

## Featured Artist—Wade Smith

Wade Smith has been one of North Carolina's best known and most acclaimed lawyers for nearly 50 years. His trials are recounted in books, magazines, and journals. A renowned story teller, Wade insists that within each case there is a compelling story waiting to be told. In seminars and bar meetings Wade has shared the art of story telling. His cases offer a fine collection of North Carolina courtroom lore. In 1979, Wade served as counsel to Dr. Jeffrey McDonald in the much studied and discussed Green Beret Murder Case. Most recently he was lead counsel for Collin Finnerty, one of three young men accused in the Duke Lacrosse Case.

To commemorate the body of work Wade has completed, the North Carolina Bar Association established in the spring of 2008 the annual Wade M. Smith award "for a criminal defense attorney who exemplifies the highest ideals of the profession." Wade is a recipient of the North Carolina Bar Association's H. Brent McKnight Renaissance Lawyer Award,

Each quarter, the works of a different contemporary North Carolina artist are displayed in the storefront windows of the State Bar building. The artwork enhances the exterior of the building and provides visual interest to pedestrians passing by on Fayetteville Street. The State Bar is grateful to The Mahler Fine Art, the artists' representative, for arranging this loan program. The Mahler is a full service fine art gallery representing national, regional, and North Carolina artists, and provides residential and commercial consulting. The Mahler, along with its sister gallery, The Collectors Gallery, are located in downtown Raleigh. Readers who want to know more about an artist may contact owners, Rory Parnell and Megg Rader at (919) 896.7503 or [info@themahlerfineart.com](mailto:info@themahlerfineart.com)

was honored by Best Lawyers in America in recognition of being chosen 25 years in succession for inclusion in the publication, Best Lawyers in America, and was named by *Business North Carolina Magazine* as North Carolina's number one criminal lawyer. This selection was based on a vote by his fellow lawyers. He is now a member of *Business North Carolina's* "Legal Elite" Hall of Fame.

Wade was born in 1937 in Albemarle, North Carolina. His mother and father were textile workers, having barely survived the Great Depression. Wade and his brother, Roger, were raised in a mill village called New Town. The family attended North Albemarle Baptist Church. Wade recalls that they went to church "every single time the doors opened." In high school, Wade was an All American football player with many opportunities to play on college football scholarships. But he chose, instead, an academic scholarship, The Morehead, at the University of North Carolina.

At UNC he excelled in academics and athletics, serving as one of the captains of the football team and winning many honors as an athlete. He was also awarded membership in the university's highest honorary, The Golden Fleece. Wade has maintained his connection with the university, serving as president of the Alumni Association in 1985. In 1989, the university awarded him its Distinguished Service Medal.

After completing his undergraduate work and earning an AB in English, Wade attended the University of North Carolina School of Law, graduating in 1963. From 1963 to 1964 he was clerk to North Carolina Supreme Court Justice Carlisle W. Higgins. After his year as a clerk, Wade joined friend and fellow law clerk, J. Harold Tharrington, to found the law firm Tharrington Smith. Justice Higgins



was a mentor to Wade throughout his formative years as a lawyer and, after finishing his years on the North Carolina Supreme Court, he joined Tharrington Smith, remaining with the firm until his death in 1980. Wade counts among his most important mentors acclaimed defense lawyers, Robert L. McMillan Jr., Carl Churchill, and Joseph Cheshire V. But Wade says he has learned the most from his brother, Roger W. Smith, a renowned lawyer in his own right.

From 1964 to 1966 Wade was a prosecutor in Wake County Superior Court. He then began his work as a trial lawyer. During the ensuing years Wade has tried dozens of cases before juries in federal and state courts across North Carolina and other states.

In 1973 Wade was elected to the North Carolina House of Representatives and was reelected in 1975. In 1977 he retired from politics to devote his time to the practice of law. In 1985 he was elected to a one year term as chair of the North Carolina Democratic Party.

Wade has been chosen for membership in many associations recognizing excellence in trial work. He is a fellow of the American College of Trial Lawyers, a fellow of the American Board of Criminal Lawyers, and a fellow of the International Society of Barristers. He served as president of the Wake County Bar Association in 1988. In 1998 he was presented the Joseph Branch Professionalism

Award by the Wake County Bar Association. He has been listed in Best Lawyers in America since its inception.

In 2006, the North Carolina General Assembly established The North Carolina Innocence Inquiry Commission. The purpose of the commission is to evaluate actual innocence claims made by people convicted of criminal acts in North Carolina. Wade was

appointed by the North Carolina chief justice to serve as one of the eight commissioners serving on this new North Carolina Commission.

Wade's work crosses many spectra, both civil and criminal. He has represented people and businesses great and small. Wade insists that there are no small cases. All cases which concern people are important to them, and therefore to him. He often represents business-

es and business people in crisis during federal and state criminal investigations and trials. He has represented people from every walk of life and every kind of employment. He has worked in the areas of tax fraud, Medicaid and Medicare fraud, health care fraud, environmental crimes, and financial crimes.

Wade and his wife Ann have two children, Karen Linehan and Robyn Yigit Smith. They have four grandchildren—two girls, Kelsey Linehan and Dylan Linehan, and two boys, Kenan Wade Yigit and Aslan Asa Byrum Yigit. ■

*The following story was written by Wade Smith and explains how he started painting.*

### The Red Eyed Rabbit

One brisk autumn morning in the long ago, my mother took me by the hand and we walked together to Central Elementary School in Albemarle. This was a journey of about a mile. Normally I would have devoted myself fully to the task of stepping on each crack in the sidewalk. But, on this day, I was in no mood to step on the cracks. This was my first day of school. I was filled with a strong sense of foreboding. My family lived in a mill village called New Town. It was hard times for almost everyone in those days of the war. There was no running water in our village. The houses were cold in winter and hot in summer. There were frequent blackouts designed to darken the villages to hide them from possible enemy planes. We hung blankets over the windows so that we could light a candle and huddle together as a family. Thankfully the enemy planes never came.

Everyone in the village of New Town worked at the Wiscasset Hosiery Mill. My Dad was a knitter of stockings for elegant and fashionable ladies and we imagined them wearing these beautiful stockings in the impossibly far-away city of New York. The mill whistle blew at eight each morning to signal the time to begin work. The mill had long ago given the land for a tiny wooden Baptist church which nestled at the edge of our village, and we attended every service no matter the purpose of the meeting. Life was good in New Town. My brother, Roger, and I grew up in the warm embrace of a generation of people who left the farms and came to town to work in cottons and yarns.

As my mother and I walked hand-in-hand to the school, my thoughts were not on stockings for elegant ladies. I was filled with dread.

## In Memoriam

**Eugene C. Brooks III**  
Durham

**John E. Clark**  
Wilson

**Edgar S. Dameron Jr.**  
Burlington

**James T. Davis**  
Forest City

**Ronald W. Davis**  
Kempner, TX

**Bruce A. Elmore**  
Asheville

**Carlton E. Fellers**  
Raleigh

**Cyrus C. Frazier Jr.**  
Greensboro

**Doris C. Gamblin**  
Lexington

**Robert T. Gash**  
Brevard

**Charles T. Hagan Jr.**  
Greensboro

**David H. Henderson**  
Charlotte

**William H. Holdford**  
Wilson

**Edward E. Hollowell**  
Cary

**Gilmer A. Jones Jr.**  
Wake Forest

**Jimmie R. Keel**  
Tarboro

**Wiley L. Lane Jr.**  
Wilson

**Frank G. Laprade Jr.**  
Mount Airy

**Edgar Love III**  
Charlotte

**Stephen L. Lovekin**  
Hickory

**Willis E. Lowe**  
High Point

**James P. McDermott**  
Colfax

**William A. McFarland Sr.**  
Tryon

**Dickson McLean Jr.**  
Lumberton

**Elmer R. Oettinger Jr.**  
Chapel Hill

**John H. Redding**  
Asheboro

**Carol M. Schiller**  
Raleigh

**Hubert E. Seymour Jr.**  
Greensboro

**Thomas K. Spence**  
Charlotte

**James R. Turner**  
Greensboro

**Perry N. Walker**  
Greensboro

**Norman E. Williams**  
Durham

**Maurice Winger Jr.**  
Asheville

**Kenneth Wooten Jr.**  
Raleigh

There were no kindergartens at this time. I had no school experience at all. I knew none of the other children who would fill the classroom. Later I would grow to love Edward Brunson and Luther Kimrey and Z.Z. Harris, all classmates who would occupy my days for many years. On this day I was a tense little boy on the first day of school. Miss Pauline Whitley was my teacher. She was a severe lady who did little to ease my fears.

After the school bell rang and the students made their way into the classroom, Miss Whitley came to each table with large sheets of newsprint and placed a piece of paper in front of each child. In the middle of each table she placed a carton with red, yellow, white, green, orange and black tempera paints. We were invited to paint whatever we wished. World War II was in full cry. All the boys drew bombs falling from airplanes. The girls drew simple houses with stick figures sweeping around barren yards. For some reason which I cannot explain, I drew an enormous rabbit. It filled the entire sheet of paper. I painted the rabbit white, its eye red, the sky blue, the grass green and I made an orange sun which peeped out from the corner of the paper. And that was it. I was finished. The entire paper was filled. There were no blank spaces at all.

The principal of the school was a strong woman named Miss B.C. Parker. She brooked no foolishness. Miss Parker walked into the room and paced silently up and down the aisles looking at the paintings. When she came to my rabbit she stopped and exclaimed: "My what a wonderful rabbit!" She asked me to stand with the rabbit and let the class see it. Then, she took me along with my painting out into the hallway and we taped the painting up for all to see. Within an hour of the opening of school I was

in love with it. I loved the first grade and the teachers and all my classmates. And forever, I loved Miss B.C. Parker.

That is the way school began for me 65 years ago. Painting was very important at Central Elementary School in Albemarle, North Carolina. Mill village kids came to school and fully embraced painting and singing. I loved school and couldn't wait to come back. I loved it because there would be painting there on most days. In the spring each year the North Carolina Symphony came to play. Mill village boys and girls got to see the symphony and Benjamin Swalin. In second grade my self portrait was chosen by a committee and sent with other paintings by American kids to France. After a while, all my teachers wanted my paintings for their personal collections. As I moved from grade to grade each teacher immediately asked me to do a painting. The boys in my class transported the easel and paints to a location on the school ground of the teacher's choice. While they read *See Scotty Run*, I painted the dogwood tree in bloom or the daffodils.

Then the earth turned and the sun rose and set and the stars glided by and the time came to choose a college. I was admitted to the School of Design at NC State University. I would paint great paintings and design skyscrapers. But, a funny thing happened on the way to Raleigh. The University of North Carolina at Chapel Hill offered a Morehead Scholarship



and I traded painting for English and Blackstone.

As a lawyer, I continued to paint. My drawings and paintings hung in the homes of friends and on the walls in my children's houses. They laid around the house and leaned into corners in the basement. Sometimes I would work on one painting for a year. But, I was always painting. The paintings bloomed on the desert and were not viewed very much by people who were not desert dwellers, so to speak. Then one day the Mahler Gallery came calling. I had a visit from Rory Parnell and Megg Rader. Suddenly, my paintings have come to town. I have no expectation that the world will come calling and demand that I paint for a grateful throng of art lovers. If the people don't come, I will remind myself of a simple truth. I didn't paint these pictures for them. I painted them for Miss B.C. Parker. They owe their existence to her. And I know that somewhere she is happy about these paintings. Her only disappointment would be that among them there is no rabbit. Long may she run, along with my rabbit. ■

## The Greening of the Handbook

In its continuing effort to save money and the environment, the North Carolina State Bar has decided not to print and mail the 2010 edition of the *Lawyer's Handbook*. For the past 14 years, receipt of this annual compendium of the State Bar's rules and ethics authorities has been a reliable harbinger of spring, bringing the Bar's entire membership, now in excess of 24,000 lawyers, up to date on professional regula-

tion. Realizing, however, that the content of the *Handbook* is relatively slow to change and that the publication can be made available online quite inexpensively, the Bar's leadership has determined that it will henceforth provide hard copies on an every-other year basis only. Accordingly, the 2010 *Handbook* will be published only online. Members will be able to access the 2010 *Handbook* via the State Bar's website

or they can download it directly to their computers for quicker access. Instructions for downloading will be found on the website. The 2011 edition will be printed and mailed as usual, and thereafter the sequence will repeat. It is believed that this measure will save tens of thousands of dollars in copying costs and postage this year. The 2010 *Handbook* will be posted online on or before April 1, 2010. ■