FOUNDATIONS
FOR SUCCESS

YLD Scholarship Recipients
Sarah and Samuel Kolodski

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STILL ATTICUS
PAGE 9
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Since its establishment in 1987, the North Carolina Bar Association Foundation Endowment has awarded more than $5 million in grants to various programs and projects, including well over half a million dollars in college scholarships.

The scholarship program, administered by the Young Lawyers Division, provides substantial aid to the children of North Carolina law enforcement officers who were slain or permanently disabled in the line of duty.

Sarah and Samuel Kolodski of Bryson City are two such children. The twins (see story, page 7) lost their father when they were 10 months old.

In a letter to the YLD Scholarship Committee, Chief Ranger Clayton Jordan of the U.S. Department of Interior National Park Service described the tragic event.

"U.S. Park Ranger Joseph D. Kolodski," Jordan writes, "was employed as a fully commissioned federal law enforcement officer while employed at Great Smoky Mountains National Park and duty stationed in Cherokee, North Carolina. He was employed in this capacity from January 1992 until he died in the line of duty on June 21, 1998.

"On that date, while on duty, Ranger Kolodski responded to a call of a man on foot threatening passing motorists along the Blue Ridge Parkway with a rifle. Ranger Kolodski fell to gunfire during the incident."

That was more than 17 years ago.

Today the twins are enjoying their first semester at the University of North Carolina at Greensboro, thanks in large part to the NCBA Foundation Endowment. They and their fellow scholarship recipients (see story, page 8) are grateful for the opportunity to achieve their lifelong goals, and would thank each and every donor personally if it was humanly possible.

With your help, they’re going to change the world. 

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The entire first-year class of Elon University School of Law visited the Bar Center as part of its orientation. President Shelby Benton, President-elect Kearns Davis, Young Lawyers Division Chair Harrison Lord, Executive Director Allan Head and numerous NCBA and NCBA Foundation directors met with them during their visit. The Elon visit marked the first time that an entire law school class has been at the Bar Center for an event.
Attorneys Shamieka Rhinehart and Tawanda Foster, from left, visit with Tamikiyo Watters, a second-year student at NCCU School of Law, during the third annual Attorney-Student Diversity Social. The NCBA Minorities in the Profession Committee hosted the social on Sept. 22 in Durham at the Law Offices of James Scott Farrin, which sponsored the event.

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Alzheimer’s disease cannot be prevented, slowed or cured. It is the sixth leading cause of death in the United States. Today 5.3 million Americans are living with Alzheimer’s, including an estimated 200,000 people under the age of 65. By 2030, it is estimated that 72 million baby boomers will reach the age of greater risk.

This year, Alzheimer’s and other dementias will cost this nation $226 billion in health care costs.* How startling are those facts? Will my body outlive my brain? Many of us know someone who is dealing with this disease themselves or with a family member.

Meryl Comer, the New York Times best-selling author of “Slow Dancing with a Stranger: Lost and Found in the Age of Alzheimer’s,” joined many of us at the Bar Center on Sept. 25 for a CLE titled “Retiring Well: Developing Strategies for a Successful Transition.”

Comer shared her personal story of being a POA: Prisoner of Alzheimer’s. She is the caregiver to her husband, who at age 56 was diagnosed with Alzheimer’s. Her struggle as the full-time caregiver to her husband was eye-opening and compelling.

Comer pointed out that many people that suffer with this disease are getting sick in place. Smart people, like lawyers, are able to hide out for a very long time. We may recognize that we are slipping, but because we are smart, we hide out and may stay in the profession too long.

If you are suffering from this disease you do not know what you do not know. People who do not understand this disease think the person suffering with the disease is in denial when, in fact, the person may not know they are sick because they lack the capacity to know.

That is another scary part of this disease. Normally the person with this disease doesn’t know what is happening to them. Their family may be in denial. But, the people they work with normally are not in denial.

The work family is trying to figure out the best way to deal with this professional who has served the profession honorably and may now be slipping or seriously ill. This is a management nightmare.

How can the NCBA help you when you are faced with these issues? Our Senior Lawyers Division (SLD) at its fall meeting in Waynesville four years ago recognized that the NCBA needed to develop a program to assist lawyers as they consider transitioning from the practice of law to retirement both when they are healthy and when they are not.

Building on the SLD’s idea, Mike Wells, during his term as NCBA president, appointed a commission, chaired by Nan Hannah, that became our Transitioning Lawyers Commission (TLC). Over the past three years, this commission has developed a one-of-a-kind, national-award-winning program amongst bar and other professional associations.**

While building this program, they learned that we needed to provide services not only to assist with forms and information on how to ethically turn out the lights on a lawyer’s practice but to help many of our brothers and sisters as they struggle with mental health issues like mild cognitive impairment and Alzheimer’s disease.

These are uncomfortable issues to discuss and handle but they are very real and affect an overwhelming number of our population. Richard O’Brien, MD, Ph.D., chair of Duke University School of Medicine’s Department of Neurology, learned of our TLC program as a speaker at the “Retiring Well” CLE program. He said that the medical profession had no program to deal with these issues. He told us he was going to take our material and develop a program for his profession.

I consider it the ultimate compliment to be copied. Congratulations, TLC!

Our TLC program has put together 24 team leaders who are trained to assist people across the state whenever they may come upon someone who needs help with issues arising out of cognitive impairment or simply with figuring out how to retire.

With this training and in partnership with HRC Behavioral, we are able to assist the practitioner, their family and other professional supporters in understanding the signs and symptoms of the disease, offer a preliminary screening and put people in touch with wonderful resources.

Sometimes they learn the problem is not Alzheimer’s and are able to offer other resources. The N.C. State Bar has given the TLC lawyer assistance program LAP status, which means that the interventions and what is learned during them are not required to be reported the State Bar.

The program is totally confidential. Please visit the website at http://ncbar.org/members/committees/transitioning-lawyers-commission/ to learn more and consider becoming involved as a team leader.

The only advice we were given to try to combat Alzheimer’s or other forms of dementia was to exercise as some research shows that if you are overweight at middle age you are at a 50 percent higher risk to develop these diseases. Unfortunately,
Alzheimer’s is often misdiagnosed or goes undiagnosed because there is no cure. It will kill you over time.

While you are healthy you need to put a plan in place in the event you are among the many that are going to suffer with Alzheimer’s or some other form of dementia. Find a practitioner you trust and ask them to promise to come to you if you start showing signs of slipping and agree to do the same for them. Empower them to help you. Tell your family and office staff of your agreement while you are able.

Then it is your moral duty to the legal profession and the public to follow through on your plan and promise. Also write down your passwords and information that your staff or family will need if you are unable to transact your affairs. Do not leave the people who have supported you hanging.

Past-president Alan Duncan, in his comments at the CLE, said “Life comes full circle.” As a young lawyer you are mentored. As a more seasoned lawyer you become the mentor. As a senior lawyer you may need to be mentored again.

It is the obligation of all of us to do the hard work, to have the series of conversations over time to make sure we protect the professional, the profession and the public.

*The statistics in this article are from the Alzheimer’s Association.
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Lynsey is a native of Greenville, South Carolina and she and her husband Jimmy, a CPA with PricewaterhouseCoopers, have a daughter, Lucile. Lynsey practiced law in Greenville for several years prior to moving to Charlotte and was actively involved in local and state bar associations. She is the Immediate Past President of the South Carolina Bar Young Lawyers Division and a current member of the Bar’s Board of Governors.

Lynsey’s email is lkmetz@youngmayden.com and her mobile is 864-561-3950.

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Twins Sarah and Samuel Kolodski, now 18, never knew their father. U.S. Park Ranger Joseph Kolodski was killed in the line of duty on June 21, 1998.

Sarah and Samuel were 10 months old.

Without the comfort of their father’s warm embrace, the twins were raised by their mother and supported by an extensive community of family and friends.

That community now includes contributors to the North Carolina Bar Association Foundation Endowment, which provides scholarship funds to the children of law enforcement officers who were slain or permanently disabled in the line of duty.

Sarah and Samuel are freshmen at the University of North Carolina at Greensboro, a far cry from their home outside of Bryson City in the southwestern corner of the state. Both are deeply appreciative of the financial assistance they are receiving through North Carolina’s legal community, as is their mother, Florie Takaki, herself an employee of the U.S. Park Service.

“It’s really self-explanatory,” said Takaki. “As a single-income parent, and Social Security stopped at the age of 18, it is critical to get a student into college. Without organizations like the Bar Association, federal programs and local community programs, it wouldn’t be possible without coming out of college with a tremendous burden of debt.”

The NCBA scholarships, awarded through the Young Lawyers Division, enable recipients to expand their horizons when the time comes to choose a college. As seniors at Swain County High School, Sarah and Samuel were able to look beyond their closest options geographically to schools better situated to help them fulfill their dreams.

“Receiving the scholarship gave me the opportunity to get away to a new environment,” Samuel said. “Without it I really would have had to stay at Western Carolina and stay at home, and miss out on a bigger opportunity with, in my eyes, a better program.

“I am grateful to have the option to learn more and do something bigger than small-town North Carolina.”

“I agree with what Samuel says,” Sarah said. “I wanted to go to a private university at first because I knew I would be more comfortable, but I chose Greensboro to get the study that I needed to get done and the program that I needed to get done.

“This was one of the first scholarships that I heard I had received, so for me it was a confidence boost that I could get this done, and it was worth my time to try to go and better myself than to just stay home and go and pretend life was still the same instead of leaving and challenging myself.”

Sarah wants to teach second grade, or teach in a mission school.

‘Never Alone’: NCBA Scholarships Help Twins Realize College Dreams

By Russell Rawlings
to the children of missionaries. She is seeking a double major in special education and elementary education. Samuel wants to teach high school music or band and is seeking a degree in music education.

Both seem to be adjusting well to college life.

“I took only one class the second semester of my senior year and then I was with second-graders all day,” Sarah said. “It was really difficult to adjust to getting back to reading stuff with words that have more than like five letters and are spelled correctly.

“It was a little difficult trying to adapt to that, but thankfully my roommate is wonderful and we get along wonderful. I did not know her before I got here, but it has been a very easy transition.”

“With music,” Samuel added, “the only hard thing for me was coming from a small program where practice didn’t have to be a priority in my life. But now, with a big program, it’s rough for me to get in the mindset and say you have a free hour here, you need to get yourself in that room and start practicing.

“But for normal classes, everything else is very smooth.”

NCBA members will be interested in knowing that word has gotten around about this wonderful program, which has provided more than half a million dollars in scholarships since its inception in 1989.

“I found out about the scholarship program through our mom,” Sarah said, “and then I talked with a couple of friends who also had parents who died in the line of duty about their process.”

There is actually a national organization that provides support and information for children who have suffered the loss of a parent while performing their duties as a law enforcement officer. It’s called C.O.P.S., which stands for Concerns of Police Survivors.

“We were involved in the C.O.P.S. kids program until we were 14,” Samuel said. “It was influential in both of our lives making friends and learning how to cope and deal with the loss of a parent.

“We formed relationships with those programs,” Sarah added. “We have not been to C.O.P.S. for Kids Camp for four years, and haven’t been to Washington, D.C. (for the national conference) for two years, but I still remain in constant contact with multiple kids and I get to hear from them.”

The most important network, they added, was the one that formed around them at home.

“The one major thing I think about often is without it happening,” Samuel said in regard to losing his father. “I would not be here at all, or putting in applications to go out west. Without it happening we would have never had such a close-knit family. Our family and friends drew closer together.

“In the community we had several father figures.”

“Our entire family lives in Pennsylvania and New Jersey,” Sarah added, “so although they were able to come and be with us, they also have lives and jobs of their own. So a bunch of Dad’s friends were involved in our lives. We have two or three significant male figures who have been there for us like fathers.”

Sarah and Samuel have also always been there for each other.

“I am definitely thankful that he is not a girl,” Sarah said. “I think that probably helps our relationship because we are at different ends of the spectrum personally. I enjoy being able to have his friends to talk to about stuff I wanted to know about boys, and he is definitely more adventurous than I am, so he kind of pulls me out of my comfort zone at times.”

“It still has that level of sibling rivalry,” Samuel adds, “but the majority of time we’re not trying to one-up each other. It’s fun just having someone your age who knows you like the back of your hand to hang out with and do silly stuff with. With your friends, you have to find them and they have to get permission from their parents.

“This way, we are never alone.”

Which Sarah finds very comforting.

“I can go into any situation, especially coming to Greensboro and going through orientation, even though we haven’t seen each other much since we got here, I know I will always have someone I can go to.”

And vice versa. 

NCBA Foundation Endowment funds awards

The Young Lawyers Division of the North Carolina Bar Association annually awards scholarships to students from families of N.C. law enforcement officers who have died or been permanently disabled in the line of duty.

Funding is provided through the NCBA Foundation Endowment, including an annual contribution from the Hubert Humphrey Justice Fund that funds one scholarship.

For the 2015-16 academic year, scholarships totaling $29,000 have been awarded to eight deserving students.

Two new scholarship recipients, as denoted in the accompanying feature, are twins Sarah Elizabeth Kolodski and Joseph Samuel Kolodski of Bryson City. Both are entering freshmen at the University of North Carolina at Greensboro, where they are receiving $4,500 scholarships.

Scholarships have been renewed for six recipients.

Michael G. Koszulinski II of Siler City, a rising senior at the University of North Carolina at Chapel Hill, is receiving a $3,000 scholarship.

Mara Elizabeth Macchia of Lenoir, a rising sophomore at Appalachian State University, is receiving a $3,000 scholarship.

Samantha Joy Murray of Mint Hill, a graduate student at the University of North Carolina at Charlotte, is receiving a $3,000 scholarship.

Rebecca Mariana Reyna of Liberty, a rising senior at Guilford College, is receiving the $5,000 Hubert Humphrey Scholarship. Her sister, Kayli Sol Reyna, a rising sophomore at Guilford College, is receiving a $4,000 scholarship.

Daniel Jordan Rousseau of Stokesdale, a rising junior at Laurel University, is receiving a $2,000 scholarship.

Recipients must make initial application prior to their 27th birthday and be enrolled or accepted at an approved institute of higher education or vocational school. Renewal applicants must demonstrate satisfactory academic performance in the preceding semester.
By Amber Nimocks

Since Harper Lee breathed Atticus Finch to life in 1960, no other fictional attorney has had such a hold on the American psyche.

The figure of an altruistic Southern lawyer standing up for what’s right in the face of a deeply unjust society in “To Kill A Mockingbird” has inspired millions as a model of dedication to justice, patience and paternal wisdom. But this summer’s publication of Lee’s “Go Set A Watchman,” which presented a new, more difficult view of the character, left us wondering what members of the N.C. Bar Association make of this hero revisited.

Article continued on page 11
Q: If lawyers of the future need a new fictional icon to turn to for inspiration …

Gregory Peck’s portrayal of Atticus in the 1962 film adaptation of the book solidified the character as a paragon of virtue and strength. For those who responded to our survey, no other onscreen legal eagle comes close.

67 percent: Atticus Finch

8 percent: Matlock
A high-rolling, Atlanta-based criminal defense attorney, Ben Matlock found the real killers weekly on network TV. “Matlock” ran from 1986 to 1995. Portrayed by: Andy Griffith

7 percent: Elle Woods

5 percent: Perry Mason
The original TV lawyer, Perry Mason masterfully sliced and diced through complex cases and dominated in the courtroom to reveal the truth that set his defendants free. “Perry Mason” ruled television from 1957 to 1966. Portrayed by: Raymond Burr

3 percent: Judge Harry T. Stone
As a district court judge in New York, Judge Stone tackled no pressing issues of the law, but his endearing demeanor and his court of lovable losers mined the absurdity of the justice system and the quirks of humanity for reliable laughs on “Night Court.” The sitcom aired from 1984 to 1992. Portrayed by: Harry Anderson

10 percent of respondents suggested other characters to emulate. Among them were:

Deborah Knott:
A North Carolina District Court judge, she is the heroine of a series of mystery novels penned by Tar Heel native Margaret Maron.

The Lincoln Lawyer:
Mickey Haller, played by Matthew McConaughey in the film, is a Los Angeles lawyer who works out of the back seat of his car. Based on the book by Michael Connelly.

Dismas Hardy:
A San Francisco attorney, Dismas Hardy is the hero of a series of thrillers by author John Lescroart.

*Saul Goodman:
Bob Odenkirk’s unforgettable Saul Goodman represented meth dealer Walter White in AMC’s blockbuster series “Breaking Bad.” Fans watched his back story come to life in “Better Call Saul” last year.

Fletcher Reede:
Jim Carrey played him in “Liar, Liar.”

*Note: None of this is behavior to be emulated.
In September, we posted a brief survey online that yielded scores of thoughtful responses, some from members who shared their names, some from anonymous contributors. Perhaps the starkest reply came from a nameless respondent, No. 54, who simply asked: “Why do lawyers need a fictional icon?”

Respondent No. 54 must be made of sterner stuff than most, to eschew not just a single character but the entire notion of a fictional patron saint altogether. Of the 62 people who filled out the survey, just two skipped the question that asked if lawyers of the future need a new fictional icon for inspiration, suggesting that make-believe heroes remain useful for plenty of folks.

Of those respondents willing to entertain the idea of a fictional icon, 67 percent view Atticus as still worthy of veneration. He far outstripped the other characters suggested by the survey: Matlock, who garnered 8 percent of respondents’ votes; Elle Woods, 7 percent; Perry Mason, 5 percent; and Judge Harry T. Stone, 3 percent.

The Atticus of “Mockingbird,” like the other characters in the survey, hews to a moral code that seems as black-and-white as the 1962 film inspired by the book, as simple as Scout, its beloved elementary school-age narrator. But in “Watchman” both Jean Louise, who has outgrown her childhood nickname, and Atticus have aged. “Mockingbird” is set in the midst of the Great Depression, while “Watchman” plays out in the volatile early days of the civil rights movement. These shifts contribute to make “Watchman’s” Atticus a much thornier character. The crucial divide for Jean Louise and most of “Watchman’s” readers centers on Atticus’ support of the Jim Crow status quo of late 1950s Alabama and that he supports this stance with his interpretation of the Constitution. While his dedication to the rule of law remains steadfast, his daughter can now see the gaps between her heroic, childhood vision of her father and the man in full.

Questions persist about whether “Watchman” should have been published 55 years after “Mockingbird.” According to publisher Harper Collins, Lee wrote it before she wrote “Mockingbird,” and the manuscript was thought to be lost before its discovery last year. For many Atticus fans, one book was enough.

Attorney Leah Hermiller, a Young Lawyers Division member who practices at Burns Day-Presnell, P.A., has “Watchman” on her reading list, but hasn’t cracked it yet. She said she doesn’t

MORE ONLINE SURVEY QUESTIONS & ANSWERS

Did you read “To Kill A Mockingbird” before you graduated from high school?
61 percent = yes
37 percent = no
2 percent = Too many times to count.

Have you watched the 1962 film version of “To Kill A Mockingbird” starring Gregory Peck as Atticus Finch?
2 percent = never
5 percent = I’ve caught snippets of it.
63 percent = At least once.
30 percent = Too many times to count.

Who responded?

The character of Atticus Finch in “To Kill A Mockingbird” had some bearing on your decision to pursue law as a profession.
35 percent = agree
65 percent = disagree

The portrayal of Atticus Finch in “Go Set A Watchman” changed your relationship with the fictional character ...
14 percent = Somewhat
9 percent = Profoundly
46 = Not much
31 = Other

Demographics

Age
10 percent = Under 30
26 percent = 30-45
31 percent = 46-60
33 percent = Over 60

Gender
60 percent = Male
40 percent = Female

All images used in this article were obtained from open sources that allow for use and modification in this medium.
think the new version will upend the "Mockingbird" Atticus she has loved since fifth grade.

In her response to the NCBA survey, she wrote: “As a society, we often display an inability to look beyond the surface. However, as lawyers, we have a duty to look beyond the qualities that divide us and to value people Atticus Finch valued people. Regardless of economic status, color, age or gender, Atticus Finch valued people.”

“Watchman” has no trial at its narrative heart while “Mockingbird” featured Atticus’ defense of the falsely accused Tom Robinson. And for some readers, this second portrayal fleshes out the first. One respondent to our survey, who chose to remain anonymous, offered praise for the new book, writing: “Our failing is that we have come to regard Atticus Finch as perfect. … Hooray for ‘Go Set a Watchman’: it adds more complexity and nuance to Atticus’ character. If anything, it elevates Atticus’ level of professionalism. The sad reality is that most Southerners in Atticus’ time were racists. Atticus put his racism aside to zealously defend Tom. … Isn’t it more noble for a racist like Atticus to set aside his personal biases, heed his better angels, and do the right thing? I believe this Atticus Finch is a better, more realistic role model for most of us.”

Another survey respondent, Victoria Bender, who focuses on family law in her Raleigh-based practice Bender Law Offices, wrote that a real hero can admit when he or she was wrong. “I have not read ‘Go Set a Watchman,’ but I do think that if Harper Lee had wanted to publish that book instead of the one she did, she would have,” Bender wrote. “That said, history is replete with people who have changed their views on important issues. And most humans are flawed. To base your opinion of a person on one aspect of them is rather like the blind men and the elephant, never getting the full picture. I love good, well-written literature, but even nuanced characters cannot match up to real people.”

The question of how history will ultimately judge Atticus remains, but if the conversation that arose in the wake of the publication of “Watchman” is any indication, lawyers—at least some lawyers—can still find a use for fictional icons—and particularly Atticus Finch—as avenues for examining complex, painful situations that remain very real. 

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“TO KILL A MOCKINGBIRD”

“… when summer comes you’ll have to keep your head about far worse things … its not fair for you and Jem, I know that, but sometimes we have to make the best of things, and the way we conduct ourselves when the chips are down—well, all I can say is, when you and Jem are grown, maybe you’ll look back on this with some compassion and some feeling that I didn’t let you down. This case, Tom Robinson’s case, is something that goes to the essence of a man’s conscience—Scout, I couldn’t go to church and worship God if I didn’t try to help that man.”

– Atticus to Scout

“GO SET A WATCHMAN”

“I remember that rape case you defended, but I missed the point. You love justice, all right. Abstract justice written down item by item on a brief—nothing to do with that black boy, you just like a neat brief. His cause interfered with your orderly mind, and you had to work out of disorder. It’s a compulsion with you, and now it’s coming home to you.”

– Jean Louise Finch to Atticus

ATTICUS THEN AND NOW

“TO KILL A MOCKINGBIRD”

“... when summer comes you’ll have to keep your head about far worse things ... its not fair for you and Jem, I know that, but sometimes we have to make the best of things, and the way we conduct ourselves when the chips are down—well, all I can say is, when you and Jem are grown, maybe you’ll look back on this with some compassion and some feeling that I didn’t let you down. This case, Tom Robinson’s case, is something that goes to the essence of a man’s conscience—Scout, I couldn’t go to church and worship God if I didn’t try to help that man.”

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– Jean Louise Finch to Atticus

ATTICUS THEN AND NOW
Wake Forest University Professor Muriel Beth Hopkins recalls that she nearly turned her 'little orange Volkswagen over’ while listening to a radio report of Arthur Ashe winning Wimbledon in 1975. Currently, she serves as chair of the Constitution and Rules Committee of the United States Tennis Association (USTA).

Tennis Lessons: WFU Prof’s Life A Study In Sportsmanship, Tenacity And The Law

By Russell Rawlings

Professor Muriel Beth Hopkins of Wake Forest University currently serves as chair of the Constitution and Rules Committee of the United States Tennis Association (USTA), a role she never could have envisioned growing up in Petersburg, Va.

“In the town I grew up in there were no public tennis courts available for African-Americans,” said Hopkins. “We would have been arrested had we attempted to play on public tennis courts in the 1960s.”

So much has changed since then, and Hopkins was done more than simply witness it. She’s been a part of it.

“We all followed Arthur Ashe because he was from a nearby city (Richmond) and my mother actually pushed him in a stroller when he was little. She and one of his aunts were very good friends.”

Suffice it to say, Hopkins remembers where she was in 1975 when Ashe defeated Jimmy Connors to become the first African-American man to win the coveted Wimbledon singles title.

“I was in my car driving to Winston-Salem from William and Mary Law School listening on the radio,” Hopkins said. “I almost turned my little orange Volkswagen over!”

By that time Hopkins had been bitten by the tennis bug. It began simply enough with a tennis class at Wake Forest University, where she was one of only two African-American females living on campus.

“I took a tennis course my sophomore year in college and developed a love for the game,” Hopkins said. “I was a league player first, and then graduated to being a parent of a tennis player.

“I started out as a volunteer with the North Carolina Ten-
nis Association on its Constitution and Rules Committee and the Diversity Committee. From there I gained an interest in the Southern Tennis Association and served on several committees within that organization, and later became chair of the Constitution and Rules Committee for the Southern Tennis Association.”

As this was happening, her son, David, was rising through the ranks of junior tennis. He ultimately achieved top 10 status nationally among junior players, played No. 1 for the Wake Forest tennis team, and recently joined the professional circuit after working for the USTA in Atlanta.

“We also have a daughter, Michelle,” Hopkins quickly points out, "who is married with two daughters and lives in Richmond.”

Professor Hopkins is married to former Wake Forest football player Larry Hopkins, a member of the 1970 ACC championship team who is now an OB/GYN.

Hopkins had served on the Constitution and Rules Committee some 10 years and four years as vice chair before being appointed to a two-year term as chair by USTA President Katrina Adams.

“There are about nine lawyers on the committee and a very knowledgeable chairman of the Junior Competition Committee,” Hopkins said of her present duties. “Together we look at proposals from committees and delegates to determine how the proposals may relate to the International Tennis Federation Rules.

“We also try to get the proposal so it is decipherable. I believe in plain English, and that is what we try to do as we review the new provisions or amendments to the constitution, bylaws and regulations of the USTA.

The committee is also charged with reducing ambiguity and promoting clarity.

“We also facilitate communication between the other committees to ensure that whatever is proposed is fully vetted. In other words, we discuss and try to fine tune every proposal that is introduced for the members’ consideration.”

What’s amazing about her work with the USTA is that Hopkins finds time to do it. She is director of outreach, where she oversees the pro bono and public interest programs of the law school, also teaches the business drafting course. Hopkins also teaches in the Department of History.

The upper level course, which she designed, is titled “Race and the Courts,” wherein she encourages students to talk openly about their perspectives on race.

“We look at Supreme Court cases starting with Dred Scott right up through 2014,” Hopkins said. “We examine how court cases have impacted social relationships in the United States.

“In Dred Scott, it was ruled that the black man ‘had no rights which the white man was bound to respect.’ Now we have seen the application of the 14th Amendment to the rights of all citizens, which has helped to ease the tensions.

“We have come a long way, but the journey is not over yet.”

Hopkins graduated with honors from Wake Forest in 1973 but was denied admission to its law school, for reasons she has never fully understood.

“I was told the law school already had two blacks,” Hopkins said. "I am not sure what that had to do with me, but it was enough to keep me out the first time I applied. So I took a year off and did eligibility work for Forsyth County.

“It proved providential, because the next year I applied and was accepted into law school at William and Mary. And because I was able to retain my Virginia residency, I went to law school for $500 a semester.

“Had I not gone to William and Mary, I would not have gone to work for Hill, Tucker and Marsh and worked with Oliver Hill. Nor would I have met his law school classmate, Thurgood Marshall.”

Still, it’s a wonderful testament to her magnanimous spirit that Hopkins made her way back to Wake Forest and its law school.

“I never give up,” she said. “I always live by the rule that when one door closes, another one opens. I never envisioned being able to teach here and direct programs. What I feel is my most treasured accomplishment is being able to provide service to the Lumbee Indians in Pembroke.

“Our students travel three and a half hours each way to assist with issues affecting the Lumbee Indians. The program is successful because of the compassion of the students here.”

In addition to her duties at the university and volunteer roles, which include two NCBA committees, Hopkins is also an author. She recently contributed a chapter to “Trauma and Resilience in American Indian and African-American Southern History,” (Peter Lang Publishers, 2013).

“My chapter, ’The Hills of Hanover County,’ recalls the story of my grandfather, who kept his family from starving to death during The Depression by walking 20 to 30 miles a day from Hanover County to Richmond to get work. The chapter discusses how the land sustained the family, and how my grandfather and his wife with eight children survived The Depression.”

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With the dedication of an NCBA Foundation Endowment Justice Fund in his honor on Sept. 29, Larry Sitton’s relationship the North Carolina Bar Association has come full circle.

“I joined the Bar Association when I first started practicing law,” Sitton said. “I always thought the bar association was there for practicing lawyers. When I graduated from law school I went into the service and then I clerked for a federal judge for a year, so the year I started was 1967 and the first thing I went to was the practical skills course.

“It was sponsored by the Bar Association at the old Bar Center, two Bar Centers ago, the one on Wade Avenue. I can still remember that program. It was a first-rate program, and it introduced me to the practice of law. I got to meet a lot of folks just starting out in the practice.”

Sitton has been a devoted member ever since.

“From very early on I was involved,” Sitton said. “We went to the annual meeting every year, and as I came up through the ranks I was involved in a bunch of stuff.”

A longtime partner of Smith Moore Leatherwood in Greensboro who now serves of counsel, Sitton served as president of the NCBA in 1998-99 and played a prominent role in its centennial celebration. He was also the founding president of BarCARES.

“I believe the North Carolina Bar Association is really special in trying to help lawyers and to encourage lawyers to be the very best lawyers they can be, and to take seriously our responsibility to give back. We have been granted the right to practice law, and we need to give back to those who need the law for some reason.”

Nothing speaks louder to Sitton’s loyalty than the fact that he has been with the same law firm for nearly 50 years. He joined what was then known as Smith Moore Smith Schell and Hunter in 1967.

“That is pretty unusual in this day and time,” Sitton said. “When I started out I was the 16th lawyer in the firm. It obviously has grown a lot since then, with several iterations of the firm, especially when we merged with Helms Mullis & Johnson in 1986.”

The firm, through subsequent mergers and name changes, is now known as Smith Moore Leatherwood, with 170 attorneys in seven offices throughout the Southeast.

“It has been a great place to practice law,” Sitton said. “It is full of really good people—the lawyers and the staff—who looked out for each other. In my case, and this is public knowledge, when I was going through my problems with depression, they carried me. They were very supportive of me: Whatever it takes to get you well.

“I am eternally grateful for that. It was that experience that got me involved in the Quality of Life Task Force. Because I had gone public with my problem, when Larry McDevitt was president and I was on the Board of Governors, he asked me to chair that task force, from which came the recommendation to implement BarCARES.

“It took a while, but that’s why I was involved, and right after I was president of the bar association I became president of BarCARES.”

The establishment of a Justice Fund in his honor was especially meaningful to Sitton, who has attended many of these ceremonies and knows so many of the previous honorees.

“Words can’t express how I feel about this,” Sitton said. “When I found out about it I was overwhelmed and honored. This is a very august, awe-inspiring group. To be among them is really something.”

Born in Hendersonville and raised in nearby Asheville, Sitton is a “Double Deacon.” A 1961 graduate of Wake Forest University, he was a Hankins Scholar and inductee of Phi Beta Kappa, graduating cum laude. He attended Wake Forest University School of Law as a Babcock Scholar and graduated cum laude in 1964.

He is married to the former Carroll Speight Roberts and they have three children: Rob, Sara and Michele; and six grandchildren.

President Shelby Benton presided over the ceremony. The Sitton Justice Fund was introduced by law partners Jon Heyl and Robert Marcus and Dean Suzanne Reynolds of the Wake Forest University School of Law. NCBA Executive Director Allan Head directed the unveiling of the Justice Fund plaque. xcl
Bob Douglas eyes a treacherous overlook near Galdhopiggen.
In the gloaming, silhouetted on Norway’s famous Besseggen Ridge, with no trail signs or anyone else in sight, a lone hiker is not sure he is on the trail. He is sure that his knee is acting up, and that he is bone weary. And he has miles to go.

Over the years several of us have taken wilderness backpacking trips together in places like Alaska, the Grand Canyon, Zion National Park, Canada and Montana. This year, Vance Barron Jr. found Norway inviting, and the group agreed. Going hut-to-hut above the tree line in the Jotunheimen National Park looked like an interesting and different challenge. Jay DeVaney also signed on but had to cancel.

Plans were laid, and stylish “Carolina Trekker” hiking caps ordered. Soon we were in Oslo, then driving north. Following a memorable dinner of local beef and seafood stew, we spent the first night’s deep sleep in the primitive bunkhouse at the Gjendesheim Hut. (Norwegian huts make room for all, and food is fresh, often locally sourced, high quality and bountiful.)

In the morning, we all started up the steep rocky path toward the 9.5-mile Besseggen Ridge trail to Memurubu, one of Norway’s most popular hikes, in the company of families and other groups. Rock-hopping and scrambling took their toll. The trail climbed through fresh snow, in the face of sometimes sandy 30-40 mph headwinds.

The iconic knife-edge descent high above Lakes Gjende and Bessvatnet made things interesting.

Locke inadvertently became separated from other hikers. His knee began troubling him, but he pressed on ... ever more slowly. When the pilot of a helicopter evacuating an injured hiker asked him if he needed a lift, Locke declined the offer.

Later Locke realized he was alone and unable to locate any cairn trail markers, relying solely on his compass. Then through the haze he was startled by an apparition; was it a legendary Norwegian mountain troll? Thankfully not, but instead another hiker.

Locke shouted, “Are you headed to Memurubu?” When the hiker answered “Yes,” Locke said he would like to follow him.

They continued on for a few minutes, until the hiker walked away out of sight! Before long the hiker, a young Swede named Hugo, returned with his sister—and fellow hiker—Klara. They offered to take Locke’s pack and guide him through the rough last several miles. He readily accepted, quietly thanking his good fortune for these young angels.

Locke asked if the fog was getting thicker, saying he could hardly see. Bemused, Klara and Hugo looked at each other and replied that there was no fog at all. That is when Locke realized that his eyesight had been temporarily compromised during the day and gotten him off trail.

Well after dark, we were greatly relieved when the threesome arrived. Knowing Locke, we chided him for doing about anything to create a good story.

Seventy percent rivers, lakes, and rugged mountains, and 30 percent forests, Norway is dramatically beautiful. A scenic drive took us to Spiterstulen, site of a popular upscale hut, with a bath just down the hall (!) and a convenient drying room for wet clothes. The rustic lobby afforded world class views and a comfortable lounge to sample Norwegian beverages. Bob McClellan discovered a guitar and played us a few tunes.

Also sharing the complex were energetic Norwegian school children, on a course to learn outdoor and related skills. We remarked to the headmaster at mealtime upon their apparent

Article continued on page 18
Norway expedition members, from left, were Jonathan Maxwell, Vance Barron Jr., Locke Clifford, Barden Cooke, Robert Douglas and Robert McClellan.

courtesy, diligence and cooperative spirit. She explained that they were motivated in part by being told an invisible troll was keeping watch to assure that any bad behavior resulted in consequences, such as no dessert or early bedtime.

Galdhopiggen, the highest mountain in Norway at about 8,100 feet, was nearby. The next morning, Vance and Bob Douglas set out to tackle it, but were turned back by heavy fog near the top. The rest of us did an out-and-back walk in a nearby valley.

The walk to the next hut, at Leirvassbu, took us through craggy valleys, alongside lakes, up rocky hills, and across boulders. At the hut we were shown pictures of large trout from nearby lakes; Locke relentlessly tried to catch one.

Ole, the hospitable operator of the hut, lives a few miles away on a farmstead that has been in his family for 1,200 years. Staying in huts allowed us to mingle and share ideas with locals and other visitors. On one of our nearby jaunts we encountered three minimally equipped Swedes (one barefoot) who tent camp in this valley for a week each year.

Following a boat ride on majestic Geiranger Fjord, Glitterheim Hut was our next stop. At the end of a long dirt road, along which we saw reindeer, we came to a parking lot and gate. A sign gave us the choice of walking or riding bicycles the final 4.5 miles to the hut. We chose the bikes.

At dinner, the “traditional mutton stew” received mixed reviews, but the reindeer paté was a hit. That night, at least two of us were unaware that the electric generator for this facility is turned off at night. This resulted in certain trekkers stumbling around blindly from time to time in the pitch black, groping down the hall for the elusive small and equally dark bathroom.

Vance awoke early to hike up nearby Glittertind, the second highest mountain in Norway. The rest decided to sleep in (until after sunup) and walk a different trail. However, some Norwegian guests convinced us that Glittertind was not that far away, so we too decided to go up Glittertind.

We met Vance on his way down, and he tipped us off about high winds at the top. Barden and Jonathan rambled on through rocks and snow to the windy top.

Back in Oslo, we had an afternoon to browse pristine streets among healthy looking, friendly and smiling Norwegians. Several visited the Norwegian Resistance Museum, admiring the courage and persistence of these proud people during World War II, and others the impressive Nobel Peace Prize Museum. Afterward, a traditional Norwegian pub afforded a pleasant and leisurely venue for us to reminisce and share impressions of our unforgettable journey.

God Tur!  

Contributed by NCBA members Vance Barron Jr., Locke Clifford, Barden Cooke, Robert Douglas, Robert McClellan and Jonathan Maxwell of Greensboro.

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**PATRON (up to $199)**

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- A. Mark Adcock, Charlotte, 18
- William Sidney Aldridge, Raleigh, 6
- Malinda Crutchfield Allen, Cashiers, 1
- Amanda Walker Anders, Charlotte, 3
- Ann M. Anderson, Chapel Hill, 1
- Zebulon Dyer Anderson, Raleigh, 4
- Christopher James Anglin, Raleigh, 1
- James Ronald Ansley, Rolesville, 5
- J. Mitchell Armbruster, Raleigh, 6
- R. Marks Arnold, Raleigh, 9
- Judge Catharine R. Aron, Greensboro, 18
- Rudolph A. Ashton III, New Bern, 3
- William Brantley Fulk, II, Chapel Hill, 1
- Philip A. Baddour Jr., Goldsboro, 29
- James Raleigh Baker, Raleigh, 5
- Charles S. Baldwin IV, Wilmington, 1
- James William Baley, Asheville, 2
- Ervin L. Ball Jr., Asheville, 32
- Martha Gayle Barber, Charlotte, 17
- Wade Barber Jr., Pittsboro, 19
- Haywood A. Barnes, Charlotte, 1
I didn’t want an Apple Watch. Really.
With an iPhone, iPad and MacBook Air, I figured owning three Apple devices that need charging daily and upgrading regularly is enough for one person. Not to mention I wanted to avoid being one of those officious “Apple fan boys” running around, going, “and then Apple innovated by putting a device on my wrist … and it tells the time! Mind. Blown.”

Then this happened.
Author shows you the Apple Watch on his wrist.

In my limited defense, it was a gift. In my even more limited defense, I asked for it. It’s not entirely my fault, though. My normally tech-disinterested wife has been rhapsodizing about her Apple Watch for months now:

My Apple Watch does this. My Apple Watch does that. My Apple Watch has a built in laser app like Iron Man.

I’m only human. I broke.
I assumed the Apple Watch was going to be kind of a disappointment. It needs to be Bluetooth tethered to an iPhone. The screen is tiny. It doesn’t really do that much. I was prepared to be underwhelmed.

As it turns out, though, it has been kind of a delight. I’m not overwhelmed. But neither am I underwhelmed. Just regularwhelmed.

After a few weeks of wear, the Apple Watch has quietly crept into some crevices in my tech life that I didn’t know existed.

Check Your Email Without Looking Like A Jerk
The other day I was streaming (not at work, Allan, don’t worry!) the House Committee on Agriculture’s meeting on the Dietary Guidelines (ever wonder what NCBA staff do to relax at night? Curl up to the dulcet tones of a committee meeting, obvs.)

During the meeting, I noticed that several of the committee members were wearing Apple Watches. I wondered why, since the members of this committee aren’t, say, about to quit their jobs and start writing code. These are decided non-technie rock-
Get Off Your Lazy Behind

Sitting is the new smoking, as they say. Usually they say this when looking at you. While you’re sitting. Maybe that’s just me.

Apparently, scientists have achieved consensus on the radical notion that moving occasionally is better for your health than, say, trying to set a Guinness record for couch hours logged. No award for me, I guess. Thanks, science.

The Apple Watch is your semi-annoying partner in trying to get up and move more. It nannies the wearer about standing up at least once an hour, exercising 30 minutes a day, and moving enough to burn X amount of calories. (It also counts steps and stairs climbed, if you prefer to be judged along those axes.) You can customize the goals if you already exceed those. My Apple Watch activity level is set to Panda.

I am of two minds on this. First, I find it a little obnoxious when I’m watching the Yankees disappoint me for the billionth October in a row and my watch says, “Erik, get up and walk around.” It’s like, read the room, Apple Watch. Kind of in the middle of being depressed here. Sheesh.

On the other hand, after a few weeks with the Apple Watch, I am now very clearly the dog to its Pavlov. It says get up, I get up. No matter what I’m in the middle of, I just do it. It has yielded some strange looks at dinner and in the movies.

It’s annoying, but it has made me move more.

All in all, I had pretty low expectations for the Apple Watch. It’s version one, and in a year or two we will have new more powerful versions coming out that make this look like a Fisher Price toy. It has been a real surprise, and mostly a quite pleasant one, at how quickly it has become a part of my routine.

If you’re on the fence about trying it out, I’d encourage you to give it a shot. It’s not life changing, but it is really handy.

Plus, did I mention … it tells the time! ✩

Erik Mazzone is the Director of the Center for Practice Management at the NCBA. He is also an officious Apple fan boy, a disillusioned Yankee fan, and a great help in finishing off the left over CLE food when you go back into the auditorium at the Bar Center.
Attorney's Cannabis Law Book Taps Into Legalization Buzz

When Aspatore Books approached Rod Kight about writing a book on cannabis law, the Asheville attorney assumed it would be about bankruptcy. It is a subject about which the board certified attorney (N.C. State Bar Board of Legal Specialization and the American Board of Certification) knows a great deal and has written about in the past. But Aspatore, a Thomson Reuters company, already had a number of bankruptcy titles, so Kight decided to write a book about marijuana law. The title of the book is “Cannabis Business Law: What You Need to Know (Quick Prep)” and it was released in August.

According to a press release, the book “addresses complex legal issues head-on and covers all of the major legal issues that are unique to cannabis businesses. "Whether you are opening a dispensary," the release continues, “leasing to an edible manufacturer, creating a state of the art growing system, overhauling a casual co-op into a fully functioning non-profit organization, or becoming involved in the cannabis industry in any number of other ways, this book will benefit you by giving you knowledge of the legal issues that you will face, accompanied by practical methods for dealing with them.”

Kight brings an interesting perspective to his subject matter. On the one hand his bankruptcy and business law practice lends itself naturally to addressing the subject of marijuana law from a purely legal standpoint. On the other hand, he is a proponent for the legalization of marijuana and an attorney advocate for NORML (National Organization for the Reform of Marijuana Laws). What’s interesting is how he became advocate.

“I have been in favor of legalization for as long as I can remember,” Kight said. “I became an advocate when I had cancer in 2009. It was testicular cancer and I was going through chemotherapy and feeling awful, as chemo patients feel. ”

“Taps Into Legalization Buzz”

Kight freely admits that he was no stranger to marijuana, “I was encouraged to try marijuana.”

Kight’s cancer treatment has been successful. He remains in remission and is very positive about the future. “Things went well,” he said. “There was one blip, but that was a testing glitch at the four-year mark. Everything looks good.”

In writing “Cannabis Business Law,” Kight took great strides to maintain his objectivity.

“The book’s existence is advocacy,” Kight said, “but the book does not take a position. It is like any other subject matter, such as landlord and tenant issues, in that it is written to help the lawyers set out the lay of the land from the legal standpoint: How do you run a business when the federal laws and the state laws don’t match up?

“It deals with all the things a business owner would have to face, only with a different twist with the cannabis industry.”

It is an industry that is rapidly evolving, thanks in large part to the recent legalization of marijuana in Oregon and Colorado. “Case law typically evolves slowly,” Kight said. “But with cannabis law, it is the Wild West, literally and figuratively. Six months after I had written a chapter, I would have to go back and change it because the law is changing so rapidly.

“Unfortunately, North Carolina is on the slow end of the spectrum. I think our legislature is pretty conservative; the people in charge are not interested in legalization. That said, I think it legalization is inevitable. We will see some form of legalization in the next 3-5 years.”

In his local legal community, Kight says reaction to the book has been extremely positive.

“I was a little apprehensive,” Kight said. “Asheville and the western district is a pretty small bar, and this is controversial subject matter. I did not know how people would respond. Would they look at me differently? Would they not refer cases to me?

“What I found is that this is on a lot of people’s minds, and that they had a lot more experience than they had let on. A lot of people tried it in college, and I think the people who had actually experienced it recognize that there is not a lot of harm involved.

“There are a lot of medical benefits for people, and it is safer than alcohol, which has been legal for a long time.”

Rod Kight operates law offices in Asheville and Waynesville, and is a former member of the NCBA Bankruptcy Law Section council. He is a graduate of Furman University and the University of South Carolina School of Law.
When Joslin Davis assumes leadership of the American Academy of Matrimonial Lawyers (AAML) on Nov. 6, it will mark the summit of a unique journey for the Winston-Salem lawyer and shareholder at Allman Spry Davis Leggett & Crumpler, P.A.

Davis, a graduate of the University of Georgia and Wake Forest University School of Law, began her law career in Fayetteville where she served as an assistant district attorney under the tutelage of District Attorney Ed Grannis. She later worked in Raleigh, at first for District Attorney Randolph Riley and later in partnership with Raleigh lawyer Joe Cheshire, each of whom she credits as mentors.

Early in her career, there was nothing to indicate that Davis would leave the criminal justice field to become one of the preeminent family lawyers in the United States.

The loss of her father brought Davis home to Winston-Salem where her career took a dramatic turn in the direction of family law. “My father died at a young age,” Davis said. “My mother was only in her late 40s and needed me.”

That’s when she and her husband, attorney Fred Harwell, moved to Winston-Salem from Raleigh and started Davis & Harwell, P.A., in 1980. “That was also the first year preceding the passage of the equitable distribution statute which drastically changed family law in North Carolina. I thought it would be a great area to focus my practice.

“Many people in need of a family lawyer were interested in having a woman represent them. The timing worked out well. I had the interest and trial skills to jump into the equitable distribution arena. I was able to learn a new substantive area of the law as it was developing.

“In my early practice, I practiced every type of family law field including equitable distribution. Then I quickly moved into the complicated cases. I always had an interest in finance, accounting, and business law, so equitable distribution was a natural for me. The law developed where a large component involved business evaluation, executive compensation, tax, and securities law.

“I have been able to work with fascinating business men and women dealing with unique compensation, business valuation, and other financial issues. I immersed myself into that area of the practice to the point where I have developed a niche in equitable distribution involving complex business valuations and commercial issues. Also, I am honored that my family law colleagues have asked me to arbitrate and mediate such cases for their clients.”

Early in her career in 1993, Davis was peer selected as a Fellow in the American Academy of Matrimonial Lawyers. To become a Fellow, one must meet stringent requirements demonstrating expertise and professionalism in family law. Since Davis became a Fellow, she immersed herself with work for the AAML.

Davis’ installation as president at the AAML’s annual meeting in Chicago this year comes as no surprise to her colleagues within the North Carolina Bar Association, where she has also been active throughout her career.

Davis chaired the NCBA’s Family Law Section in 1995-96. Davis said, “John Hill Parker of Raleigh was instrumental in recruiting his peers and young people into the Family Law Section of the NCBA. He encouraged me to get involved with the section many years ago.” Davis later served a three-year term on the NCBA Board of Governors.

Davis also served on the North Carolina Advocates for Justice Board of Governors and is a charter member of the N.C. Association of Women Attorneys (NCAWSA). “I joined the NCWA back in 1978 and have been a member ever since,” Davis said. “The NCWA has grown into a fabulous organization supporting women attorneys throughout North Carolina.”

Davis & Harwell, P.A., became Davis Harwell & Biggs, P.A., after Judge Loretta Copeland Biggs joined the firm in 2003. The firm occupied 380 Knollwood Street for over 15 years and shared a floor with Allman Spry Leggett & Crumpler, P.A., one of the oldest law firms in the state.

Davis said, “The firms had a longstanding, close relationship. Allman Spry with its business and commercial practice was the perfect counterpart to our family law practice. Our neighboring firms combined nearly two years ago becoming Allman Spry Davis Leggett & Crumpler, P.A. Within nine months, Judge Biggs was confirmed as a United States District Court Judge, which was a wonderful event for all of us.”

Regarding her admittance into the AAML in 1993, Davis said,
“I am grateful to John Hill Parker for also encouraging me to apply to the AAML in which he was one of the very first Fellows from North Carolina.” Davis first became an officer of the AAML in 2003. She became a vice president in 2006 and served the past two years as first vice president and president-elect, respectively.

Davis said, “The mission of the American Academy of Matrimonial Lawyers is to promote the profession and excellence in the practice of family law. The AAML was founded by a group of nationally recognized family law attorneys back in the ’60s who decided it was time to put together an organization that implements the mission of the Academy and brings the best of the best lawyers in the family law field together. The organization has grown exponentially since that time and now has over 1,600 members and 26 Chapters nationwide.”

The North Carolina Chapter of the AAML, of which Davis is a past president, has 36 Fellows. Davis said, “The North Carolina Chapter of the AAML is amazing.” To her point, this year alone the Chapter has witnessed the installation of former Fellow Loretta Copeland Biggs as a United States District Court Judge and the installation of Fellow Shelby Duffy Benton as president of the NCBA. Now Davis is taking office as president of the national AAML.

“The North Carolina Chapter wholeheartedly and completely devoted itself to Shelby’s inauguration,” Davis said. “She is such an important part of our organization. And the North Carolina Chapter is doing the same thing for me, jumping in and supporting me. Almost all of our Fellows are coming to Chicago for my swearing in.”

“The theme of my presidential term is the Value, Service, Reward of the American Academy of Matrimonial Lawyers to its Fellows,” Davis said. “The value of the AAML to its Fellows, to the legal profession, and to the community is derived through the service of the AAML’s many committed Fellows. The AAML’s Fellows and Committees have been diligent in accomplishing its mission of promoting professionalism and excellence in the practice of family law and providing the reward to its Fellows of camaraderie, education, and support.”

Davis, who is the senior partner of the Family Law Practice Group of Allman Spry Davis Leggett & Crumpler, P.A., approaches her work with the AAML as an extension of her practice. “It takes a tremendous time commitment,” she said, “and, as president, you work for your organization as fervently as you practice for your firm. This will be especially true over the next 12 months. I am thankful to be a principal of a law firm so supportive of my professional commitment to the American Academy of Matrimonial Lawyers.”

In addition to her selection into the AAML, Davis is also the only North Carolina attorney selected into the International Academy of Matrimonial Lawyers (IAML). Davis also serves on the Executive Committee of the American College of Family Trial Lawyers which consists of the top 100 family law attorneys in the United States.

New Military & Veterans Law Section Forming

The North Carolina Bar Association is excited to announce the formation of the Military & Veterans Law Section. The new section will bring together NCBA members who have a special interest in military law or veteran-focused legal services and serve as a coordinating body for NCBA activities and initiatives impacting military and veterans.

The new section will sponsor CLE training for practitioners, connect lawyers to veterans in need of legal assistance, provide a forum to keep current with veteran-focused legal issues and military law, promote initiatives and legislation supporting our military and veterans and serve as a liaison with public entities on veteran-related services and activities.

Annual section dues will be $40. The Military & Veterans Law Section will build on the excellent work of the Military & Veterans Affairs Committee, which has been very active and engaged with military and veteran public entities.

This new section is subject of final approval by our NCBA Board of Governors, so if you practice in this area or have a passion for the military, join now to show your interest in being involved.

Go to https://www.ncbar.org/join-ncba/joinrenew/ to join now and your section membership will be good through June 30, 2016.

The Military & Veterans Law Section will build on the work of the Military & Veterans Affairs Committee. Among the committee’s successes was the funding of a military and veterans-related CLE at the Bar Center earlier this year, above.

Don’t forget, there are 30 existing NCBA sections that you can also join. Go to ncbar.org/members to learn more.
If the Federal Magistrate Judges Association (FMJA) was looking for the perfect ambassador to serve as its president this year, the members hit a home run when they elected David Keesler.

A U.S. Magistrate Judge for the Western District of North Carolina in Charlotte, Keesler began his one-year term as president July 1. He has served as a magistrate judge since 2004.

“The Federal Magistrate Judges Association is a voluntary association of active and retired magistrate judges across the country,” Keesler said. “Our participation rate is something we are particularly proud of—somewhere in the neighborhood of 95 percent. Like most folks do when they first come on board, I joined right away and have been a member ever since.

“The association does some important things to support our judges across the system, which is one reason why most people do join.”

The FMJA currently comprises 779 members, of whom 556 are active, full-time judges; 141 are retired judges; 52 are retired judges currently serving on recall and 30 are active, part-time judges.

“The agenda can change year to year depending on conditions on the ground or the particular interests of the incumbent president,” Keesler said. “One of our goals for this year is to successfully complete a multi-year effort related to salary and benefits.

“As we turn the page and devote less time and energy to compensation issues, we need to see what we can do to strengthen the organization internally and look under the hood. That is not terribly sexy work but it will be good for the organization. We will look at revising our bylaws and making sure our committee structure is robust and active and making the best possible use of our website and other communications tools.

“We also need to make sure we coordinate with sister organizations like the Federal Judges Association and the National Conference of Bankruptcy Judges. We are aided in that regard by the fact that North Carolina’s Allyson Duncan is currently serving as president of the Federal Judges Association.”

Security matters will be a focal point during Keesler’s term.

“A particular passion and interest of mine is the issue of security,” Keesler said. “It is front of mind for a lot of us because of the recent cybersecurity breach in Washington at the Office of Personnel Management.

“We candidly don’t know the extent to which judges’ information was affected but certainly cybersecurity for judges and their families and security in general is on everybody’s mind. I think a lot of government officials at a lot of different levels—federal, state and local—feel somewhat less safe than they once did.

“The judicial branch is certainly no exception. What we want to do is have a richer conversation about security. The Federal Judges Association does a good job with that; we just want to do what we can to increase security for magistrate judges and their families.”

Another area of interest to Keesler is civic education.

“It is not an original idea but a lot of groups out there are looking at civic education as a real need,” Keesler said. “The basic challenge is that folks in general and particularly young people don’t know about their government and how it works, or what the Constitution stands for, and they ought to. It is important to our future as a republic. Judges play a key role in that and we could make a difference adding to the woodpile in that area. A lot of people are doing good things out there in civic education and the FMJA wants to join that conversation.

Listening to Keesler talk about his work as a magistrate judge, it’s easy to see why he has been selected to lead his peers this year.

“I am in the middle of my 12th year, and I have thoroughly enjoyed this work,” Keesler said. “It has been a remarkable opportunity. I feel so fortunate to have had each of the experiences I have had professionally; each and every one I value greatly, and I call upon those experiences daily.

“I have held this job longer than any job I have had. The thing I have enjoyed most is that the work is incredibly fulfilling.
and interesting. The people I work with are admirable public servants whom I enjoy being around. It has just been great.

One thing that makes working in the Western District so rewarding, he said, is the fact that magistrate judges perform such a wide array of duties.

"The interesting thing is that what magistrate judges do varies from district to district within the 94 federal judicial districts in the United States and the territories," Keesler said. "Every U.S. District Court has a slightly different deployment of its resources. Working in the Western District is such an enjoyable and challenging experience for magistrate judges because we are aggressively deployed in terms of the kind of work we do."

This is true, he added, with both criminal and civil matters.

"On the criminal side we are not authorized by the Constitution or statute to do sentencing or jury trials in federal criminal cases," Keesler said. "However, we can do just about everything else. We are delegated almost every type of pretrial criminal proceeding you can imagine, for example.

"Having been a prosecutor and criminal defense attorney, I really do enjoy the criminal work a lot. I find it challenging and very enjoyable."

In civil cases, the magistrate judges are involved in multiple ways.

"We can do civil cases for all purposes with consent of the parties," Keesler said. "We can become the judge for all purposes and if a trial is needed we can do the trial. If the parties do not consent, the magistrate judge can still do a lot of things, including a wide range of motions on referral from the district judge."

Magistrate judges in the Western District are also involved in court governance.

"We have a great group," Keesler said. "We refer to folks who work in the courthouse as the courthouse family. One of the joys of working here is being part of a group of people of very high character who are fun to be with. They are very devoted to this work and to public service. It is a great atmosphere in which to work and I try to not ever take that for granted.

"It’s one of the reasons people come here and stay a long time. That’s no accident."

Another reason Keesler has no plans to leave is his love of the courtroom.

"My life has come full circle," Keesler said. "When I was in college at UNC-Chapel Hill, I interned the summer after my junior year with Superior Court Judge Julius Rousseau from North Wilkesboro, who was sitting in Greensboro most of that summer. I would go to court with him every day and watch whatever case he was trying.

"If he was not busy I would go to other courtrooms in the building. I would watch trials, and I got to know the assistant DAs and public defenders, the bailiffs and probation officers. You might say I got to know all of the characters in the court system and I thought ‘my gosh, these people are getting paid to do this.’ It looked like so much fun."

Keesler is a graduate of the University of North Carolina at Chapel Hill, where he was a Morehead Scholar, and the University of Virginia School of Law. He and his wife, Susan, have two daughters, Amelia and Caroline.

He began his career clerking for Justice Louis B. Meyer of the N.C. Supreme Court in 1987-88. After working from 1988-90 in private practice with Smith Helms Mulliss & Moore in Raleigh, Keesler returned to his native Charlotte.

He served as an assistant district attorney from 1990-94 before going to work for the U.S. Attorney as an assistant U.S. attorney (1994-2000). Keesler returned to private practice from 2000-04 with Moore & Van Allen before his appointment as a federal magistrate judge.

"One of wonderful things about this sort of journey is that at every step along the way there have been these great mentor figures," Keesler said. "I am a big believer that for all of us, no matter our age or chapter of life, having these wonderful mentors in our lives personally and professionally is very valuable.

"In my case I think back about Justice Louis Meyer, and Dick Ellis at Smith Helms, District Attorney Peter Gilchrist, and U.S. Attorney Mark Calloway. I think about the senior lawyers at Moore & Van Allen who took a chance on me, and all the district judges in the Western District who selected me for this job, especially the late Judge Brent McKnight.

"I have been so fortunate every step along the way to have these wonderful people who have provided me with a great example and with great advice. I am very grateful for that."

Keesler is also grateful for the opportunities he has enjoyed through his work with the Federal Magistrate Judges Association.

"Doing this at the same time Allyson Duncan is serving as president of the Federal Judges Association is a tremendous personal opportunity for me," Keesler said. "I hold Judge Duncan in the highest regard, and I consider this chance to have a connection with her as two North Carolinians plowing this field together for a few months as a real treat.

"One of the real joys of serving as an officer, and particularly as president, of the FMJA, even in the short time that I have served, is that I have gotten to know many of my fellow magistrate judges from all corners of the country. This has been a very enjoyable and enriching experience for me, one that I will always be grateful for."
When Keith Faulkner accepted the appointment as dean of the Liberty University School of Law, it figured to be the Virginia Bar Association’s gain and the North Carolina Bar Association’s loss.

Only we’re not losing him. Faulkner, who assumed his new duties in Lynchburg on Oct. 1, will remain a member of the NCBA and its Professionalism Committee.

It is, however, the VBA’s gain, for Faulkner will be a welcome addition to his new campus and state.

“I am honored and humbled to be selected as the next dean of Liberty University School of Law,” Faulkner said. “I was drawn to the school by the mission and purpose and by an outstanding team committed to producing future leaders in law. It is an exciting time at Liberty, and I am thrilled to be joining this dynamic community.”

Pulling Faulkner away from North Carolina was no easy task. He was perfectly happy serving as dean of the Lundy-Fetterman School of Business at Campbell University in Buies Creek, a position he had held since 2013. Before that he spent nearly 10 years with the Campbell Law School, where he served as interim dean, associate dean for external relations, executive associate dean for academic and administrative affairs and vice dean.

“The recruiter asked me if I would be interested in applying and I said no,” Faulkner said of the initial contact. “We were getting ready to build a new house in Buies Creek at Keith Hills Country Club.

“Then a few weeks later our house sale fell through.”

After talking it over with his wife, Faulkner decided to apply. The search committee at Liberty University, which included President Jerry Falwell, reached its decision shortly before the NCBA’s Annual Meeting in June and announced Faulkner’s appointment on Aug. 6.

“Keith Faulkner is an experienced legal education administrator, who I believe is uniquely qualified to lead Liberty University School of Law, and we are honored to welcome him to Liberty,” Falwell said. “Both the search committee and faculty were impressed by Mr. Faulkner’s practical skills and his commitment to the Christian mission of this law school.”

Liberty is a relatively new law school that was founded in 2004 and produced its first graduating class in 2007.

“In terms of its mission and where Campbell Law School places its focus, Liberty is incredibly similar,” Faulkner said. “It is a small law school, and due to the strength of Liberty University, it can afford to be small and selective.

“We have around 200 students, about 75-80 per class. Many law schools don’t have that luxury. This is the vision of the president, Dr. Falwell, who has a law degree from the University of Virginia.”

Faulkner made an indelible mark on Campbell, where he counts among his mentors the college’s late president, Dr. Norman Adrian Wiggins, and the former dean of the law school, Melissa Essary.

“I hope I can lead with the effective grace that she led with,” Faulkner said. “She is a good friend and mentor who provided me with a lot of freedom.”

It was Essary who entrusted Faulkner with a leading role in moving the law school from Buies Creek to Raleigh.

“Moving to Raleigh was a bear,” Faulkner recalled. “I was up there four days a week wearing a hard hat. We have a very good team, and it continues to be a monumental move. It was also a great opportunity for me to gain exposure in the Raleigh market and build some strategic partnerships.”

Faulkner is a native of Star, N.C., where he attended East Montgomery High School and “married the valedictorian and homecoming queen.” Keith and Patty Faulkner have three children.

“They are excited about the move,” Faulkner said, “and I am blessed that they are. They have an adventurous spirit. And I am excited about the opportunity to work at Liberty Law School for the next several years.”

Faulkner is a graduate of Charleston Southern University and earned both his law degree and MBA from Campbell. He is a veteran of the U.S. Navy, where he served as a submariner, nuclear power plant operator and instructor in the Nuclear Power Training Pipeline.

His legal career includes practice as a litigation associate with Hedrick Gardner Kinchelow & Garofalo in Wilmington. 

Keith Faulkner
By Amber Nimocks

For Seth Blum, the works of William Shakespeare offer not just philosophical inspiration but also a means of self-expression, an opportunity for family bonding and a chance to enhance some of the skills he uses in the practice of law. Blum, a founding partner of Kurtz & Blum, is also an actor who frequently brings the Bard's works to life on the local stage.

He said he doesn’t remember a moment when he decided to pursue involvement in theater, but that he has been acting for as long as he could talk.

“The only time I did not do any acting was the three years of law school and two years that followed when I lived in a small town that did not offer any opportunity,” Blum said. “When I moved to Raleigh in 1995, I auditioned within a couple of weeks and got cast. It felt like my chest opened and I could breathe again, like I could see in color for the first time in years. I had no idea how much I’d missed it.”

Theater fans who saw Bare Theatre’s production of “Macbeth” this summer at Raleigh Little Theatre or at the Forest Theatre in Chapel Hill will recall Blum’s performance as Banquo. The play also featured Blum’s three children, Eowyn, Havana and Scarlett, and was directed by Blum’s wife Rebecca, whom he describes as the most talented actor he knows. He said working together in the theater allows the couple to be creative together. And performing helps their children grow creatively as well.

“To my mind, the theater is a great place to raise a child,” Blum said. “Artists are usually very accepting of differences, sensitive to the needs of others, and community minded. Performing requires projection of confidence, ability to read well, memorize, follow instructions, and work as part of a team.”

Blum hopes to someday have played a role in all of Shakespeare’s plays and is incredibly grateful for Bare Theatre for allowing him to play so many great ones so far, including Iago, Caliban and Hamlet. He and some writer friends also kick around the idea of putting together original comedy for the web. During college in Boston and London, Blum did improvisational comedy. He said the experience comes in handy when he has to think on his feet professionally.

“It taught me to roll with whatever was thrown at me,” Blum said. “Acting helps with lawyering in that I have some experience being heard and understood, facing an audience without allowing my nervousness or fear to compromise the message. It also helped me learn to occasionally say things that people did not really want to hear without making them hate me. Being a lawyer, especially a criminal defense lawyer means being OK with rejection. That can also be a recurring theme in the life of an actor.”

An NCBA member, Blum grew up in Atlanta and moved to North Carolina to attend law school at Duke. He has practiced here for 22 years.

Favorite quotes:
Quis custodiet ipsos custodes? (Who watches the watchmen?)

And from “Othello” (William Shakespeare):
Good name in man and woman, dear my lord,
Is the immediate jewel of their souls.
Who steals my purse steals trash; ’tis something, nothing;
’Twas mine, ’tis his, and has been slave to thousands;
But he that filches from me my good name
Rob me of that which not enriches him,
And makes me poor indeed.

What advice would you give to law students looking to enter your field of practice? At the end of the work day, go home. Build a life outside of the office. Being a lawyer is hard. Defending the accused is crucial and fulfilling work, but it will not make you popular. You are going to need an escape. If you depend on the law to give you a sense of self-worth and self-esteem, you will run into trouble.
John Connell just knew he had blown the interview. He was suffering from a cold, on medication, and unusually anxious.

“I felt I rushed it.”

That was nearly 30 years ago when he interviewed for the position of assistant clerk of court at the N.C. Court of Appeals. Not only did he get the job, but seven years later when the clerk’s position became open, he landed that job too.

The affable Connell retired Nov. 1, leaving behind a legacy of service and leadership that will permeate the Court of Appeals for years to come. Always quick with a smile and a self-effacing comeback, he covers his emotions well until the conversation turns to his co-workers.

“That is what I will miss the most—the people whom I work with in this office,” said Connell. “I really have so much love and respect for these people, and I will miss being around them on a daily basis.

“I will never be referred to as ‘honorable’ again.”

The feeling is mutual.

“John Connell, with his good humor, outgoing personality, and patient demeanor has welcomed lawyers and the public to the Court throughout his years of valued service,” said Chief Judge Linda McGee. “John has the ability to confidently and straightforwardly answer practical or complex questions about the rules of appellate procedure, and his assistance to lawyers benefits the operation of our Court daily.

“John has demonstrated enthusiasm for his leadership role and dedication to serving this Court, for which we are grateful.”

McGee is the fifth chief judge Connell has worked under, preceded in that regard by John Martin, Sid Eagles, Gerald Arnold and the late Robert Alfred “Fred” Hedrick, who was serving as chief judge when Connell was hired.

“A classmate of mine from Carolina, Mark Finkelstein, was clerking for Judge Hedrick at the time,” Connell recalled. “I wasn’t loving the practice of law, and he told me about the position that had been posted for the assistant clerk at the Court of Appeals, so I decided to throw my hat into the ring.”

Connell says that he never confirmed it, but that he believes the fact that his father had been Judge Earl Vaughn’s doctor helped his cause. Maybe so, but it’s safe to say Connell didn’t last three decades because of a family connection.
“The clerk serves at the court’s pleasure,” Connell said. “I have been lucky to have the type of people I have had around me. They made me look good.

“When an appeal is filed, we’re the first to touch it coming in the door and the last to touch it going out. We handle the court’s docket, and the rumors about the death of paper in court filings have been greatly exaggerated.”

Connell may make light of his contributions to the court, but the truth of the matter is he is an expert in his field and he will be sorely missed, as evidenced by the tributes that have been posted on Smith Moore Leatherwood’s North Carolina Appellate Practice Blog.

“As the long-time Clerk of the North Carolina Court of Appeals, Connell has been an invaluable resource on North Carolina appellate practice and procedure for close to 30 years,” writes fellow NCBA member Beth Scherer. “Still, Connell’s departure makes me a bit anxious. As evidenced by numerous blog posts, North Carolina’s written rules governing appellate practice and procedure are not always a picture of clarity.

“For decades (including my entire appellate career), Connell has served as a trusted ‘gap filler’ for appellate practice and procedure, generously sharing his years of practical experience and knowledge with practitioners all across the state. I have become accustomed to calling him about some esoteric question or concern. I am sure I am not the only person who will miss having ready access to his wisdom, insight, and incomparable wit.”

Perhaps the term “gap filler” best describes the secret to Connell’s success. It’s one thing to know the complicated rules, but the key is realizing and appreciating the fact that everyone else doesn’t.

“I have spent a fair amount of time around the rules of appellate practice,” Connell said. “They are not the easiest rules. For a lot of attorneys, it is their first time, or they do it so infrequently that it might as well be.”

To help bridge this gap, Connell has made himself highly accessible and available to members of the bar, in part through his service on the North Carolina Bar Association’s Appellate Practice Committee.

“It makes life easier for the practitioner and it helps the court, which leads to a better product,” Connell said. “It is easier to address these technical matters up front than to clean them up after the error has occurred.

“I have enormous respect for attorneys,” Connell said. “They are the ones who are living with these cases. When I go home, I don’t carry the cases with me, which is incredibly fortunate.”

A native of Macon, Ga., Connell is a 1981 graduate of the University of North Carolina at Chapel Hill and 1985 graduate of the UNC School of Law. His wife, Michelle Connell, is also an attorney who practices with Wyrick Robbins Yates & Ponton.

“We met at the Bar Center at an Appellate Rules Committee meeting,” Connell said. “She learned the hard way that I have absolutely no pull with the Court of Appeals.”

In discussing his departure, Connell recalled the time the News & Observer ran a story about the significant salary increases that the General Assembly had awarded to Connell and his counterpart at the Supreme Court.

“The fact is, and this was born out,” Connell said, “that a study had been done which showed we were the lowest paid appellate clerks in the Southeast, and that had been brought to the attention of the legislature.

“The next day after the story ran, Judge (Eddie) Greene comes in and says, ‘I guess now we can afford to hire a real clerk.’”

Whatever the increase was, John Connell was worth every penny. **NCL**
Hello It's Me. I am the last chair of the Young Lawyers Division to be born in the 1970s. I’ll take a moment and let that sink in.

For those of you not currently members of the YLD, yes, I realize that I am, very, very young. Let It Be.

For the third or so of our membership that is currently in the YLD, yes, I realize that I am getting old. I Will Survive.

Let’s face it, this transition is a minor one. If I hadn’t decided to use it as a crutch for writing this article, the fact that I am the last 1970s era chair likely would have gone completely unnoticed. But there’s no ignoring the period of flux the North Carolina Bar Association is in right now. The profession is changing. Newly minted lawyers are emerging into a saturated job market, and increasing numbers of us are hanging a shingle and trying to compete.

Many North Carolina lawyers lack the basic skills that many of us had the good fortune to learn as associates.

At the same time, we all face increasing pressure from non-lawyer groups like LegalZoom. To paraphrase one of Executive Director Allan Head’s favorite phrases, there’s a wave of change coming at the legal profession—we can either swim out to meet it and ride it in to shore, or we can watch it come, frozen in indecision, and get crushed.

The Bar Association ought to be a Bridge Over Troubled Water for its members. To do that effectively, though, we need to shift our focus. Maybe I’m Amazed (no, I’m definitely amazed), until very recently, we have clung to The Way We Were: we charge dues, then charge even more for programming. But the data do not support this approach. Instead, the data increasingly show that the folks most in need of help are not becoming or remaining members at all.

And because we are a voluntary association, we cannot follow the “Because I Said So” model I use at home to force my children to eat their vegetables.

One young lawyer recently used this analogy to convey his thoughts on how the Association has historically operated: It’s like a fancy night club that charges you a cover for the privilege of coming in to pay for over-priced drinks.

This worked for generations, when we were the only game in town. But in today’s market of specialty bars, I’m sorry, y’all, but the Bar Association is neither exclusive enough (anyone with a law license can join) nor filled with pretty enough people (seriously, have you seen my headshot?) to get away with this model.

Of course, the characterization above doesn’t take into account all of the many services we do offer that don’t cost additional money—Fastcase, networking, leadership opportunities, etc. But if that’s the perception, it’s not sustainable.

So what do we do? We need to show North Carolina lawyers not only that there is value in joining the Association, but that it is essential to their profession and their career that they play an active part in the Association.

Of course, a big part of the issue is that the Association has come to rely on the revenue generated by CLE and other educational programming to do much of the good work we do. There is tension between continuing to do all that we have historically done, and making sure that we are serving our membership.

I won’t hold you in suspense—I Can See Clearly Now, and have a position on which is the right choice. We need to become a more member-centric organization. We need to focus on teaching lawyers how to serve the public, to help our members grow their practices, to show value and a reason for lawyers to join and thrive in our voluntary organization.

If that means cutting back on some of our programs that don’t benefit our members, I say so be it. That’s the way we best serve the profession, and the public.

The YLD is leading the way in shifting to a member-focused philosophy. We just had a very successful joint meeting with the Senior Lawyers Division, and have a mentorship collaboration in the works with that group.

Elysia Prendergast-Jones and our New Lawyers in Practice Committee are working on the creation of an online database that will allow young lawyers across the state to tell their colleagues what areas of law they practice, and in what counties.

The database will be easily searchable, and any young lawyer with five years or more of experience in a given practice area will be asked to volunteer as a mentor to other young lawyers who request help.

The goal is to create a simple way for young lawyers to refer work to one another, to find subject matter help when needed, and
to position themselves as experts in their given field. We hope to launch early in 2016.

I’ve created a special taskforce, headed by Cabell Clay, to coordinate with our Sections to create a series of programs on the practical skills needed to be a lawyer. As opposed to CLE programs, which cost money and tend to focus more on the theory of law than its practical application, the goal of this program is to teach young lawyers (whether members or not) some of the skills most of us were lucky enough to learn in our first jobs at law firms.

In yet another effort to integrate the work of the YLD with the greater Association, the curriculum for each program will be drafted by leading practitioners in a given Section, then distributed to local bars to be taught by local attorneys throughout the state.

Several local bars have already reached out to express enthusiasm for the program, and I expect that this will, in addition to helping our fellow lawyers and members of the public, serve as an excellent advertisement for the NCBA.

Finally, Katie Barber-Jones and Devon Williams, the co-chairs of our Wellness Committee, have begun work on the first quality of life survey conducted by the Division in over a decade, to better determine what, exactly, our membership wants and needs.

And I’m thrilled to announce that the changes aren’t just at the YLD level: At the Association’s recent Board of Governors meeting, our leadership approved a plan that allows our Lawyer Referral Service to shift to a fee structure allowing its participants to share the profits that they make through their involvement.

The new fee structure is a true win-win—lawyers get clients, and money, and the more they get, the more the Association benefits, too. With the added revenue, the Lawyer Referral Service will better be able to market the lawyers on its panels, continuing the virtuous cycle. If you’re not participating in the service yet, I highly recommend it.

All in all, we’re off to a good start. But it’s not enough—Don’t Stop ‘Til You Get Enough. Today’s young lawyers need more.

I can hear what you’re thinking: “Oh, Harrison, You’re So Vain—you probably think this whole Association is about the YLD!”

Well, yeah. I kind of do. I don’t know if I’ve mentioned, but young lawyers make up about a third of the Association. We’re the future of the NCBA, and of the profession.

And while the NCBA, and the YLD, have always been Just What I Needed, I’m aging out of the YLD next year. With apologies to Carole King (and President Shelby Benton, who gave such an inspired speech based on the song), for many young lawyers, It’s Too Late.

So, to the New Kid In Town, You’re the One That I Want. Don’t Give Up On Us. You’ve Got A Friend in the Bar Association, and You Ain’t Seen Nothing Yet.

We’ve got work to do. But Let’s Stay Together. Let’s make sure that The Morning After I age out of the YLD, we’ll look back and say, Looks Like We Made It.

Let’s Get It On. xxx.
‘AIRS AND GRACES’: Using Colons And Semicolons To Elevate Your Writing

Each time I sit down to write a punctuation column, I find myself second-guessing the topic. Do readers really want to read about commas, or dashes, or apostrophes? Shouldn't I be able to think of something more stimulating to write about?

But I am always pleasantly surprised at the number of readers who contact me to thank me for these punctuation refreshers and to suggest additional punctuation-related topics. Recently, I received a couple of requests for a column covering the proper use of colons and semicolons, and I am happy to oblige.

Whenever I set out to write about a particular punctuation mark, I turn first to the wit and wisdom of Lynne Truss in her now-classic Eats Shoots & Leaves. Truss devotes an entire chapter to colons and semicolons, using the title “Airs and Graces.” Truss writes,

In this chapter I want to examine punctuation as an art. Naturally, therefore, this is where the colon and semicolon waltz in together, to a big cheer from all the writers in the audience. Just look at those glamorous punctuation marks twirling in the lights from the glitter-ball: are they not beautiful? Are they not graceful?1

Truss describes the dynamic effects of the semicolon and the colon this way: “Like internal springs, they propel you forward in a sentence towards more information, and the essential difference between them is that while the semicolon lightly propels you in any direction related to the foregoing (‘Whee! Surprise me!’), the colon nudges you along lines already subtly laid down.”2

I love the eloquent way Truss characterizes these two punctuation cousins, and if space permitted, I would share more of her colorful observations. But I will move on to the more practical part of the column: the rules of usage for colons and semicolons.3

There are several proper uses of colons, most of which signal that material follows.

- Use a colon to introduce a list, especially after expressions such as the following or as follows.
  Example: We can assert the following claims: negligence, negligent infliction of emotional distress, and loss of consortium.
- Use a colon to signal that clarifying information will follow.
  Example: The jury's verdict came swiftly: guilty on all counts.
- Use a colon to introduce a formal quotation when the introduction is an independent clause.4
  Example: The witness answered the question without hesitation: “I distinctly heard two gunshots.”
- Do not use a colon after a verb or preposition.
  Incorrect example: Present at the hearing were: the plaintiff, the defendant, and their respective counsel.
  Incorrect example: I have located precedent from: the United States Supreme Court, the Fourth Circuit Court of Appeals, and the District Court for the Middle District of North Carolina.
- Do not use a colon after the expressions for example, namely, including, or such as.
  Incorrect example: Numerous charges stemmed from the incident, including: assault, battery, and false imprisonment.

Place one space after a colon. When the material after the colon is not a complete sentence, the first word after the colon should begin with a lowercase letter. When the material after the colon is a complete sentence, the common approach is to begin the first word after the colon with a capital letter.

A semicolon is most commonly used “to separate items of equal status, such as two independent clauses.”5

- Use a semicolon to connect two closely related independent clauses that are not joined by a coordinating conjunction such as and or but.
  Example: We disagree with the jury's verdict; there simply was no evidence to support it.
- Use a semicolon between two independent clauses joined by a transitional word or phrase such as however, for example, or therefore. Use a comma after the transitional word.
  Incorrect example: The witness is unavailable, therefore the deposition must be postponed.
  Correct example: The witness is unavailable; therefore, the deposition must be postponed.
- Use a semicolon to separate items in a list containing commas.
  Example: The defendant confessed to crimes in Miami, Florida; Atlanta, Georgia; and Washington, D.C.
- Use a semicolon to separate items in a list introduced by a colon.
  Example: The elements of negligence are as follows: duty; breach of duty; proximate cause; and damages.6
Yes, these rules are rather dry. But using colons and semicolons correctly can add a rhythm to our writing that will make it more pleasant to read.7 As Truss concludes at the end of her chapter on colons and semicolons, “Perspicuity and beauty of composition are not to be sneezed at in this rotten world. If colons and semicolons give themselves airs and graces, at least they also confer airs and graces that the language would be lost without.”8

Laura Graham, Assistant Director of Legal Analysis, Writing & Research, is a professor of legal writing at Wake Forest University School of Law, where she has taught for 17 years. She welcomes email from readers at grahamp@wfu.edu.

Committee Accepting Nominations
President-Elect Kearns Davis has appointed Mark Holt to chair the 2015-16 N.C. Bar Association’s Nominations Committee.

The committee will report its nominations for five vice presidents and seven members of the board at the annual meeting in June.

Members of the NCBA are encouraged to submit written nominations by March 1, 2016 to C. Mark Holt, P.O. Box 10430, Raleigh, NC 27605. Please mark correspondence “confidential.”

Judicial Performance Evaluation Survey
Now In Progress
The Judicial Performance Evaluation (JPE) Committee has completed Phase I of its survey process for the 2016 election. Lawyers were asked to evaluate North Carolina Superior and District Court judges sworn in prior to March 31, 2015, as well as the special Superior Court judges.

Thank you to the thousands of lawyers who participated in that survey. The results of Phase I will be released as early as possible in December before the election filing deadline of Dec. 21.

Phase II of the survey asks lawyers to evaluate the performance of incumbent trial bench judges who were not evaluated in Phase I and who are candidates for election in 2016, and the non-incumbents who are candidates for election in 2016 as Superior or District Court judges.

Phase II of the survey will take place Dec. 23, 2015, through Jan. 13, 2016, with results to be released in February.

The schedule for both Phase I and Phase II of the JPE surveys was adjusted this election cycle to accommodate legislation enacted in September moving the primary from May 3 to March 15. Such adjustments have been made so that information will still be available to voters before the primary.

The survey information will be accessible by the public at ElectNCJudges.org. Candidates are given an overall rating for performance and are graded on legal ability, integrity and impartiality, professionalism, communication and administrative skills.

“We want to provide comprehensive information from those who know the candidates best – you, the practicing attorneys,” said JPE Committee Chair Charles Raynal. “The survey only takes a few minutes to complete and provides a tremendous public service to the voters of North Carolina.

“Your opinion matters.”

Apply Now For Leadership Academy 2016
The North Carolina Bar Association, in cooperation with Level Up Leadership, provides an intensely interactive and participatory leadership training program for young lawyers.

The 16-lawyer class size is designed to facilitate interaction and an intimate learning environment. The goals of the program are to help young lawyers to: increase personal self-awareness, including strengths and areas for development; develop and refine leadership skills, including inspiring confidence, creating a clear and compelling vision, building trust, communicating effectively, and enhancing team performance; improve their ability to influence others; and use the leadership skills as they learn in order “to make a difference.”

Eligibility Requirements:
- Must be a member of the North Carolina Bar Association and its Young Lawyers Division;
- Have been admitted to practice of law for not less than two nor more than 10 years;
- Provide a letter of recommendation from another member of the bar who knows you well and can vouch for your aptitude and potential leadership;
- Commit to attend all sessions and obtain the commitment of your employer, if any, to support your participation and attendance; and
- Submit your application with all accompanying documents to the NCBA by January 15, 2016.

For further information, please contact Allan Head, NCBA Executive Director (ahead@ncbar.org, 1.800.662.7407). You may also find further information about the Leadership Academy on the NCBA website at www.ncbar.org.
Everett Bowman of Robinson Bradshaw & Hinson in Charlotte received the 2015 N.C. Land Trust's Stanback Volunteer Conservationist of the Year Award.

David Daggett of Daggett Shuler in Winston-Salem won the over 50 age division of the Ironman Executive Challenge at Ironman USA in Chattanooga, Tenn., on Sept. 27.

Carrie Hanger of Smith Moore Leatherwood in Greensboro has been selected by the Greensboro Chamber of Commerce for participation in Leadership Greensboro 2016.

David Hayden of Smith Anderson in Raleigh has been elected chairman of the N.C. Defense Business Association Board of Directors.

N.C. Secretary of State Elaine Marshall has been appointed by the National Association of Secretaries of State as an advisory member to the Uniform Law Commission.

Judge Fred Morrison of the N.C. Office of Administrative Hearings received the Richard Caswell Award from the N.C. Office of State Human Resources “in recognition and appreciation of 45 years of dedicated, extended service as a government employee.”

Joe Nanney of Meynardie & Nanney in Raleigh was recently elected to a three-year term on the Board of Directors of Hope-Line of North Carolina, a Raleigh-based suicide prevention and crisis intervention hotline.

Gerald Roach of Smith Anderson in Raleigh has been elected a vice chair of the Wake Forest University Board of Trustees. He has served on the board of trustees since 2010.

Tom Ross, president of the UNC system, received the Echo Foundation’s 2015 Award Against Indifference for “his lifelong commitment to justice, equality and open access to excellent education.”

Christopher G. Smith of Smith Anderson in Raleigh has been named chair of the board of the newly established North Carolina Chamber Legal Institute. Smith serves on the Chamber’s board of directors.

Kirk Warner of Smith Anderson in Raleigh was recently elected the 102nd president of the Rotary Club of Raleigh, the oldest Rotary Club in the Carolinas.

Julian H. Wright Jr. of Robinson Bradshaw & Hinson in Charlotte has been appointed to the North Carolina Equal Access to Justice Commission by Chief Justice Mark Martin.
In Memoriam

In Memoriam is a regular feature devoted to recently deceased NCBA members. Listings include the age, residence, law school and graduation year. To submit notices, call 919.657.1558 or email rrawlings@ncbar.org.

As of October 15, 2015

Gabriel Andrew Avram
83 | Winston-Salem | Cornell ’59

Robert Cavenaugh Bryan
91 | Charlotte | UNC ’55

Judge Hugh Brown Campbell Jr.
78 | Charlotte | Harvard ’62

James Holmes Carson Jr.
80 | Charlotte | UNC ’63

Beirne Minor Harding
68 | Yadkinville | Wake Forest ’73

Arthur Maxwell Ruppe
86 | Fayetteville | UNC ’52

Christian Riley Troy
67 | Indian Land, S.C. | South Carolina ’77

Lawyer’s Marketplace


WE PLACE LAWYERS in-house and in law firms in NORTH CAROLINA and throughout the Southeast. Contact Vera Wright (919.829.2550) at Legal Placement Specialists, the first legal recruiting firm in North Carolina, or visit our website at www.legalplacementspecialists.com.

Attorney Positions: North and South Carolina. Contact Carolina Legal Staffing, the premier placement firm in the Carolinas, for full-time, part-time and contract positions with law firms and legal departments: Ashley Smith — Charlotte; Julie Clark — Raleigh; Lisa King — South Carolina. Send an email to info@carolinalegal.com or visit www.carolinalegal.com.


Want to purchase minerals and other oil/gas interests. Send details to: P.O. Box 13557, Denver, Colorado 80201.

To place an ad in North Carolina Lawyer magazine, please contact Kim Wallner at 1.800.662.7407 or kwallner@ncbar.org
Meet the 2015 MCLE Deadline: View CLE Video Replays Near You

Asheville, Cary, Charlotte, Concord, Cullowhee, Elizabeth City, Gastonia, Greensboro, Greenville, New Bern, Pine Knoll Shores, Rocky Mount, Smithfield, Williamson, Wilmington, Wilson or Winston-Salem. For more dates and to register, please visit tinyurl.com/NCBAFCLEVRS.

December 1-2

December 4
New Bern | War of the Roses in the Digital Age, Part II: The Roses Go to Court (2015 Family Law Fall Program) | #427RBD

December 7
Greensboro | Current Developments in Estate Planning and Asset Protection | #467GSB

December 8-9
Cary | NCBA 2015 Annual Review | #430BAR

December 8
Concord | The Basics of Navigating a Workers’ Compensation Claim (2015 Basics of Workers’ Compensation) | #458CRD

December 8
Greensboro | 2015 Basics of Elder and Special Needs Law | #469GSB

December 9-10
Asheville | 2015 Estate Planning and Probate Law Survey Course | #444ASV

December 10-11
Concord | Professionalism for New Attorneys (PNA) Winter 2015: Two-Day | #390CRD

December 15
Cary | Appeals: The Next Level (2015 Appellate Practice Section CLE and Annual Meeting) | #428BAR

December 16
Charlotte | Current Developments in Estate Planning and Asset Protection | #467CHA

December 16
Wilson | War of the Roses in the Digital Age, Part II: The Roses Go to Court (2015 Family Law Fall Program) | #427WIL

December 17
Cary | 2015 Fundamentals of Employment Law | #385BR2

December 17
Charlotte | 2015 Basics of Elder and Special Needs Law | #469CHA

December 17-18
Cullowhee | NCBA 2015 Annual Review | #430CUL

December 17-18
Williamston | NCBA 2015 Annual Review | #430WMS

December 17-18
Winston-Salem | 2015 Real Property Practical Skills Course: The Fundamentals and much, much more! | #400WIN

December 29-30
Greenville | NCBA 2015 Annual Review | #430GRV

December 29-30
Smithfield | NCBA 2015 Annual Review | #430SMF

January 7
Wilmington | 2015 Basics of Elder and Special Needs Law | #469WLM

January 7-8
Gastonia | 2015 Real Property Practical Skills Course: The Fundamentals and much, much more! | #400GAS

January 7-8
Rocky Mount | NCBA 2015 Annual Review | #430RMT

January 8
Wilmington | Current Developments in Estate Planning and Asset Protection | #467WLM

January 11-12
Elizabeth City | 2015 Real Property Practical Skills Course: The Fundamentals and much, much more! | #400ELZ

January 11-12
Elizabeth City | 2015 Real Property Practical Skills Course: The Fundamentals and much, much more! | #400ELZ

January 11-12
Pine Knoll Shores | NCBA 2015 Annual Review | #430ATL
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