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North Carolina Bar Association Members

Reasons To Smile
President LeAnn Nease Brown Reflects On Our ‘Wondrous Magic’

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North Carolina Bar Foundation Honor Roll of Donors PAGE 18
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The NCBA presented the second NCBA Public Service Academy this fall in association with The Institute for the Public Trust. Participating were, front from left, Bruce Macdonald, Shernika Smith, David Delaney, Stephanie Gibbs, Adam Marshall, Barbara Silver and Tiffany Lesnik. Second row: John Adcock, Kathryn McCullough, Anna Goodwin, Lynna Moen, Nicolette Fulton, Kristin Kelly Broyles and Corye Dunn. Back row: Jonathan Hamilton, Bryan Norris, Christopher Vann, Judge Keith Mason and William Gordon.
The NCBA Women in the Profession Committee celebrated its 25th anniversary on Oct. 29 at The Umstead Hotel in Cary. The event, titled Encourage | Promote | Advance, featured keynote speaker Sarah Riggs Amico, executive chair of Jack Cooper Holdings Corp., and a panel discussion featuring, from left, Judge Christine Walczyk, moderator, and panelists Judge Wanda Bryant of the N.C. Court of Appeals, NCBA/NCBF Immediate Past President Jacqueline Grant and North Carolina Secretary of State Elaine Marshall.

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About the cover: Law student Allison Newton of North Carolina Central University School of Law welcomes volunteers and participants to Wills for Heroes, which is one of the many wonderful NCBA and NCBF programs referenced by President LeAnn Nease Brown in her President’s Perspective beginning on page 6. Newton is now in her third year of law school and serves as class president.
Positive Change Continues To Drive The NCBA

By Jason M. Hensley

When our Association was established in 1899, the founding members had the goal of creating a public service institution committed to securing goods laws and the effective administration of justice for the people of North Carolina. In drawing the connection between the good of the public and the good of the profession, Platt Walker, the first president of North Carolina Bar Association said,

“We seek through it [the Bar Association] to accomplish what is best for the profession, because, and only because it is best for the State and its citizens. Good laws administered by an upright and able judiciary, and constantly sustained and strengthened by a Bar daily increasing in learning and wisdom and a better knowledge of the science of the law, and refined by obedience to the highest precepts of honor and integrity, are some of the ends which we will strive to attain; and what greater blessings can be conferred upon a people than these?”

The founding members believed that to accomplish the best for the profession, it would be necessary to elevate the standard of integrity, honor and courtesy of the legal profession and to protect and care for the spirit of community among its members. An association was created because the founding members knew that only by bringing the profession together and harnessing its collective power, could they accomplish these goals.

Today, 120 years into our journey, the mission of our Association remains one of service to “the public and the legal profession by promoting the administration of justice and encouraging the highest standards of integrity, competence, civility and well-being of all members of the profession.”

Over a period of more than 18 months, our Membership Value Task Force worked, through surveys, focus groups, intensive data analysis and multiple meetings, to understand the value that our members receive from membership and to understand their needs for additional value. The resulting changes to our membership benefits embrace the power that association brings to our members and their ability to use the benefits of membership to impact their practice as well as their work in our profession and communities. At the heart of the benefits that are now included with membership are the Expert Series CLE program and membership in one section.

Section membership is a key part of building and strengthening our community of legal professionals. Much of the work of our Association begins or occurs in our sections, including many of our CLE programs, most of our legislative agenda and much of our practice area resources. Our sections are also where most of members come together and build meaningful and long-lasting professional relationships.

A year ago, the percentage of our members who were participating in at least one section was close to three of every five. Already, the percentage of our members participating in sections is at an all-time high — three out of every four members of the Association is now a member of at least one section. Further, the membership of all of our 31 sections is higher than last year.

With our new Expert Series CLE program, a new 1-hour On Demand CLE program is made available to our members each month. Once members add that CLE program to their cart (which must happen by the last day of the month), it is available for them to watch for up to 90 days. We have had a fast adoption rate with the program — there have been thousands of downloads of the Expert Series CLE offerings during the first quarter. The response to the quality of the Expert Series programs has also been among the best that we have received for any CLE offerings.

Also integral to our Association’s work for the good of the public and the profession are our Leadership and Public Service Academies. This bar year, we will hold our tenth Leadership Academy. The Leadership Academy has provided leadership training to approximately 16 young lawyers each year, beginning with the class of 2011. The goals of the program include increasing personal self-awareness, developing and redefining leadership skills, improving the ability the influence others positively, and utilizing skills and abilities to make a difference in the profession and state. The application period for the 2020 Leadership Academy will open in December and be announced in e-bar.

We are holding our second Public Service Academy this year. Our first Public Service Academy was held in 2017, and two other states (Arkansas and Tennessee) are already using our model. The Public Service Academy is a non-partisan program, designed to educate and prepare our members to run for public office, at any level. We begin the program with education on higher level fundamentals of public service, including the history and philosophy that lead to our American Democratic Republic and a session on constitutional law. We then progress to practical knowledge and skills including working with the media, understanding and using polling, campaign finance and learning how to effectively campaign and “get out the vote.” Graduates of our first Public Service Academy have already launched campaigns for office and we are optimistic that the number of lawyers running for and being elected to public office in North Carolina will continue to grow.

The foresight of the founding members of the North Carolina Bar Association enabled the creation, development and growth of an organization that has been a force of positive change for the people of our state and our profession for 120 years. The programs and opportunities that our Association provides today continue that tradition and our organization’s commitment to innovation and entrepreneurship has made the NCBA a model across bar organizations. Our Association and its members are well positioned to continue our journey to secure good laws and provide for the better administration of justice for the people of North Carolina.

Jason M. Hensley serves as executive director of the North Carolina Bar Association and the North Carolina Bar Foundation.
I joined the North Carolina Bar Association October 2, 1984. Thirty-five years later, I am its 125th president. The North Carolina Bar Association and Foundation are my professional homes.

Over the last three years, much was done to position NCBA and NCBF for the future. NCBF sold CLE to NCBA. The new dues (benefits) model was adopted. The NCBF Board was reconstituted to add continuity and expertise to help grow our charitable organization.

Reflecting on my first quarter as president, I pondered these places I call home and what I see in them. “Tapestry” by Carole King played in my head: “a tapestry of rich and royal hue. An everlasting vision of the ever-changing view. A wondrous woven magic in bits of blue and gold. A tapestry to feel and see, impossible to hold.”

NCBA and NCBF are such a tapestry. From a distance, NCBA and NCBF create an impressive picture. Up close, the threads representing the efforts of volunteers and staff are easily identifiable — a texture of vision, mission and attainment, each organic; changing and adapting like King’s “ever-changing view.” There is “wondrous magic” in this cloth woven with energy, enthusiasm and purpose by our members and staff.

A richness in dedicated members.

There are over 19,000 NCBA members. In my 35 years, I have met a good number of them. When it was my time this spring to make leadership appointments, my scope of acquaintances broadened measurably as I worked through positions to be filled. I read recommendations and preference forms. I received input from fellow members. I visited many gatherings and was introduced to members I had not met.

Eventually, I made leadership appointments to the committees of the Board, 31 Sections, the Paralegal Division, and 28 Committees. A tapestry “to feel and see,” I stood in awe of who we are as a cadre of volunteers. The women and men called to serve are awash with great ideas, respectful of those who have gone before and eager to extend a hand to those who will come after. Yes, it is a wondrous, organic tapestry.

These volunteers are powering our profession, communities and practices through their work in Sections, Divisions and Committees.

How do I know?

By attending law school orientations, conquering an escape room with YLD, enjoying dinner and conversation with SLD, meeting with the PD chair to hear its plans, walking the beach with Estate Planning leaders, attending Fall Section, Committee and Board meetings and marveling at the variety of projects undertaken — I am reminded daily of the generosity and commitment of the members who make our work happen and of the importance of our networking together to grow and thrive in our profession.

A richness of dedicated professional team.

We have a strong and committed professional team of 56 people led by Executive Director Jason Hensley and Senior Directors Erik Mazzone, Kim Bart Mullikin and Ashley Mills. This team is deeply committed to our work. Embracing the objectives of NCBA and NCBF, they see our work together as meaningful and valuable. Our dedicated team brings tremendous energy to their jobs and tremendous joy to mine.

A richness in programs and services.

So, what are our “bits of blue and gold”? NCBA has launched our new benefits model. The first four Expert Series CLEs have been provided to members. These one-hour CLE programs are getting rave reviews. Our members now have one free Section and we have seen a substantial increase in Section membership. Members have more opportunities to connect with Sections who share their subject area expertise and their passion for advancing the work important to their practice areas.

Work such as good government legislation, publications, member education, member networking and pro bono efforts power our practices, our profession and our communities. The chance to be a part of a Section of professional peers enriches each of us.

We are planning our ninth Leadership Academy and our second Public Service Academy. Attending the National and Southern Conferences of Bar Presidents has deepened my appreciation of NCBA’s strength as a bar organization. NCBA is a leader among organized bars. Our NCBA and NCBF programs are admired and replicated by others. For example, two states are starting public service academies this year — modeled after ours.

Our Committees are hard at work. The Membership Committee is attending local bar meetings and swearing-in ceremonies
Women in the Profession had its 25th anniversary celebration. Minorities in the Profession just held a successful networking event at Campbell Law School. Across NCBA and NCBF, our Committees are working hard to bring texture and meaning to membership.

Our NCBF Board, the first under our new structure, is hard at work. Seventeen members are also on the Board of Governors. The remaining nine consist of six at-large members and the chairs of the Program, Endowment and Development Committees. We are focused on our NCBF mission: uniting the talent and generosity of our profession to be a power of greater good for the people of North Carolina.

We are uniquely positioned as professionals to be generous with our money and our time. We create, fund and staff service opportunities. Examples include 4ALL Service Day, NC Free Legal Answers Empower Hours, Lawyers for Literacy and Wills for Heroes. Pro bono chairs of NCBA Sections, Divisions and Committees gathered in August for an orientation program to kick off this year’s pro bono efforts.

NCBF and North Carolina Pro Bono Resource Center convened a Disaster Legal Services Summit. NCBA Young Lawyers Division members, Foundation leadership, Legal Aid of North Carolina and other members of the disaster relief community of volunteers, gathered to advance preparedness strategies. Our volunteers are ready if disaster strikes.

My perspective from the first quarter is that the power of association is as real as we are willing to make it. Great things happen with NCBA and NCBF every day: the wondrous woven magic of lawyers, paralegals and staff coming together to serve the greater good.

Together, through our collective talents, strengths and vision, NCBA and NCBF are prepared to embrace the ever-changing view in impactful ways.

LeAnn Nease Brown is the 2019-20 president of the North Carolina Bar Association and North Carolina Bar Foundation.
A Collection Of Thoughts On The Singular 'They'

By Laura Graham

In September, Merriam-Webster set the grammar world abuzz when it announced that it was expanding the definition of “they” to include the singular use to refer to a single person whose gender identity is nonbinary.1 In my own professional community of legal writing professors, news of Merriam-Webster’s decision was met with both praise and concern, as a recent discussion thread on one of our listservs reflected.2

Almost all of my colleagues who posted recognized the need for alternatives to the traditional masculine and feminine singular pronouns (he, she, him, her, his) to refer to individuals who are gender nonbinary — who identify as neither male nor female.3 One colleague who recently led a writing refresher for a group of judges reported that the judges asked about the use of the singular “they,” recognizing the inadequacy of the traditional advice to “avoid it because it’s confusing.” This colleague wrote, “Pronoun use is an issue with the parties that come before judges, so we in legal writing have to address the use of singular ‘they.’”

A fair number of colleagues appeared comfortable with the singular “they,” expressing some variant of “the train has left the station.”4 Said one colleague, “While we teach grammar prescriptively, we must remember that the notion of ‘correctness’ is descriptive — it’s based on what most people do. And I think that’s fine, because after all, good grammar is about meeting other people’s expectations. I’m on board the They Train. It’s fine.”

The concern, of course, is that many readers view the use of the singular “they” as incorrect and may fault the writer who chooses to use it. The singular “they” understandably hurts the ears of grammar purists — a group that includes many lawyers and judges. Thus, some of my colleagues expressed a preference for neologisms such as “ze” and “zir” to describe singular nonbinary individuals. One colleague even created a Haiku to capture this preference:  

§ No singular “they”!  
§ Far better to adopt a § Neologism.

But other colleagues pointed out that while using “ze” or some other neologism might work well for writers (if it were to catch on), it would not work as well for speakers. Consider this example penned by a colleague: “If Teresa submits zir assignment late, ze will get a zero.”

One professor expressed well the difficulty that the singular “they” presents for teachers of writing: “The singular ‘they’ is a place (out of many) where I feel like a fraud as a teacher — I explain that I personally fully support its use, but that I will mark it as an error because other readers will see it as an error. That seems like the best compromise I can make, but [my students] are often completely baffled, because they accept the singular ‘they’ so readily that it has never occurred to many of them to use anything else.” Another professor summed up her thoughts by stating that perhaps the best we can do as legal writing teachers is to “inform [our students] of the different arguments and choices and give them tools for making their own decisions.”

In case you are wondering where I land on the singular “they” issue, I’ll share my current thoughts.

As an initial matter, I do not sanction the use of the singular “they” when it does not refer to a gender nonbinary person. I often see writers using “they” to refer back to a generic singular noun that could denote either a male or a female, as in, “A lawyer should find out as much about the facts as possible before advising their client to plead guilty.” And I often see writers using variants of the singular “they” to refer to collective singular nouns, as in, “The court held in favor of the plaintiff; they reasoned. . . .”

In both of these situations, there are easy ways to revise the sentences to eliminate the incorrect singular third person pronouns. For example, the singular can be changed to the plural in the first example without losing the meaning: “Lawyers should find out as much about the facts as possible before advising their clients to plead guilty.” And the “they” in the second example can (and should) be changed to the singular pronoun, to agree with the collective noun: “The court held in favor of the plaintiff; it reasoned that. . . .” My go-to legal writing style resource, The Aspen Handbook for Legal Writers, has helpful advice to avoid the incorrect use of the singular third person pronouns they, them, and their.

However, I agree with my colleagues that when we are referring to gender nonbinary individuals who have stated their preferred pronouns, it is appropriate to use the singular “they” to reflect their stated preferences. One colleague suggested what seems like a good strategy (one that was echoed by other colleagues): When we are writing in a memo or brief about a nonbinary person whose pronoun preference we know, we can “drop a footnote on the first use explaining the preference of the person and then just be proudly consistent in following that preference.”

I am sure that, like my colleagues on the legal writing listserv, readers of this column have differing views on the subject of the singular “they.” I am interested in hearing your opinions, which I know will be thoughtful and respectful. If you do share your opinion with me, please indicate whether you would allow me to include it in a future column (without identifying you, of course). I look forward to continuing this important conversation as part of our shared commitment to excellence in legal writing.

Laura Graham serves as Professor of Legal Writing and Director of Legal Analysis, Writing and Research for Wake Forest University School of Law.

Endnotes


2 While I do not identify the professors who posted the comments on the thread that I include in this column, I did secure their permission to use their comments.

3 For a quick review of relevant gender-related terminology, see Celeste Mora, What is the Singular They, and Why Should I Use It?, Grammarly.com (June 1, 2018), https://www.grammarly.com/blog/use-the-singular-they/.

4 In response, there were variants of this rejoinder: “The train may have left the station, but there are lots of problems on the tracks ahead.”
Arsenic And Old Lace: Update Your Technology

By Catherine Sanders Reach

The NC Rules of Professional Conduct Rule 1.1 (Competence) comment [8] was updated in 2014 to read: “To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with the technology relevant to the lawyer’s practice.” One very real risk is the continued use of older software and operating systems when they are no longer supported.

Say goodnight, Gracie.

Most lawyers know that maintaining firewalls, up-to-date antivirus and anti-malware definitions, practicing vigilance when opening attachments and surfing the Internet, and maintaining adequate backup files are all vital for security. Considering that in the 2018 ABA’s Legal Technology Survey Report 40 percent of respondents affirmed that their firm had been infected with a virus/spyware/malware, these precautions are absolutely necessary to maintain competency and confidentiality.

What lawyers should also know is that running old, outdated and unpatched software and operating systems puts the firm at a high risk for infection, data breach and violation of confidentiality. In the 2018 ABA survey percent of firms were using Windows 7. Windows 7 will no longer be supported as of January 2020. You will need to upgrade all computers running this operating system to Windows 10 before the end of the year.

Also, as of October 2020, MS Office 2010 will no longer be supported. And, don’t forget servers. Windows Server 2008 (SP2) and Exchange 2010 (SP3) will no longer be supported after January 2020. Lawyers should start asking their IT folks now what they are running and take action before the holidays arrive to get up to date.

So, what’s the big deal?

Unsupported operating systems receive no security updates, no security hot fixes, support or online technical content updates from the vendor. The computer and software will still operate but becomes more vulnerable to security risks and malware infections. There will be no patches for threats such as zero-day vulnerabilities (high risk security holes). Often the zero-day exploit is a code injection that sits undetected in the background opening a back door to the firm’s data and files.

Even if a firm has upgraded from Windows 7 and Office 2010 to more recent versions there are still heavily used, yet unsupported and unpatched software applications putting files at risk on many law office machines. Adobe Acrobat X Reader/Standard/Pro is no longer supported as of November 2015. Adobe Acrobat XI and Reader XI support ended October 15, 2017. Internet Explorer 10 (and 8 and 9) is no longer supported as of January 2016. Mac users are not immune, as OS X 10.6 (Snow Leopard), 10.7 (Lion) or 10.8 (Mountain Lion) and older versions of their Safari browser are no longer receiving security updates from Apple.

No-See-Ums

Software installed on a computer that is “invisible” or inactive until used by an interactive website, like Oracle’s Java or Apple’s QuickTime, is often exploited because computer users ignore the update messages. While some of these exploits have made news, many others do not. It is essential to keep all applications, add-ons, and applets patched on firm machines.

Easy targets for hackers include Adobe Flash, Apple’s QuickTime, Adobe Reader, and the aforementioned Oracle Java. In fact, as of April 14, 2016, both the US government and Trend Micro are recommending Windows user uninstall QuickTime 7 due to vulnerabilities Apple has no intention of fixing. And Oracle’s Java has suffered from similar warnings — disable it if you haven’t already. Do not ignore reminders to update these applications. If you are unsure whether the message to update is a virus a quick Google search will usually confirm whether a patch has been issued.

The Boogey Man

A high-profile security threat that is constantly evolving and exploiting old, outdated software is ransomware. Ransomware is a prevalent threat that infects a computer or network, hijacks and encrypts the files and holds the firm’s data ransom for payment in untraceable Bitcoins. Often police and the FBI will concede infected users may need to pay the ransom to free the files.

The ransomware builders are becoming bolder and more sophisticated. They are building in countdown clocks to pressure victims and will delete files if the ransom is not paid quickly. The ransomware code is delivered often by exploiting vulnerabilities in software like Adobe Reader by tricking a recipient to open a PDF document or run a macro in a Word document sent via email.

Even with a completely up to date system with excellent security protection companies are getting hit with ransomware. However, hackers like easy targets. They are now intentionally exploiting hospitals, municipalities, and schools — entities that often run out of date and old systems. A few years ago law firms were targets of spoofed emails appearing to come from the state disciplinary agency or bar association. These emails are well written, personalized messages claiming a disciplinary com-
plaint has been filed or that membership has lapsed. What will be next?

What to do?

In addition to replacing outdated software and keeping current software patched and updated, firms must maintain constant vigilance against social engineering and train all staff and lawyers to be wary. Social engineering is a method of tricking a person to open the door for malicious attacks, and usually prey on fear, vanity, or the desire to help someone in need.

Most all have seen them: the direct message from Twitter from someone you know asking “what are you doing in this video?”; the email from a friend needing you to send money via electronic transfer because she lost her wallet while traveling outside of the country; the email from the Better Business Bureau requesting you to click through to see a negative report that has been filed; and the list goes on. Learn to recognize the signs, practice defensive computing, and exercise skepticism to avoid having one of these tricks best someone in the firm.

Current (Technology) Awareness

Most of the time if Google or Dropbox or other large provider has a security issue the news will make the headlines. Take a quick look at the technology section of the daily news (site/show/program) for any breaking headlines. Legal technology and security blogs, like Sharon Nelson’s Ride the Lightning or the free daily ABA Journal email are also fantastic resources for the current thought on “is it secure enough for a lawyer?”

Keep an eye out for press releases, social media notification, email alerts, and blogs for information you may need to know from products that are used in the firm. Feel free to contact the NCBA CPM with questions.

Conclusion

Technology can be extremely beneficial for lawyers and their clients, but it does not come without risk. Not updating your technology may provide short term savings but will be very costly in the long run. Running old, unpatched and out of date software increases the firm’s exposure to ransomware and viruses. Additionally, last minute system upgrades and updates can be extra costly if they necessitate new hardware and other software updates, precipitate the need for training, or cause disruptions such as downtime. Keeping office technology up to date and following best practices for basic security will help you stay competent and guard client confidentiality.

Catherine Sanders Reach serves as director of the NCBA Center for Practice Management.

CPM Sidebar:
Fastcase CEO Ed Walters Introduces Fastcase 7

NCBA members have access to Fastcase, a robust 50-state legal research database, as a membership benefit. On Oct. 23 Fastcase rolled out a new default version to all members — Fastcase 7. Fastcase 7 brings all sorts of new features and upgrades. We sat down with Ed Walters, CEO and co-founder of Fastcase, to talk about what’s new and the ever-expanding offerings from the platform.

Q: What are the enhancements to Fastcase in version 7 you are most excited about?
A: I like being able to search across cases and statutes at the same time, or across everything in a state. Type-ahead search is great, too, especially when you’re trying to look up a case by its name or citation, and the search engine just autocompletes it. We’re pretty excited about the hundreds of new expert treatises we’ve just launched. And we’re just about to roll out our gigantic briefs, pleadings, and motions database — a great place to find templates for state and federal litigation.

I also like the Cloud Linking feature — you drag a Word or PDF document into Fastcase, and we automagically find all the caselaw citations and link them to a public version of the case, then return the document back in the same format, but with all the citations hyperlinked. It’s great when sending a brief to a court, or a marketing email to clients, and they don’t need to be Fastcase subscribers to view the linked cases.

Q: How can Fastcase be used beyond legal research?
A: We’re rolling out some new alert services that can be used for business intelligence or marketing. So you can pull all the briefs filed by your firm in state or federal courts; see what kinds of litigation prospective clients have been engaged in, or what firms typically represent them. Or you can set alerts to find out immediately when clients have been sued.

Fastcase is launching a legal news service this fall called Law Street Media, focused on the business of law. And now we’re publishing original books like Joshua Walker’s On Legal AI, as well as deskbooks from bar associations such as the North Carolina Bar Association. And now, with our recently announced acquisition of bankruptcy forms tool NextChapter, we’re looking forward to expanding into more forms and workflow tools. We’re growing all the time, and there’s a lot more to Fastcase than just legal research.

Q: What is next on the horizon for Fastcase for NCBA members?
A: Our team is really into analytics right now — we’ve been building out analytics in our new Docket Alarm service as a way of understanding judges, law firms, and parties in a case. We’re looking forward to making these analytics available to everyone. We’re also excited about the briefs, pleadings, and motions database. At large firms, lawyers will search their document management system for sample motions before a certain court — we’re working on a similar system for small firms. Watch for some innovations in Fastcase online forms soon, too! I suppose after that, it’s time for Fastcase 8!
For the last six years, I have had the honor of representing the North Carolina Bar Association Young Lawyers Division (YLD) at American Bar Association Annual Meetings. After each meeting, I have returned to North Carolina struck by the respect and admiration that North Carolina young lawyers receive from the ABA Young Lawyers Division (ABA YLD).

In fact, every year that I have attended, the NCBA Young Lawyers Division has received accolades as part of the ABA YLD’s Awards of Achievement program for various noteworthy projects, including the Bar Exam Workshop, Implicit Bias CLE, the How-To Series, Hurricane Matthew Disaster Legal Services, and the Ugly Sweater 5K.

But, the YLD’s history of excellence extends well past my modest involvement: the YLD has a robust history of receiving Awards of Achievement dating back over 50 years.

The Awards of Achievement are the ABA YLD’s well-established annual recognition program. The program is an opportunity for state and local young lawyer organizations affiliated with the ABA Young Lawyers Division (such as the NCBA YLD) to submit their best projects for evaluation and recognition by a jury of their peers.

It is designed to encourage novel project development by recognizing the time, effort, and skills expended by young lawyer organizations in implementing public service and bar service projects in their communities. The Awards of Achievement program also serves as a forum for the exchange of project ideas between young lawyer entities across the nation.

Awards of Achievement competitors are divided into divisions based on the size of the affiliate’s membership and recognition is provided in multiple categories including: Service to the Bar, Service the Public, Diversity, Newsletter, and a Comprehensive Award for the best overall Affiliate. Results are announced, and the winners recognized, at the ABA Annual Meeting.

After the NCBA YLD was established in 1953 with Charles F. Blanchard as the founding chair, the YLD promptly began developing activities and programs designed to better the bar, the profession, and our communities. It did not take long for these efforts to flourish and receive national recognition.

The earliest notation in the NCBA records about the ABA YLD Awards of Achievement is from the 1966-67 bar year. That year, the YLD led by John V. Hunter III, received a Special Recognition. This recognition was just the beginning of a long association between the YLD and the ABA YLD Awards of Achievements.

Only a few years later, in 1970-71, the NCBA YLD, under the leadership of James W. Kimzey, took first place among large states in single project recognition for the Voter Education project.

The YLD’s history of excellence with the ABA YLD Awards of Achievement continued to grow from there. In addition to Awards of Achievement recognitions for other single projects and the YLD newsletter, the NCBA YLD has received first place in the Comprehensive category for best overall programming in our division throughout the last four decades.

Remarkably, the NCBA YLD has received at least one Award of Achievement recognition every year for the last 24 bar years. Additionally, over the years, YLD projects have taken top honors and then served as model projects for other entities.

For example, in the 1994-95 bar year, the NCBA YLD’s mentoring project, Silent Partners, was recognized as that year’s Most Outstanding Single Project for Service to the Bar nationwide.

Silent Partners was a mentoring program that paired approximately 300 new lawyers with mentors across the state. The YLD employed a network of young lawyers representing each judicial district to assist with making mentor matches based on geographic location and area of practice.

Due to the project’s top honors, program chair, Caryn McNeill, was asked to write an ABA book on the topic. Additionally, Caryn and the NCBA YLD received multiple invitations to share the framework for Silent Partners with other entities looking to emulate the project.
In January 1996, Caryn, on behalf of the NCBA YLD, attended a meeting in Chicago organized by the ABA Senior Lawyers Division Mentoring Committee. The initial goal of the meeting was to draft a model mentoring program. After much discussion, the group prepared a model document describing how to start and operate a mentoring program designed to address a variety of issues for relatively new lawyers at the local bar level.

The YLD’s LegalLINK is another program that has served as an exemplary for other young lawyer organizations. LegalLINK (Leadership, Information, Networking and Knowledge) is a program designed to increase interest in legal careers among high school students who are underrepresented in the legal profession. LegalLINK consists of four 1-hour sessions focused on each of the LINK building blocks and includes a field trip to a local law school or courthouse. LegalLINK was originally developed during the 2011-2012 bar year by Deyaska Spencer. That year, the project received recognition in the Minority Service Project Category.

Since then, the NCBA YLD has continued to expand and tweak this wonderful project. In 2015–2016, under Jane Paksoy’s committee leadership, LegalLINK won a second Award of Achievement, taking first place in the Diversity category.

LegalLINK continues to stand as a model diversity program for other ABA YLD affiliates. At the 2019 ABA YLD Fall Conference, in a discussion of model diversity programs, the YLD’s LegalLINK program continued to be referenced as a shining example.

At the ABA Annual Meeting this past August in San Francisco, the YLD’s lengthy record of Awards of Achievement recognition continued. The YLD’s Haiti International Bar Exchange received first place recognition for Service to the Bar.

Thanks to NCBA Past President Kearns Davis, the NCBA has had an ongoing relationship with Haitian attorneys. Last September, the YLD hosted five young lawyers from the Port-au-Prince Bar, as well as a board member of the Port-au-Prince Bar Association.

The YLD’s Haiti Exchange Committee, led by then-YLD Chair Rachel Blunk, was responsible for coordinating the logistics for the visit. During their stay, our Haitian colleagues visited Greensboro, Raleigh, Charlotte, and Winston-Salem, had the opportunity to learn about our legal system, network with YLD and NCBA members and visit many legal landmarks in our state.

Our YLD and NCBA members not only attended events with our Haitian visitors, but also hosted them in their homes during their stay, providing the opportunity for our guests to connect with local lawyers and get a true picture of what it means to be a lawyer in North Carolina. Discussions are underway for NCBA young lawyers to travel to Haiti to learn about what it means to be a lawyer in Haiti. The Haiti International Bar Exchange will serve as a model program for a culture exchange.

The YLD continually strives to develop noteworthy programs that better our bar, our profession, and communities. We fortunate that our history of excellence provides the ability to be a leader among young lawyer organizations nationwide. We will continue that excellence and use the ABA YLD’s Awards of Achievement as an opportunity to exchange ideas nationwide.

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NCBA Health Benefit Trust Update: What It Is, And What It Isn’t

By Russell Rawlings

The North Carolina Bar Association Health Benefit Trust is a health plan that has been protecting North Carolina lawyers and firms, their employees and families, since 2002. The plan was set up as a Multiple Employer Welfare Arrangement under a regulatory framework that has existed since the 1990s.

This framework has survived through the many changes in health plan regulation, particularly the ACA and most recently the promotion of a new form of “Association Health Plans.”

The NCBA Health Benefit Trust is administered by Lawyers Insurance and provides coverage for approximately 1,000 firms, 4,200 employees and 8,400 individuals. Claims and provider networks are administered by Blue Cross and Blue Shield of North Carolina, so members are Blue Cross customers, enjoying broad provider access. Financially, though, the plan is self-funded and has many features that serve law firms better than the commercial insurance market.

There is never a bad time to discuss this exceptional member benefit, but recent developments at the federal level regarding Association Health Plans make this a perfect time to talk about what the NCBA Health Benefit Trust is, and what it isn’t.

Let’s begin with what it isn’t. Last year the U.S. Department of Labor issued its final regulation regarding the definition of “employer” under Title I of the Employee Retirement Income Security Act (ERISA), thereby easing restrictions on the establishment of Association Health Plans, “especially for employees of small employers and certain self-employed individuals.”

In so doing, as reported by the International Foundation of Employee Benefit Plans, “the new regulation allows small businesses and other groups to band together to buy health insurance.”

“It is important to talk about this because it can be confusing,” said William Stroud, president of Lawyers Insurance, while stressing that the NCBA Health Benefit Trust is decidedly different from plans now permitted under the new regulation.

“We’re better.”

Better, he added, because the plans provided through the NCBA Health Benefit Trust are more comprehensive. And, as a self-funded plan with a strong surplus, its financial position is strong.

“Our plan provides excellent benefits to firms of 1 to over 100 employees,” Stroud said, “and its size and financial strength allow it to function very efficiently, holding down administrative costs, obtaining excellent ‘stop loss’ reinsurance, and it benefits from investment income and a very strong pharmacy rebate program that 100% benefits our members. As a result, in most years, over 92% of the contributions from our member firms are available to pay claims.”

Stroud joined Lawyers Insurance in 1997 and was in on the ground level when the subsidiary of Lawyer Mutual formed the NCBA Health Benefit Trust 17 years ago.

“The plan has definitely grown,” Stroud said. “When we started there were about 2,200 employees in the plan. Enrollment has been steady. The great thing about the size is that it makes everything easier because it is so much more predictable; we’re not going out on any big limbs.”

Half of the firms covered under the plan are small firms, Stroud noted, but some firms have over 100 employees.

Beth Voltz of Weatherspoon & Voltz in Raleigh serves as chair of the NCBA Health Benefit Trust Board of Trustees, a position she has held since 2012. Voltz has served on the board since 2008.

“I have learned a whole lot over the years,” Voltz said. “Obviously what I do in my day job is not healthcare- or insurance-related, so I feel like this is an important part of my service to the bar.

“Our firm was founded 15 years ago and has always participated. And I enjoy talking to other people about the exceptional opportunity we have as lawyers to have a health plan sponsored by our bar association.”

Like Stroud, she believes this is an excellent time to talk about the NCBA Health Benefit Trust and what distinguishes it from the aforementioned Association Health Plans.

“Our plan is one of the oldest and I think strongest (multi-employer welfare arrangements) in the state,” Voltz said. “The types of benefits we offer to members, the number of plans, and our ability to underwrite make a huge difference in the way our members are treated with their insurance.

“From the inception of the plan, we have been careful how we underwrite and how we manage our reserves. We have the strength to pay all of our claims, including some pretty catastrophic claims that have come through the system.”

The plan’s strength is further evidenced by its ongoing assessment of new medical procedures, treatment options and medicines, not to mention the input of a pharmacy benefits manager who annually saves members millions of dollars through pharmacy rebates.

Participants also have the ability to appeal denied claims.

“Once a denied claim has gone through the full Blue Cross appeal process,” Voltz said, “the member can appeal to the Board of Trustees. Our trustees are lawyers who are also participants in the plan.

“We work to hear appeals and review. We don’t always say yes, but we have that ability based on the best choices of the members. Fortunately, the plan is so comprehensive that these types of appeals are quite rare.”

Russell Rawlings is Director of External Affairs and Communications for the North Carolina Bar Association.

1 Federal Register, Vol. 83, No. 120, p. 28912.
Since I turned 70½ on March 1, 2019, I have given a good bit of attention lately to required minimum distributions (RMDs) and the opportunity to make qualified charitable distributions (QCDs). I deferred all charitable contributions that I would normally have made at the end of the previous calendar year until March 2019 — including my gift to the North Carolina Bar Foundation. This is because of the new tax law that eliminates virtually all itemized deductions other than charitable contributions, the first $10,000 in state and local taxes, and mortgage interest.

Since making my charitable gifts as QCDs has the same effect as making deductible charitable contributions (because they are made with pretax dollars), but doesn’t preclude me from taking the standard deduction of $24,000 on my joint return, then it in effect gives me an extra deduction of $14,000 (the $24,000 standard deduction minus the allowed deduction for state and local taxes up to $10,000 that I would have taken if I were to itemize). Even if I received no benefit from using QCDs to reduce my RMDs, this is a significant tax benefit.

What are Required Minimum Distributions?*
Required Minimum Distributions (RMDs) generally are minimum amounts that a retirement plan account owner must withdraw annually starting with the year that he or she reaches 70½ years of age or, if later, the year in which he or she retires. However, if the retirement plan account is an IRA or the account owner is a 5% owner of the business sponsoring the retirement plan, the RMDs must begin once the account holder is age 70½, regardless of whether he or she is retired. (*Source: www.irs.gov)

Retirement plan participants and IRA owners, including owners of SEP IRAs and SIMPLE IRAs, are responsible for taking the correct amount of RMDs on time every year from their accounts, and they face stiff penalties for failure to take RMDs.

When a retirement plan account owner or IRA owner dies before RMDs have begun, different RMD rules apply to the beneficiary of the account or IRA. Generally, the entire amount of the owner’s benefit must be distributed to the beneficiary who is an individual either (1) within 5 years of the owner’s death, or (2) over the life of the beneficiary starting no later than one year following the owner’s death.

What is a Qualified Charitable Distribution?*
Generally, a qualified charitable distribution is an otherwise taxable distribution from an IRA (other than an ongoing SEP or SIMPLE IRA) owned by an individual who is age 70½ or over that is paid directly from the IRA to a qualified charity. (*Source: www.irs.gov)

Sample Letter to your Plan Administrator:
Dear Plan Administrator:
Please accept this letter as my instructions to direct a charitable distribution from my IRA Account # to the North Carolina Bar Foundation, a 501(c)(3) charitable organization, as provided by Sec.1201 of the Pension Protection Act of 2006 and Sec. 409(d)(8) of the Internal Revenue Code of 1986, as amended, and extended under the signed Protecting Americans From Tax Hikes Act of 2015. The Foundation’s tax ID # is 56-0767805 and the payment should be mailed to: North Carolina Bar Foundation, 8000 Weston Parkway, Cary, NC 27513.

It is my intent that this distribution qualify for the 2019 tax year. In your transmittal letter to the Foundation, please include my name and address and share a copy with me. I can be reached at (____)____.

Your Name

Sample Letter to inform the North Carolina Bar Foundation:
Dear Tom Hull and Louise Harris:
I have requested that a direct charitable distribution from my IRA be made to the North Carolina Bar Foundation, as provided by Sec. 1201 of the Pension Protection Act of 2006 and Sec. 409(d)(8) of the Internal Revenue Code of 1986, as amended, and extended under the signed Protecting Americans From Tax Hikes Act of 2015. It is my intent that this distribution qualify for 2019 tax year.

A check in the amount of $___ is being sent to you from my IRA with (list plan administrator here). When received, please direct my IRA gift to: ___________________ (Annual Fund, Justice Fund or greatest need).

If you have any questions; I can be reached at (___)____.

Your Name
Jane B. Weathers, who retired in 2013 following 28 years of service to the North Carolina Bar Association, poured her heart and soul into the organization in a manner befitting the daughter of Carroll Weathers, longtime dean of Wake Forest University School of Law for whom the library at the N.C. Bar Center is named.

Jane Weathers also made a lasting impression on the legal profession, one which stretches far beyond her unprecedented tenure as Director of NCBA Sections and Divisions. On the occasion of her retirement, NCBA members, personal friends and family members contributed funds which led to the creation of the Jane B. Weathers Lawyers Helping Lawyers Fund of the North Carolina Bar Foundation.

The fund was established to assist legal professionals facing financial hardship due to various circumstances, such as Ruthie Sheets and Kennail Humphrey of Harris Creech in New Bern, who were victims of the destruction brought about last year by Hurricane Florence.

“I wanted these gifts to be used to help members who have personal needs,” Weathers said. “I am very pleased that they applied for money to help at a tragic time when they were trying to recover from Hurricane Florence damage last year.

“I invite you to please inform other lawyers about this grant and encourage those who have a need to apply.”

Sheets is a young associate from Winston-Salem who graduated from Wake Forest University School of Law in 2017. Her fiancé, George Norris, is also an attorney. They had been in their home on the Neuse River for a year when the storm hit.

“We evacuated and went to stay with family in Winston-Salem and came back a few days later,” Sheets recalled. “Watching it on the news, our street was referenced as ground zero. There were reporters up and down the street (River Drive).

“The house was just done. The water came up 10 feet on the exterior of the house and 62 inches inside. The foundation was knocked off two inches and sinking in the ground. We lost everything but what we evacuated with — about two suitcases.”

It gets worse.

“We didn’t know where we were going to live and we had nowhere to go,” Sheets said. “We spent three days in an Airbnb in Greenville and found a house on the market that the owners let us rent temporarily. We started the rebuilding process, dealing with insurance and all of that, and lived in a camper for a while on the property.

“We did that for three or four months. There was nowhere to go. So many people were without housing, and all of the rentals were either damaged or wait-listed. The biggest problem was you didn’t know how long you would be there, so you’re stuck paying your mortgage and rent at the same time.

“It was a nightmare financially trying to do that.”

Lawyers Helping Lawyers Fund Epitomizes Concern, Compassion of Legal Profession

By Russell Rawlings

Ruthie Sheets, left, and Kennail Humphrey are pleased to have Hurricane Florence behind them and grateful for financial assistance provided by the North Carolina Bar Foundation’s Jane B. Weathers Lawyers Helping Lawyers Fund.
Sheets learned about the Weathers Fund through Bonnie Refinski-Knight, a retired partner of the firm and a recent member of the NCBA Board of Governors.

“The office manager (Humphrey) and me were hit the hardest,” Sheets said. “I had no idea about the fund until Bonnie told me about it. I filled out the application, and at that time I don’t believe I had received any funding as far as insurance. I had insurance on the house, but the problem with that was I had not owned it long enough. I only had insurance to pay off the mortgage; nothing for living expenses.

“I applied for the funding, and thank God I received it. There were day-to-day living expenses, mortgage and rent paying double, buying a camper, hook ups for the camper. Those funds really helped out from that perspective.”

Sheets, needless to say, is happy to be in her newly rebuilt home.

“I love it. It has been a long process that I don’t think I would ever want to go through again, but I am very happy with the end result.”

Humphrey is from Morehead City and joined the firm in 1992 as a paralegal. She lives about three blocks from Sheets on virtually the same street — the name changes when it crosses the highway.

“She and her fiancé had been in their home, which they share with two dogs, since 2006.

“We evacuated ahead of the storm because one dog had been sick,” Humphrey said. “I did not want to be moving her when it got exciting. We came to the office building and sheltered here from Wednesday to Saturday. On Saturday we were not able to get down the street but someone from the neighborhood was close enough to take pictures of the outside.

“I don’t think we saw it until Sunday.

“The water measured 16 inches on the inside and some 2.5 feet off the ground.

“I had never seen it that high since I had lived there and some folks in the neighborhood who had been there since the ’50s said they had never seen it that high. The night of the storm I knew it had flooded because the neighbor across the street had the National Guard come and get them.

“My girlfriend from Hawaii contacted me and said she was coming to help, and I said don’t come. Three of the major hotels are flooded and all of my friends’ homes are flooded. There is nowhere to stay.

“She said she felt helpless, and I said find me a place to live. So from Hawaii she started making phone calls and found one.”

With that hurdle crossed, Humphrey began the process of salvaging what she could from her home and putting her life back together.

“I didn’t return to work for a full week,” Humphrey said. “I contacted aid organizations to see who was going to be coming in and doing what and signed up for assistance from the Baptist Mission Group to get on their list. We pulled everything out, they cut out the sheetrock, pulled out the cabinets and appliances, really all of the big stuff.

“Basically, we were there with them every day, my fiancé and me, until he had to go back to work. We figured out what steps to take, sorted through our belongings to see what had to go and what might be OK, found storage, and moved.”

Humphrey, who was out of her house for exactly a year, was grateful to have support from the Weathers Fund for expenses not covered by other sources.

“I was very fortunate that the new state program, NC Step, also helped with very basic needs, like flooring and sheetrock, two interior doors, a stove and refrigerator, and some electrical work, but everything beyond that was on me. I used the money from the Bar Foundation for additional appliances, a washer and dryer, and six additional interior doors that I had to buy on my own. Things like that add up quickly.

“It was so nice to know that as a community everybody has come together to help people who just don’t know where to turn. I received a lot of good support emotionally and attended FEMA appeals clinics and got good advice. The legal community has come together for a lot of people in this situation.”

In other words, lawyers helping lawyers.
Dogs Beignet and Skye are all smiles now, but Hurricane Florence made a mess of their home, which owner Kennail Humphrey evacuated ahead of the storm because Skye was sick.

**APPLY FOR ASSISTANCE:** The North Carolina Bar Foundation Jane B. Weathers Lawyers Helping Lawyers Fund offers economic aid to those lawyers who because of age, illness or other circumstances find themselves in financial distress. Members are encouraged to apply for these funds and to share this information with their colleagues. Grant applications will be reviewed twice a year, and the application deadlines are December 15 and April 15. Visit ncbarfoundation.org for more information and to apply.

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**Why I ♥ The North Carolina Bar Foundation**

By M. Ann Anderson

Working with the NCBF Endowment Committee, I have had both the wonderful and difficult task of participating in the grant making process to determine grant funding recommendations for Board approval from among the many worthy projects seeking grants.

Committee service has given me the opportunity to see how many needs there are and to understand how creative grantees can leverage both money and volunteers to have the greatest impact. The Endowment Committee has struggled every year that I have served to divide up the funds and there are many times extremely worthy projects go unfunded due to limited available funding. I am grateful for the generosity of NCBA members who contribute to the Endowment through individual gifts, Justice Funds, Liberty Funds and Lawyer Impact Funds. These donors make it possible for the Endowment to support impactful projects carried out by dedicated legal services programs across the state.

Last year I had the opportunity to visit one of the Endowment’s grantees: The Children’s Law Center of Central North Carolina. Seeing first had the good work the Center does for children in high conflict custody and domestic violence cases brought home to me how important the work of the Foundation is.

While the Endowment’s grant assistance may be modest in light of the need, The Children’s Law Center, as well as others, emphasizes that all gifts, regardless of size, can make a difference in ways that are greater than the size of the gift.

In fiscal year 2019, Endowment grant funding helped mobilize 3,339 volunteers to serve 55,761 clients across 38 legal services programs. It is amazing what we can do when we all work together to unite the talent and generosity of our profession to be a power of greater good for the people of North Carolina.

M. Ann Anderson of Pilot Mountain serves on the NCBF Board of Directors as chair of the Endowment Committee. She is also a former member of the NCBA Board of Governors and past chair of the Dispute Resolution Section and the Labor & Employment Law Section.
The North Carolina Bar Foundation is pleased to publish an Honor Roll of Donors to recognize and thank those who support the Foundation.

This past fiscal year, July 1, 2018 – June 30, 2019, the Foundation raised $820,423.94 in cash and commitments for the Endowment and the Annual Fund. The Annual Fund contributions totaled $365,606.74.

The North Carolina Bar Foundation is committed to uniting the talent and generosity of the legal profession to be a power of greater good for the people of North Carolina. This work is possible thanks to the generous support of the donors listed.

If you have questions about the Honor Roll of Donors or need assistance making your gift this bar year, please contact Louise Harris, director of the North Carolina Bar Foundation (919.677.0992 or lharris@ncbar.org).

On behalf of the North Carolina Bar Foundation, and the North Carolinians who will benefit from your support, thank you.

— LeAnn Nease Brown, president of the North Carolina Bar Association and Foundation

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In a previous life, it was my good fortune to write a book about my childhood heroes, the Fike High School Cyclones of Wilson, state 4-A football champions of 1967, 1968 and 1969.

Little did I know, while working on “Cyclone Country: The Time, The Town, The Team,” that three of those players — Bill Farris, Steve Coggins and Chip Gibbons — would take on larger meaning in my career as members of the North Carolina Bar Association.

Their names are familiar to many within the legal profession. Farris practiced with Farris & Farris (now Farris & Thomas) in Wilson for 23 years before becoming a District Court judge. Coggins spent 25 years practicing in Raleigh, including the last 13 of those years as a partner with Parker Poe. He has been a partner with Rountree Losee in Wilmington since 2002.

Gibbons practiced in Wilson for one year with his father before joining Poyner Spruill in Raleigh, where he is a partner and highly regarded tax attorney.

In their previous lives of some 50 years ago, they were part of “the greatest high school football story ever told.” Individually their names will not likely be found in the record books, roles reserved for their head coach, Henry Trevathan, and their superstar running back, Carlester Crumpler, both of whom are members of the N.C. Sports Hall of Fame.

But collectively, in their youth as in their adult lives, all three have embodied what is meant when it is said that the sum is greater than its parts.

“Our coaches pushed us further than we thought we could go,” Farris recalled. “That has made it easier to face challenges later in life. We were successful against more talented teams only because every player — star or not — blocked for others on offense and covered for each other on defense.

“Unlike most teams today, we huddled every play and communicated a plan. Thus, we learned at an early age that seeking the common good benefits us as well as others.”

Farris also learned at an early age a valuable lesson about community service and paying it forward, which he has done throughout his career.

“Having celebrated orthopedic surgeon Tyson Jennette on our sideline every game gave us an example of service to youth,” Farris said. “The only way to repay Dr. Jennette has been to teach, coach and otherwise volunteer to serve our youth.

“People in the community whom I did not know greeted us on the street with encouraging words. Some wrote us letters. Many contributed financially for equipment, uniforms, etc. They certainly made me realize we can make an impact on a child’s life by encouraging and showing interest in their endeavors.

“I hope I’ve followed their examples over the last 50 years.”

“I was basically an insecure kid,” Coggins recalled during his interview for the book. “I wouldn’t go through adolescence again for all the money in the world. When I first came to Wilson from Elm City in the seventh grade, I had slicked-back hair and stood out like a sore thumb.

“Football helped in a lot of ways, primarily because whatever my limits were, I was able to overcome those obstacles and make the most of what I had.”

Coggins was the NCBA’s Pro Bono Attorney of the Year in 2000. Since moving to Wilmington, he and his wife, Louise, have devoted a great deal of their energy to combatting human trafficking.

“Coaches Trevathan and (assistant coach) Gus Andrews had a profound effect on my upbringing,” Coggins said. “They helped form my physical, intellectual, emotional and spiritual development, shaped my work ethic, helped me discover my competitiveness, unleashed my need to be the best I could be, engendered my hunger for teamwork, and cultivated a resilience to come back from adversity.

“The dynamic of working on a partially integrated team put me on the path of the search for racial justice that continues to this day.”

Humble to a fault, Gibbons was not unlike dozens of young men who comprised the championship rosters. His name was rarely in the newspaper and scarcely mentioned in the scouting report, yet he was there every afternoon for practice and every Friday night for games, ready, willing and able if ever called upon to step up.

Such a moment arose in the first round of the state playoffs in 1969 when Fike traveled to Fayetteville to play E.E. Smith High School, which had a superstar of its own in quarterback Charlie Baggett. It was Gibbons, however, who was the hero of the game, catching a pass which led to the winning touchdown and intercepting a pass which sealed the victory.

“I liked what that game said about high school football,” Trevathan recalled, “because both teams had their stars and their...
headliners, and a guy by the name of Chip Gibbons won that football game for us.

“I always admired the kids who stuck with the program until they got to be seniors and their bodies had developed to the point where they could compete. Chip was just one of several guys who did that in our program and he had a great season for us, but nothing was ever any bigger that what he did that night in Fayetteville.”

Ernie Murray is an attorney with Etheridge Hamlett & Murray in Nashville and practiced for many years in Rocky Mount, where he attended Rocky Mount Senior High and competed against the championship teams from 18 miles down the road.

“I got to know Steve Coggins at Carolina,” Murray said. “We played club football together our freshman year. He asked me if I played football for Rocky Mount and I told him that I did. I told him that I hated his guts. Not only did they beat us, but he took our head cheerleader, who became his wife!

“Chip and I practiced together at Poyner Spruill for several years, and of course I know Billy from being on the bench. I don’t do much District Court practice, so I don’t deal with him in court, but I have run into him on occasion and we always talk about the old days when we do. My office is a block from the courthouse in Nashville.”

From his unique perspective, Murray witnessed Fike High School’s rise to greatness in much the same way that Rocky Mount had experienced championship success in the first half of the decade.

“The mixture was the same for the great Rocky Mount teams,” Murray said. “You might have a guy whose daddy owned the warehouse playing alongside a guy whose daddy moved crates in the warehouse. Or their fathers might have worked in the mill or been with the railroad; it was a mixture of everybody.

“I remember seeing Carlester Crumpler for the first time in the ninth grade. Wilson had two teams at the junior high and we had already beaten one of them, so we were cool. Then we went over the Fleming Stadium and he ran roughshod over us.”

Murray is not the least bit surprised to learn that his fellow NCBA members are neither boastful nor vocal about the remarkable accomplishments of their younger years.

“All three would say that they were very fortunate to have good coaches,” Murray said. “All three of them are class acts, and anything that they told you about their experience was understated.

“But Fike was a force to be reckoned with during those years.”
Think back to your final semester of law school, whenever that may have been. Did you sprint to the finish line, or did you take your foot off the gas, knowing that the biggest test would come a few weeks after graduation when you sat for the bar exam?

Tatiana Terry conquered the world.

Back to the fall of 2016, the daughter of Towanda Jackson and Andre Johnson came to Campbell Law School from Durham with little indication as to just how much her life was about to change. She completed her first year in good academic standing—a prerequisite for trying out for the advocacy program—but she wasn’t overly optimistic.

“We tried out at the start of our 2L year,” Terry said. “I felt like a blubbering idiot going in. I think I had about 10 pages of notes. I called my dad after my tryout and told him, ‘I think they hated me.’”

A month passes, and she is making her way to a meeting. The students selected for the Campbell Law trial team are about to be announced. Daniel Tilly, Director of Advocacy and Assistant Professor of Law, pulls Terry, Nichad Davis, Terra Johnson and Terry’s best friend, Hannah Wallace, aside.

“I am thinking about sending the four of you to the National Civil Trial Competition,” Tilly said. “I have never sent a team of 2Ls before; I’m hoping you can handle it.”

Terry was stunned.

“That was the first time Professor Tilly and I really had any interaction,” Terry said. “At that moment, I realized he actually believed I could do this. I felt like I was really rough around the edges, so I just decided that I would have to work as hard as I possibly could not to disappoint this man who truly believed in me. And that’s when it all started.”

What did Tilly see in Terry?

“When you’re doing evaluations of potential student lawyers—student advocates—I look for someone who commands the room, who is engaging, unique, interesting and compelling,” Tilly said. “There’s also something else that comes across for student lawyers that distinguishes them, and that is how hard they work and how well they know the case.

“What students don’t know at the time is that it does filter back
to me which students are asking questions, trying to figure it out, and talking to older third-year advocates. What I remember about Tatiana is that she had all of these dynamic qualities … and more.”

“At that stage, coming out of your first year, you don’t know how to do a closing argument, and that’s not what I care about,” Tilly added. “In fact, I intentionally give students something that they don’t know how to do to see who is going to do the work to figure it out.

“Tatiana has a way of engaging juries. She is a dynamic person; she engages the jury with her eyes, words and body motions. What I noticed was that her actions were intentional. It wasn’t hyperbole; it wasn’t awkward. You felt like she was talking to you, and I thought, this is someone special.”

Terry competed throughout her second year of law school, showing great promise at the National Civil Trial Competition and the South Texas Mock Trial Challenge. She also branched out into the client counseling arena, where she and co-counsel Katie Webb Miller were selected to represent the law school in the coming year.

Still, Terry was not pleased.

“I truly felt defeated after my 2L year,” she said. “I felt like I was doing everything I could, but we just weren’t winning. We would make it to the semis but finish in fourth place. Or you finish in fifth place, and it all just feels like you’re not good enough.”

She turned to Professor Tilly, who recommended that she attend Baylor Law School’s Academy of the Advocate in Scotland.

“This is a program where Campbell Law partners with Baylor University School of Law in Texas to go to St. Andrews,” Terry said. “I spent two weeks there in the Advanced School of Trial Advocacy. There are two professors to eight students. It is very hands on.

“I don’t know if you know any Texas lawyers, but Professor Tilly is one, and former Dean Melissa Essary is one, and they take when trial lawyering very seriously. I learned so much in those two weeks, and when I came back to my 3L year, Professor Tilly could tell that I was different. My co-counsel, Hannah Wallace, could tell I was different, but I was still in doubt.

“It gave me the push I needed to really try to win at that point in my 3L year.”

And win she did. In what proved to be a historic spring for Campbell Law, Terry figured prominently in three of the law school’s unprecedented four national championships.

Supported by co-counsel Hannah Wallace and Professor Tilly, she won the Top Gun National Mock Trial Championship, becoming the first African American, and only the third female, to claim this honor. Terry is also the second Top Gun champion from Campbell, joined in that regard by Jacob Morse, a fellow NCBA member who won the title in 2017 and now practices with Wyrick Robbins Yates and Ponton in Raleigh.

Morse, interestingly, coached the team to win Campbell’s fourth national championship last year, the American Association of Justice Student Trial Advocacy Competition team composed of Anna Claire Turpin, Lydia Stoney, Kevin Littlejohn and Ethan Carpenter.

Under the direction of attorney-coach Kimberly Dixon, Terry teamed with Nichad Davis, Maurizo Lewis-Streit, and Ashley Urquijo to win a region and national championship at the Black Law Students Association National Mock Trial Competition.

Under the direction of Professors Essary and Jon Powell, she teamed with Katie Webb Miller to win the ABA National Client Counseling Competition and had the opportunity to represent the United States in the international competition.

“It was a crazy experience,” Terry said in regard to the Brown Mosten International Client Consultation Competition in Dublin, Ireland. “We had no expectation of winning a world championship. We had the least amount of preparation time. In fact, other nations knew they were going to this competition six months before we did. We had a week!”

They also only had a week to secure passports.

“I had gotten married (to Quintin Terry) and changed my name, so my passport is invalid, and Katie had gotten one. Professor Tilly, former Dean Essary and (Wallace Advocacy Fellow) Morgan Pierce scrambled through the logistics. In a matter of six days they not only got us passports, but also got flights and hotels for our trip to Ireland.”

The hectic pace proved well worth it as Terry and Miller prevailed over India and Indonesia in the world championship finals. Better still, as they returned to the United States, Terry learned that she had landed a job working with Patricia Shields at Hedrick Gardner in Raleigh.

Shields knew of Terry through the former’s work at Campbell as an adjunct faculty member in the Campbell Law trial advocacy program.

“Tatiana was not in my class,” Shields said, “but I did have the opportunity to see her in action when I was assigned to serve as the judge for her trial at the end of the semester.

“Frankly, I was blown away by her skill. In handling this mock trial, she seemed to be a seasoned trial lawyer, rather than a law student. She was creative, bold and impeccably prepared, and brought a lot of energy and personality to her presentation.”

Shields, an NCBA member who like Terry is from Durham and in fact went to the same high school (Jordan), quickly thought of Terry when the opportunity arose to hire a litigation associate in their Raleigh office.

“I knew that we would have to compete to hire her,” Shields said, “but I hoped that she would see the value in the opportunity to do real trial work that we could provide to her. Fortunately for us, and for me, she agreed to come aboard with Hedrick Gardner.

“I know that Tatiana has a spectacular career ahead of her, I feel truly fortunate to help her get her start.”

With the frenetic pace of her final semester, which actually extended beyond graduation with the Top Gun competition, behind her, only one objective remained: the bar exam.

“When I got back from Top Gun, I felt like a lot of eyes were on me,” Terry said. “It kind of freaked me out a little to have every body looking at me because I wasn't used to that kind of attention. Later, when we found out that I was the first African-American to win Top Gun, there was not only a sense of pride being a Campbell Law graduate and winning Top Gun, but also in doing so as an African-American woman.

“It mattered to me so very much that it's hard to explain. I got a Facebook message from a young woman who is an African-American and a law student. She said she watched the final round
of Top Gun and was so inspired by the fact that I was able to win. Being able to be an inspiration for young black law students made me want to work that much harder when studying for the bar exam. When I got back, I knew I couldn't let anyone down.

“For every young, minority advocate who wants to do this, and especially for women who feel like they will be told ‘you're too aggressive, you're hostile, you can't say that in that way, I don't like you, or your shoes, or your hair,’ — these were the individuals I had won for. I became an example of what is possible. But, for me, I still had to pass the bar.”

Realizing that the N.C. Board of Law Examiners doesn’t really care how many national championships she had won, Terry zoned in on the bar exam. She studied at the law school every day until late in the evening, took the exam in July, and received the good news in early September.

“I was with my mom when I received my letter,” Terry said. “The first place I went was my husband's job, and the second place I went was here (Campbell Law School).

“I had to let Professor Tilly know that he had two advocates win Top Gun, and now he has two who have won and passed the bar exam. I had to be restrained from bursting into his class!

“I couldn't have imagined in 2017 my time in Campbell Law's Advocacy program would end this way, but I am so humbled and grateful that it did.”

This fall attorney Tatiana Terry attends Minorities in the Profession Committee event with Evin Grant, left, and NCBA/NCBF President-elect Mark Holt. Last spring, she celebrated Top Gun honors with co-counsel Hannah Wallace and professor Daniel Tilly.
James W. Narron of Narron Wenzel, P.A. in Smithfield received the North Carolina Bar Association Estate Planning & Fiduciary Law Section's Distinguished Service Award in July during the section's annual meeting and CLE at Kiawah Island, SC.

“There are at least two classes of awards,” Narron said. “There are the awards for performance, for best steer in the show, for winning the 440-yard dash.

“Then there are awards such as this which are presented by one’s peers, in recognition of achievement, to be sure, but this class of awards is much more than that. These awards are a reflection of real affection, of acceptance not just as a member of the ‘tribe’ but as a leader, as one whose contributions have improved the tribe in some meaningful way. It is an honor most humbling to receive such an award.”

The award is also a reflection of Narron’s ongoing commitment to the section and the North Carolina Bar Association. He is a charter member of the section, a former vice president of the NCBA Board of Governors, a former member of the North Carolina Bar Foundation Board of Directors, a past chair of the Senior Lawyers Division, and a member of the NCBF Platt Walker Society.

“In 1979,” Narron recalled, “Bob Vaughn spearheaded the first annual Section meeting of the Estate Planning & Fiduciary Law Section. I was there; I have been there for each of the others, now 40 of them.

“What I got from attending those meetings was much more than an expanded knowledge of fiduciary income tax, generation-skipping planning or a hundred other technical planning techniques; rather, the real benefit of those meetings and of my participation in numerous Bar and CLE seminars over the decades has been the relationships I have formed.

“More than a professional organization, the NCBA is an organization of lifetime friends and relationships, of personal relationships as well as business relationships.”

After earning his undergraduate degree from the University of North Carolina at Chapel Hill in 1970, Narron served as an active duty line officer in the U.S. Navy. He graduated from Wake Forest University School of Law in 1975 and began practicing law in his native Johnston County shortly thereafter. He later earned an LL.M. in taxation from New York University.

Narron is a certified specialist in Estate Planning and Probate Law and was a member of the charter class of specialists in that field in 1987. He later served as chair of the N.C. State Bar Specialty Certification Committee for Board Certification in Estate Planning and Probate Law, and is a former State Bar councilor.

A Fellow of the American College of Trust and Estate Counsel and the American College of Tax Counsel, Narron has published extensively and provided countless CLE presentations for the NCBA and numerous state and national organizations.

The Estate Planning & Fiduciary Law Section Distinguished Service Award was established last year and presented initially to Graham D. Holding of Charlotte.
Tiffany Burba of Parker Poe Adams & Bernstein in Raleigh has been appointed to the board of the Friends of the City of Raleigh Museum. She is also part of this year’s Leadership Raleigh class.

Ashley Campbell, director of the Campbell Law School Blanchard Community Law Clinic in Raleigh, and Yolanda Taylor, managing attorney of Legal Aid of North Carolina’s Wilson office, received the 2019 Gwyneth B. Davis Public Service Award from the North Carolina Association of Women Attorneys.

Secretary of State Elaine F. Marshall recently received the 2019 Brand Protection Hero Award from the Center for Anti-Counterfeiting and Product Protection located at Michigan State University in East Lansing, Mich.

Brad Overcash of Parker Poe Adams & Bernstein in Charlotte has been elected chair of the Gaston College Board of Trustees. The college serves Gaston and Lincoln counties and is home to the North Carolina Textile Technology Center.

Jeff Poley of Parker Poe Adams & Bernstein in Raleigh has been elected as a Fellow of the American College of Bond Counsel. Poley has been practicing municipal bond and banking/finance law for more than 20 years.

Brandon A. Robinson, solo practitioner of Durham, has been elected to a three-year term on the Western Carolina University Foundation Board. He previously served as chair of the WCU Board of Visitors and is a member of the NCBA/NCBF Board of Governors/Directors.

Mark Stafford of Nelson Mullins in Winston-Salem has been appointed to a three-year term on the Patent Rules Committee for the U.S. District Court for the Middle District of North Carolina by Chief Judge D. Thomas Schroeder.

Jennifer K. Van Zant of Brooks Pierce in Greensboro has been appointed to a three-year term on the State Board of CPA Examiners. She is a past chair of the NCBA Antitrust & Complex Business Disputes Law Section.

David C. Wright III of Robinson Bradshaw in Charlotte has been inducted as a Fellow in the American College of Trial Lawyers. He also serves as chair of the Morehead-Cain Foundation at UNC-Chapel Hill.
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.

Remember and honor the great lawyers of North Carolina with a gift to the North Carolina Bar Foundation: www.ncbarfoundation.org/donate

FORMER CHIEF JUSTICE DIES

The Hon. I. Beverly Lake Jr., former Chief Justice of the North Carolina Supreme Court, died Sept. 12 at the age of 85. He was a graduate of Wake Forest College (1955) and Wake Forest School of Law (1960), and held honorary doctorates from Campbell University and the University of North Carolina at Chapel Hill.

Prior to serving as chief justice from 2001-2006, Lake served in the N.C. Senate, as a special Superior Court judge, and as an associate justice on the N.C. Supreme Court. He was the founder and served as chairman of the North Carolina Center on Actual Innocence, which led to the creation of the North Carolina Innocence Inquiry Commission. Lake served as a vice president on the NCBA Board of Governors.
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