Heeding the Call

In the aftermath of Hurricane Florence, NCBA members step up to help to survivors

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“As far as anyone can tell” is how we couched our coverage of Judge Robert Hobgood’s retirement as the state’s longest-serving judge, leaving open the possibility that another judge has served longer.

That’s because there really is no way to know for certain who might have served longer. There still isn’t.

But we do know that when Judge Herbert Richardson Sr. retires at the end of the year, his tenure of nearly 40 years as a District Court judge will be longer than the 38 years that Hobgood served as a Superior Court judge.

Thank you to the judges and court officials who brought this discrepancy to our attention, and for the manner in which you did so. It was especially gratifying to speak with Judge Richardson, who was featured on these pages in 2006 when the Young Lawyers Division selected him as the recipient of the NCBAs Liberty Bell Award.

Interestingly, it was Hobgood’s father, the late Judge Hamilton H. Hobgood, who steered Richardson to Robeson County in the first place. As a young lawyer who had just opened a private practice in Durham, Richardson said he wasn’t really interested in interviewing for the assistant district attorney’s position.

“But he was the judge,” Richardson said. “I wasn’t going to say no to the judge.”

Two weeks later Richardson moved to Robeson County, where he became the first African-American lawyer to serve in the district attorney’s office and, in 1979, the county’s first African-American judge. He has served with distinction ever since, including from 1994-2000 when he was chief District Court judge.

We salute Judge Richardson, as we saluted Judge Hobgood in May, for his contributions to the legal profession and the citizens of North Carolina. Between the two of them, their service on the District Court and Superior Court bench is unprecedented.

As far as anyone can tell.
– Russell Rawlings
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Zenylisse Melendez, center, celebrates with, from left, her sister, Zaemely Melendez, her daughter, Yenylisse Melendez, and her mother, Iris Molina, after the Mecklenburg County Bar’s swearing-in ceremony in October. NCBA members and staff welcomed new lawyers to the profession at nine swearing-in ceremonies across the state this fall. Photo: Glennon Toone
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UNC School of Law first-year students Yuwan Guo, left, and Zizhuo Huang, worked with North Carolina Bar Foundation volunteer attorney Sonya Linton at the first NC Free Legal Answers “Empower Hour.” During the law school’s first-year student orientation in August, attorney volunteers collaborated with law students to provide answers, resources and information in response to civil legal questions posted by low-income North Carolinians to the NC Free Legal Answers website. In just one hour, the group responded to eighteen questions. Photo: Glennon Toone

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About the cover: A first-responder inspects a flooded North Carolina road during Hurricane Florence. Volunteer attorneys have followed suit to offer help in the aftermath of the September storm, which caused massive damage in the state. Photo: Courtesy of the Department of Defense.
In September, North Carolina was severely impacted by Hurricane Florence. Despite making landfall as a weakened Category 1 hurricane, Florence still had enough wind speed to uproot trees and cause widespread power outages throughout the state. Some counties received record-breaking rainfall, which caused widespread flooding.

Damages in North Carolina from Hurricane Florence have reached an estimated $13 billion. Members of the legal community were among those affected by the storm. Thousands of survivors whose homes were damaged by Hurricane Florence were also affected by Hurricane Matthew two years ago.

In response to the hurricane, the Federal Emergency Management Agency (FEMA) opened 23 Disaster Recovery Centers (DRC) in North Carolina. Currently, homeowners, renters and business owners in the following 34 counties may apply for federal disaster assistance for uninsured and underinsured damage and losses resulting from Hurricane Florence: Anson, Beaufort, Bladen, Brunswick, Carteret, Chatham, Columbus, Craven, Cumberland, Duplin, Durham, Greene, Guilford, Harnett, Hoke, Hyde, Johnston, Jones, Lee, Lenoir, Moore, New Hanover, Onslow, Orange, Pamlico, Pender, Pitt, Richmond, Robeson, Sampson, Scotland, Union, Wayne and Wilson. Many of those living in these FEMA declared counties need legal assistance to begin the recovery process. This is where all members of the legal community can step up to the plate and assist fellow North Carolinians who were impacted by the hurricane.

Rule 6.1 of the Rules of Professional Conduct encourages every lawyer to provide a minimum of 50 hours of pro bono services annually. This year, one way members can fulfill their professional responsibility is by volunteering through the North Carolina Bar Association’s Disaster Legal Services Program. The North Carolina Bar Association’s Young Lawyers Division, in partnership with FEMA, the Young Lawyers Division of the American Bar Association and Legal Aid of North Carolina (LANC), with support from the North Carolina Bar Foundation (NCBF), is coordinating the North Carolina Disaster Legal Services (DLS) effort.

The DLS pro bono program provides disaster-related resources and services to the public and attorneys. Attorneys who are interested in providing assistance through the DLS program have several volunteer opportunities. First, attorneys can sign up to serve as an intake volunteer on the DLS Hotline. Paralegals and law school students can also serve as DLS hotline intake volun-

**Relief By the Numbers**

NCBA member volunteers are among those heeding calls for help in the wake of Hurricane Florence.

Disaster Legal Services (DLS) attorneys have taken more than 200 of the 398 DLS cases opened thus far by Legal Aid of North Carolina. DLS attorneys have volunteered to provide legal advice, counseling and limited representation.

More than 70 paralegals, law students and attorneys have volunteered to help answer DLS calls and staff intake centers in Craven and New Hanover Counties in conjunction with the NCBF and the NC Pro Bono Resource Center. Attorney volunteers are also helping via NC Free Legal Answers, an online pro bono portal.

40 attorneys have signed up as Free Legal Answers volunteers since Hurricane Florence, bringing the total number of FLA volunteers in the state to 216. That includes 17 out-of-state attorneys temporarily approved by the North Carolina Supreme Court to provide pro bono services to indigent victims of Hurricane Florence.

NCBA- and NCBF-led efforts are helping in other ways as well. The NCBA’s Paralegal Division has collected professional clothes from across the state to help legal professionals affected by the storm.

On Oct. 16, more than 20 volunteer attorneys staffed the NCBA Construction Law Section’s phone bank at WRAL-TV. During the three-hour “Here to Help: Attorneys On Call” event, volunteers answered calls from the public regarding construction matters, including hurricane-related questions.

105 volunteers prepared 255 free wills, health care powers of attorney and general powers of attorney for 85 first responders at two NCBF Wills for Heroes clinics in October supported by the NCBA YLD.
teers. Intake volunteers answer calls during a two-hour shift and fill out the online intake form for each caller.

Second, attorneys can volunteer to accept DLS hotline client referrals after callers are processed through intake. DLS volunteer attorneys provide basic counseling, advice and limited-scope representation. A third volunteer opportunity for attorneys is to serve as an information and resource volunteer at either the New Hanover and/or Craven County FEMA Disaster Recovery Centers. Volunteers will provide information, resources, and referrals only. Volunteers do not provide legal advice or counsel. Paralegals and law school students can also serve as an onsite information and resource volunteers.

NC Free Legal Answers

Another volunteer opportunity for attorneys is to sign up for NC Free Legal Answers. NC Free Legal Answers is the NCBF’s online portal for pro bono questions and answers. Through NC Free Legal Answers, qualifying North Carolinians can post their questions on a secured website. Thereafter, attorney volunteers can log onto the website, select questions to answer, and provide legal information and advice.

Volunteer opportunities are not limited to North Carolina attorneys. On Oct. 2, the North Carolina Supreme Court approved the North Carolina State Bar’s temporary rule amendment allowing lawyers not licensed in North Carolina to immediately begin providing pro bono legal services to indigent victims of Hurricane Florence. The temporary rule, expiring in January 2019, permits lawyers licensed in other states but not in North Carolina to register with the North Carolina State Bar and begin immediately providing pro bono legal services through a legal services organization to indigent residents of North Carolina who are victims of Hurricane Florence without first obtaining approval from the State Bar Council.

It is anticipated that North Carolina residents affected by Hurricane Florence will need legal assistance over the next year or two. Generally, during the first few weeks following a hurricane, affected residents will focus on applying for FEMA assistance, filing insurance claims, applying for government benefits, school enrollment, landlord/tenant and real property issues, document replacement and income protection.

The experts say that two to six months out from the event, persons affected by Hurricane Florence will require assistance with FEMA/SBA appeals, housing displacement, repair and contractor scams, powers of attorney, and emergency custody and parenting order modifications. In the longer term, affected residents may need advice and assistance regarding foreclosure, insurance disputes, bankruptcy, and disaster relief tax applications.

I encourage all of our members who have not yet volunteered through the DLS program to do so. If you are hesitant to volunteer because you feel like you don’t have experience in the types of disaster legal services needed, I will share with you that you are not alone. For this reason, there are training sessions and resources available to help guide attorney volunteers in their work.

Finally, for members of the legal profession who are unable to volunteer due to time constraints or other limitations, I would urge you to support the DLS effort by making a donation to the North Carolina Disaster Legal Services Fund at ncbarfoundation.org/donate. I have found that one of the most rewarding experiences as a lawyer is to help those who are in need. To volunteer or make a donation to support the DLS effort, please visit the NCBA website at ncbar.org/florence.

NCBA President Jacqueline Grant and Executive Director Jason Hensley confer during a taping session at UNC-TV, which partnered with the NCBA this fall to produce educational programming regarding six proposed amendments to the N.C. Constitution. Two 30-minute programs aired on multiple dates from Oct. 19 through Nov. 4 while interviews from which the programs were derived were accessible continuously on the NCBA website. Photo: Russell Rawlings
The Wednesday after Hurricane Florence left the state, Smith Debnam partners gathered for their monthly lunch meeting, normally chaired by the law firm’s managing partner, Jerry Myers. Many learned then that Myers’ absence resulted from his accepting a higher calling — delivering supplies in his small airplane to Eastern North Carolina charities.

In this day of drones and helicopters, small planes landing on short runways provided a much needed service to the hurricane survivors. With hundreds of roads, including I-40 and I-95, flooded and closed to delivery trucks, the federal, state and local governments set up shelters, conducted rescues, and assessed damage on a larger scale. But, for the day-to-day lives of most of the population, thankfulness for survival melted into desperation to return to normalcy. Cash does no good when there are no stores open, or no stock on the shelves.

Yet there were able-bodied locals who could help deliver bottled water and supplies to people in need help with the “who-needs-what.” Recognizing the missing link, Operation Airdrop flew into action after Florence. Connecting the donors, and the donated goods, to charities with volunteers to deliver the donations had been done before in Houston, after the similar disaster.

Smith Debnam Managing Partner Jerry Myers, an NCBA member, stuffed his personal airplane with supplies for Hurricane Florence survivors and flew them into isolated areas after the storm.

By Bettie Kelley Sousa
from Hurricane Harvey in 2017. A Texas non-profit, volunteer led group, Operation Airdrop is a loose organization of pilots and small airplanes which sought and coordinated volunteers through the internet. Call it a “pop up,” with no true existence until the need arises, Operation Airdrop denotes itself as a “week one disaster response organization.” And, after Florence, the need arose in North Carolina.

Myers’ airplane has a cabin about the size of a VW bug. But, it was packed full of donated supplies which were placed into the welcoming arms of local volunteers. He took four trips over two days — to small NC airports in Laurinburg, Elizabethtown and Lumberton, and to a larger airport in Jacksonville. Like the other pilots, he neither was paid for his time, nor reimbursed for the fuel. But, in recounting the trips, his broad smile reflected the true gifts he received.

“It was incredibly well-organized!” marveled Myers, ever the manager. The General Aviation terminal at RDU, nearing the end of its reconstruction, provided the perfect storage facility for the donations. Volunteers (including lawyer and pilot Keith Burns, who intended to fly but whose shared plane already was in service) sorted, stacked, and weighed donations, putting together loads to fit within the weight limit of each airplane. They then loaded the donations onto the awaiting planes — each coordinated to supply the donations needed or requested by the volunteers waiting at the other airports.

The “true heroes” says Myers were the air traffic controllers, who coordinated the small planes’ departures and arrivals around commercial flights, and who carefully spread the airplanes across varying altitudes as the pilots flew very similar flight paths between RDU and Southeastern North Carolina. The Operation Airdrop pilots were instructed to modify their call signs to begin with “compassion flight” to obtain priority handling. No near misses despite four times the normal flight volume at RDU.

At the end of Operation Airdrop’s Florence run, it had used 468 volunteer pilots to deliver 280,000 pounds of cargo over 517 flights. Like others, Myers believes he would do it again. But, having grown up on a farm and seen Florence-flooded farms from the air — one with a portion of a silo and a barn “sitting in a lake”— he hopes Operation Airdrop is not needed anytime soon.

To My Dearest Florence:

The ravaging of my beautiful hometown of New Bern and the decimation of so many wonderful homes and families has broken my heart and irreversibly altered my soul. The images, videos, and stories cannot do justice to the devastation experienced by those hit hardest. There are not words to express the feelings swirling deep in my heart about the wake of destruction left behind in our communities.

Yet, I am one of the lucky ones. My loved ones are safe. My home is habitable with relatively minimal damage. I am left, however, with a feeling of helplessness, of survivor’s guilt, of the desire to assist with more than care packages and donations.

As my family set out to volunteer, I mistakenly assumed that as a contractor my husband’s skills would far exceed my own when it came to assisting those in need. But as I stood outside a friend’s porch while all of her precious personal belongings were pulled from her flooded home to be unceremoniously dumped on the side of the road as trash, I realized that those affected will need so much more than muscle and construction knowledge.

same individuals will need assistance and counsel on a variety of legal issues throughout their journey back to normalcy.

We often hear and use the phrase “pro bono” and consider it an equivalent to all types of volunteerism, but unlike traditional volunteer opportunities, “pro bono” means to use and provide specific skills to those in need. We all have specific legal skills we can offer to those in need.

As an intellectual property and privacy attorney I was hesitant, concerned that while I may have legal skills, my areas of expertise are useless to hurricane victims. As it turns out, my concerns were baseless, because the North Carolina Bar Association, ABA Young Lawyers Division, FEMA, and Legal Aid of North Carolina had me covered with both volunteer opportunities and training resources through the North Carolina Disaster Legal Services (NC DLS) effort, supported by the North Carolina Bar Foundation.

So, my dearest Florence, for those encouraging me to find the silver lining in our time together, it is that I have a much deeper and richer understanding and appreciation for the true need and purpose of pro bono legal services.

Angela Doughty is chair of the NCBA Intellectual Property Law Section. She practices with Ward and Smith in the firm’s New Bern office.
Learning Through The Eyes Of Visitors

By Rachel Blunk

As a lawyer who studied Classics prior to attending law school, I continue to be amazed by the wisdom of our ancient forebears, as well as our ability to extract meaning from their writings which apply to our modern day and time. According to Pausanias, as recorded in his “Description of Greece;” the maxim γνῶθι σεαυτόν, “know thyself,” was inscribed at the temple of Apollo at Delphi.

In my personal life and my law practice, I have used this adage as a vehicle for introspection — examining my choices, my actions and inaction through this lens to best inform future choices and actions. Although self-reflection and studying one’s community from within helps reveal the essential nature of our legal community and the rule of law in North Carolina, seeing your own culture and community from the perspective of an outsider may be even more illuminating.

During the week of Sept. 9, 2018, the North Carolina Bar Association’s Young Lawyers Division (YLD) had the great privilege of hosting five young lawyers from the Port-au-Prince Bar: Louino Volcy, Steeve Mardochee Dieudonne, Marinie Agathe Elisabeth Ducasse, Israel Valcin and Claude Junior Charles. In addition to our young lawyer guests, we also hosted Jacques “Miguel” Sanon, a board member of the Port-au-Prince Bar Association who has attended several North Carolina Bar Association Annual Meetings within the past few years.

Upon arrival in Charlotte, our Haitian visitors were transported to Raleigh – thanks to the able assistance of Elizabeth Hodges of the NCBA – and met up with their hosts for the evening. In order to effectuate the exchange of information and provide a real picture of what being a lawyer in North Carolina is like, the delegation stayed with volunteer attorneys across the state.

Jay Butler, Will Quick, Neubia Harris, Kearns Davis and Cara Ludwig served as gracious hosts on this Sunday evening.

The following morning, our guests met N.C. Sen. Jay Chaudhuri and N.C. Rep. Grier Martin at Big Ed’s in Raleigh for breakfast, with much of the discussion focused on the role of lawyers in government and the rule of law.

After breakfast, we were welcomed by Attorney General Josh Stein at the North Carolina Department of Justice, along with Special Deputy Attorney General and Director of Public Protection Section Jasmine McGee and Outreach & Policy Counsel of the Public Protection Section Hugh Harris.

During our discussion with Stein, we discussed the role of lawyers as law enforcement and the role of the Attorney General’s office in protecting consumers. That afternoon, we drove to Greensboro and had lunch with members of the Greensboro Bar Association’s Young Lawyers Division at an event hosted by Forrest Firm, PC.

We met with Chief Judge Gale of the North Carolina Business Court following lunch. Judge Gale and his clerks introduced the delegation to the technology courtroom at Elon University School of Law. That evening, John Flynn of Carruthers & Roth welcomed our delegation to the final session of Launchlab101, a five-week business-building series for early-stage entrepreneurs operated in collaboration between the Elon Law Business Clinic and the Greensboro Chamber of Commerce.

During the final week of this series, participants learn about entity formation and the protection of intellectual property. Our visitors learned, along with participating entrepreneurs, about the types of entities available in North Carolina and how businesses can protect intellectual property as they grow. Our overnight hosts for the delegation Monday night included Judge Gale, John Flynn, and Jennifer Hensel of Launch Greensboro.

A Range of Experiences

On Tuesday morning, we traveled to the U.S. District Court for the Middle District of North Carolina in Winston-Salem and were welcomed by U.S. District Court Judge Loretta Biggs. We had the opportunity to observe several sentencing hearings, after which our delegation met with U.S. Attorney Matt Martin, Assistant U.S. Attorney Randall Galyon, First U.S. Attorney Sandra Hairston and Assistant U.S. Attorney Joan Childs. During this meeting, we continued our discussion on the role of lawyers in law enforcement and examined the differences and interactions between the state and federal courts.

We traveled to Charlotte that afternoon and visited the U.S. District Court for the Western District of North Carolina, shepherded by Chief District Court Judge Whitney, Chief Bankruptcy Judge Beyer and Magistrate Judge Keesler. Our guests had the opportunity to observe court proceedings in U.S. District Court, Chapter 13 Bankruptcy Court and Magistrate’s Court. Abbie Baynes of Baynes Law hosted our dinner that evening, with overnight accommodations provided by Rachel Bernard, John Floyd, Cabell Clay, Shantia Coley, Kevin Pratt and Judge Keesler.

The next morning, David Garrett hosted breakfast for our guests at the offices of Nexsen Pruet in Charlotte. We met with a variety of lawyers at Nexsen Pruet, and our guests learned what it was like to practice in a large firm setting. Following the meeting, we met with a group of in-house attorneys at NASCAR, including Tsheneka Tate, Brooke Beyer, Jason Weaver, Neil Magnuson, Nichelle Levy and Amanda Oliver. NASCAR attorneys shared...
their experiences as in-house attorneys for a sports/entertainment company with the delegation.

Our last educational stop in Charlotte was at the Council for Children’s Rights. Board Chair and NCBA YLD Chair-Elect Cabell Clay, along with Executive Director Bob Simmons and other staff members, welcomed the delegation at the Council’s offices. The staff members and our delegation discussed juvenile justice and incarceration through comparisons between North Carolina and Haiti.

Although we had planned to cap off the week with a tour of the North Carolina legislature and meetings with the North Carolina Supreme Court, the North Carolina Court of Appeals, the Wake County courts, and officials from the executive branch, Hurricane Florence had other plans.

A Continuing Need

Unfortunately, this meant cutting the delegation’s visit a few days short. As a result, the delegation’s visit closed out with dinner at Fahrenheit in Charlotte, hosted by Kearns Davis and Brooks Pierce.

Having spent the week with the delegation and their hosts, I enjoyed the incredible privilege of seeing our state’s lawyers, Bar Association, justice system and investment in the rule of law through the eyes of our visitors. Our judges, lawyers and community members were perfect ambassadors for our profession and opened their workplaces, their courtrooms, and their homes to our visiting attorneys with warmth and generosity.

The week of Sept. 9 not only brought our visitors from Haiti, but also the destruction of Florence. During the flurry of activity surrounding the delegation’s travel and as the rain was still falling, the North Carolina Bar Foundation (NCBF), led by Kim Bart Mullikin and Nihad Mansour, and the YLD, led by Disaster Legal Services Committee Chair Brooks Jaffa and ABA District 9 Representative Andy Jones, were working with Legal Aid of North Carolina, the Federal Emergency Management Agency, and the American Bar Association to launch disaster legal services once the appropriate disaster declaration was made.

The YLD has been extremely gratified by the outpouring of support from the legal community in response to Florence, both from within and without the state. Attorneys state-wide were swift to respond, and 143 volunteer attorneys had signed up to assist with disaster legal services within the first week. That said, the critical need for legal services continues to outweigh the number of volunteers.

The YLD urges you to volunteer your time and urges you to ask others to provide pro bono legal representation to support the people of North Carolina who have been affected by Florence. You can volunteer by signing up to assist and donate to the North Carolina Disaster Legal Services Fund through the NCBA website.

In addition to those mentioned above, thank you to President Jackie Grant, Immediate Past President Caryn McNeill, President-Elect LeAnn Nease Brown, Executive Director Jason Hensley, staff members Julienne Dambro, Jacquelyn Terrell, Andrea Bradford and Russell Rawlings, board member David Robinson and all of the members of the International Law & Practice Section and the Young Lawyers Division who participated in this program for making the visit from the Haitian delegation both possible and incredibly successful.

The week of Sept. 9, 2018, was a week which afforded us the opportunity both to look inward and learn about the strengths of our own legal community through the eyes of our visitors, and to prospectively examine how these strengths can best serve the people of North Carolina over the coming year. •
When Hank Van Hoy placed Gray Wilson’s name in nomination for president-elect of the North Carolina Bar Association at the 2003 Annual Meeting, he invoked the legend of Pheidippides, whose historic journey from Marathon to Athens gave birth to the modern marathon.

“Gray is a marathon runner,” proclaimed Van Hoy in fulfillment of his duty as immediate past president and chair of the Past Presidents’ Council. “But unlike Pheidippides, Gray has lived to run them more than once.”

Little did Van Hoy know how accurate that statement would prove, through Wilson’s tenure as president of the NCBA and beyond. Fourteen years later, on Oct. 25 to be exact, Wilson set about on yet another long race as he began his term as president of the North Carolina State Bar.

Wilson, a partner in Nelson Mullins Riley & Scarborough’s Winston-Salem office, becomes only the second person to preside over both the NCBA and the State Bar, preceded in that regard by Louis J. Poisson Jr. of Wilmington.

Poisson (see separate story) served as president of the NCBA in 1945-46 and as president of the State Bar in 1951-52.

For Wilson, leadership is a responsibility he has embraced since his formative years in Boone.

“I think from an early age in my family we were always taught that no one owes us anything,” Wilson said, “but we have an obligation to help others less fortunate, and that applies to this profession as well.”

Wilson enjoyed a successful term as president of the NCBA, during which his contributions included establishment of the Justice Teaching Institute, the construction phase of the Liberty Garden at the N.C. Bar Center, establishment of a disability law committee and initiation of the international attorney exchange program.

Ironically, the NCBA also took on the State Bar during Wilson’s watch when it opposed a mandatory $50 public campaign financing assessment on N.C. attorneys because, as Wilson said, “it unfairly taxes the legal profession to disproportionately fund a program that benefits everyone in this state.”

By Russell Rawlings
Judge Allyson Duncan passes the gavel to Gray Wilson as her term as NCBA president ends and his begins in 2004.

Wilson also experienced an eventful year as president-elect, filling in as needed after Allyson Duncan was confirmed to the U.S. Court of Appeals for the Fourth Circuit shortly after her installation as president of the NCBA. Fittingly, Judge Duncan provided the keynote address at Wilson’s recent installation ceremony.

A Break Interrupted

Once his term as president of the NCBA had ended, including service as immediate past president during Mike Colombo’s term as president, Wilson had every intention of taking a break.

“It was 2006, and I was looking forward to being a full-time trial attorney,” Wilson said. “As fate would have it, one of our local (State Bar) councilors resigned, triggering a special election for a replacement councilor. I threw my hat in the ring, albeit late in the game.

“My wife, Cheryl, complained mightily behind my back to one of my partners about my venture and was assured there was no way I could possibly win. So on the night when I went home to declare victory, I found that she had prepared a consolation dinner on my behalf.

“She was displeased but finally accepted my new role with my next state agency.”

Wilson, a 1973 graduate of Davidson College and 1976 graduate of Duke University School of Law, went on to serve nine years (three three-year terms) as a State Bar councilor. Shortly thereafter, the Nominations Committee submitted his name to serve as vice president and, one year later, as president-elect.

Like many aspects of the NCBA and the State Bar, the nominations process is similar but not the same. These differences and distinctions, Wilson finds, are invigorating.

“The State Bar is a regulatory state agency with which most attorneys associate a single function: lawyer discipline,” Wilson said. “Like the bar association, the State Bar also invests considerable time and resources into helping lawyers practice more effectively.

“There is a huge learning curve that takes years to master the basics of the multitude of committees through which the State Bar functions, and a cultural sea change from the general atmosphere at the bar association.

“The North Carolina Bar Association is a voluntary organization staffed by attorneys who want to contribute to the betterment of the profession through a non-profit that is unconstrained by government interference. The State Bar, on the other hand, is a creature of statute overseen by the North Carolina Supreme Court and therefore has to be a prudent steward of its regulatory obligations.”

Prepared For Service

Perhaps the biggest difference between the two organizations is encapsulated in the State Bar’s Grievance Committee, on which Wilson has served several years.

“I was not prepared for the caliber of defalcation and other misconduct that exists in only a fraction of a percent of our licensed bar in this state,” Wilson said. “But, frankly, the collegiality in the State Bar, once I learned the ropes and became acquainted with the counselors who come from all over the state, was refreshing.

“It was similar to my experience with the bar association several decades ago, going back to my days as a young lawyer,” added the former chair of the Young Lawyers Division.

Concurrent with his service to the State Bar, Wilson has served on the board of directors for Lawyers Mutual, and presently serves as chair. He will continue to serve in this capacity, recusing himself when necessary, as fellow board member and former State Bar President Ron Gibson has occasionally done.

The experience, Wilson said, helped prepare him for his duties with the State Bar.

“No question about it,” Wilson said. “Lawyers Mutual is the largest professional liability carrier for attorneys in this state, and anyone who wants to learn how to improve his practice as a lawyer can only sit at meetings where the practice of other lawyers has attached the word ‘defendant’ to their name in a suit.

“I have served on the Claims Committee for the past dozen years. I went on it when I came on the board and never left, although as chair I sit ex officio.”

Wilson is already insured that his term as State Bar president will be historic. On the evening of his installation, Alice Mine will succeed Tom Lunsford as executive director and be sworn in as secretary of the State Bar (see separate story).

“I hope that to some extent my background in the bar association will contribute to my service on the State Bar,” Wilson said, “recognizing that these two extraordinary organizations have a great synergy that can assist them in pursuing a common purpose.”

To that end, Wilson has already initiated the formation of a joint State Bar-North Carolina Bar Association Committee “to meet on a regular basis, at least quarterly, to share information about activities and brainstorm about programs that would be mutually beneficial.”

“This committee is not intended to be merely a goodwill exchange of views among officers,” Wilson continued, “but to seek common ground down on the committee level.”
It’s been more than a century since one attorney has helmed both the NCBA and the North Carolina State Bar. The last to do so was L.J. Poisson, pictured here, (front row, second from left) with UNC Law School attendees from the summer of 1913. Photo courtesy of the UNC School of Law.

L.J. Poisson Also Led Both Organizations

By Russell Rawlings

News of Gray Wilson’s election as vice president of the North Carolina State Bar was received with great excitement by the North Carolina Bar Association, where the Winston-Salem attorney had previously served as president in 2004-05.

His election meant that in all likelihood, which has since proven true, that Wilson would soon hold the distinction of serving as president of both organizations.

But would he be the first to do so?

A quick perusal of the NCBA’s centennial history book, “Seeking Liberty and Justice,” and the State Bar’s history of officers at first indicated that he would. The only possible exception was a gentleman from Wilmington listed by the NCBA and the State Bar as Louis J. Poisson Jr. and L. J. Poisson, respectively.

It just might be that Poisson, who served as president of the NCBA in 1945-46, was recorded by the State Bar by his initials and without the Jr., when he served as its president in 1951-52.

This was indeed the case.

Perhaps even more remarkable than Wilson sharing this distinction with Poisson is the fact that Wilson and Poisson’s grandson Fred were classmates at Davidson College and served together as State Bar counselors.

“Fred and his wife, Lynn, are here tonight to honor their grandfather, Louis Poisson,” Wilson stated during his installation address. “Louis Poisson was also an attorney and a founding member of this organization in 1933.

“For whatever reason, he drifted off into the Bar Association after World War II and in 1946 became president of the North Carolina Bar Association. Then, just five years later, the State Bar apparently discovered he was still alive and made him president of this organization in 1951.

“Perhaps that is because he was a bar councilor for 16 years from 1933-49. He was also president of the New Hanover Bar Association and active in the American Bar Association.”

Pince-nez Glasses and Cigars

Frederick Davis Poisson Jr. has proven to be a font of knowledge on the subject of his grandfather and family history, which includes multiple generations of North Carolina lawyers.

“There were a lot fewer lawyers back in the day,” Poisson stated in recent correspondence with Wilson. “My grandfather went to UNC School of Law several years after he was admitted to the bar in 1910. In those days one could read for the bar and he was licensed in 1910.”

“By the time I knew him,” Poisson continued, “he wore pince-nez glasses and smoked cigars in a walnut conference room with other lawyers who were also smoking cigars.”
“They were talking and laughing. I was handed a large chocolate bar at around four in the afternoon and told I could not eat it until after supper. That is my earliest recollection of wanting to practice law.”

Poisson, his daughter E. Stewart Poisson, and son Frederick Davis Poisson III practice together in Wadesboro with Poisson, Poisson & Bower and all are members of the NCBA. Poisson and his father, the late Frederick Davis Poisson Sr., both served three terms as State Bar councilors, and Stewart Poisson is serving her fourth term on the Ethics Committee.

The family’s legal connections go back even further. Frederick Davis Poisson, grandfather of the future State Bar president, practiced law in Wilmington from 1857-81.

Legal Scholar and Advocate

The State Bar denoted the death of Past President Louis Poisson at its spring meeting in 1962. Poisson died in his native Wilmington on Nov. 8, 1961. The memorial was presented by Judge Albion Dunn of Greenville, State Bar councilor representing the Third District.

Louise Julien Poisson “was outstanding both as a legal scholar and as an advocate,” the memorial stated. “For many years his firm had served as division counsel for the Atlantic Coast Line Railroad and he was vice president and general counsel for the Tidewater Power Company before its merger with Carolina Power and Light Company.”

Poisson, Judge Dunn added, served in the General Assembly in 1923-24 and as Special Assistant to the Attorney General of the United States in 1912-13. He also served as a member of the ABA House of Delegates and as a member of the N.C. Judicial Council.

“Many members of the bar throughout Southeastern North Carolina,” the memorial continued, “recall with deep gratitude how he so often helped them in the early years of their practice by referring work to them or by associating them with him on various matters, and how willing he was to give them sound advice when they needed it.

“Among his primary interests were: the improvement of educational standards for admission to the Bar, continuing education programs for practicing attorneys, and rigid enforcement of the Canons of Ethics. He continued to be a student of the law throughout his professional career, and he was never too busy to help younger members of the Bar in their quest for knowledge of the law and its practiced application.

“His ever-present willingness to devote his time and talent to the improvement of the Bar and the fostering of its highest ideals will forever remain a monument to his life as a lawyer and an American.” •
Shortly after becoming executive director of the North Carolina State Bar in the fall of 1992, Tom Lunsford had a decision to make: Who was going to take his place as assistant director?

Lunsford still considers it his best day’s work.

“I have made thousands of decisions as executive director of the State Bar over the past 26 years,” Lunsford said. “Easily the best decision was hiring Alice Mine to be the State Bar’s assistant director.”

The State Bar Council obviously agrees. Last year when Lunsford announced his decision to retire effective Dec. 31, 2018, the officers quickly determined that Mine would be the perfect person to succeed him. To that end, her name was submitted for approval earlier this year and on Oct. 25 she was formally elected and installed as the new secretary and executive director of the State Bar.

“Nobody could be better prepared by experience and expertise to handle the challenges facing the next executive director than Alice,” Lunsford said. “I knew she was exceptionally capable when I offered her the job, but the really great thing is how she has morphed from a good employee to the very best. I am rather proud of myself for having had the good sense to hire her.”

The feeling is mutual.

“Tom and I have been friends from the beginning,” said Mine. “His management style has always been very subtle but very effective.

“I feel ready to be the executive director and I am excited about assuming this new role, but I will miss my friend down the hall – his humor and his amazing insight.”

The Career He’s Always Wanted

Lunsford joined the staff of the N.C. State Bar in 1984, but his relationship with the organization dates to 1977 when he clerked there as a second-year law student at the University of North Carolina School of Law. He finished law school in 1978 and returned to his native Burlington to enter private practice with Allen, Allen, Walker and Washburn, which he described as a general practice firm with a concentration in real property.

“Unfortunately, when interest rates hit 18 percent in 1980,” Lunsford recalled, “they stopped conveying real estate in Alamance County. This hit the firm hard and, in a cost-saving effort, the partners decided to make me a partner, which was gratifying but not very helpful financially.”

Then a position became open at the State Bar.

“In February of 1981, the executive director, Bobby James, offered me a job as a trial lawyer for the disciplinary program,” Lunsford said. “I joined what was essentially a three-man firm headed by Root Edmonson and including David Johnson. Interestingly, Root and David are both still on the staff doing outstanding work and providing uncommon institutional memory.”

Lunsford’s duties expanded in 1987 when the State Bar Council adopted mandatory CLE requirements. As the newly appointed assistant director, he became responsible for administering the CLE program and the specialization program, and continued to act as counsel to the Ethics Committee. Amid these changes, Lunsford “surrendered” his caseload to Carolin Bakewell who came on as State Bar counsel.

Lunsford was named interim executive director in September 1992 when Bobby James resigned, and one month later was installed as secretary and became the permanent executive director.

When asked about the highlights of his career with the State Bar, he pointed with pride to the construction of the State Bar building, which opened in 2013. He also noted, in a more general sense, his satisfaction at having helped the organization through a period of tremendous growth and change.

“I was the 13th member of the staff when I was first hired,” Lunsford said, “and now we have close to 90. There were about 7,000 lawyers then and now we have about 29,000. For most of my tenure, the law has been a growth industry, as has professional regulation. Through it all, I think we’ve done a pretty good job of serving the profession and protecting the public.”

One aspect of the job that Lunsford has especially enjoyed has been the opportunity to write for the State Bar Journal.

“I have been greatly indulged by the leadership over the years
in being allowed to find and develop my somewhat unconventional editorial voice. It has been my considerable pleasure to tell the State Bar’s always interesting but occasionally mundane story and at considerable length. Of course, it’s not entirely clear that anyone’s been paying attention.”

“Anyway, I’ve learned a lot and had fun along the way. I’ve had the career I always wanted.”

Service and Friendship

Alice Mine joined the staff of the State Bar as assistant director in March 1993.

“Ironically, this is my first promotion in 25 years,” she said. A 1981 graduate of N.C. State University, she had not considered becoming a lawyer until accepting an undergraduate social work internship at The Women’s Center of Raleigh.

“One of my responsibilities was providing resources and referrals to women who called the Center’s ‘hot line.’ I was dismayed by the number of women going through a divorce who said the family lawyer was going to be the husband’s lawyer and they did not know where to look for legal representation and advice. This was my first exposure to a conflict of interest – perhaps a foreshadowing of things to come.

“In any event, I found the disparity in legal resources for women distressing, so I went to law school to become a family lawyer.”

Mine graduated from the UNC School of Law in 1985 and joined Maxwell, Freeman & Beason in Durham as the only associate and their first woman lawyer. Instead of practicing family law, which she found did not suit her temperament, she became an employment and transactions lawyer.

When NCBA Past President Jim Maxwell joined with Dick Hutson to form Maxwell & Hutson, Mine continued with that firm.

“It was very serendipitous,” Mine said in regard to her appointment as the assistant director. “When I decided that I didn’t want to be in private practice, I didn’t know what I wanted to do instead, so I applied to the first opening I encountered which happened to be the assistant director position at the State Bar.

“To be honest, at that point I was one of those lawyers who didn’t understand the difference between the State Bar and the Bar Association. It turned out that the job suited my skills and personality exceptionally well. And I got to work closely with two of the finest lawyers I know, Tom Lunsford and Carolin Bakewell, who was the State Bar Counsel at that time.”

An unforeseen additional benefit of the job, Mine noted, was working with State Bar councilors and officers. “For twenty-five years,” she said, “I have had the opportunity to serve and become friends with exceptional lawyers from all over the state.”

Like Lunsford, Mine’s tenure has many highlights, including serving as staff counsel for three revisions of the Rules of Professional Conduct, the most extensive of which culminated in 1997. Mine has shepherded numerous special projects during her tenure, testament to the fact that while up to now she has always been the assistant director, she has never been in the background.

“There’s always a seat at the table,” Lunsford promised Mine when she accepted the job, and he has kept his word. “He was content ‘to bask in my reflected glow,’ as he would jokingly put it.” Mine added, “His management style is to hire talented people and then step aside and let them do their work. I plan to stay the course.

“This sense of inclusiveness is a great model, one that has reinforced our friendship. It has been a pleasure to work here.”

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Harkavy Award Goes To John Gresham

John Gresham of Charlotte was honored on Friday, Oct. 12, as the fifth recipient of the Johnathan R. Harkavy Award. The award is presented as merited by the Labor and Employment Law Section of the North Carolina Bar Association in recognition of a career that exemplifies outstanding service, leadership, and significant contributions to the development of employment law in North Carolina.

The award was presented in conjunction with the 34th Annual North Carolina/South Carolina Labor & Employment Law Program in Asheville.

Gresham has practiced with Tin Fulton Walker & Owen since 2011, and before that with Ferguson Stein Chambers Gresham & Sumter. He is a graduate of Davidson College and Boston University School of Law.

He began his career as a law clerk for U.S. District Court Judge James B. McMillan. Gresham is a past president of the Mecklenburg County Bar Foundation and former recipient of the NCBA Education Law Section’s Distinguished Service Award.

“While Gresham practiced pretty exclusively on the plaintiff’s side,” his nomination reads, “he was well respected by most members of the bar and particularly those who had occasions to interact with him. That was clearly apparent during the discussion of the members of the Harkavy Award Committee.

“While he was and is a vigorous litigator, Gresham pursues that role in a professional manner. He respects his opposing counsel and other members of the bar, and is also readily approachable by other members of the bar seeking advice about a variety of topics.”

Previous recipients of the award are Jon Harkavy (2008), John Doyle (2009), Dan McGinn (2010) and Travis Payne (2012).
Justice Fund Honors Wade Smith: Truly ‘A Class Above Them All’

“He was a class above them all.”

Coach Joe Robinson uttered those words in reference to another football player, but he could have just as easily been talking about his old teammate at the University of North Carolina, Wade Smith.

Never was this more evident than on the afternoon of Oct. 9, Wade’s 81st birthday to be exact, when the North Carolina Bar Foundation dedicated the Wade M. Smith Justice Fund to Benefit Legal Aid of North Carolina.

It was definitely Wade’s party, but the cause took center stage as Smith responded to the dedication of this new fund, which will help the NCBF Endowment sustain and strengthen its support of civil legal services for the poor provided through its Legal Aid of North Carolina Fund.

“Thank you for today,” Smith said in his brief acceptance remarks. “It means so much to me. Together we are doing something that will make a real impact.

“I want to fully embrace this moment and remember this moment. Amazing things are happening and we are making things happen. Your North Carolina Bar Association is making an enormous difference.”

Jacqueline Grant, president of the NCBA and the NCBF, presided. Speakers included Robin Barefoot, chair of the NCBF Development Committee, and Jason Hensley, NCBA/NCBF executive director.

Speaking on behalf of Smith were longtime friend Jim Blackburn and the Rev. T. Melvin Williams, co-founder of the Religious Coalition for a Non-Violent Durham. George Hausen spoke on behalf of Legal Aid of North Carolina, where he serves as president and executive director.

The fund-raising effort to establish the fund was led by a current and former law partner of Smith, Alice Stubbs and Mark Holt, respectively.

Renaissance Man

Smith was born in 1937 in Albemarle. The son of textile workers, Wade and his younger brother, longtime law partner Roger Smith, were raised in a mill village called New Town. They were standout athletes at Albemarle High School and standout football players at the University of North Carolina at Chapel Hill. Both attended
UNC as Morehead Scholars and both are members of the Stanly County Sports Hall of Fame.

Wade Smith received his bachelor’s degree in English from UNC in 1960. He served as co-captain of the football team his senior year, completing his career with a 50-0 victory over Duke. He proceeded to the UNC School of Law, graduated in 1963, and clerked for Justice Carlisle W. Higgins of the N.C. Supreme Court. On Sept. 1, 1964, he joined J. Harold Tharrington to form Tharrington Smith, where he continues to practice.

From 1964-66, Smith served as a prosecutor in Wake County Superior Court, after which he began his work as a trial lawyer. In 1973 he was elected to the first of two terms in the N.C. House of Representatives, and in 1985 he was elected to a one-year term as chair of the North Carolina Democratic Party.

Smith has also served as president of the Wake County Bar Association and the 10th Judicial District Bar, the Wake County Academy of Criminal Trial Lawyers and the UNC General Alumni Association. UNC honored him in 1989 as the recipient of its Distinguished Service Medal. He received the Joseph Branch Professionalism Award from the Wake County Bar Association in 1998 and N.C. State Bar’s John B. McMillan Distinguished Service Award in 2013.

Within the ranks of the North Carolina Bar Association, Smith is one of its most decorated members. In 2008 he received of the H. Brent McKnight Renaissance Lawyer Award, which was established by the Professionalism Committee to honor attorneys who demonstrate the “Renaissance Lawyer” qualities embodied by Judge McKnight, who died in 2004 while serving on the U.S. District Court for the Western District of N.C.

It was also in 2008 that the NCBAs Criminal Justice Section first presented awards honoring an outstanding criminal defense attorney and prosecutor. Smith became the first recipient of what became the Wade M. Smith Award, presented annually to a “Criminal Defense Attorney Who Exemplifies the Highest Ideals of the Profession.”

In 2015 he became the 37th recipient of the Judge John J. Parker Award, which has been considered the NCBAs highest award since its establishment in 1959 in recognition of an individual “who has strengthened the American System of freedom under law.”

In 2006 the General Assembly established the North Carolina Innocence Inquiry Commission to evaluate actual innocence claims made by people convicted of criminal acts in North Carolina, and Smith was appointed by the Chief Justice of the N.C. Supreme Court to serve on the commission. He has been chosen for membership as a Fellow of the American College of Trial Lawyers, a Fellow of the American Board of Criminal Lawyers, and a Fellow of the International Society of Barristers.

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

Kenan and Aslan assisted their grandfather in unveiling the Justice Fund plaque. •

Estate Planning Honors Graham Holding

Graham D. Holding of Robinson, Bradshaw & Hinson in Charlotte is the first recipient of the North Carolina Bar Association Estate Planning & Fiduciary Law Section’s Distinguished Service Award.

The award was presented on July 26 in conjunction with the section’s annual meeting and CLE at Kiawah Island, S.C.

Holding has practiced with Robinson Bradshaw for 29 years. He is a graduate of the University of North Carolina at Chapel Hill and the University of Virginia School of Law.

The section also announced the establishment of a North Carolina Bar Foundation Endowment Justice Fund in honor of Holding. The Justice Fund will be dedicated at a later date.

“As it was the first Distinguished Service Award, it obviously meant a great deal to me,” Holding said. “I was overwhelmed with that award in addition to the Justice Fund in my honor.”

Holding has been a member of the Estate Planning & Fiduciary Law Section since its inception in 1979, devoting a great deal of his involvement to the section’s Legislative Committee.

“I have enjoyed working with other attorneys as a team drafting legislation,” Holding added. “The contributions of those on the teams should not be overlooked. Working with other people and sharing ideas – that is the part I have enjoyed the most in our efforts to achieve our goal of providing the best trust and estate legislation in North Carolina.”

Holding, notes the firm’s website, is co-author of two popular resources for North Carolina attorneys, the BB&T Estate Planning Forms Manual and the document assembly software program, MenuForms for North Carolina Estate Planners. He is also a frequent lecturer on estate planning, administration and tax topics. •
Me, Myself, And I:
Usage Rules That Should Be Reflexive

By Laura Graham

One of the many rewards of writing this column is hearing from you, the readers. I enjoy hearing anecdotes about your own writing experiences, responding to your follow-up questions, and even receiving your gentle criticisms. And I particularly enjoy reading about your “pet peeves,” which often provide the inspiration for future columns.

One reader recently wrote about his pet peeve: “It has become extremely common to hear/read ‘between you and I,’ ‘with my wife and I,’ ‘she took my sister and I to the store,’ etc. My thought is that folks have been so chastised for misuse of ‘I’ that they now use it everywhere.” Another reader wrote, “My pet peeve is misuse of the word ‘myself.’ Often, I see lawyers misuse the word in an attempt to sound more formal in letters and e-mails.” These loosely related pet peeves are the inspiration for the rest of this column, which provides a short refresher on the correct use of first-person pronouns.

I’ll start with the most straightforward rule: The pronoun I has just one correct use, as the subject of a sentence. This seems so obvious that I’d feel silly giving examples of this rule. Indeed, I don’t think most of us struggle with using I correctly as the subject of sentences. But we do sometimes err by using it as the object of a verb or a preposition, as in the reader’s examples.

Consider the following sentence: “I would like to keep this between you and I.” The first I is correct, of course, because it’s the subject of the sentence. But the second I is incorrect; between is a preposition, and what follows it must be in the objective case. The objective first-person singular pronoun is me. Thus, the sentence should read, “I would like to keep this between you and me.”

Now consider the reader’s example: “She took my sister and I to the store.” This use of I is incorrect, because took is a verb that takes a direct object, which must be in the objective case. So again, me would be the correct pronoun, and the sentence should read, “She took my sister and me to the store.” Don’t let the fact that there are two direct objects joined by and throw you off; if you remove the words my sister and from the sentence, you’re left with, “She took ____ to the store.” And no one would say, “She took I to the store.”

So, I is used only as the subject of a sentence, and me is used only as the direct object of a verb, or as the object of a preposition, or as an indirect object (as in, Tell me the truth). But what about myself? Myself can be used as an intensive pronoun, to emphasize the subject or antecedent in a sentence, often in the sense of “and not someone else.” Here is an example: “I plan to conduct the cross-examination myself.” But this isn’t the use of myself that tends to be problematic; the problem arises with the reflexive use of myself.

A reflexive pronoun serves as the direct object of a verb or as the object of a preposition when the subject of the clause is the same person as the object of the verb or preposition. Thus, the reflexive pronoun myself is correct only in sentences with I as the subject. Here are some examples of this correct use of myself.

- I was so upset with myself. (myself is the object of the preposition with)
- I must look within myself to find peace. (myself is the object of the preposition within)
- I hurt myself lifting those heavy boxes. (myself is the object of the verb hurt)

Now, here are some examples of the reader’s pet peeve, the misuse of the word myself.

- John and myself can handle the deposition. (myself can never be the subject of a sentence)
- The boss invited my husband and myself to dinner. (myself is never correct as the object of a verb when the subject of the sentence isn’t I)
- Please submit your expenses to myself by Friday. (myself is never correct as the object of a preposition when the subject of the sentence isn’t I)
- You should come with Mary and myself. (Don’t let the double object of the preposition fool you. If you remove the words Mary and, you’re left with, “You should come with ____.” And myself would not be correct, because I isn’t the subject of the sentence. The objective first-person pronoun me would be correct.)

I should note that the same principles that govern the use of I, me, and myself govern the use of other sets of pronouns: we, us, and ourselves; you, yourself, and yourselves; he, him, and himself; she, her, and herself; and they, them, and themselves (by the way, there is no such word as theirselves).

Some writing experts theorize that reflexive pronouns are so often misused because people think the reflexive form sounds more elegant (or, in the words of the reader, more formal). But I don’t think it’s ever elegant to be incorrect in our legal writing. Other experts theorize that the frequent misuse of reflexive pronouns in the 24-7 news media has “normalized” their use in our speech and our writing. But we should not settle for poor grammar in our legal writing, even if it has been “normalized” in the popular media. Believe me, I myself never will!

WRITING THAT WORKS

By Laura Graham

North Carolina Lawyer
www.ncbar.org
The North Carolina Bar Foundation is pleased to publish, for the first time, an Honor Roll of Donors to recognize and thank those individuals for their cumulative support of the North Carolina Bar Foundation.

This past fiscal year, the Foundation raised $1,241,902.71 in cash and commitments. The Annual Fund raised a total of $266,156.61, and the Foundation received its single largest gift of $750,000.

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If you have questions about the Honor Roll of Donors, or for assistance making your gift in fiscal year 2019, please contact Louise Harris with the Bar Foundation at 919.677.0992.

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* Membership in the 1960 Society has been reinstated posthumously for Allan B. Head.
Platt D. Walker Society

The Platt D. Walker Society was established in 1996 and recognizes those individuals who have made a planned gift to benefit the North Carolina Bar Foundation. The Walker Society is named for the late Platt D. Walker, elected the first president of the North Carolina Bar Association in 1899.

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Thanks to your generous support last fiscal year, the Foundation’s Endowment was able to provide 44 grants to programs and organizations advancing the Foundation’s values throughout North Carolina. Thank you for helping the North Carolina Bar Foundation serve North Carolinians from Murphy to Manteo.
Individual philanthropic support makes the Foundation’s signature pro bono and public service programs possible. Thanks to your support, over 10,000 North Carolinians were impacted by the Foundation.
We envision a vibrant North Carolina where legal services are available to all, regardless of ability to pay; where members of the legal profession provide community service and leadership that profoundly impact the public, thereby demonstrating the value of our profession to society; and where all North Carolinians understand and have confidence in a legal system that serves them.

This vision becomes a reality with your generous philanthropic support. Thank you for choosing to support the Foundation in a meaningful way.

*Denotes NCBF donors who are now deceased.
Our monthly reports at the N.C. Bar Center provide a wealth of information about the members of the North Carolina Bar Association. We can see how many lawyers, law students, paralegals and paralegal students comprise our membership, as well as how many members are participating in each of our sections and divisions.

The reports also reveal how many members hail from each of North Carolina’s 100 counties. There are thousands in Durham, Forsyth, Guilford, Mecklenburg and Wake counties, and more than a hundred members in each of 13 additional counties.

Another important number also stood out in a recent membership report for Gates, Graham and Tyrrell counties: one. That’s right – in each of those counties, we had one member, each of whom has a story to tell about their lives, their careers, and their reasons for being members of the North Carolina Bar Association.

Please allow me to introduce them.

Mack Tallant

Graham County is about as far west as one can go and still be in North Carolina. Parts of the county are farther west than Knoxville, Tenn. The only county in the state that is further west is Cherokee County, where Mack Tallant grew up and graduated from Andrews High School.

“I worked in Atlanta for a few years before law school,” Tallant said, “and I wanted to come back to a small town to practice law, but not necessarily the town I grew up in.”

Tallant earned his bachelor’s degree from Appalachian State University in 1989 and graduated from the Georgia State College of Law in 1995.

“Zeyland McKinney was practicing here in Robbinsville, and I practiced with him until 2014,” Tallant said. “I have been solo ever since. I have focused primarily on real estate and have done a little litigation involving real estate, wills, incorporation and LLCs.

“I also help the clerk’s office with all of their Guardian ad Litem competency cases. I have handled an estate here and there, and until recently I always represented one or more of the local towns, but I got out of that after 20 years.”

Tallant’s wife commutes to Western Carolina University in Cullowhee, where she directs the honors college and serves as associate dean. They have a son in elementary school and enjoy everything that living in a small town has to offer.
“Everybody has been so good to me,” Tallant said, “I see no reason to go anywhere else. I can’t say that any one particular event led me to become a lawyer; I just always thought it was something that I wanted to do.

“I like the idea of helping people and being able to do a service to the clients and the community. That appealed to me, and I think that is why I gravitated toward real estate in the end, because it typically accomplishes something for both sides and everyone goes home happy.”

Tallant is a prime example, if not the perfect example, of how a lawyer in a small, remote area benefits from membership in the NCBA.

“The Bar Association is a great resource,” Tallant said, “especially the Real Property Section. The section has been a great resource for CLEs and for the online forms. I don’t really see how any attorney can practice and not be a Bar Association member for all of the resources that are offered. It has been a real asset, especially for a small practice.”

Tallant is a regular at the Real Property Section’s Annual Meeting.

“I like to make it a family trip when I can,” Tallant said, “especially when it is at the beach, or when it comes to Asheville every third year, that is handy.”

Tallant emphasized that while he is the only NCBA member in the county, he is not isolated.

“I could not ask for a better bunch of colleagues,” Tallant concluded. “If I need advice or need help with something, I can pick the brains of a dozen different attorneys in the area and they don’t hesitate to talk with me.

“It’s as if we were down the hall, which I imagine goes on in large firms, but I just pick up the phone instead of sticking my head in the door.”

Windy Rose

For many North Carolinians, Tyrrell County is either the “jumping off point” on their way to the Outer Banks or the first sign of civilization on their way home.

For Windy Rose, it’s simply home. She grew up there and graduated from Columbia High School, where she was the salutatorian in a class of approximately 30.

“I liked growing up in a small town,” Rose said. “There is a strong sense of pride in this community, and everyone here is proud of me for becoming a lawyer.

Rose attended East Carolina University, graduating in 1995 with a degree in Mathematics, and taught school in Washington and Martin counties for a total of three years.

Weary of working two jobs to generate a decent income, the former Windy Hassell decided to go to law school. She is a member of Campbell Law School’s Class of 2001, which means she received all of her legal education at the law school’s original Buies Creek campus.

“It felt very similar to going to high school in Columbia,” Rose said. “We had a small class of 100 and our lives revolved around school. There was this wonderful camaraderie among my classmates and I made many friends whom I have stayed in contact with and referred business to, and they do the same.

“That was the first time I heard about the North Carolina Bar Association. We had spokespeople come to the law school, and I joined the Law Student Division.”

If her story followed a predictable pattern, it would have Rose returning home to Columbia and hanging out a shingle, which ultimately happened. Just not right away.

“I swore I was never going to practice law in that ‘backward place,’ ” Rose says, hoping not to offend anyone in a community that she has come to know and love all over again. “I started out practicing on the Outer Banks for about a year and a half, and then I had my first daughter.

“There really was no suitable childcare option for me out there, but my mother said she would keep her if I worked here. So I commuted back to Columbia from about 2004 until 2008.”

It was at that time, after the birth of a second daughter and her divorce, when Rose moved home for good. She operates her law practice in the building that her great grandfather, Percy Davenport, lived in.

“It is a remodeled old house that was built in the 1800s,” Rose said. “It is on the historic registry, and sits directly across from the courthouse. Location, location, location!”

Rose is excited that her niece, Brooke Johnson, a 2016 Wake Forest University School of Law graduate, has joined her firm. The former solo practice is now known as Rose & Johnson, and with Johnson joining the NCBA, Tyrell County will no longer rank among the single-member counties.

“Brooke grew up in Greenville and we have always had a close relationship,” Rose said. “After she finished law school and took the bar exam, she came to practice here. We have a general practice and do everything except criminal law.”

When Rose isn’t occupied with her law practice, she’s busy keeping up with her daughters, who are now 13 and 15 years of age. She has also given freely of her time as a youth leader, treasurer and trustee at Wesley Memorial United Methodist Church, and serves as president of the 2nd Judicial District Bar.

Rose quickly points to the NCBA’s CLE Department as the leading benefit of her membership.

“You know it is going to be a quality CLE if it is sponsored by the Bar Association,” Rose said. “As a single mom, I probably take half of them online. I enjoy taking classes when I get a chance to go. I wish there were more available in our area, but I know you have to go where the demand is.”

Philip Godwin Jr.

Gates County is a long way from the N.C. Bar Center, but connections between its legal community and the North Carolina Bar Association are almost as old as the NCBA itself.

The relationship began in 1900 when A.P. Godwin Sr. graduated from law school at Wake Forest College and established the family firm, which remains in operation to this day, in downtown Gatesville. His oldest son, A. Pilston Godwin Jr., joined the firm in 1952 and served as president of the NCBA in 1965-66. The executive conference room in the present-day Bar Center is named in his honor.
Pilston's brother, Philip P. Godwin Sr., joined the firm in 1956 and welcomed his son, Philip P. Godwin Jr., into the firm in 1980. They practiced together until Godwin Sr. died in 2001, after which Godwin Jr. maintained a solo practice until 2014 when Thomas B.P. Wood joined the firm to form Godwin and Wood, PLLC.

None of this family history would come so easily were it not for the local knowledge and storytelling ability of Philip Godwin Jr., who earned his bachelor's degree from Wake Forest University and graduated from North Carolina Central University School of Law in 1980.

"I've spent almost my whole life here," Godwin said. "My daddy was in law school at Old Wake Forest and I was born at Rex Hospital, but we moved back here after Daddy graduated from law school. I've lived here since I was six except for going off to college, and I worked for a year at Piedmont Airlines after I graduated from Wake Forest.

"My dad always said there were two ways to make a living in this world – with your hands or with your head. I didn't understand that until working a year with my hands at Piedmont. He never put any pressure on me to go to law school, but I was fortunate that we practiced together for 19 years.

"It was always interesting and certainly fun to practice with him. I remember the last jury trial he had; we worked on it together. He was so well-respected here in the community, I think he had those jurors in his pocket. He had a certain charisma."

Living and working in Gates County, he said, is like having the best of both worlds.

"It's a rural life," Godwin said, "but at the same time I can be on an airplane in an hour flying anywhere in the world from Norfolk International. And thank goodness for the First Judicial District Bar. It is a very good, congenial bar.

"I'm there every year when they call the roster. I have not missed the local bar meeting in 38 years. Normally they have it at Kill Devil Hills or Nags Head, but when I was president in '86 we had it here in Gates County. I understand that my grandfather had the only other meeting in Gates County, and they had a fish fry out at Merchants Mill Pond."

Godwin has grown to admire many of his district bar colleagues, including Gerald White of Elizabeth City, who died recently.

"He was so good to young lawyers," Godwin said. "He was a great mentor, and always had time to talk to you. I try to do that too, because I know how I was treated. Daddy taught me that if you see a lawyer and you don't know him, go up and introduce yourself to him.

"So many times I see younger lawyers staying to themselves. I always try to draw them out and find out a little about them. Times have changed so much, even from 1980 when I started, especially the technology. There are so many ways people can contact you now, it can be overwhelming."

Godwin also has great appreciation for his family's connections with the NCBA.

"The North Carolina Bar Association has always been a great resource for us," he said. "We utilize our bar membership as much as we can, and I do most of my CLE with the Bar Association. We try to take advantage of every opportunity we can."

Catherine Sanders Reach has been named director of the NCBA’s Center for Practice Management. Her appointment was effective November 1.

Reach serves as director of law practice management and technology for the Chicago Bar Association, and previously served as director of the Legal Technology Resource Center of the American Bar Association.

"I could not be more pleased and proud to have Catherine join the NCBA," said Erik Mazzzone, senior director of membership experience. "She is one of the most widely respected law practice management advisors in the country and an inductee into the inaugural class of the Fastcase 50, which recognizes intelligence, innovation, vision and technological savvy among leaders in the legal profession."

Reach holds a bachelor's degree in English and a master's degree in library and information studies from the University of Alabama. A nationally recognized expert in the field of law practice management, she is a fellow of the College of Law Practice Management.

Reach has also served as a member of the ABA's Law Practice Futures Initiative and its Standing Committee on the Delivery of Legal Services, and is currently serving as a vice chair TECHSHOW, one of the largest legal technology conferences in the world.

The Center for Practice Management provides free, confidential law practice advice to members of the NCBA, providing assistance in the areas of law firm start-up, legal technology, marketing and firm management.
M. Cabell Clay of Moore & Van Allen in Charlotte was honored by the William & Mary Law School Alumni Association as a recipient of the 2018 Taylor Reveley Award during the law school’s most recent diploma ceremony. Clay currently serves as chair-elect of the NCBA Young Lawyers Division.

Judge Allyson K. Duncan of the U.S. Court of Appeals for the Fourth Circuit has been elected vice president of the International Association of Judges, a professional, non-political international organization of national associations of judges, of which 87 such national associations or representative groups from five continents are currently represented. Judge Duncan is a past president of the NCBA.

Former N.C. Supreme Court Justice Robert H. Edmunds Jr. of Smith Moore Leatherwood in Greensboro has been named to the N.C. Institute of Political Leadership Board of Directors. The nonpartisan, nonprofit organization provides leadership development for individuals who have been identified as potential future public leaders.

Nancy Guyton of Kincaid & Associates in Wilmington has been appointed to the Wilmington Housing Authority Board of Commissioners, whose mission is “to provide quality, affordable housing in safe, attractive communities for the families we serve, thereby improving the quality of life for all residents of New Hanover County.”

Jessica Humphries of Hamlet & Associates in Wilmington has been elected president of the Coastal Women Attorneys, a chapter of the N.C. Association of Women Attorneys comprising southeastern North Carolina’s Fourth, Fifth and 13th judicial districts.

Robb Leandro of Parker Poe Adams & Bernstein in Raleigh has been elected president of the North Carolina Society of Health Care Attorneys, the leading nonprofit in North Carolina serving the interests of in-house and private practice attorneys who focus on health care and a state affiliate of the American Health Lawyers Association.

Nancy R. Meyers of Ward Black Law in Greensboro has been named secretary of the Vaccine Injured Petitioners Bar Association, a national organization of attorneys who represent people injured by vaccines. Meyers is one of six individuals to hold a national leadership role for the association.

Donald Pocock of Nelson Mullins in Winston-Salem has been chosen to serve as co-chair of the ABA Consumer Finance Subcommittee, where he will lead the Subcommittee in examining and presenting the latest issues related to consumer rights law and businesses whose operations are implicated or impacted by them on a nationwide scale.

Retired U.S. Army Col. Kirk G. Warner of Smith Anderson in Raleigh has been re-appointed as a commissioner of the North Carolina Military Affairs Commission. Warner also serves on the NCBA Board of Governors.

Federal Magistrate Judge Joe L. Webster of the U.S. District Court for the Middle District of North Carolina has been honored by the Howard University Alumni Club of Research Triangle Park as an inductee into the Bison Hall of Fame.

Recognition is a regular feature highlighting NCBA members’ achievements. To submit notices, email rrawlings@ncbar.org.
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 rawlings@ncbar.org.

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