

June 8, 2020

To the Administrative Law Section Council:

I am very appreciative of the honor that you presented to me for excellence in service to the cause of Administrative Law. I was both excited and surprised by your selection. I regret that we are no longer in a time when I can express my thanks in person, but that is our new normal. As with most lawyers, I am loathe to surrender the chance to take a bit of your time to express my thanks more fully.

My journey with Administrative Law began in 1979 when Attorney General Edmisten named me to head the Administrative Law Section of the Attorney General's Office. Imagine my surprise when I learned that there was only one copy of the Administrative Code in the State. It was housed in our office and it was approximately 6 months out of date. Our two person staff was that far behind with adding the newly adopted rules to the computer. The Attorney General began to press the Legislature for money to make the Code current and generally available across the State. After the State lost a case involving the I-40 corridor through Orange County due to the Code not being accessible, interest grew in finding a means for distribution.

That effort resulted in a single copy being provided to each county in the State. It was a microfiche document, along with a reader, and the County Commissions determined where it would be located. It simply wasn't possible at that time to envision the amazing transformation of technology and what it meant for keeping the Code current. Molly Maisch was overseeing the Code by 1982 and has done an amazing job since then in critical job as the Codifier.

In 1985, the Legislature launched major revisions to the State's Administrative Procedures Act. It was the genesis for Chapter 150B being adopted and NC becoming the 13th state with a central panel system. Attorney General Thornburg appointed me to represent his office in the Legislature for that reform effort. I continued to work with the issue during the remainder of his term as various reforms and adjustments were made to the APA.

In the meantime, I was also actively practicing administrative law as I advised and represented various environmental agencies. That work provided me with the opportunity to represent the State in the several cases including those which involved the Constitutionality of the statutes conferring authority on State agencies to exercise discretion in setting civil penalties.

In 1987, I was a founding member of the Administrative Law Section. I have enjoyed my long association with the Section and was honored to be selected its chair for the 1992-93 NCBA year. During my years on the Council, Chief Justice Exum appointed Julian Mann as the Chief Administrative Law Judge. I always hoped that the recommendations by Ann Reed and me to appoint Julian were a positive in his selection. Of course, Judge Mann now enjoys national acclaim for his leadership and steady hand as the Office of Administrative Hearings has emerged as a major force in North Carolina.

By the time I retired from the State in 2003, I was no longer directly involved with administrative law issues. However, I had a second chance after I joined the Raleigh City Attorney's Office that same year. Now I got to see administrative law as it applied to local governments, and without the structure and strength of the APA to address all its complexities. I also got to see it as an attorney for a regulated entity and not from the perspective as counsel to a state agency.

Speaker Joe Hackney appointed me to the Rules Review Commission in 2007 where I was pleased to serve until 2011. It gave me a new vantage for legal issues that I had debated for years as to whether a Legislatively created body could bar rules going into effect.

I have very much appreciated the growth of Administrative Law as an area of practice in our Great State. I commend the Administrative Law Section for its strong leadership in enhancing the quality of our Administrative Law Bar and making it a vibrant Bar with a spirit of working for the common good in shaping a fair and equitable system of Administrative Law.

Again, thank you for this honor. I look forward to continuing to work with Administrative Law.

Dan McLawhorn