Specialty Committee of the Board of Legal Specialization for the North Carolina State Bar (which established and now offers board certification in employment law in North Carolina), will benefit the clients I work with because both encourage me to continue sharpening my skills.

Ken: While I believe my clients generally recognize my experience in employment law, either by reputation or by the advice I deliver, I've noticed an uptick in perceived credibility from third parties, such as mediators and opposing counsel I haven't worked with before. They acknowledge my specialization (because it's in my signature block) and seem more deferential, or at least less likely to articulate unreasonable legal theories.

Q: Are there any hot topics in employment law right now?

Grant: Sure. Whether DEI programs violate "fair employment practice" laws, covenants not to compete with employers, and the increasing efforts of labor unions to represent more employees.

Nicole: Employment law seems to be its own hot topic frequently. Although there have been many challenges since 2020, I think the constant changes have required employment attorneys to take a leading role in addressing new and changing laws, rules, and actions taken by employers and the government. This has been rapid, and our response has been in real time, which only reinforces how essential our field and roles are.

Andy: We are seeing an increasing number of matters involving the intersection of employer drug-testing policies and N.C. Gen. Stat. § 95-28.2, the lawful use of a lawful product statute, particularly as it relates to the use of hemp-derived products. The enforcement of restrictive covenants has also reemerged as a perennial hot topic since the Federal Trade Commission's Final Rule regarding non-competes was enjoined.

Q: How do you stay current in your field?

Grant: I never assume I know offhand the answer to an esoteric legal question or a question that implicates ever-evolving judicial or administrative decisions. I always double-check to ensure that I'm providing sound legal advice. Measure twice, cut once. And continual targeted CLE.

Will: My day-to-day practice focuses on employment law. I attend relevant continuing legal education programs, read and write articles, prepare and present at our law firm's annual Employment Law Symposium, and participate in other legal human resources-focused organizations. I also remain active with and attend programming through the North Carolina Bar Association's Labor and Employment Law Section.

Ken: I skim the employment-related sections of JD Supra each morning, and that medium does a decent job of covering the hot topics in employment law generally. Also, whenever a significant employment decision comes down, one member of our labor and employment (L&E) team at our firm will bring it to the rest of the team's attention. We then roundtable it and determine how it will affect our clients. With six members of our L&E team being employment law specialists, we have lively discussions and usually come to a consensus (and the correct answer) on how we should advise clients going forward.

Q: How is certification important to this practice area?

Grant: It is very important. Few legal fields evolve as quickly as employment law or involve so much federal and state statutory, regulatory, and judge-made law. It is vital to stay current. Certification of employment lawyers is one way to encourage them to do so and give them an opportunity to showcase their proficiency in the field.

Q: What is most rewarding about your work in employment law?

Grant: Working with clients who need our help and knowing that I have the skill and experience to provide competent legal advice and sound judgment.

Will: The most rewarding aspect for me is mentoring younger attorneys to become successful members of our profession and effective mentors and leaders themselves. The natural collaborative nature of the practice of employment law lends itself well to that mentor-mentee relationship.

Nicole: I love the ability to talk to clients, explain options, and discuss the practical realities that may result from the actions they take and the decisions they make. It is really rewarding to follow clients as they move through their careers, leaving employment and starting new jobs, and to work with employers who are actively seeking advice about how to do the right thing for their employees.

Ken: No two days are the same. While we see similar fact patterns, every situation we deal with is unique. I often think that the scenarios I hear would make a great book or movie because some of it would be extremely difficult to make up. I enjoy dealing with difficult employment situations and helping clients get past the emotional aspects of their situation to move forward in a positive manner.

Andy: Most of my work is on the management side. I am gratified whenever I have the opportunity to help an employer avoid a landmine and instead arrive at a result that is both proportionate to the employer's risk and perceived by the employee as fair and equitable. As much as I enjoy trying cases, arriving at a negotiated result everyone can live with is much more rewarding.

Q: Who are your role models?

Grant: Abraham Lincoln, Theodore Roosevelt, and Winston Churchill. Each was principled, brave, smart, and resourceful.

Will: I have too many to name here, as I am blessed to know many really good people. However, upon reflection, I can say that my role models (professional and personal) typically exhibit most if not all of the following admirable qualities, among others: they are people of faith, work hard and exhibit a growth mindset, are capable of being good teachers and good listeners, have strong intellectual curiosity and a broad range of interests, have a good sense of humor, and are collegial. I would submit that these qualities also constitute many of the same needed to effectively practice employment law.

Andy: On the professional side, my law partner, Michael Murchison. His Superman advocacy skills lurk behind his Clark Kent kind and mild manner. On the personal side, my father, Jim McVey. He loved people and met them where they were. I am delighted whenever anyone compares me to either of these men.

Q: What is one inspirational movie or book that has motivated you in your career?

Grant: From a young age, *To Kill a Mockingbird*, because Gregory Peck, as a southern lawyer, personified integrity and bravery in the face of small-minded bigotry.

Andy: *Getting to Yes: Negotiating Agreement Without Giving In* by Robert Fisher and William Ury. It's a quick read, and it was a game-changer for me when I read it as a young lawyer. I stopped seeing negotiations in terms of winning and losing and started seeing them as opportunities for mutual gain.

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

Grant: You should consider it if you intend to devote your career to employment law. Certification will give you an opportunity to showcase your proficiency in the field, help ensure that you remain proficient, and enable other attorneys to refer matters to you with confidence that you are competent in the field and wish to remain so. Your clients will also take comfort in your certification.

Nicole: Clients no longer question my consultation fee! No, in all seriousness, being a specialist quiets some of the imposter syndrome that may creep in. It also acts as a daily motivator to make sure I am current with case updates, read blogs, attend CLEs and other enrichment activities, and do whatever it takes to make sure I consistently provide specialist-level advice to my clients. ■

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

NC IOLTA Awards $12 Million in Regular Grants for 2025

North Carolina Interest on Lawyers' Trust Accounts (NC IOLTA) will distribute nearly $12 million in 2025 to organizations providing free civil legal services and other programs designed to improve the administration of justice.

Established in 1983 as the philanthropic focus of the North Carolina State Bar, NC IOLTA improves the lives of North Carolinians by funding high-quality legal assistance. Since its inception, NC IOLTA has awarded more than $135 million in grants.

"Each year, many North Carolinians are navigating civil legal issues and simply cannot pay for an attorney to help them," Shelby Duffy Benton, chair of the NC IOLTA Board of Trustees, says. "NC IOLTA believes all individuals should have support to meet their legal needs, and critical funding provided by NC IOLTA works towards this goal."

Funding awarded by NC IOLTA in 2025 exceeds 2024 grantmaking as a result of increased revenue paid by the financial institutions that hold IOLTA accounts. With the additional funds, NC IOLTA was able to support several new programs and increase allocations to longtime grant partners.

"The dedicated organizations funded by NC IOLTA provide access to justice for vulnerable communities," Mary Irvine, NC IOLTA executive director, says. "We are thrilled to support this necessary work which both changes lives and improves the administration of justice in North Carolina."

In addition to its regular yearly grants, the NC IOLTA Board also recently approved $970,500 in funding to support organizations providing services to communities affected by Hurricane Helene.

Further, NC IOLTA will continue the IOLTA Public Interest Internship Program in 2025. This program offers summer stipends for law students who work in public interest internships in one of the 45 North Carolina counties that have been classified as legal deserts (i.e., counties with less than one lawyer per 1,000 residents). The IOLTA Public Interest Internship Program was reestablished in 2024 after it was discontinued due to decreased funding during the Recession. ■

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NC IOLTA Program Updates

• 2025 grant awards totaling nearly $12 million were approved by the Board of Trustees in December. Awards include:

- o $10,120,452 for civil legal aid for North Carolinians who are low-income;
- o $1,020,000 for *pro bono* programs that engage volunteer attorneys to provide free legal services;
- o $849,800 to other efforts advancing the administration of justice across the state.

• Throughout 2024, income from interest earned on trust accounts continued to keep pace with 2023 levels, with total 2024 income from financial institutions exceeding $16 million. Increases in income are attributable to stable interest rates and continued strong economic conditions. In the first few months of 2025, interest revenue has decreased by 10%. The board will continue to review long-term income projections in this changing interest rate and economic environment and use this to guide planning for future funds availability.

• NC IOLTA recently hired a communications and outreach coordinator to further efforts to share the impact of our work, with a focus on connecting with lawyers, banks, and nonprofit organizations. Karen Lewis Taylor, who joined NC IOLTA on April 1, has 20 years of experience managing print and digital publications, editing complex content, and crafting compelling stories for mission-driven organizations. ■

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 public orders of discipline are available on the State Bar's website.

Disbarments

James C. Worthington Sr. of Prospect, Kentucky, used information obtained in his capacity as trustee to make unauthorized wire withdrawals from funds held in his trust account for six separate estates and converted the embezzled funds to his personal use. He was convicted of one count of wire fraud in the Federal District Court for the Western District of Kentucky and sentenced to 41 months in prison. He surrendered his law license and was disbarred by the council.

R. Scott Lindsay of Murphy was convicted in Macon County Superior Court of 12 counts of felony obstruction of justice and two counts of misdemeanor obstruction of justice. He surrendered his law license and was disbarred by the Wake County Superior Court.

Completed Grievance Noncompliance Actions before the DHC

On March 13, 2025, the chair of the DHC suspended the law license of **Jonathon Speight** of Smithfield for noncompliance with the grievance process.

On March 18, 2025, the chair of the DHC suspended the law license of **Tabitha Etheridge** of Whiteville for non-compliance with the grievance process.

Completed Grievance Review Panels

Three Grievance Review Panels were held this quarter. The panels affirmed the original disposition in two files and remanded one file with a recommendation for private, rather than public, discipline.

Orders of Reciprocal Discipline

Travis Sasser of Cary was reprimanded by the United States Bankruptcy Court for the Eastern District of North Carolina for making a misrepresentation to the court and failing to take reasonable remedial measures to correct the fraudulent conduct. The court also imposed a monetary sanction of $1,000. The Grievance Committee entered an order of reciprocal discipline, reprimanding Sasser.

Censures

Prentice Kelly Dawkins of Southern Pines did not participate in the State Bar's mandatory fee dispute resolution process, did not provide a full and fair response to the Grievance Committee, and did not timely produce subpoenaed records. Dawkins was censured by the Grievance Committee.

James E. Hairston Jr. of Raleigh charged a clearly excessive fee; lacked a sufficient understanding of the Federal Rules of Civil Procedure, federal filing practices, and the Rules of Professional Conduct; did not consult with his client about crucial decisions in the case; did not respond to several of the opposing parties' pleadings; did not file the amended complaint timely and did not seek leave of court to file the amended complaint; did not provide copies of pleadings to his client; did not keep his client reasonably informed about the status of the matter despite the client's repeated inquiries; did not provide his client notice of his intent to withdraw from the representation; did not take necessary actions to protect his client's interests upon termination of the representation; and did not adequately supervise a subordinate attorney. Hairston was censured by the Grievance Committee.

Reprimands

Assata K. Buffaloe of Tarboro did not clearly explain the scope of her representation, did not keep her client informed of the status of the legal matter, and did not publish notice to creditors but retained funds provided to her for that purpose. She was reprimanded by the Grievance Committee.

Richard Dundas Allen of Pittsboro did not act with reasonable diligence and promptness, did not timely disburse settlement funds, did not keep his client reasonably informed of the status of the funds, did not maintain accurate trust account records, did not conduct required reconciliations of his trust account, and did not respond timely to the Grievance Committee. He was reprimanded by the Grievance Committee.

Completed Petitions for Reinstatement/Stay – Uncontested

The DHC entered a consent order transferring **Stephanie Villaver** of Jacksonville from disability inactive status to active status. Villaver is now serving the stayed suspension imposed in 17DHC3.

Authorized Practice Committee Actions

Matthew Morris, the CEO of registered website document provider EncorEstate Plans, received a letter of caution for exceeding the confines of permissible activities under N.C. Gen. Stat. § 84-2.2 by preparing deeds.

Matthew Corsi, who served a notice of appeal while assisting a family member with a civil lawsuit, received a letter of caution.

Kristy Murrell- Murrell, who completed immigration legal documents for others, received a letter of caution. ■

Analysis Paralysis: A Five-Step Method to Move Through Decision Dilemmas

BY LAURA MAHR

Have you been in situations where the pressure is on to make a decision? The brief is due, the offer is on the table, or the client is waiting for a response. Instead of being decisive, you turn the options over (and over) in your mind. In an attempt to analyze every possible choice, risk, and outcome, you end up stuck in an endless loop of overanalyzing. The dreaded "analysis paralysis" has taken hold.

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What is Analysis Paralysis?

"Analysis Paralysis" occurs when you overthink something to the point of avoiding a choice or action. Rather than being confident and clear, you feel confused and unsure as you weigh every possible angle. When this happens, you fixate on finding an ideal (risk-free) decision rather than moving forward. You may also procrastinate by diverting your attention to something less pressing or falling into a research "rabbit hole." All the while, your mind and body are stressed with tension, loss of sleep, irritability, and/or preoccupation with failure.

Analysis paralysis is one of the most frequent challenges I encounter in my work with attorneys and law firms. It is common in litigation, legal writing, and case strategy, where making the wrong choice can have costly and negative outcomes. It may also show up when considering a job change, a career transition, or a retirement plan. Paralysis by analysis also arises among groups of decision makers. For example, law partners drafting the firm's succession plan end up in a stalemate; a Bar goes in circles revising ethical rules; a legislative bill gets stuck in committee.

Personal life decisions are impacted by analysis paralysis as well. Have you ever spent hours researching the best [fill in the blank] you want to buy—reading endless reviews, comparing specs—but never actually making a purchase due to fear of making the wrong choice? Me too. Analysis paralysis can also impact larger life decisions where there's a lot at stake, such as staying in or leaving a relationship or buying and selling a home.

Why is Analysis Paralysis So Prevalent Among Attorneys and Judges?

In a profession that demands precision and sound judgment, overthinking can masquerade as due diligence, precision, thoroughness, and risk assessment. We may even be praised for overthinking and overefforting, when internally we are suffering from the angst that analysis paralysis creates. Lawyers and judges are particularly vulnerable to overanalysis in the pursuit of making the "right" decision with the fewest negative consequences. As lawyers, we are hired to prevent loss and circumnavigate harm for our clients; judges are responsible for making impeccably fair rulings.

However, it is often not possible to prevent all loss and avoid all harm. While there may be pressure for a lawyer to craft a flawless argument or for a judge to write the perfect decision, every argument can be countered and every ruling scrutinized. The consequences of "failing" in our efforts present a high emotional, professional, and social price tag—from public humiliation to disbarment. We are left with mental quandaries that have no easy solutions: prime breeding ground for analysis paralysis.

Analysis Paralysis in These Times

You may currently feel more susceptible to analysis paralysis due to recent political changes. Regardless of whether you interpret the shifts as positive or negative, the speed at which change is occurring—in addition to the uncertainty and lack of control over the rate and kinds of change—can exacerbate analysis paralysis. Some of the changes are placing unprecedented pressure on our legal community. In witnessing these pressures, you may be grappling with your own moral choices or witnessing colleagues and leaders contending with historic ethical dilemmas. Feeling hypervigilant and overwhelmed by complex, high-stakes issues is natural in unpredictable times—especially when no solution comes without consequences. Analysis paralysis often follows, as

the problems we face may feel too polarizing to resolve without deep societal division.

What is Happening Psychologically When We Experience Analysis Paralysis?

The Internal Family Systems (IFS) model, developed by Dr. Richard Schwartz, offers a framework for understanding analysis paralysis through the lens of internal conflict. In this model, different aspects of ourselves—called "parts"—emerge to help solve a problem, but they often have competing agendas. Each part holds distinct needs, concerns, and decision-making strategies. When these parts pull in opposite directions, we experience a mental gridlock known as analysis paralysis. IFS refers to this internal tug-of-war as a "polarity."

For instance, there may be a polarity between a "Striver" part, which pushes for constant effort to avoid failure—often through long hours and relentless work—and an "Exhausted" part, which seeks rest to prevent burnout, sometimes resorting to oversleeping or withdrawal. These parts, each with distinct strategies and intentions, create internal gridlock when they pull in opposite directions. As the Striver and Exhausted parts negotiate how to spend a weekend before a major trial, they are likely in direct conflict. The Striver continually urges you to work while the Exhausted part copes by procrastinating or falling asleep. The result is a frustrating standstill—you sit at your desk, unable to focus and procrastinating while tension builds. At the end of the weekend, you feel neither productive nor restored.

Understanding Polarized Parts

The parts listed below are common parts that I encounter when using IFS to help clients (or myself) navigate a polarity:

The Ambitious Part – has a solution to the problem and is ready to charge forward with its plan. It is ready to act NOW but may not consider consequences.

The Perfectionist Part – wants the results to be perfect and risk-free to avoid criticism, regret, or being perceived as a failure. It fuels endless research and second-guessing.

The Fearful Part – is afraid of making the wrong choice, potentially leading to embarrassment, loss, or harm. It stalls action as a form of self-protection.

The Inner Critic – judges the other parts. It casts doubt on your abilities and your process.

What to Do When Your Parts are Polarized?

In IFS, the goal is not to suppress any of the parts in the polarity. Instead, the aim is to listen to each part with genuine curiosity to better understand its concern and the motivation for its strategy. I have been amazed, time and time again, how this process harmonizes all the parts in play; through dialogue with each of the parts, clarity emerges.

While the full IFS process is involved—and, in my experience, most effective when guided by a trained practitioner—what follows is a simplified version that you can try on your own the next time you notice analysis paralysis setting in.

Moving Through Analysis Paralysis Using a Five-Step IFS Approach

Step 1: Recognize You're Stuck

Identify you are in an analysis paralysis state of mind as soon as you can. The earlier you notice, the easier it will be to make a change. You likely know your own cues; if not, look for things such as:

- Endless mental looping
- Physical tension and stiffness
- Shallow breathing or holding your breath
- Emotional overwhelm
- Avoidance behaviors

When you notice, pause. Say to yourself (aloud if you can, to get your own attention) something akin to "I feel stuck; I am in analysis paralysis; my parts are polarized."

Step 2: Parse Out the Parts

Take a moment to get curious. Ask yourself: "Which parts of me are polarized?" Parse out each of the parts by giving it a label. After labeling, add what the part is saying. For example:

- Ambition –"I need to work harder to get this done. Failure is not an option. I'll push through this and then I can relax."
- Perfectionist – "This isn't good enough. What if I missed something? There must be a better way to explain this point."
- Fear – "If I do this wrong, I could harm my client, my career, or my reputation. It's safer to wait and gather more information. What if I fail?"
- Inner Critic – "What's wrong with me?! This shouldn't be taking me so long! I don't have what it takes to pull this off."

Step 3: Get Curious then Ask Your Part a Clarifying Question

Approach each part with curiosity and a genuine interest in understanding its perspective and why it is using its strategy to try to solve the problem:

- Ambition, how do you think that driving me will help me in this situation?
- Perfectionist, how are you trying to protect me?
- Fear, what are you most concerned about happening here?
- Inner critic, how can I reassure you?

It may feel odd to talk to your parts in this way. That's normal. If it is easier, you can write out the dialogue or ask someone you trust to read the questions aloud and listen to your answer.

Step 4: Reassure the Parts

Once you've identified their concerns, offer reassurance. For example:

- To Ambition: "Your drive has helped me accomplish so much, but right now I want to make sure you're not overfunctioning. It's okay to pause and rest—taking a break will help you think more clearly."
- To the Perfectionist: "I appreciate your diligence, but this doesn't need to be perfect—just good enough. It's safe to take a step forward, even if everything isn't 100% certain."
- To Fear: "It's ok to feel concerned. I can handle mistakes if they happen. Even if things don't go as planned, I've got this."
- To the Inner Critic: "I understand that you don't want me to fail, and I know you are trying to help. What would it be like to relax just a bit and see if I can find a new way to figure this out?"

Your parts often carry outdated fears from previous experiences or expectations. These fears could be from law school, past mistakes, or unreasonable expectations by parents or former mentors. By listening with curiosity and offering reassurance, these parts can shift into the present moment and become less entrenched. When they understand that each part is trying to help, an internal shift occurs, thus creating space for new ideas and solutions to emerge.

Step 5: Check for Clarity or Inspiration and Negotiate a Next Step

After acknowledging and reassuring your parts, check and see if you feel clear or inspired about a next step. If you are, then take it! If you're still not sure, try negotiating with your parts so that you can commit to small steps to move forward.

For example, if you're stuck on writing a brief, negotiate with:

CONTINUED ON PAGE 33

The Healing Power of Our Stories

By Reita Pendry

The Lawyer Assistance Program (LAP), through its professional staff and a large network of volunteers, provides free, confidential assistance to lawyers, judges, and law students in addressing substance abuse, mental health problems, and other stressors that may impair the ability to practice law effectively. (Robynn Moraites, *LAP and Its Regulatory Purpose*, North Carolina Bar Journal, Winter 2019, p. 12.)

I am grateful to be a beneficiary of LAP's services. I first encountered LAP when I retired from my job as an assistant federal public defender in Washington, DC, and returned to North Carolina, where I was raised. During the few years preceding the transition from DC to Charlotte, I made some bad personal and financial decisions. Struggling to reinvigorate my career in North Carolina, I found myself at a low point, where the depression I had denied for years was impacting every aspect of my life.

I was no stranger to depression, but for most of my adult life, I ignored it. In highly stressful times, I hid behind my work. For a long time, I buried myself in work so I didn't have time to deal with the effects of the disease. I know now that many attorneys choose to dive deeper into the job instead of recognizing and treating their depression. Statistics show that about half of all attorneys will experience depression at some point in their careers, and about a quarter of them are currently suffering from the disease. (*The Prevalence of Substance Abuse and Other Mental Health Concerns Among American Attorneys*, Patrick Krill, JD, LLM; Ryan Johnson, MA; and Linda Albert, MSSW, published in the 2016 American Society of Addiction Medicine.)

According to the study, one of the main barriers to treatment is that study participants had concerns about privacy or confidentiality and did not want others to find out that they needed help. LAP is the answer to those fears.

As grace would have it, my need for continuing legal education credits took me to a LAP program, where I met the program's then-director. I started attending the LAP support group, and because I had family members who struggled with addiction, I was encouraged to attend Al-Anon meetings as well. Al-Anon is for people who do not have substance abuse issues themselves but who have friends or family members who do. LAP helped me heal from the depression I had not addressed during a very active legal career and helped me put my life back on track.

When I first started attending LAP and Al-Anon meetings, I listened to other participants and thought, "I'll never tell those personal things about myself to anyone, and certainly not in a group!" For a while, as I listened to others, I very much related to their journeys. At some point, the desire to free myself of guilt, shame, and stigma overrode my natural reluctance to talk about myself and my problems to others. I didn't feel pressured by the group to do so, but I did want what other people had—relief from the burden of silence.

In reflecting on the transformative power of LAP, I think the opportunity to tell our stories plays a major role in the healing process. In a close-knit group of lawyers, all of whom experienced mental health issues or substance use disorders, I found a community that listened. They listened to the hows and whys of my situation without judgment or advice on how to fix the things that were wrong in my life. We all took a vow of confidentiality, and for me, knowing what I shared would not leave the four walls of the meeting space allowed me to open up. This safe space gave me room to heal. The encouragement of LAP members gave me the support to make decisions and to make changes.

LAP support groups allow for the open sharing of experience, strength, and hope, very much like 12-step meetings. Many of the members are actively working a 12-step program, as I was in Al-Anon. The fourth step encourages us to take an honest assessment of our character and our actions. The fifth step offers us the opportunity to share the inventory with a

trusted person, most often a sponsor. Telling my life story at LAP meetings, and as I worked these steps, was a powerful process.

I don't know how LAP and the underlying recovery process work to heal. But scientific research validates the power of storytelling. In *The Healing Power of Storytelling* by Annie Brewster, MD, and Rachel Zimmerman, the authors relate how storytelling helps the seriously ill deal with their diagnoses, treatment, and recovery. The research is compelling and hopeful.

Telling one's story—being honest about emotional pain, being vulnerable, experiencing the compassion and empathy of fellow travelers—offers measurable benefits. Certain narrative themes like agency, communion, redemption, coherence, and accommodative processing are linked to positive mental health. (*Id.*, 46.)

Agency is the ability to impact the course of one's life. Communion is the extent to which the narrator experiences close, supportive, and nurturing relationships. When narrators interpret bad experiences as having positive outcomes, this is redemption. (*Id.*, 47.) Coherence means that, at their root, our stories make sense. They must provide enough details, psychological context, and relevance to show the overall purpose of the narrative. (*Id.*, 47-48.) Accommodative processing is making our experiences

meaningful. (*Id.*, 47.) Storytelling increases resilience, and the ability to adapt and persevere in the face of a challenge. (*Id.*, 47-48.)

My experience with LAP mirrors the healing benefits documented in this research. After months of attending meetings, I came to feel that my story had value. I gained a sense of agency—I owned my story. It wasn't pretty all the time, but it was honest. This agency gave me strength to look my mistakes in the eye and accept them. And in the telling, I made sense of what had happened. I gained a feeling of coherence—the patterns became clearer, and their roots slowly emerged.

One of the best outgrowths for me was the sense of community. Telling my story helped me build connections. Each of us created a safe space for the others to bring their stories and lay them open. In doing so, I found a resilience I didn't know I had. I grew stronger myself, and I grew stronger watching my fellow travelers grow stronger. The small circle of LAP lawyers and judges were first and foremost listeners. Their engagement with my story radiated empathy. The participants not only listened, but they shared their own stories. These exchanges helped me see that I was not alone. I was not the worst of the worst. My mistakes were damaging to me, but others had made equally damaging mistakes. We were all in the process of owning our mistakes and building back from them. The process inspired hope. I could trust that if others like me were able to come back from their own dark places, I could too.

A primary advantage for me was overcoming shame. I was a person who had every advantage—and my view was that I had squandered the blessings I'd been given. Hearing that people I admired, and for whom I had come to care, experienced the same feelings of shame made me lighten up on myself. Much like a wound that needs air and light to heal. At least that was what it felt like for me.

Accommodative processing—perceiving the positive value of painful experiences—is the reason I became a writer. Today I choose to tell my story through my novels. I base my stories on my own life, as I guess all writers do. Not obviously, I hope, but subtly. Especially in my most recent series, the *Cassandra Robbins Mysteries*, I use my experiences with LAP and Al-Anon to shape the characters and their actions. I hearken back to the days before I came to LAP and Al-Anon and weave depression and its consequences into the stories.

There are people in my life who have struggled and continue to struggle with addiction. I am able to deepen my healing when I incorporate the pain I have witnessed in the fight against addiction in my books and through my characters. When I am able to incorporate aspects of the pain I have witnessed in others fighting their demons into my characters, it heals. My protagonist, Cass, is a recovering alcoholic. In the first book in the series, her law partner is an active alcoholic. Working my experiences with LAP and Al-Anon into the story is one way I can let readers know about the hope found in recovery programs. In the first book, I added the websites for LAP organizations and AA and Al-Anon programs at the end of the book. I didn't want to sound preachy, but I did want to let readers know that help was available if they or someone they cared about needed it.

Sometimes I write about events that caused me pain. Sometimes I write about events that were painful to people I love. In either case, the act of writing the stories is therapeutic. My perspective shifts by working out in the stories how other people resolve their conflicts. I don't write stories because the act of writing is healing. I write to engage readers. But a positive byproduct is that storytelling heals in a myriad of ways. ■

Reita Pendry is an author and a retired (inactive) NC and DC lawyer. She has been a LAP volunteer since 2005. If you would like to contact the author, email Robynn Moraites at robynn@nclap.org and she can connect you.

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

Pathways to Well-Being (cont.)

- Ambition – to allow you a 20-minute exercise break
- Perfectionist – to permit you to draft a rough version without editing for 30 minutes
- Fear – to relax a little and enjoy the drafting process
- Inner Critic – to cheerlead you while you're drafting the rough version (or at least to stop criticizing you while you're writing)

Outcome: Greater Ease. Clarity. Internal Harmony

Navigating analysis paralysis with the IFS model isn't about eliminating analysis or rushing to a decision. It's about slowing down to recognize the internal parts of you that are pulling in different directions. These parts—shaped by years of high expectations, life experience, and professional responsibility—are not obstacles; they're protectors, each trying to help in its own way. When you pause to listen to the protectors' positive intentions with curiosity and respect, the mental paralysis relaxes. The parts then begin to collaborate rather than compete, making even the most complex decisions easier to make.

When you listen to your parts with curiosity and compassion—rather than frustration or resistance—you understand yourself better. Increased self-knowledge creates opportunities for internal harmony and clarity and for new creative possibilities to arise. When each of us learns to engage with our inner worlds as thoughtfully as we engage with the law, not only do we make better individual decisions, we also become more present and more effective advocates, leaders, and problem-solvers for ourselves, others, and our world. ■

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

Council Adopts New Opinion; Committee Publishes Opinion on Fee Changes During Representation and Negotiating Lawyer's Duty to Report

Council Actions

At its meeting on April 25, 2025, the State Bar Council adopted the ethics opinion summarized below:

2025 Formal Ethics Opinion 1

Obligations Related to Notice When Lawyer Leaves a Firm

Opinion sets out the requirements of the notice that must be sent to affected clients when a lawyer leaves a law firm.

Ethics Committee Actions

At its meeting on April 24, 2025, the Ethics Committee considered a total of five inquiries, including the adopted opinion referenced above. Two inquiries were sent or returned to subcommittee for further study, including an inquiry exploring conflicts of interest for public defender offices and an inquiry addressing whether the Rules of Professional Conduct permit a real property lawyer to refer a client to a law partner's title insurance business. The committee also approved the publication of two new proposed formal ethics opinions for comment, which appear below.

Proposed 2025 Formal Ethics Opinion 2 Negotiating Licensure Reporting Capability During Mediation April 24, 2025

Proposed opinion affirms prohibition on lawyers participating in a settlement agreement that includes a limitation on a party's or counsel's ability to report misconduct to the North Carolina State Bar and rules a lawyer serving as a mediator may not assist with or participate in a mediated settlement agreement that includes such a term.

Inquiry #1:

Lawyer A and Lawyer B represent Client A and Client B, respectively. Throughout the dispute and representation, the interaction between the parties and their respective counsel has been tense and difficult, including accusations from both parties of alleged misconduct by counsel. The parties, however, have agreed to pursue resolution of their dispute prior to trial and have instructed counsel to negotiate a settlement agreement. While discussing settlement terms, Lawyer A informs Lawyer B that Client A is exploring whether to file a grievance complaint against Lawyer B with the North Carolina State Bar, but that Client A would be willing to disregard a potential grievance complaint if Lawyer B and Client B agree to pay a larger monetary amount to Client A in the settlement. Lawyer B responds by suggesting that the settlement terms include a provision prohibiting both Clients A and B as well as Lawyers A and B from filing a grievance complaint with the North Carolina State Bar against either lawyer. All involved agree with this term.

May Lawyer A and Lawyer B suggest and agree to the settlement term prohibiting the lawyers and their represented parties from filing a grievance complaint with the North Carolina State Bar against the lawyers involved?

Opinion #1:

No.

The Ethics Committee has previously stated that, "an attorney may not condition settlement of a civil dispute on an agreement not to report lawyer misconduct." RPC 84. The opinion provides,

> In order for the North Carolina State Bar to fulfill its responsibility to regulate the legal profession, it is imperative that persons who are aggrieved by apparent lawyer misconduct or who have otherwise become aware of such misconduct feel free to transmit relevant information to the Grievance Committee for investigation. A lawyer who attempts to dissuade a person from reporting his or her alleged misconduct in the course of settlement negotiations or in any other context would be

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 20, 2025.

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.

> engaging in conduct prejudicial to the administration of justice in violation of Rule 1.2(d) [currently codified as Rule 8.4(d)] of the Rules of Professional Conduct.

Id.

Permitting lawyers to participate in a settlement agreement whereby the lawyers involved negotiate and agree to a term that prohibits an individual from reporting misconduct to the State Bar undermines and threatens the legal profession's ability to carry out the critically important responsibility and privilege of self-regulation. Accordingly, Lawyers A and B cannot suggest, demand, or agree to a settlement term prohibiting the lawyers and parties involved in a dispute from filing a grievance with the North Carolina State Bar.

Inquiry #2:

Attorney mediator (Mediator) was designated to mediate a court-ordered mediation. The parties and their respective lawyers were present at the mediation. While Mediator caucuses with each party and their lawyers, Mediator took private notes on paper of the settlement terms being discussed. One of the terms to be included in the mediated settlement agreement (agreement) was proposed by one of the lawyers and provides that no party shall file a grievance complaint against any lawyer involved in the case, based on a claim arising out of the current cause of action, with the lawyer's regulatory agency, i.e., the North Carolina State Bar. The lawyers asked Mediator to act as a scribe for the agreement and commit to writing the agreed upon terms.

Is Mediator in violation of the Rules of Professional Conduct by acting as a scribe and committing to writing the term prohibiting the filing of a grievance complaint with the State Bar?

Opinion #2:

Yes. The Preamble to the Rules of Professional Conduct emphasizes that a lawyer is subject to the Rules of Professional Conduct when a lawyer serves "as a third-party neutral, a nonrepresentational role helping the parties to resolve a dispute or other matter. Some of these Rules apply directly to lawyers who are or have served as third-party neutrals. *See, e.g.*, Rules 1.12 and 2.4." Preamble [3]. In essence, the Preamble indicates that, unless otherwise noted, a licensed lawyer is always subject to the requirements of the Rules of Professional Conduct regardless of the capacity in which the lawyer is acting. To maintain the privilege and ability to self-govern, all lawyers have a professional obligation to adhere to the Rules of Professional Conduct. Lawyers who serve as a third-party neutral, including mediators, are not excused from such obligations. Additionally, Rule 8.4(a) states that it is misconduct for a lawyer to "violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another."

A settlement term that prohibits a party from filing a grievance complaint against any lawyer involved in the case interferes with the profession's ability to regulate itself and is therefore conduct prejudicial to the administration of justice. *See* Rule 8.4(d); Opinion #1. Although Mediator was not the one to propose the language, it is professional misconduct for the mediator to knowingly assist the lawyers involved in the mediation to violate the Rules of Professional Conduct. Rule 8.4(a). Because lawyers cannot negotiate away the filing of a grievance complaint with the State Bar, Mediator is professionally obligated to avoid assisting the lawyers with negotiating a settlement term that prohibits a party from reporting one or more of the lawyers to the State Bar.

Inquiry #3:

Same scenario as #2 above, except one of the lawyers involved in the mediation drafted the agreement. The drafting lawyer provided Mediator with a copy of the agreement to review with all the parties.

Is Mediator in violation of the Rules of Professional Conduct by taking the term prohibiting the filing of a grievance complaint with the State Bar, in writing, back and forth between the parties while working toward a resolution?

Opinion #3:

Yes. *See* Opinions #1 & #2.

Inquiry #4:

Same scenario as #2 above, except Mediator did not take notes, but only verbally transmitted the settlement terms, including the agreement not to report any lawyer to the State Bar, between the parties.

Is Mediator in violation of the Rules of Professional Conduct by verbally transmitting the term prohibiting the filing of a grievance complaint with the State Bar between the parties while working toward a resolution?

Opinion #4:

Yes. *See* Opinions #1 & #2. Whether Mediator shares the settlement terms in writing or verbally is immaterial. Mediator may not violate the Rules of Professional Conduct through the acts of another and may not knowingly assist another in violating the Rules of Professional Conduct. Participating in or facilitating the inclusion of a term that is prohibited by the rules as described in this scenario constitutes a violation of Rule 8.4(a) and is prejudicial to the administration of justice. Rule 8.4(d).

Inquiry #5:

Same scenarios as Opinions #2, #3, and #4. Mediator is unaware of the rules and ethics opinions and does not know the term prohibiting the filing of a grievance complaint with the State Bar is a violation of the Rules of Professional Conduct. Under these circumstances, will Mediator be in violation of the Rules of Professional Conduct if the term is included in the agreement?

Opinion #5:

Yes. Although the Standards of Professional Conduct for Mediators do not require mediators to know the law relative to the issue in dispute, it is well settled that "[e]very lawyer is responsible for observance of the Rules of Professional Conduct[;]" therefore, lawyers are expected to have at least a general knowledge of the rules. Preamble [16]. Lawyers acting as mediators are not exempt from this expectation and are required to have a basic understanding of the Rules of Professional Conduct. Ignorance of the rules is no excuse.

Inquiry #6:

Same scenario as Opinions #2, #3, and #4; except the parties do not reach a resolution at the mediation but did discuss with Mediator the inclusion of a term in the agreement to not report any lawyer to the State Bar. The parties and their lawyers subsequently signed the agreement—including the aforementioned term regarding reporting any lawyer to the State Bar—two days later outside the presence of Mediator. Mediator subsequently learned of the agreement and the inclusion of the problematic term regarding reporting any lawyer to the State Bar.

Does Mediator have a duty to report the lawyers' professional misconduct to the State Bar regarding their inclusion of a term in the agreement to not report any lawyer to the State Bar?

Opinion #6:

No, unless the Standards of Professional Conduct for Mediators permit disclosure of the lawyers' misconduct.

Rule 8.3 requires a lawyer "who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects [to]...inform the North Carolina State Bar or the court having jurisdiction over the matter." Rule 8.3(a). However, Rule 8.3 recognizes that a lawyer who is serving as a mediator is also subject to the Standards of Professional Conduct for Mediators (the Standards), including the requirement to keep information learned during a mediation confidential. Std. 3, N.C. Stds. of Prof'l Conduct for Mediators (2023); *see also* Rule 8.3, cmt. [7] (a lawyer-mediator is required by the Standards "to keep confidential the statements and conduct of the parties and other participants in the mediation, with limited exceptions, to encourage the candor that is critical to the successful resolution of legal disputes."). As of the date of this opinion, the Standards do not permit a mediator to disclose information concerning a lawyer's professional responsibility that is learned during mediation. Consequently, Rule 8.3(e) sets out a different requirement concerning a lawyer-mediator's duty to report the professional misconduct of lawyers that is learned of during mediation:

> A lawyer who is serving as a mediator and who is subject to the North Carolina Supreme Court Standards of Professional Conduct for Mediators (the Standards) is not required to disclose information learned during a mediation if the Standards do not allow disclosure. If disclosure is allowed by the Standards, the lawyer is required to report professional misconduct consistent with the duty to report set forth in [Rule 8.3(a)].

Rule 8.3(e). As noted in the comment, "if the Standards allow disclosure, a lawyer serving as a mediator who learns of or observes conduct by a lawyer that is a violation of the Rules of Professional Conduct is required to report consistent with the duty set forth in paragraph (a) of this Rule." Rule 8.3, cmt. [7].

Accordingly, if the Standards do not permit Mediator to disclose the professional misconduct of lawyers learned of during mediation, Mediator is not required to disclose the professional misconduct pursuant to Rule 8.3(a). If the Standards are amended to permit Mediator to report professional misconduct by lawyers that is learned of during mediation, Mediator would have a duty to report the lawyers' professional misconduct pursuant to Rule 8.3(a).

Inquiry #7:

Although Mediator may not have a duty to report the lawyers to the State Bar pursuant to Rule 8.3(e) for their inclusion in the agreement of a term to not report any lawyer to the State Bar, what additional action, if any, should Mediator take in response to the parties' and lawyers' suggestion to include or inclusion of the problematic term in the agreement?

Opinion #7:

Presuming the Standards do not permit disclosure of the lawyers' misconduct and Mediator does not have a duty to report the lawyers to the State Bar (*see* Opinion #6 above), Mediator retains the duty to not violate the Rules of Professional Conduct through the acts of another and to not knowingly assist another in violating the Rules of Professional Conduct. Rules 8.4(a), 8.4(d); *see* Opinions #2-4. To meet this professional responsibility, Mediator "should consider withdrawing from the mediation or taking such other action as may be required by the Standards" if the lawyers insist on conduct during the mediation that violates the Rules of Professional Conduct. Rule 8.3, cmt. [7]. Such other action may include informing the lawyers directly that the proposed term violates the Rules of Professional Conduct,[1] suggesting the lawyers contact the State Bar for ethics advice providing the lawyers with a copy of this opinion, or explaining that Mediator's own obligations under the Rules of Professional Conduct prohibit further participation in the mediation and shall require withdrawal if the lawyers or parties insist on including the term in future negotiations or draft agreements. If the lawyers or parties do not discontinue discussion or inclusion of the term in their settlement agreement, Mediator must withdraw from the mediation. *Id.*

Endnote

1. The Ethics Committee recognizes that Standard #6 of the Standards of Professional Conduct for Mediators (2023) prohibits a mediator from providing "legal advice or other professional advice during the mediation." Whether this prohibition in the Standards permits a lawyer-mediator to opine on another lawyer-participant's professional responsibility in a mediation is outside of the scope of the Rules of Professional Conduct. However, the Ethics Committee also recognizes that a lawyer—serving as a mediator or any third-party neutral—has a duty to advance and uphold the integrity of the legal profession and the administration of justice, which includes a lawyer's obligation to not undermine the self-regulating nature of the legal profession. Warning or educating other lawyers regarding their professional misconduct during mediation serves the public interest, the legal profession, and the administration of justice.

Proposed 2025 Formal Ethics Opinion 3 Client Consent to Annual Rate Increase April 24, 2025

Proposed opinion clarifies when and how a lawyer may increase the billing rate for services during the representation.

Inquiry #1:

Client seeks to retain Lawyer for representation in a domestic case. Lawyer presents Client with a fee agreement outlining, among other things, the scope of the representation and the hourly billing rate Lawyer's firm will charge Client for legal services during the representation that are provided by Lawyer, other lawyers at the firm, and support staff. Lawyer's fee agreement also contains a clause that states the following:

> The billing rate may change during the course of the representation. At least once each calendar year, the billing rates of all firm employees are reviewed and may be increased. Client will be notified on the client's billing statement when these billing rate changes occur.

Client and Lawyer signed the fee agreement, and Lawyer's representation of Client began.

Over the next year, Client received billing statements from the law firm charging Client the hourly rates stated in the fee agreement. Client timely paid each bill. One year into the representation, Client received a bill for the law firm's services. The bill contained a 20% increase in the billing rate for the various firm employees that worked on Client's case. Client received no advance notice of the increase before it was imposed. Client contacted Lawyer and objected to the imposed increase. Lawyer informed Client that Client

had the right to terminate the representation if the rate was unacceptable to Client. Lawyer also explained that Client agreed to the potential increase in billing rates in the fee agreement, and that Client would still be responsible for the bill if Client terminated the representation because the services had already been provided. Desiring to not start over with a new lawyer, Client accepted the rate increase and paid the bill.

One year later, law firm increased the hourly billing rates again and imposed the increase on Client's latest billing statement without notice to Client. Client again objected to the increase; Lawyer again noted that Client agreed to the potential increase in the original fee agreement and suggested Client terminate the representation if the rate was unacceptable.

May Lawyer increase the hourly rate billed to Client per the fee agreement?

Opinion #1:

No.

Rule 1.5 requires a lawyer to communicate to a client "the scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible...preferably in writing, before or within a reasonable time after commencing the representation." Rule 1.5(b); *see* Rule 1.5, cmt. [2]. After the representation begins, a lawyer may attempt to renegotiate a fee agreement with a client during the course of the representation, but a lawyer may not abandon or threaten to abandon a client to "cut the attorney's losses or to coerce an additional or higher fee." Rule 1.5, cmt. [5]. As noted in the comment to Rule 1.5:

> Once a fee agreement has been reached between attorney and client, the attorney has an ethical obligation to fulfill the contract and represent the client's best interests regardless of whether the lawyer has struck an unfavorable bargain. An attorney may seek to renegotiate the fee agreement in light of changed circumstances or for other good cause, but the attorney may not abandon or threaten to abandon the client to cut the attorney's losses or to coerce an additional or higher fee. Any fee contract made or remade during the existence of the attorney-client relationship must be reasonable and freely and fairly made by the client having full knowledge of all material circumstances incident to the agreement. If a dispute later arises concerning the fee, the burden of proving reasonableness and fairness will be upon the lawyer.

Id.; *see also* RPC 166; cf. ABA Formal Ethics Op. 11-458 (2011) (Model Rule 1.5 does not have language in its comment that is similar to North Carolina's Rule 1.5, cmt. [5]).

Here, Lawyer executed a fee agreement with Client setting forth the hourly rate to be billed for legal services provided. If Lawyer desires to increase the billing rate, Lawyer may attempt to renegotiate the fee agreement with Client, but Lawyer may not unilaterally increase the billing rate without reasonable notice to Client regarding the intended increase. In this scenario, regardless of Client's purported consent, Lawyer's inclusion of a provision in the fee agreement that grants Lawyer the authority to unilaterally increase the billing rate without notice to the client and without limitation on the increase does not comply with Lawyer's obligation to communicate to Client the basis or rate of the fee "before or within a reasonable time after commencing the representation." Rule 1.5(b). Accordingly, Lawyer may not increase the billing rate under the fee agreement as described.

Importantly, whether Lawyer's 20% increase to Client's billing rate is permissible depends on whether the increase results in a fee that is clearly excessive. Pursuant to Rule 1.5(a), "[a] lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee or charge or collect a clearly excessive amount for expenses." A number of factors must be considered in determining whether a fee is clearly excessive, including the time and labor required, the novelty and difficulty of the representation, the fee customarily charged in the locality for similar services, and the experience, reputation, and ability of the lawyer(s) providing legal services. Rules 1.5(a)(1)-(8). Prior to charging Client any fee—be it an initial fee or a proposed increase to the original fee or billing rate—Lawyer must determine that the fee to be charged is not clearly excessive.

Inquiry #2:

Same facts as Inquiry #1. Client refused to pay the increased hourly billing rate, and instead paid law firm the rate that was originally set out in the fee agreement. Lawyer informed Client that if Client did not pay the outstanding bill in full at the increased hourly rate, Lawyer would move to withdraw from the representation.

May Lawyer withdraw from representing Client based on Client's refusal to pay the increased hourly rate?

Opinion #2:

Not immediately. Lawyer "may not abandon or threaten to abandon the client to cut the attorney's losses or to coerce an additional or higher fee." Rule 1.5, cmt. [5]; *see* Opinion #1. Although Lawyer may withdraw from the representation based on Client's refusal to pay the increased hourly rate if Client receives adequate notice and the increased fee is not clearly excessive, *see* Opinion #3 below, Lawyer may not immediately withdraw under these circumstances due to the coercive effect withdrawal may have on Client. *See also* Virginia Ethics Op. 1705 (1997) ("[Changes to existing fee agreements] are permitted so long as they reflect a fairly negotiated agreement by the client and lawyer to modify or supplant their original understanding on fees, and are not the result of any undue influence or coercion by the lawyer.").

Notably, Lawyer retains the ability to withdraw for reasons other than the disagreement over fees as provided in Rule 1.16(b).

Inquiry #3:

Same facts as Inquiry #1, except Client was notified of the specific intended increase to the hourly rate 30 days prior to the imposition of the increased hourly rate. If Client does not object to the proposed increase, may law firm increase the hourly rate?

Opinion #3:

Yes, as long as the resulting fee is not clearly excessive per Rule 1.5(a). As noted above, Lawyer may have an existing contract

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.

that provides for a fee increase (*see* Opinion #4 below) or seek to renegotiate the fee with Client "in light of changed circumstances or for other good cause", and "[a]ny fee contract made or remade during the existence of the attorney-client relationship must be reasonable and freely and fairly made by the client having full knowledge of all material circumstances incident to the agreement." Rule 1.5, cmt. [5]. Changed circumstances that may warrant revisiting an existing fee agreement include changes related to the factors used to determine whether a fee is clearly excessive, such as the time and labor required for the representation, market forces reflecting the fee customarily charged in the locality for similar legal services, and the experience and reputation of the lawyer performing the services. Rule 1.5(a)(1)-(8); *see* ABA Formal Ethics Op. 11-458 ("Changes in circumstances, including changes in the factors listed in Rule 1.5(a), occurring after the client-lawyer relationship was formed may cause the client, the lawyer, or both, to seek to revisit the fee arrangement."). Furthermore, the reasonableness of an amended fee agreement with a client will depend on the context and circumstances of the representation and the attorney-client relationship, as well as a variety of considerations including but not limited to the sophistication of the client, the practice area and its related customs, the length of the representation and the complexity of the issue(s), and the history of interaction between the client and the lawyer. *See* ABA Formal Ethics Op. 11-458 ("The reasonableness of a modified fee agreement should therefore be assessed in relation to the circumstances at the time of the modification.").

Here, Lawyer notified Client of the potential for an intended increase in the original fee

CONTINUED ON PAGE 46

In Memoriam

Ronald Barbee
Greensboro, NC

Patrick Benedetto
Charlotte, NC

Kofi Bentsi-Enchill
Matthews, NC

Joseph Faler Brotherton
Greensboro, NC

Charles Thomas Busby
Chesapeake, VA

Francis Charles Clark
Gibsonville, NC

Anne Lafferty Crotty
Charlotte, NC

Egbert Lawrence Davis III
Raleigh, NC

Gus Louis Davis Jr.
Morehead City, NC

Ernest Clarke Dummit
Winston-Salem, NC

Wilbert Mills Faircloth
Clinton, NC

Lucian Holt Felmet Jr.
Lillington, NC

Joseph Stevens Ferrell
Chapel Hill, NC

Edgar Beauregarde Fisher Jr.
Greensboro, NC

David Malcolm Furr
Gastonia, NC

Carole Anne Gardiner
Asheville, NC

William Thomas Graham
Winston-Salem, NC

John R. Haworth
Colfax, NC

Arthur Lee Hill IV
Cary, NC

James Richard Holland
Wilmington, NC

Louis Phillip Hornthal Jr.
Elizabeth City, NC

Warren Ashton Hutton
Winston-Salem, NC

Wayne E. Jordan
Southern Pines, NC

Warren Edward Kasper
Clemmons, NC

Richard Mullington Lewis Jr.
Fayetteville, NC

William Oliver Johnson Lynch
Wilmington, NC

Franklin Edwin Martin
Wilmington, NC

Martin T. McCracken
Raleigh, NC

Louis Franklin McDonald Jr.
Huntersville, NC

Max Daniel McGinn
Greensboro, NC

William Frank Moser
Charlotte, NC

Ronald Limer Perkinson
Sanford, NC

Richard Michael Pipkin
Chapel Hill, NC

Charles Francis Powers III
Raleigh, NC

Gayle Edward Ramsey
Brevard, NC

Roland Vail Reed
Franklin, TN

James Franklin Smith
Hartwell, GA

John Gilbert Stallings
Bethesda, MD

Joseph Elmer Stroud Jr.
Richlands, NC

John Bradsher Taylor
Charlotte, NC

Lucretia Trent
Gold Hill, NC

H. R. Turnbull III
Lawrence, KS

Jesse Lanier Warren
Greensboro, NC

Robert Ambose Wicker
Greensboro, NC

William Chad Winebarger
Charlotte, NC

Amendments Pending Supreme Court Approval

At its meeting on April 25, 2025, the Council voted to adopt the following rule amendments for transmission to the North Carolina Supreme Court for its approval. (For the complete text of the rule amendments, see the Spring 2025 edition of the *Journal* or visit the State Bar website: ncbar.gov.

Amendments to the Rules Governing the Election, Succession and Duties of Officers

27 N.C.A.C. 1A, Section .0400, Rule .0404, Elections

The rule amendment eliminates the requirement that elections for State Bar Council officers be held by secret ballot in conformance with G.S. 143-318.13(b), which states that "a public body may not vote by secret or written ballot."

Amendments to the Rules Governing the Procedures for Fee Dispute Resolution

27 N.C.A.C. 1D, Section .0700, Rule .0706, Powers and Duties of the Vice-Chairperson

27 N.C.A.C. 1D, Section .0700, Rule .0707, Processing Requests for Fee Dispute Resolution

27 N.C.A.C. 1D, Section .0700, Rule .0708, Settlement Conference Procedure

The rule amendments clarify procedural aspects of the fee dispute resolution process, allow staff to determine that a matter is not appropriate for the program due to characteristics that would require expenditure of disproportionate program resources, and reallocate certain decision-making authority—including allowing staff to determine that a matter has reached impasse without input from the councilor overseeing the fee dispute program.

Highlights

· On April 25, 2025, amendments to the Rules Governing the Practical Training of Law Students were approved for publication by the council. The amendments would permit law school graduates who have a pending application for admission to the North Carolina State Bar to engage in limited supervised practice at government agencies and legal services organizations.

· The council also approved for publication amendments to the Rules Governing the Administration of the Client Security Fund of the North Carolina State Bar. The proposed amendments authorize the Client Security Fund to receive unidentified frozen trust account funds, expand reimbursement eligibility to include losses from attorney mismanagement or non-performance, and allow court-ordered disbursements of such funds.

Proposed Amendments

At its meeting on April 25, 2025, the council voted to publish for comment the following proposed rule amendments.

Proposed Amendments to the Rules Governing Continuing Legal Education Program

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

The proposed amendment to the CLE rules requires sponsors to submit approval applications for all online programs, including but not limited to on-demand programs. Lawyers would no longer be permitted to submit course applications for any online program.

Rule .1520, Requirements for Program Approval

(a)…

(1) Program Application and Processing Fees. Program applications submitted by sponsors shall comply with the deadlines and Fee Schedule set by the Board and approved by the Council, including any additional processing fees for late or expedited applications.

...

(3) Member Applications. Members may submit a program application for a previously unapproved out of state, in-person program after the program is completed, accompanied by a reduced application fee. **Online** ~~On-demand~~ program applications must be submitted by the program sponsor.

...

Proposed Amendments to the Rules Governing Discipline and Disability of Attorneys

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

The proposed amendments effectuate recommendations of the 2024 Legislative Committee to eliminate the process whereby grievance complainants are notified that a respondent lawyer received private written discipline or a private letter of warning or caution, as this notification allows complainants to publicize what is supposed to be a private outcome.

Rule .0125, Notice to Complainant

(a) Notice of **Public** Discipline - If the Grievance Committee finds probable cause and imposes **public written** discipline, the chairperson of the Grievance Committee will notify the complainant of the action of the committee.

(b) Referral **to** ~~for~~ Disciplinary Commission Hearing - If the Grievance Committee finds probable cause and refers the matter to the commission, the ~~chairperson of the Grievance Committee~~ **Office of Counsel** will advise the complainant that the grievance ~~has been received and~~ **was** considered **by the committee** and ~~has been~~ referred to the commission for hearing.

(c) Notice of Dismissal **or Private Resolution** - If the Grievance Committee ~~finds that there is no probable cause to believe that misconduct occurred and votes to~~ dismiss**es** a grievance, **dismisses a grievance with a letter of warning or letter of caution, finds probable cause and imposes a private admonition, or offers the respondent the opportunity to participate in a deferral program,** the chairperson of the Grievance Committee will ~~advise~~ **notify** the complainant that ~~the committee did not find probable cause to justify imposing discipline and dismissed~~ the grievance **was considered by the committee and has been resolved privately, either by dismissal, deferral, or private action**.

~~(d) Notice of Letter of Caution or Letter of Warning - If final action on a grievance is taken by the Grievance Committee in the form of a letter of caution or a letter of warning, the chairperson of the Grievance Committee will so advise the complainant. The communication to the complainant will explain that the letter of caution or letter of warning is not a form of discipline.~~

~~(e) Referral to Board of Continuing Legal Education - If a grievance is referred to the Board of Continuing Legal Education, the chairperson of the Grievance Committee will advise the complainant of that fact and the reason for the referral. If the respondent successfully completes the prescribed training and the grievance is dismissed, the chairperson of the Grievance Committee will advise the complainant. If the respondent does not successfully complete the prescribed course of training, the chairperson of the Grievance Committee will advise the complainant that investigation of the original grievance has resumed.~~

Rule .0127, Imposition of Discipline; Findings of Incapacity or Disability; Notice to Courts

(a) Imposition of Discipline - Upon the final determination of a disciplinary proceeding wherein discipline is imposed, one of the following actions will be taken:

(1) Admonition - An admonition will be prepared by the chairperson of the Grievance Committee or the chairperson of the hearing panel depending upon the agency ordering the admonition. The admonition will be served upon the defendant. ~~The~~ **An** admonition **imposed by the Grievance Committee** will not be recorded in the judgment docket of the North Carolina State Bar **and will not be a public document**. ~~Where the admonition is imposed by the Grievance Committee, the complainant will be notified that the defendant has been admonished, but will not be entitled to a copy of the admonition.~~ An order of admonition imposed by the commission will be a public document.

…

Proposed Amendments to the Rules Governing Practical Training of Law Students

27 N.C.A.C. 1C, Section .0200, Rules Governing Practical Training of Law Students

The proposed rule amendments would permit law school graduates who have a pending application for admission to the North Carolina State Bar to engage in limited supervised practice at government agencies and legal services organizations.

Subchapter 1C, Rules Governing the Board of Law Examiners and the Training of Law Students and Law Graduates

Section .0200, Rules Governing the Practical Training of Law Students and Law Graduates

Rule .0201, Purpose

The rules in this subchapter are adopted for the following purposes: **1)** to support the development of experiential legal education programs at North Carolina's law schools in order that the law schools may provide their students with supervised practical training of varying kinds during the period of their formal legal education; **2)** to enable law students **and law school graduates** to obtain supervised practical training while serving as certified law students **and certified law school graduates** for government agencies **and legal services organizations**; and **3)** to ~~assist law schools~~ ~~in~~ provid**eing** ~~substantial~~ opportunities for **certified law** student**s** participation and experien**ce** ~~tial education~~ in pro bono service.

Rule .0202, Definitions

The following definitions shall apply to the terms used in this section:

(a) ...

(d) Certified law school graduate – a law school graduate who has a pending application for admission to the North Carolina State Bar and is certified to work in conjunction with a supervising attorney to provide legal services through a government agency or legal services organization under the provisions of this subchapter.

(Relettering of remaining paragraphs.)

...

(~~l~~**m**) Supervising attorney - An active member of the North Carolina State Bar, or an attorney who is licensed in another jurisdiction as appropriate for the legal work to be undertaken, who has practiced law as a

Comments

The State Bar welcomes your comments regarding proposed amendments to the rules. Please send your written comments by April 4 to Peter Bolac, 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.

full-time occupation for at least two years, and who supervises one or more certified law students **or certified law school graduates** pursuant to the requirements of the rules in this subchapter.

Rule .0203, Eligibility

(a) To engage in activities permitted by these rules, a law student must satisfy the following requirements:

(~~a~~1) be enrolled as a J.D. or LL.M. student in a law school approved by the Council of the North Carolina State Bar;

(~~b~~2) be certified in writing by a representative of his or her law school, authorized by the dean of the law school to provide such certification, as being of good character with requisite legal ability and legal education to perform as a certified law student, which education shall include satisfaction of the prerequisites for participation in the clinic, externship, or other student practice placement;

(~~c~~3) be introduced by an attorney admitted to practice in the tribunal or agency to every judicial official who will preside over a matter in which the student will appear, and, pursuant to Rule .0206(c) of this subchapter, obtain the tribunal's or agency's consent to appear subject to any limitations imposed by the presiding judicial official; such introductions do not have to occur in open court and the consent of the judicial official may be oral or written;

(~~d~~4) neither ask for nor receive any compensation or remuneration of any kind from any eligible person to whom he or she renders services, but this shall not prevent an attorney, legal services organization, law school, or government agency from paying compensation to the law student or charging or collecting a fee for legal services performed by such law student; and

(~~e~~5) attest in writing that he or she has read the North Carolina Rules of Professional Conduct and is familiar with the opinions interpretive thereof.

(b) To engage in activities permitted by these rules, a law school graduate must satisfy the following requirements:

(1) obtain a juris doctor from a law school approved by the Council of the North Carolina State Bar;

(2) be introduced by an attorney admitted to practice in the tribunal or agency to every judicial official who will preside over a matter in which the certified law school graduate will appear and, obtain the tribunal's or agency's consent to appear subject to any limitations imposed by the presiding judicial official; such introductions do not have to occur in open court and the consent of the judicial official may be oral or written;

(3) obtain a score on the Multistate Professional Responsibility Exam sufficient for admission to the North Carolina State Bar;

(4) has not failed a character and fitness review conducted by the North Carolina Board of Law Examiners or any other professional licensing agency;

(5) neither ask for nor receive any compensation or remuneration of any kind from any eligible person to whom he or she renders services, but this shall not prevent a legal services organization, or government agency from paying compensation to the certified law school graduate or charging or collecting a fee for legal services performed by such certified law school graduate; and

(6) attest in writing that he or she has read the North Carolina Rules of Professional Conduct and is familiar with the opinions interpretive thereof.

Rule .0204, Form and Duration of Certification

(a) Upon receipt of the written materials required by Rule .0203(~~b~~a) ~~and (c)~~ and Rule .0205(b), the North Carolina State Bar shall certify that the law student may serve as a certified law student. The certification shall be subject to the following limitations:

(~~a~~1) Duration. The certification shall be effective ~~for 18 consecutive months or~~ until the announcement of the results of the first bar examination following the certified law student's graduation ~~whichever is earlier~~. **Certification shall terminate at the end of the designated period of supervision or upon the supervising attorney notifying the State Bar that supervision has ended, whichever occurs first.** If the certified law student passes the bar examination, the certification shall remain in effect until the certified law student is sworn-in by a court and admitted to the bar **provided the certified law student has obtained a passing score on the Multistate Professional Responsibility Exam required for admission to the North Carolina State Bar and**~~.~~ ~~For the duration of the certification, the certification shall be transferrable from one student practice placement or law school clinic to another student practice placement or law school clinic, provided that (i) all student practice placements are approved by the law school prior to the certified law student's graduation, and (ii)~~ the supervision and filing requirements in Rule .0205 of this subchapter are at all times satisfied.

(~~b~~2) Withdrawal of Certification. The certification shall be withdrawn by the State Bar, without hearing or a showing of cause, upon receipt of **any of the following:**

(~~1~~A) notice from a representative of the certified law student's law school, authorized to act by the dean of the law school, that the student has not graduated but is no longer enrolled;

(~~2~~B) notice from a representative of the certified law student's law school, authorized to act by the dean of the law school, that the student is no longer in good standing at the law school;

(~~3~~C) notice from a supervising attorney that the supervising attorney is no longer supervising the certified law student and that no other qualified attorney has assumed the supervision of the student; ~~or~~

(~~4~~D) notice from a judge before whom the certified law student has appeared that the certification should be withdrawn**; or**~~.~~

(~~5~~E) notice that the certified law student no longer meets the eligibility requirements under Rule .0203 of this chapter.

(b) Upon receipt of the written materials required by Rule .0203(b) and Rule .0205(b), the North Carolina State Bar shall certify that the law school graduate may serve as a certified law school graduate. The certification shall be subject to the following limitations:

(1) Duration. The certification shall be effective until the announcement of the results of the third bar examination following the certified law school graduate's graduation. Certification shall terminate at the end of the designated period of supervision or upon the supervising attorney notifying the State Bar that

supervision has ended, whichever occurs first. If the certified law school graduate passes the bar examination, the certification shall remain in effect until the certified law school graduate is sworn-in by a court and admitted to the bar provided the supervision and filing requirements in Rule .0205 of this subchapter are at all times satisfied.

(2) Withdrawal of Certification. The certification shall be withdrawn by the State Bar, without hearing or a showing of cause, upon receipt of any of the following:

(A) notice from a supervising attorney that the supervising attorney is no longer supervising the certified law school graduate and that no other qualified attorney has assumed the supervision of the graduate;

(B) notice from a judge before whom the certified law school graduate has appeared that the certification should be withdrawn;

(C) notice that the certified law school graduate no longer meets the eligibility requirements under Rule .0203 of this chapter; or

(D) notice that the certified law school graduate did not apply to sit for the next available North Carolina bar exam prior to the application deadline set by the North Carolina Board of Law Examiners.

Rule .0205, Supervision

(a) Supervision Requirements. A supervising attorney shall:

(1) for a law school clinic, concurrently supervise an unlimited number of certified law students if the supervising attorney is a full-time, part-time, or adjunct member of a law school's faculty or staff whose primary responsibility is supervising certified law students in a law school clinic and, further provided, the number of certified law students concurrently supervised is not so large as to compromise the effective and beneficial practical training of the certified law students or the competent representation of clients;

(2) for a student practice placement, concurrently supervise no more than two certified law students; however, a greater number of certified law students may be concurrently supervised by a single supervising attorney if (i) an appropriate faculty member of each certified law student's law school determines, in his or her reasoned discretion, that the effective and beneficial practical training of the certified law students will not be compromised, and (ii) the supervising attorney determines that the competent representation of clients will not be compromised;

(3) for a government agency or legal services organization, concurrently supervise no more than two certified law students or certified law school graduates; however, a greater number of certified law school students or graduates may be concurrently supervised by a single supervising attorney if the supervising attorney determines that the competent representation of clients will not be compromised;

(~~3~~**4**) assume personal and professional responsibility for any work undertaken by a certified law student **or certified law school graduate** while under his or her supervision**, including maintaining the status quo of a client matter and taking action as necessary to protect the interests of the client until the certified law student or certified law school graduate is available or a new certified law student or certified law school graduate is assigned to the matter**;

(~~4~~**5**) assist and counsel with a certified law student **or certified law school graduate** in the activities permitted by these rules and review such activities with the certified law student **or certified law school graduate**, all to the extent required for ~~the~~ proper practical training ~~of the student~~ and the competent representation of the client;

(~~5~~**6**) read, approve, and personally sign any pleadings or other papers prepared by a certified law student **or certified law school graduate** prior to the filing thereof, and read and approve any documents prepared by a certified law student **or certified law school graduate** for execution by a client or third party prior to the execution thereof; and

(~~6~~**7**) for externships and internships (other than placements at government agencies), ensure that any activities by the certified law student that are authorized by Rule .0206 are limited to representations of eligible persons.

(b) Filing Requirements.

(1) Prior to commencing supervision, a supervising attorney in a law school clinic shall provide a signed statement to the North Carolina State Bar (i) assuming responsibility for the supervision of identified certified law students, (ii) stating the period during which the supervising attorney expects to supervise the activities of the identified certified law students, and (iii) certifying that the supervising attorney will adequately supervise the certified law students in accordance with these rules.

~~(2) Prior to the commencement of a student practice placement for a certified law student, the site supervisor shall provide a signed statement to the North Carolina State Bar and to the certified law student's law school (i) assuming responsibility for the administration of the field placement in compliance with these rules, (ii) identifying the participating certified law student and stating the period during which the certified law student is expected to participate in the program at the placement, (iii) identifying the supervising attorney at the placement, and (iv) certifying that the supervising attorney will adequately supervise the certified law student in accordance with these rules.~~

(2) Prior to commencing supervision, a supervising attorney shall provide a signed statement to the North Carolina State Bar (i) identifying the participating certified law student(s) or certified law school graduate(s) and the supervising attorney, (ii) assuming responsibility for the supervision of the identified certified law student(s) or certified law school graduate(s), (iii) stating the period during which the supervising attorney expects to supervise the activities of the identified certified law student(s) or certified law school graduate(s), and (iv) certifying that the supervising attorney will adequately supervise the certified law student(s) or certified law school graduate(s) in accordance with these rules.

(3) A supervising attorney ~~in a law school clinic and a site supervisor for a certified law student program at a student practice placement~~ shall notify the North Carolina State Bar in writing promptly whenever the supervision of a certified law student **or certified law school graduate** concludes ~~prior to the designated period of supervision~~.

(c) Responsibilities of Law School Clinic in Absence of Certified Law Student. During any period when a certified law student is not available to provide representation due to law school seasonal breaks, graduation, or other reason, the supervising attorney shall maintain the status quo of a client matter and shall take action as necessary to protect the interests of the client until the certified law student is available or a new certified law student is assigned to the matter. During law school seasonal breaks, or other periods when a certified law student is not available, if a law school clinic or a supervising attorney is presented with an inquiry from an eligible person or a legal matter that may be appropriate for representation by a certified law student, the representation may be undertaken by a supervising attorney to preserve the matter for subsequent representation by a certified law student. Communications by a supervising attorney with a prospective client to determine whether the prospective client is eligible for clinic representation may include providing immediate legal advice or information even if it is subsequently determined that the matter is not appropriate for clinic representation.

(d) Supervision of a certified law student or certified law school graduate may be shared by two or more attorneys employed by the organization, entity, law firm, or government agency, provided one attorney acts as site supervisor, assuming administrative responsibility for the certified law student or certified law school graduate program at the placement and filing with the State Bar the statements required by Rule .0205(b) of this subchapter. All supervising attorneys shall comply with the requirements of Rule .0205(a).

(~~d~~**e**) Independent Legal Practice. Nothing in these rules prohibits a supervising attorney in a law school clinic from providing legal services to third parties outside of the scope of the supervising attorney's employment by the law school operating the law school clinic.

Rule .0206, Activities

(a) A properly certified law student **or certified law school graduate** may engage in the activities provided in this rule under the supervision of an attorney qualified and acting in accordance with the provisions of Rule .0205 of this subchapter.

(b) Without the presence of the supervising attorney, a certified law student **or certified law school graduate** may give advice to a client, including a government agency, on legal matters provided that the certified law student **or certified law school graduate** gives a clear prior explanation that the certified law student **or certified law school graduate** is not an attorney and the supervising attorney has given the certified law student **or certified law school graduate** permission to render legal advice in the subject area involved.

(c) A certified law student **or certified law school graduate** may represent an eligible person, the state in criminal prosecutions, a criminal defendant who is represented by the public defender, or a government agency in any proceeding before a federal, state, or local tribunal, including an administrative agency, if prior consent is obtained from the tribunal or agency upon application of the supervising attorney. Each appearance before the tribunal or agency shall be subject to any limitations imposed by the tribunal or agency including, but not limited to, the requirement that the supervising attorney physically accompany the certified law student **or certified law school graduate**.

(d) In all cases under this rule in which a certified law student **or certified law school graduate** makes an appearance before a tribunal or agency on behalf of a client who is an individual, the certified law student **or certified law school graduate** shall have the written consent in advance of the client. The client shall be given a clear explanation, prior to the giving of his or her consent, that the certified law student **or certified law school graduate** is not an attorney. This consent shall be filed with the tribunal and made a part of the record in the case. In all cases in which a certified law student **or certified law school graduate** makes an appearance before a tribunal or agency on behalf a government agency **or legal services organization under the supervision of an attorney employed by or affiliated with the government agency or legal services organization**, the consent of the government agency **or legal services organization** shall be presumed ~~if the certified law student is participating in a law school externship program or an internship program of the government agency~~. ~~A statement advising the court of the certified law student's participation in an externship or internship program at the government agency shall be filed with the tribunal and made a part of the record in the case.~~

(e) In all cases under this rule in which a certified law student **or certified law school graduate** is permitted to make an appearance before a tribunal or agency, subject to any limitations imposed by the tribunal, the certified law student **or certified law school graduate** may engage in all activities appropriate to the representation of the client, including, without limitation, selection of and argument to the jury, examination and cross-examination of witnesses, motions and arguments thereon, and giving notice of appeal.

Rule .0207, Use of ~~Student's~~ Name

(a) A certified law student's **or certified law school graduate's** name may properly

(1) be printed or typed on briefs, pleadings, and other similar documents on which the certified law student **or certified law school graduate** has worked with or under the direction of the supervising attorney, provided the certified law student **or certified law school graduate** is clearly identified as a student **or law school graduate** certified under these rules, and provided further that the certified law student shall not **exclusively** sign his or her name to such briefs, pleadings, or other similar documents;

(2) be signed to letters written on the letterhead of the supervising attorney, legal aid clinic, or government agency, provided there appears below the certified law student's **or certified law school graduate's** signature a clear identification that the ~~student~~ **individual** is certified under these rules. An appropriate designation is "[Certified Law Student] **[or Certified Law School Graduate]** under the Supervision of [supervising attorney]"**;** and

(3) be printed on a business card, provided the name of the supervising attorney also appears on the business card and there appears below the certified law student's **or certified law school graduate's** name a clear statement that the student is certified under these rules. An appropriate designation is "[Certified Law Student] **[or Certified Law School Graduate]** under the Supervision of [supervising attorney]."

(b) A **certified law** student's **or certified law school graduate's** name may not appear on the letterhead of a supervising attorney, legal aid clinic, or government agency.

Proposed Amendments to the Rules Governing the Administration of the Client Security Fund of the North Carolina State Bar

27 N.C.A.C. 1D, Section .1400, Rules Governing the Administration of the Client Security Fund of the North Carolina State Bar

The proposed amendments (1) provide for the Client Security Fund (CSF) to receive funds maintained in attorney trust accounts that are frozen pursuant to an injunction and cannot be identified due to an attorney's trust accounting deficiencies; (2) allow the Office of Counsel to seek court-ordered disbursement of such unidentified funds to CSF; (3) allow for the CSF to reimburse claimants who suffered a loss occasioned by an attorney's mismanagement and/or mishandling of funds rather than through dishonesty; and (4) allow reimbursement of claims when an attorney takes an advance fee and fails to perform any meaningful legal services on behalf of the client.

Rule .1401, Purpose; Definitions

(a) The Client Security Fund of the North Carolina State Bar was established by the Supreme Court of North Carolina pursuant to an order dated August 29, 1984. The fund is a standing committee of the North Carolina State Bar Council pursuant to an order of the Supreme Court dated October 10, 1984, as amended. Its purpose is to reimburse, in whole or in part in appropriate cases and subject to the provisions and limitations of the Supreme Court's orders and these Rules, clients who have suffered financial loss as the result of **misuse of entrusted property by attorneys** ~~dishonest conduct of lawyers~~ engaged in the private practice of law in North Carolina, which conduct occurred on or after January 1, 1985.

(b) As used herein the following terms have the meaning indicated.

(1) "Applicant" shall mean a person who has suffered a reimbursable loss ~~because of the dishonest conduct of an attorney~~ and has filed an application for reimbursement.

(2) "Attorney" shall mean an attorney who, at the time of alleged ~~dishonest~~ conduct **resulting in a reimbursable loss**, was licensed to practice law by the North Carolina State Bar. The fact that the alleged ~~dishonest~~ conduct took place outside the state of North Carolina does not necessarily mean that the attorney was not engaged in the practice of law in North Carolina.

(3) "Board" shall mean the Board of Trustees of the Client Security Fund.

(4) "Council" shall mean the North Carolina State Bar Council.

(5) "Dishonest conduct" shall mean wrongful acts committed by an attorney against an applicant in the nature of embezzlement from the applicant or the wrongful taking or conversion of monies or other property of the applicant, which monies or other property were entrusted to the attorney by the applicant by reason of an attorney client relationship between the attorney and the applicant or by reason of a fiduciary relationship between the attorney and the applicant customary to the practice of law. **Dishonest conduct may include an attorney's failure to provide meaningful legal services for which an applicant advanced fees.**

(6) "Entrusted property" denotes trust funds, fiduciary funds, and other property belonging to someone other than the attorney which is in the attorney's possession or control in connection with the performance of legal services or professional fiduciary services.

(~~7~~6) "Fund" shall mean the Client Security Fund of the North Carolina State Bar.

(8) "General trust account" shall mean an account maintained by an attorney for the deposit of trust funds that is not dedicated for the sole benefit of a single client or transaction.

(9) "Mishandling of funds" shall mean failing to properly receive, deposit, or disburse entrusted funds.

(10) "Mismanagement of a general trust account" shall mean failing to create or maintain sufficient records to identify the client for whom entrusted were received or disbursed, the amount of funds held in the trust account for each client at any given time, and/or the recipients and amounts of all disbursements from the trust account.

(11) "Misuse of entrusted property" shall mean actions of an attorney that

(A) deprived a client of entrusted property to which the client was entitled, and

(B) that were dishonest or that constituted mishandling of funds or mismanagement of a general trust account.

(12~~7~~) "Reimbursable losses" shall mean only those losses of money or other property which meet all of the following tests:

(A) the dishonest conduct which occasioned the loss occurred on or after January 1, 1985;

(B) the loss was caused **by misuse of entrusted property in the following circumstances:**

(1) by the dishonest conduct of an attorney acting either as an attorney for the applicant or in a fiduciary capacity for the benefit of the applicant customary to the private practice of law in the matter in which the loss arose; **and/or**

(2) by mismanagement of a general trust account or by mishandling of funds, by an attorney who was subsequently enjoined by court order from handling trust or fiduciary funds, where the claimant was a client of the attorney, where the attorney received entrusted property from or for the benefit of the claimant, and where a court ordered funds from that enjoined attorney's general trust account to be disbursed to the Fund; and

(C) the applicant has exhausted all viable means to collect applicant's losses and has complied with these Rules.

(13~~8~~) The following shall not be deemed "reimbursable losses":

(A) losses of spouses, parents, grandparents, children and siblings (including foster and half relationships), partners, associates or employees of the attorney(s) causing the losses;

(B) losses covered by any bond, security agreement or insurance contract, to the extent covered thereby;

(C) losses incurred by any business entity with which the attorney or any person described in **Rule** ~~Part~~ **1.**(b)(13~~8~~)(A) of this Rule is an officer, director, shareholder, partner, joint venturer, promoter or employee;

(D) losses, reimbursement for which has been otherwise received from or paid by or on behalf of the attorney who **caused the loss** ~~committed the dishonest conduct~~;

(E) losses arising in investment transactions in which there was neither a contemporaneous attorney client relationship between the attorney and the applicant nor a contemporaneous fiduciary relationship between the attorney and the applicant customary to the practice of

law. By way of illustration but not limitation, for purposes of this **rule** ~~Rule~~ [**Rule**~~Part~~ **.1401**(b)(**13**~~8~~)(E) ~~of this Rule~~], an attorney authorized or permitted by a person or entity other than the applicant as escrow or similar agent to hold funds deposited by the applicant for investment purposes shall not be deemed to have a fiduciary relationship with the applicant customary to the practice of law.

(**14**~~9~~) "State Bar" shall mean the North Carolina State Bar.

(**15**~~10~~) "Supreme Court" shall mean the North Carolina Supreme Court.

(**16**~~11~~) "Supreme Court orders" shall mean the orders of the Supreme Court dated August 29, 1984, and October 10, 1984, as amended, authorizing the establishment of the Client Security Fund of the North Carolina State Bar and approving the rules of procedure of the Fund.

(17) "Trust funds" and "entrusted funds" shall mean funds belonging to someone other than the attorney that are received by or placed under the control of the attorney in connection with the performance of legal services.

Rule .1412, Source of Funds

Funds for the program carried out by the board shall come from

(a) assessments of members of the State Bar as ordered by the Supreme Court,

(b) voluntary contributions,

(c) general trust accounts when a court determines that the owners of the funds in the account cannot be identified and orders that the contents be delivered to the Fund, and

(d) as may otherwise be received by the Fund.

~~Funds for the program carried out by the board shall come from assessments of members of the State Bar as ordered by the Supreme Court, from voluntary contributions, and as may otherwise be received by the Fund.~~

Rule .1417, Applications for Reimbursement

(a) The board shall prepare a form of application for reimbursement which shall require the following minimum information, and such other information as the board may from time to time specify:

(1) the name and address of the applicant;

(2) the name and address of the attorney who is alleged to have **caused the reimbursable loss** ~~engaged in dishonest conduct~~;

(3) the amount of the alleged loss for which application is made;

(4) the date on or period of time during which the alleged loss occurred;

(5) a general statement of facts relative to the application;

(6) a description of any relationship between the applicant and the attorney of the kinds described in Rule .1401(b)(**12**~~8~~)(A) and (C) of this Section;

(7) if the claim is based upon mismanagement of an attorney general trust account or mishandling of funds by an attorney who was subsequently enjoined by court order from handling trust or fiduciary funds, documentation that the claimant was a client of the attorney, that the attorney received entrusted property from or for the benefit of the claimant, and documentation establishing that a court ordered funds from that enjoined attorney's general trust account to be disbursed to the Fund;

(~~7~~**8**) verification by the applicant;

(~~8~~**9**) all supporting documents, including:

(A) copies of any court proceedings against the attorney;

(B) copies of all documents showing any reimbursement or receipt of **compensation** ~~funds~~ in payment of any portion of the loss.

(b) ...

Rule .1418 Processing Applications

(a) The board shall cause an investigation of all applications filed with the State Bar to determine whether the application is for a reimbursable loss and the extent, if any, to which the **applicant** ~~application~~ should be paid from the Fund.

(b) The chairperson of the board shall assign each application to a member of the board for review and report. Wherever possible, the member to whom such application is referred shall practice in the county wherein the attorney practices or practiced.

(c) A copy of the application shall be served upon or sent by **certified** ~~registered~~ mail to the last known address of the attorney who it is alleged **to have caused a reimbursable loss** ~~committed an act of dishonest conduct~~.

(d) After considering a report of investigation as to an application, any board member may request that testimony be presented concerning the application. In all cases, the ~~alleged~~ ~~defalcating~~ attorney or his or her representative will be given an opportunity to be heard by the board if the attorney so requests.

(e) The board shall operate the Fund so that, taking into account assessments ordered by the Supreme Court but not yet received and anticipated investment earnings, a principal balance of approximately one million dollars ~~-~~($1,000,000) is maintained. Subject to the foregoing, the board shall, in its discretion, determine the amount of loss, if any, for which each applicant should be reimbursed from the Fund. In making such determination, the board shall consider, inter alia, the following:

(1) the negligence, if any, of the applicant which contributed to the loss;

(2) the comparative hardship which the applicant suffered because of the loss;

(3) the total amount of reimbursable losses of applicants on account of any one attorney or firm or association of attorneys;

(4) the total amount of reimbursable losses in previous years for which total reimbursement has not been made and the total assets of the Fund;

(5) the total amount of insurance or other source of funds available to compensate the applicant for any reimbursable loss.

(f) The board may, in its discretion, allow further reimbursement in any year of a reimbursable loss reimbursed in part by it in prior years.

(g) Provided, however, and the foregoing notwithstanding, in no case shall the Fund reimburse the otherwise reimbursable losses sustained by any one applicant as a result of the ~~dishonest~~ conduct of one attorney in an amount in excess of one hundred thousand dollars ($100,000).

...

(k) All applications, proceedings, investigations, and reports involving applicants for reimbursement shall be kept confidential until and unless the board authorizes reimbursement to the applicant, or the attorney alleged to have **caused a reimbursable loss** ~~engaged in dishonest conduct~~ requests that the matter be made public. All participants involved in an application, investigation, or proceeding (including the applicant) shall conduct themselves so as to maintain the confidentiality of the application, investigation or proceeding. This provision shall not be construed to deny relevant information to be provided by the board to disciplinary committees or to anyone else to whom the council authorizes release of

information.

...

Proposed Amendments to the Rules of Professional Conduct

27 N.C.A.C. 02, Section .0100, Rules of Professional Conduct

The proposed amendments remove reference to State Bar Trust Account Compliance Counsel, as that position was eliminated in the recent restructuring of the Trust Account Compliance Department.

Rule 1.15-2, General Rules

(a) …

(p) Duty to Report Misappropriation. A lawyer who discovers or reasonably believes that entrusted property has been misappropriated or misapplied shall promptly inform the **North Carolina State Bar's** Trust Account Compliance **Department** ~~Counsel (TACC) in the North Carolina State Bar Office of Counsel~~. Discovery of intentional theft or fraud must be reported to the **Trust Account Compliance Department** ~~TACC~~ immediately. When an accounting or bank error results in an unintentional and inadvertent use of one client's trust funds to pay the obligations of another client, the event must be reported unless the misapplication is discovered and rectified on or before the next quarterly reconciliation required by Rule 1.15-3(d)(1). This rule requires disclosure of information otherwise protected by Rule 1.6 if necessary to report the misappropriation or misapplication.

...

Rule 1.15 Comment to Rule 1.15 and all subparts

[1] The purpose of a lawyer's trust account or fiduciary account is to segregate the funds belonging to others from those belonging to the lawyer. Money received by a lawyer while providing legal services or otherwise serving as a fiduciary should never be used for personal purposes. Failure to place the funds of others in a trust or fiduciary account can subject the funds to claims of the lawyer's creditors or place the funds in the lawyer's estate in the event of the lawyer's death or disability…

Duty to Report Misappropriation or Misapplication

[27] A lawyer is required by Rule 1.15-2(p) to report to the Trust Account Compliance ~~Counsel~~ **Department** of the North Carolina State Bar ~~Office of Counsel~~ if the lawyer knows or reasonably believes that entrusted property, including trust funds, has been misappropriated or misapplied. The rule requires the reporting of an unintentional misapplication of trust funds, such as the inadvertent use of one client's funds on deposit in a general trust account to pay the obligations of another client, unless the lawyer discovers and rectifies the error on or before the next scheduled quarterly reconciliation. A lawyer is required to report the conduct of lawyers and non-lawyers as well as the lawyer's own conduct. A report is required regardless of whether information leading to the discovery of the misappropriation or misapplication would otherwise be protected by Rule 1.6. If disclosure of confidential client information is necessary to comply with this rule, the lawyer's disclosure should be limited to the information that is necessary to enable the State Bar to investigate. *See* Rule 1.6, cmt. [15].

… ■

Proposed Opinions (cont.)

agreement, then provided Client with reasonable notice of the specific intended increase prior to charging the increased rate. Client has "full knowledge of all material circumstances" regarding the fee agreement and the proposed increase, and Lawyer has provided sufficient reasonable notice to permit Client to make an informed decision about continuing or terminating the representation. Under these circumstances, if Client does not respond to Lawyer's notice regarding the intended increase, Lawyer may infer Client's acceptance of the modified fee agreement and impose the intended increase as described in the notice. ABA Formal Ethics Op. 11-458 (2011).

Inquiry #4:

Same facts as Inquiry #1, except the original fee agreement limits any increase in hourly rates to occur no more than annually and to be no greater than 3%. May Lawyer increase the hourly rate billed to Client based upon the fee agreement, regardless of any notice provided to Client?

Opinion #4:

Yes. Under these facts, Lawyer has informed Client of "the basis or rate of the fee and expenses for which the client will be responsible...before or within a reasonable time after commencing the representation[,]" including any increase to the billing rate, in the fee agreement to which Client consented. Rule 1.5(b). Provided the increase in rate is not clearly excessive, Lawyer may increase the billing rate as set forth in the fee agreement. Rule 1.5(a). Although not required under these circumstances, Lawyer is encouraged to provide Client with reasonable notice prior to the imposition of any increased billing rate.

Inquiry #5:

Same facts as Inquiry #4. Client refused to pay the 3% increased hourly billing rate, and instead paid law firm the rate that was originally set out in the fee agreement. May Lawyer withdraw from representing Client based on Client's refusal to pay the increased hourly rate?

Opinion #5:

Yes. A lawyer may withdraw from representing a client for a variety of reasons, including if "the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled[.]" Rule 1.16(b)(6). Under these circumstances, the provision in the fee agreement describing the potential increase in fees was appropriate under the Rules of Professional Conduct, and therefore Client's refusal to comply with the terms of the fee agreement constitutes Client's "fail[ure] to substantially fulfill an obligation to the lawyer regarding the lawyer's services[.]" *Id.* Provided Lawyer reasonably notifies Client about Lawyer's withdrawal if Client refuses to comply with the fee agreement, Lawyer may withdraw from the representation based on Client's refusal to pay the increased hourly rate. ■

Upcoming Appointments

Anyone interested in being appointed to serve on one of the State Bar's boards, commissions, or committees should visit bit.ly/NCSBInterestForm to complete a "Boards and Commissions Interest Form." The deadline for completion of the interest form is July 7, 2025. Your information will be included in the agenda materials for the quarterly meeting of the council in July 2025.

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

IOLTA Board of Trustees (three appointments; three-year terms; two consecutive terms)—There are five appointments to be made by the State Bar Council. Three lawyer members are not eligible for reappointment.

North Carolina Interest on Lawyers' Trust Accounts (NC IOLTA) provides access to justice by funding high-quality legal assistance. Due to limited resources and insufficient funding, only a fraction of North Carolinians have access to the critical legal services they need to thrive. As the philanthropic focus of the North Carolina State Bar, we work directly with lawyers and financial institutions to set up interest-bearing trust accounts. We use the funds generated to award grants to organizations that provide legal aid to individuals, families, and children, working toward a North Carolina where all can fairly navigate the justice system to have their basic needs met and rights protected.

Board of Legal Specialization (two appointments; three-year term; two consecutive terms)—There are two appointments to be made by the State Bar Council. Two lawyers are eligible for reappointment.

The Board of Legal Specialization, established by the North Carolina State Bar in 1983, certifies lawyers in 15 areas of law to enhance legal services and improve lawyer competency. The program identifies lawyers with special knowledge and proficiency, aiding the public in finding suitable legal services, and encourages continuing legal education among lawyers. ■

John B. McMillan Distinguished Service Award

John D. Bryson

John D. Bryson was presented with the John B. McMillan Distinguished Service Award on April 2, 2025, at the String and Splinter Club in High Point, North Carolina. The award was presented by State Bar President Matthew W. Smith and State Bar Councilor Kathleen Nix.

Mr. Bryson earned his undergraduate degree from Wake Forest University in 1980 and his JD in 1985. He served as an assistant public defender in the 18th Judicial District of North Carolina. In 1992 he joined Wyatt Early Harris Wheeler LLP, where he currently serves as a litigation partner. Throughout his career, he has built a reputation for his exceptional skill as a trial attorney, representing both corporate and indigent clients in state and federal courts.

Mr. Bryson is licensed to practice law in the US District Courts for the Eastern, Middle, and Western Districts of North Carolina, the US Court of Appeals for the Fourth Circuit, and the US Supreme Court. In 1992 he became a board certified specialist in criminal law (state and federal), and in 1994 he was further certified in appellate practice. His trial experience is extensive, having tried 90 cases to a jury including 15 capital cases—one of which was a federal case in the Western District of North Carolina in 2010. Additionally, Mr. Bryson has tried 15 non-capital murder cases, primarily in Guilford County and other North Carolina counties, and has represented defendants in numerous homicide cases that were resolved without a jury trial.

In addition to his practice, Mr. Bryson has significantly contributed to legal education. Since 1994 he has served as an adjunct professor at Wake Forest University School of Law, mentoring and training future generations of lawyers. He has also been active in the High Point Bar Association and his local judicial district, taking on leadership roles that have helped shape the legal community. His commitment to education extends beyond law school, as he has coached a high school mock trial team since 2007, inspiring young students to appreciate the law and its importance in society. He has also presented at numerous continuing legal education seminars, demonstrating his commitment to giving back to the legal community by sharing his vast knowledge and experience with others.

Beyond his professional achievements, Mr. Bryson has dedicated considerable time to serving his community. He has been actively involved with Triad Health Project, including a term as president, and has served on the Board of Directors for Caring Services, Inc. Additionally, he contributed to the Board of Trustees for Westchester Country Day School, including two years as chair. His ongoing commitment to service and his contributions to these organizations highlight his dedication to making a meaningful impact on the lives of others.

Mr. Bryson's career is defined by his unwavering commitment to justice, mentorship, and community service. His recognition with the John B. McMillan Distinguished Service Award is a well-deserved acknowledgment of his extraordinary contributions to the legal profession and to the people of North Carolina.

Wyatt Stevens

Wyatt Stevens was posthumously honored with the John B. McMillan Distinguished Service Award on February 21, 2025, in Asheville, North Carolina. The award was presented to Wyatt's family by North Carolina State Bar President Matthew Smith.

A native of Asheville, Mr. Stevens was educated in North Carolina schools, graduating from Asheville High School. He earned his bachelor of arts from the University of North Carolina in 1991 and his juris doctor from UNC School of Law in 1994, where he was a Dean's List scholar. After passing the bar in 1994, Mr. Stevens returned home to begin work at Roberts & Stevens, PA, the firm founded by his father. In 1998 he became a shareholder in the firm. Mr. Stevens quickly established himself as a skilled trial lawyer with a reputation as being a fierce but fair advocate for his clients, of which he had many, ranging from individuals to large corporations. He had a diverse practice and expertly covered a broad array of cases, including complex business matters, land use and zoning, estate litigation, real estate disputes, and catastrophic personal injuries. He represented clients in various industries, including outdoor recreational sports, professional services, trucking, manufacturing, and tourism.

In addition to his legal expertise, Mr. Stevens was deeply committed to maintaining the highest standards of professionalism, ethics, and integrity in his practice. His exemplary conduct earned him the Buncombe County Bar's Professionalism Award in 2020, recognizing his consistently courteous, respectful, and professional interactions with clients, the court, and opposing parties.

Beyond his legal career, Mr. Stevens was dedicated to his community. He served on the boards of numerous local organizations. His service to the community included his role as co-chair of Pisgah Legal's Capital Campaign, where he helped raise funds to continue providing *pro bono* legal services to the underserved. In addition, Mr. Stevens played a significant role in the leadership of Mission Healthcare System. He served as a board member for Mission Hospital, one of the largest health providers in the region, and later as chair of Mission Health Services. In this capacity, Mr. Stevens helped guide the hospital and its associated entities across Western North Carolina, focusing on improving healthcare access and services for the region's underserved populations. His service with Mission Healthcare spanned over a decade, during which he made crucial contributions to the institution's development and growth, especially in terms of patient care, research, and overall community health.

Mr. Stevens also worked with the North Carolina Nature Conservancy, Friends of the Smokies, and Mountain Housing Opportunities. His leadership in these organizations had a lasting impact, especially his work with Mountain Housing Opportunities, where he provided *pro bono* legal services to help improve housing access for low-income families in Western North Carolina. As a vestry member of Trinity Episcopal Church in Asheville, Mr. Stevens led the church's annual stewardship campaign. For his exceptional public service, Mr. Stevens was awarded the Excellence in Public Service Award by the Asheville Area Chamber of Commerce, which recognized his dedication to conservation, affordable housing, and improving the quality of life for residents of Buncombe County.

Even after being diagnosed with brain cancer in 2022, Mr. Stevens continued to serve his clients with dedication and passion. His unwavering commitment to the legal profession and his community have left a lasting legacy of integrity, selflessness, and service. Mr. Stevens's life and work embody the ideals of the legal profession, and his contributions will have a lasting impact on the legal community and Western North Carolina.

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. ■

Client Security Fund Reimburses Victims

At its April 22, 2025, meeting, the North Carolina State Bar Client Security Fund Board approved payments of $7,000 to three applicants who suffered financial losses due to the misconduct of North Carolina lawyers.

The payments authorized were:

1. An award of $1,500 to a former client of Jonathan B. Garner of Rockingham. The board determined that the client retained Garner to handle a domestic matter involving her grandchild. The client paid Garner $1,500 towards the quoted $3,000 fee, but Garner failed to provide any meaningful legal services for the fee paid prior to his disbarment and evaded the client's attempts to obtain a refund. Garner was effectively disbarred on August 10, 2023.

2. An award of $1,200 to a former client of Charles M. Kunz of Durham. The board determined that the client retained Kunz for assistance in seeking permanent child custody modification and filing a motion to show cause as to why the opposing party should not be held in contempt. Kunz charged and was paid a $5,000 fee. Kunz provided some services for the fee paid; however, he collected $1,200 of his $5,000 fee at a time when he knew or should have known he would be disbarred and otherwise performed no further legal services on the client's behalf. Kunz was disbarred on April 14, 2023, and passed away on April 21, 2023. The board previously reimbursed 47

CONTINUED ON PAGE 50

2025 First Quarter Random Audits

Audits for the first quarter were conducted in Durham, Granville, Lee, Mecklenburg, Pasquotank, and Wake Counties. One audit was conducted in Granville County, two audits each were conducted in Lee and Pasquotank Counties, five audits each were conducted in Durham and Mecklenburg Counties, and eight audits were conducted in Wake County.

The following are the results of the audits.

1. 43% failed to review bank statements and cancelled checks each month.

2. 39% failed to complete quarterly transaction reviews.

3. 35% failed to:

• identify the client on confirmations of funds received/disbursed by wire/electronic/online transfers;

• maintain images of cleared checks or maintain them in the required format.

4. 26% failed to sign, date and/or maintain reconciliation reports.

5. 22% failed to identify the client and source of funds, when the source was not the client, on the original deposit slip.

6. 17% failed to:

• complete quarterly reconciliations;

• identify the client from whose balance the funds were drawn on the face of each check;

• provide written accountings to clients at the end of representation or at least annually if funds were held for more than twelve months;

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

7. 13% failed to:

• complete monthly bank statement reconciliations;

• provide a copy of the Bank Directive regarding checks presented against insufficient funds.

8. up to 10% failed to:

• prevent over-disbursing funds from the trust account resulting in negative client balances;

• take the required one-hour trust account CLE course;

• properly remove signature authority from employee(s) responsible for performing monthly or quarterly reconciliations;

• properly deposit funds received with a mix of trust and non-trust funds into the trust account;

• use business size checks containing the Auxiliary On-Us field.

9. Areas of consistent rule compliance:

• properly maintained a ledger for each person or entity from whom or for whom trust money was received;

• properly prevented bank service fees being paid with entrusted funds;

• properly maintained a ledger of lawyer's funds used to offset bank service fees;

• properly recorded the bank date of deposit on the client's ledger;

• promptly removed earned fees or cost reimbursements;

• promptly remitted to clients' funds in possession of the lawyer to which clients were entitled;

• properly 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 2025, audits for the second quarter will be conducted in Bertie, Buncombe, Carteret, Craven, Cumberland, Durham, Forsyth, Franklin, Henderson, Hoke, Mecklenburg, Pitt, and Wake Counties. ■

Client Security Fund (cont.)

other Kunz clients a total of $269,280.

3. An award of $4,300 to a former client of Charles M. Kunz. The board determined that the client retained Kunz to file an I-130 Petition for Alien Relative for his wife. Kunz charged and was paid a total of $4,300. Kunz filed an I-130, but that service ultimately did not benefit the client and/or his wife due to Kunz's failure to follow though in applying for a visa after the initial filing of the petition by the stated deadline. Accordingly, the board determined that Kunz did not provide meaningful legal services for the fee paid.

Funds Recovered

It is standard practice to send a demand letter to each current or former attorney whose misconduct results in any payment from the fund, seeking full reimbursement or a confession of judgment and agreement to a reasonable payment schedule. If the attorney fails or refuses to do either, counsel to the fund files a lawsuit seeking double damages pursuant to N.C. Gen. Stat. §84-13, unless the investigative file clearly establishes that it would be useless to do so. Through these efforts, the fund was able to recover a total of $659.62 this past quarter. ■

July 2025 Bar Exam Applicants

The July 2025 bar examination will be held in Raleigh on July 29 and 30, 2025. Published below are the names of the applicants whose applications were received on or before May 6, 2025. 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.

Menna Abdel Salam
Greenville, NC
Armon Abedi
Athens, GA
Ryan Abernethy
Fort Pierce, FL
Yousef AbuGharbieh
Cary, NC
Matthew Adams
Charlotte, NC
Marshall Adkins
Pinehurst, NC
Suraya Akkach
Raleigh, NC
Joselyn Alexander
Durham, NC
Faiza Ali
Cary, NC
Waleed Alkoor
Chapel Hill, NC
Tamara Allen
Winston-Salem, NC
Katherine Allen
Tarboro, NC
Cuyler Allen
Concord, NC
Abigail Alling
Winston-Salem, NC
Biez Almeida Neto
Rolesville, NC
Gabrielle Altmannsberger
Raleigh, NC
Margaret Amshay
Farmington Hills, MI
Garrett Anderson
Cary, NC
Jordan Anderson
Durham, NC
Mary-Kathryn Appanaitis
Winston-Salem, NC
Janelle Ariota
Raleigh, NC
Asha Armistead
Greenville, NC
Gabrielle Armstrong
Fort Worth, TX
Matthew Ashley
Chapel Hill, NC
Marsalis Atkins
Waxhaw, NC
Eric Ayers
Whiteville, NC
Vaidehi Bachoti
Chapel Hill, NC
Abigail Baggett
Roseboro, NC
David Baghdassarian
Mint Hill, NC
Shannon Baker
Raleigh, NC, NC
William Baker
Pittsboro, NC
Mary Baker
Clemmons, NC
Henry Balderson
Columbia, SC
Luke Baldrica
Rock Hill, SC
Bryant Balentine
Trent Woods, NC
Aleycia Ballantyne
Durham, NC
Tyler Ballesteros
San Diego, CA
Julia Banks
Oxford, MS
Shelby Barbee
Carolina Beach, NC
Kendall Barbour
Raleigh, NC
Caleb Barco
Raleigh, NC
Weston Barker
Chapel Hill, NC
Allyson Barkley
Durham, NC
Brittany Barnes
Plymouth, NC
Guinevere Alexandria Barnett
Raleigh, NC
Daven Barnett
Waxhaw, NC
Rhiannon Batchelor
Henrico, VA
Ethan Battaglini
League City, TX
Madeline Bauer
Raleigh, NC
Kairy Bautista
Charlotte, NC
Kashi Bazemore
Raleigh, NC
Tekia Bazemore
High Point, NC
Thaddeus Beaver
Durham, NC
Joseph Becker
Columbia, SC
Kaitlin Beckom
Charlotte, NC
Richard Beekman
Winston-Salem, NC
Ashlee Bell
Durham, NC
Alexandria Belton
Chapel Hill, NC
Carolyn Bencini
High Point, NC
Ashley Benefield
Greensboro, NC
Milena Benitez
Raleigh, NC
Marin Bennerotte
Winston-Salem, NC
Breana Bennett
Charlotte, NC
Madison Bennett
Chapel Hill, NC
George Bennett
Durham, NC
Seth Berger
Cary, NC
Sean Bernstein
Lexington, VA
Nicholas Berry
Raleigh, NC
Madison Beylouni-Cone
Danbury, CT
Alexandra Bishop
Dunn, NC
Kayla Black
Garner, NC
Emma Blackman
Four Oaks, NC
Rebecca Blinzler
Charlotte, NC
Gabrielle Bollinger
Raleigh, NC
John Bonanno
Cary, NC
Lauren Bordeaux
Greenville, NC
Samantha Border
Ripley, WV
John Boswell
Greenville, NC
Michael Bowen
Raleigh, NC
Davis Bowen
Apex, NC
Andrew Bowers
Raleigh, NC
Esther Bowman
Durham, NC
Zachary Boyce
Cary, NC
Daniel Boyette
Morehead City, NC
Patrick Bradey
Chapel Hill, NC
LaTosha Bradley
Clayton, NC
Melissa Bradnick
Youngsville, NC
James Bradsher
Cary, NC
Andrew Brady
Burlington, NC
Noah Brooks
Glen Allen, VA
Taylor Brown
Nashville, TN
Mary Brown
Durham, NC
Hannah Brown
Winston-Salem, NC
Benjamin Brown
Raleigh, NC
Brielle Brown
Winston-Salem, NC
Daria Brown
Winston-Salem, NC
Anthony Brown
Washington, DC
Sara Bryant
Raleigh, NC
Davis Buck
Raleigh, NC
Natalie Buckley McGuigan
Waxhaw, NC
Tomasz Budzyn
Maplewood, NJ
Aaron Buenrostro
Chapel Hill, NC
Dylan Bunn
Greenville, NC
Larissa Burke
Charlotte, NC
Joy Burnett
Apex, NC
John Bussian
Durham, NC
Julien Bynoe
Columbia, SC
Corinne Caggiano
Jacksonville Beach, FL
Andre Cahoon
Garner, NC
Carolyn Calder
Durham, NC
Casey Caldwell
Castle Hayne, NC
Suzanne Camp
Chapel Hill, NC
Victoria Cancro
Wake Forest, NC
Madelyn Candela
Williamsburg, VA
Natalia Carey
Fayetteville, NC
Madison Carney
Raleigh, NC
Hunter Caro
Raleigh, NC
Crosby Carpenter
Iron Station, NC
Gabriel Carrillo
Apex, NC
Katherine Carter
Cary, NC
Rachel Catana
Naples, FL
Simon Cawley
Chapel Hill, NC
Laura Charles-Craft
Arapahoe, NC
Wesley Charles-Craft
Bayboro, NC
Cara Chiappetta
Akron, OH
Marcus Chichester
Kitty Hawk, NC
Seoyeon Cho
Cary, NC
Andy Choi
Cary, NC
Jared Church
Raleigh, NC
Brittany Clark
Charlotte, NC

Kizhan Clarke
Hillsborough, NC
Rachel Cleveland
Chapel Hill, NC
Gwendolyne Clevenger
Columbia, MO
Rachelle Cline
Charlotte, NC
Remy Clodfelter
Winston-Salem, NC
Andrew Co
Miami, FL
Taylor Coleman
Cary, NC
James Collier
Northport, AL
Jennifer Collins
Cary, NC
Olivia Colombo
Indialantic, FL
Jessica Colon
Winston-Salem, NC
Gabriella Conforte
Columbia, SC
Andrew Conn
Baltimore, MD
Brenna Connor
Mount Pleasant, SC
Cortnei Cooks
Durham, NC
Jessica Cooper
Athens, GA
Donj'e Cooper
Greensboro, NC
Michaela Cotton
Williamsburg, VA
Hannah Coyne
Raleigh, NC
Rachel Crabtree
La Canada, CA
Madison Crabtree
Kannapolis, NC
Wright Crawford
Chapel Hill, NC
David Cressy
Montpelier, VT
Ceiran Crihfield
Chapel Hill, NC
Johanna Crisman
Holly Ridge, NC
Noah Crosswhite
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Phoenix Crowe
Buckhead, GA
Savannah Croxton-Zweigart
Raleigh, NC
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Fort Pierce, FL
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Spruce Pine, NC
Andrew Dale
Atlantic Beach, NC
Jonathan Dalton
Mount Airy, NC
Tatem Daniel
Wrightsville Beach, NC
Matthew Daubenspeck
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Dakhari Davis
Fayetteville, NC
Phillip Day
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Myers Dean
Wilmington, NC
John Dean
Charlotte, NC
Robert Decker
Chapel Hill, NC
Samantha Decker
Charlotte, NC
Faith Deevers
Streetsboro, OH
Annie DeHart
Durham, NC
Robert Deighton
Winston-Salem, NC
Jared DellaMaestra
Raleigh, NC
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Cheyenne, WY
Megan Demeny
Raleigh, NC
Kyra Deminski
Eugene, OR
Jack Denton
Chapel Hill, NC
Nicholas DErcole
Holly Springs, NC
Austin Detty
Tulsa, OK
Jackson Dew
Winston-Salem, NC
Harseerat Dhillon
Chapel Hill, NC
Sukrity Dhungel
Matthews, NC
Jessica di Lustro
Morrisville, NC
Kyleigh Dinnien
Lexington, VA
Kelly Dinning
Waxhaw, NC
Alaina Dixon
Cary, NC
Christopher Dixon
Hurdle Mills, NC
Zachary Dobbin
Durham, NC
Cody Dockery
Greenville, NC
Trey Donathan
Charlotte, NC
Marlene Donato Kalb
Durham, NC
Michelle Dozier
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Lily Drake
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Grant Draughn
Raleigh, NC
Jacob Drouillard
Apex, NC
Katharine Dubois
Durham, NC
Sarah Duranske
Raleigh, NC
Tamara Durden
Pelham, NC
Alexander Eaton
Concord, NC
Andrew Eliades
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Jaylynn Ellington
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Carson Ellis
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Hickory, NC
Anna Fisher
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Caleb Flowers
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Tara Ford
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Winston-Salem, NC
Lauryl Fright
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Emily Fung
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Gavin Garcia
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Bethany Garrison
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Johunna Gatlin
Apex, NC
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Elizabeth Gilliland
Clyde, NC
Tyler Gipe
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Tilson Gitter
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Raleigh, NC
John Godfrey
Durham, NC
Anna Goldsmith
Raleigh, NC
Gaaron Goldsmith
Wallkill, NY
Graham Goldstein
Raleigh, NC
Sofia Gomez-Ayala
Raleigh, NC
Maira Gonzalez
Flat Rock, NC
Elizabeth Gonzalez
Raleigh, NC
Robert Gordie
Statesville, NC
Callum Gordon
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Merriweather Gordon
Raleigh, NC
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Rowan Gossett
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Rebecca Gray
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Charlotte Hale
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Heuston Hall
Clayton, NC
Justin Hall
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John Hall
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Cole Hallum
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Frisco, TX
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Jessica Hardee
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Zachary Harrel
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Lane Harrell
Winston-Salem, NC
Mariah Harrelson
Chapel Hill, NC
Seth Harrington
Clinton, NC
Joseph Harris
Raleigh, NC
Christian Harrison
Mandeville, LA
Remington Harrison
Raleigh, NC
Amber Harvey
Apex, NC
Maeva Hassani
Durham, NC
Akram Hauter
Wake Forest, NC
Jack Haverkate
Tampa, FL
Allyson Hays
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Morgan Heaton
Raleigh, NC
Otensia Hedrington
Fayetteville, NC
Allison Heitchue
Raleigh, NC
Alexis Hellner
Winston-Salem, NC
William Henderson
Newport, NC
Shekinah Henderson
Charlotte, NC
Rachel Henley
Durham, NC
Mitchell Henshaw
Charleston, SC
Bryan Hernandez
Eden, NC
Ana Hernandez
Pembroke Pines, FL
Taylor Hersch
Williamsburg, VA
Maeve Hickey
Winston-Salem, NC
Bradley Hicks
Holly Springs, NC
Braxton High

Ann Arbor, MI
Allison Hill
Waxhaw, NC
Sara Hill
Valdese, NC
Tenisha Hines
Jamesville, NC
VA Hitchman
Lexington, VA
Paul Hobbs
Charlotte, NC
Naomi Hodges
Baton Rouge, LA
Larry Holder
Raleigh, NC
Amber Holder Jemmott
Durham, NC
Alexandra Holland
High Point, NC
Zoe Holleran
Raleigh, NC
David Holt
Palmyra, VA
Ashton Hopson
Greensboro, NC
Frederick Horne
Durham, NC
Jacint Horvath
Charlottesville, VA
Bryan Howard
Raleigh, NC
Simons Howard
Florence, SC
John Howard
St. Louis, MO
Lauren Howle
Winston-Salem, NC
Juliana Hubbard
Pittsboro, NC
Abigail Hunt
Cleveland, NC
Nigia Hunt
Durham, NC
John Hunter
Shelton, CT
Maren Hurley-Matz
Durham, NC
Benjamin Hurst
Dallas, TX
Sydney Hussey
Raleigh, NC
Taylor Hutchins
Raleigh, NC
Hana Ibrahim
Greensboro, NC
Ella Icard
Charlotte, NC
Edowaye Idahor
Winston-Salem, NC
Jordyn Ignont
Winston-Salem, NC
Gregory Inamine
Chapel Hill, NC
Paul Ingle
Wilmington, NC
Javonte Jackson-Karim
Durham, NC
Joshua Jacobs
Durham, NC
Alexander Jalota
Durham, NC
Rachel Jamroz
Cary, NC
Robert Jarrell
High Point, NC
Katie Jean
Surf City, NC
Sean Jeffcoat
Greensboro, NC
Abigail Jenkins
Raleigh, NC
Andre Jeter
Mt. Pleasant, SC
Matthew Johns
San Diego, CA
Vanessa Johnson
Durham, NC
Whittany Johnson
Raleigh, NC
Gavin Johnston
Sandy Springs, GA
Kathrynn Johnston
Raleigh, NC
Cassandra Jones
Smithfield, VA
Denzel Jones
Cary, NC
Aristotle Jones
Indianapolis, IN
Daniel Jones
Charlotte, NC
Kayla Jordan
Knightdale, NC
Alex Jordan
Raleigh, NC
Noah Jordan
Statesville, NC
George Jose
Wapakoneta, OH
Stuti Joshi
Philadelphia, PA
Brianna Joyce
Newtown, PA
Patisepa Kamphaus
Lillington, NC
Mikaela Kantorowski
Aberdeen, NC
Caleb Karnes
Carrboro, NC
Brian Karpf
Charlotte, NC
McKenzie Karstetter
New Bern, NC
Zoyha Kashmary
Charlotte, NC
Mia Katterman
Mechanicsburg, PA
Marissa Kaufman
Sanford, NC
Michael Keifer
Williamsburg, VA
Adya Khanna
Raleigh, NC
Mary Kiernan
Wilmington, NC
Sarah Kilgore
Raleigh, NC
David Kimelman
Washington, DC
Mhakai King
Charlotte, NC
Kirsten King
Indianapolis, IN
Mason Kirkpatrick
Monroe, NC
Julie Kirstein
Fairview, NC
Nicholas Kiss
Knoxville, TN
Stephanie Kite
Raleigh, NC
Evan Klugh
Mountain Brook, AL
Kyle Knape
Raleigh, NC
William Knight
Durham, NC
Creighton Knight
Winston-Salem, NC
Brianna Kolsin
Clayton, NC
Surya Korrapati
Durham, NC
Ashlee Krum
Homer City, PA
Alexandria Krusniak
Winston-Salem, NC
Jillian La Serna
Chapel Hill, NC
Amanda Lago
Durham, NC
Cassady Lake
Raleigh, NC
Tina Lakic
High Point, NC
Renee Lambert
Lynchburg, VA
William Lange
Carlsbad, CA
Bryson Lapping
Chapel Hill, NC
Asia Lawson
Las Vegas, NV
William Lea
Wilmington, NC
Allison Leahy
Peletier, NC
Richard Leary
Moneta, VA
Cameron Leazer
Raleigh, NC
Matthew Ledbetter
Roebuck, SC
Morgan Lee
Chapel Hill, NC
Christina Lee
Cary, NC
Turunesh Lemons
Durham, NC
Patricia LePage
Carthage, NC
Shelby Lewis
Chapel Hill, NC
Alyssa Light
Arden, NC
Nathaniel Liland
New Bern, NC
Riley Little
Raleigh, NC
Christopher Little
Knightdale, NC
Hannah Litty
Chapel Hill, NC
Zhe Liu
Chapel Hill, NC
Benjamin Lockhart
Chapel Hill, NC
Jackson Logan
Hickory, NC
Caroline Long
Fayetteville, AR
Cassidy Long
Fayetteville, NC
James Longest
Raleigh, NC
Chase Lopez
Orlando, FL
Julia Lopez
Charlotte, NC
Ashlyn Lorentz
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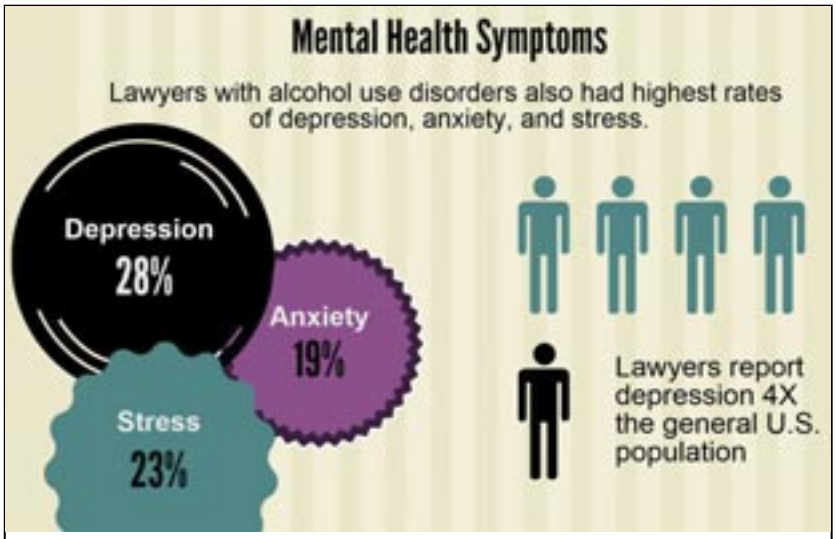

Remember This from the 2016 ABA Study?

In 2016, the ABA Commission on Lawyer Assistance Programs (CoLAP) partnered with the Hazelden Foundation and Researcher Patrick Krill to conduct the first-ever nation-wide study of lawyer mental health. Much has happened in the past decade, from COVID to e-courts to AI. ABA CoLAP and Mr. Krill are launching a ten-year followup study. Please be on the lookout for an email from the State Bar asking you to participate. This will be a blind, randomized study. As such, only a random sample of NC lawyers and judges will receive the email (as determined by a software program). The study will not collect any personally identifying information, so neither the State Bar nor researchers will knowing who is responding. We encourage you to participate.

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