

THE NORTH CAROLINA STATE BAR

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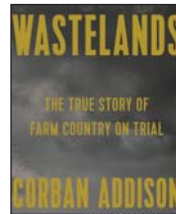
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An Interview with Our New President—Marcia H. Armstrong

Smithfield Attorney Marcia H. Armstrong was sworn in as the 88th president of the North Carolina State Bar by Chief Justice Paul Newby at the State Bar's Annual Meeting on October 20, 2022.

Q: Tell us about your upbringing.

I am the only girl with an older and younger brother. They would probably say I was a little spoiled and somewhat “bossy.” We were raised by our mother, who is now our guardian angel. I enjoyed hanging out with my brothers and was somewhat of a “tomboy.” I enjoyed sports and played tennis in high school and college, and was the editor of my high school and college yearbooks.

Q: When and why did you decide to become a lawyer?

At Salem College I majored in history and modern foreign languages. I did not go to college with a plan to be a lawyer; however, I did several internships that may have led me down that path. One January I interned with the coast guard in Wilmington. I also interned with the Women's Center in Winston-Salem and got involved in researching equitable distribution in other states as it was being debated in the North Carolina legislature. I participated in a United Nations simulation as the US ambassador. At the end of my college career, it seemed like the law had found me.

Q: If you had not chosen to become a lawyer, what other career path might you have followed?

I like to teach, so I could see myself as a professor. I was fortunate to teach for a semester at UNC Law School for my friend Sally Sharp and loved it.

Q: How has your career as a lawyer evolved?

After I passed the bar, I worked with George Mast. The first year I was involved in defending a large grower in a federal labor lawsuit. I then started handling some domes-



With her husband, Lamar, looking on, Marcia H. Armstrong is sworn in as president of the North Carolina State Bar.

tic cases. When my husband, Lamar, and I established our own civil litigation firm in the summer of 1985, I was eight months pregnant with our oldest child, Lamar III. We have been law partners ever since.

Q: You are a North Carolina State Bar family law specialist and are highly respected in your field. What attracted you to this area of practice and why did you seek specialty certification?

I did not have a plan to be a family lawyer. I took only one family law course in law school. Over time as my business grew, it became apparent that this area of the law suited me and my personality. Once I decided to concentrate on family law, I wanted to be the best I could be for my clients. Becoming a specialist was a natural progression to further that goal.

Q: What was your first leadership position?

President of the Honor Society and editor

of the yearbook in middle school and high school.

Q: What has been your proudest achievement as a lawyer?

I don't have an isolated achievement that comes to mind. I see my legal career as a progression from passing the bar, to building a career as a family lawyer and certification as a specialist, to serving on boards and committees with the NC Bar Association and the NC Chapter of the American Academy of Matrimonial Lawyers, to serving on boards and committees for local charities, to serving as State Bar councilor, and now with the honor of being the first family law specialist to serve as State Bar president.

Q: Your husband, son, daughter, and son-in-law practice with you in The Armstrong Law Firm in Smithfield. How has practicing with members of your family, in a small town, influenced your thinking about the

practice of law and the legal profession?

I believe that being a lawyer is an honor that carries with it a responsibility to serve not only your clients, but your community as well. I am blessed to watch my children develop into excellent lawyers and more importantly into adults with servants' hearts, using their talents to help others in need in our small town and beyond.

Q: How and why did you become involved in State Bar work?

State Bar Past President Bonnie Weyher recruited me. She told me it would be the best experience of my legal career. She was right. I did not understand all that the State Bar does for the public and our profession until I became a councilor. I now know the importance of self-regulation and the responsibility of protecting the public.

Q: What has your experience on the State Bar Council been like and how has it differed from what you anticipated?

I was elected on a Thursday night in January 2011 and attended the council meeting the next morning in Raleigh. I was uncertain of what I had gotten myself into. I believed that the "State Bar" was a bunch of grumpy old men that wanted to take away our licenses. When I walked into the council meeting that January morning, then-President Tony di Santi stopped the meeting to introduce and welcome me. I learned very quickly that the men and women councilors and State Bar staff are hard working and compassionate people who want lawyers to suc-

ceed, but are also dedicated to protecting the public we serve. I will always value my State Bar friends.

Q: You were instrumental in advocating for the establishment of a standing committee of the State Bar Council on access to justice. An ad hoc committee has already been appointed and there are proposed rule amendments that will make it a standing committee. Why did you advocate for the creation of this committee? What does "access to justice" mean to you?

We need to find ways that the folks without the resources to hire a lawyer can have a fair shake in the legal process. I have faith that the lawyers across North Carolina can and will engage in finding solutions to this problem. I do not think there is one solution. My hope is that the members of this committee, who are from all over the state and who are engaged in various practice areas, will come together to share programs that are helping in their districts and brainstorm to develop new initiatives. Our work has just begun, but I can tell from the first committee meeting that there is a lot of energy in the room and a sincere desire to help bridge this gap.

Q: What do you hope to accomplish while president of the North Carolina State Bar?

As an important part of the Access to Justice Committee, we need to continue addressing the "legal deserts" problem. I practice in several rural areas where the retiring lawyers are not being replaced with young lawyers. The committee is working with the

law schools and other stakeholders to address this serious problem. We simply cannot have citizens of North Carolina living in communities without lawyers to help with their legal and community needs.

The Issues Committee will look at ways to help solo and small firms with succession planning. The goal is to help these lawyers put into place a plan that will ensure a smooth transition, whether the end of their career is planned or comes about unexpectedly.

Q: Tell us about your family.

Lamar and I are blessed with three children and seven grandchildren (ages six months to six years). Lamar III and his wife, Beth, are the parents of Aubrey and Riley. Hinton and his wife, Anna, are the parents of Harden, Hannah, and Henry. Our daughter Eason and her husband, Daniel, are the parents of Eden and Salem. Two of our children, Lamar and Eason, and our son-in-law, Daniel, practice with me and Lamar. Hinton is a biochemical engineer; however, even though outnumbered by lawyers, he can hold his own in family debates. Beth is a third-grade teacher and has the most patience in the family. Anna is a pharmacist and our family "doctor."

Q: What do you most enjoy doing when you're not representing clients or serving as a councilor or officer of the State Bar?

Lamar and I love hanging out with our children, seven grandchildren, and other family and friends. I like to read and enjoy my book club "The Novel Girls." I love Ocean Isle Beach, which is my refuge, and enjoy traveling. Also, I enjoy working on local committees at church or other community projects.

Q: I understand you are a diehard Demon Deacons fan. What's that all about?

I grew up with NC State fans. During my four years at Wake Forest, I spent a lot of time at Wake Forest and attended many football and basketball games. My love for Wake Forest grew while I attended law school there, and has continued to grow to this day. We do not always win, but I will always remain a proud Demon Deacon. GO DEACS!

Q: How would you like your administration to be remembered when the history of the State Bar is finally written?

That we were honored to kick off the new year with a remarkable performance by the 82nd Airborne All American Chorus at the annual meeting. ■

Marcia H. Armstrong is a partner with The Armstrong Law Firm, PA, in Smithfield.

Marcia Armstrong and Chief Justice Paul Newby with members of the 82nd Airborne All American Chorus which performed at the Annual Dinner.



Mental Health, Not Incarceration

BY DR. MITZI C. PESTANER AND JUDGE WENDY S. HAZELTON

The overrepresentation of persons with mental illness in the criminal justice system¹ has led to tasking correctional facilities, courts, judges, and attorneys to act as de facto mental health providers.² Globally, the United States has the largest population of incarcerated individuals with a disproportionate number of those in custody suffering from a serious mental illness.^{3,4} Although only 4.2% of the general population is estimated to have a serious mental illness,⁵ approximately 40% of the individuals incarcerated have a history of mental illness (37% in state/federal prisons and 44% in local jails).⁶ In fact, there are more individuals with a serious mental illness in jails and prisons than in psychiatric facilities.⁷

A contributing factor to overrepresentation of mentally ill persons in the criminal justice system is likely deinstitutionalization, which began in the 1950s, and dramatically decreased the availability of long-term psychiatric care in favor of community-based care.⁸ As such, it may be that trans-institutionalization has led to a shift for mentally ill persons from mental health institutions into correctional facilities.⁹ This shift has placed the criminal justice system at the forefront of providing mental health care to many justice-involved individuals.

Justice-involved individuals with a mental illness are subject to significant health disparities and often do not receive the mental health care needed while incarcerated.^{10,11} About three in five people (63%) who are incarcerated with a history of mental illness do not receive treatment in state or federal prisons, and 45% do not receive treatment in



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local jails.¹² Additionally, individuals with a serious mental illness tend to remain in confinement longer than others, imposing increased housing expenses for those institutions, and are at high risk for suicide.¹³ As an example, in *Braggs v. Dunn*, the US District Court cited multiple failures by the Alabama Department of Corrections (ADOC) in providing care to mentally ill inmates.¹⁴ These failures included relying on unsupervised licensed practical nurses (LPNs), who lacked training or qualifications, to conduct mental health assessments and neglecting to screen inmates upon intake due to insufficient mental health staff. Many of these mentally ill inmates had not been identified as having a mental illness. As such, they were “languishing and decompensating in ADOC without treatment, ending up in crisis care, and engaging in destructive—sometimes

fatal—self-harm”.¹⁵ In a subsequent opinion in which the court reviewed changes made by the ADOC and provided a determination of court-ordered relief, the court noted that in the four years since the initial 2017 liability opinion, 27 inmates died by suicide within the ADOC.¹⁶

Justice-involved individuals are subject to additional challenges upon release from incarceration that may impede successful reentry into the community and place them at risk for re-offending. Challenges include being ineligible for public benefits, such as public housing and nutrition assistance programs; termination of Medicaid coverage while incarcerated; the need to report criminal history when applying for employment; and lack of vocational training, transportation, and community-based treatment.^{17,18} These disparities during and after incarceration

tion, and impediments to successful community re-entry, place the individual at high risk for poor behavioral health outcomes and re-offending, negatively impacting public safety.¹⁹

To decrease criminal recidivism and improve mental health outcomes for mentally ill individuals that are involved in the criminal justice system, some jurisdictions have enacted mental health courts. Mental health courts were created in response to America's Law Enforcement and Mental Health Project and codified in Public Law 106-515 on November 13, 2000, with subsequent support from the Mentally Ill Offender Treatment and Crime Reduction Act of 2004 in Public Law 108-414.^{20,21,22} These specialty courts are post-booking diversionary interventions,²³ which use problem-solving concepts from the drug court model.²⁴ The legal authority for mental health courts is derived from the doctrines of *parens patriae* and police power.²⁵ In *Addington v. Texas*, the court confirmed that the state has an interest under the *parens patriae* power to care for individuals who are unable to care for themselves due to emotional disorders.²⁶ Additionally, states have the authority under its police power to protect its citizens from harm by restricting the behaviors of those who pose a risk of harm to public health and the safety of its citizens.^{27,28}

Mental health courts are based on therapeutic jurisprudence, which posits that when a court encourages positive change through use of its authority, there may be positive emotional and psychological influences for offenders.^{29,30,31} Using a problem-solving approach, mental health courts focus on offender rehabilitation to solve underlying community problems.³² The intent is to reduce recidivism among justice-involved mentally ill individuals, which is often a probation or parole violation rather than the commission of a new crime, and may be due to the symptoms of mental illness, such as disorganized behavior, or factors related to poverty, such as lack of housing or transportation.^{33,34} The means by which mental health courts aim to reduce recidivism is to treat the mental illness that may be causing the criminal behavior.³⁵ Common characteristics differentiating these courts from traditional courts include voluntary participation; a separate docket for participants; participant interaction with a non-adversarial team con-

sisting of criminal justice members and mental health professionals involved in making decisions about treatment and criteria for completion of the program; and treatment plans overseen by judges.^{36,37} The mental health court team encourages participants to comply with treatment and maintain regular appearances in court before the judge to facilitate changes in behavior in lieu of incarceration.³⁸ Problem-solving courts, such as the mental health court, are generally more cost-effective, with estimates suggesting that over \$5,000 less is spent by taxpayers on participants as compared to traditional probationers.³⁹ Additionally, studies have found positive impacts on recidivism and the likelihood of engaging in mental health treatment for graduates of the mental health court.^{40,41,42} Success of the program is dependent on several factors, including appropriate selection and prompt identification of candidates for diversion.^{43,44}

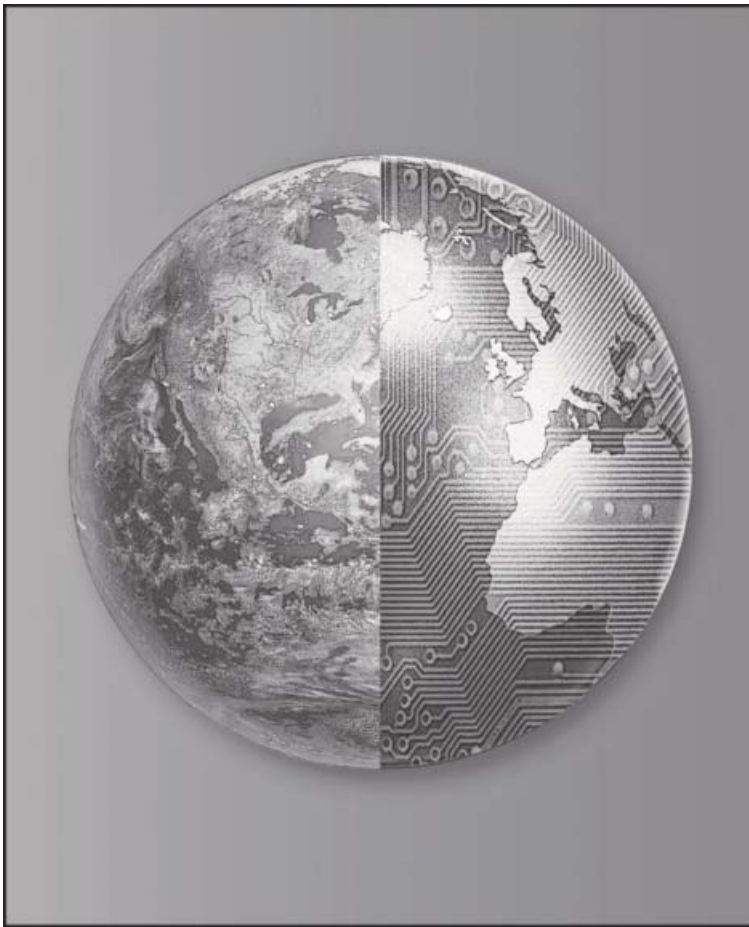
While the mental health courts are showing promise for justice-involved mentally ill individuals, they are limited in number. Nationally, there are 524 adult mental health courts, and in North Carolina, out of 44 judicial district bars, there are only eight of these specialty courts.^{45,46} One of the most recently developed mental health courts in North Carolina became operational in July 2020 in Prosecutorial District 3A, Pitt County. Judge Wendy S. Hazelton, an avid proponent of the court, presides over the court sessions. Most participants have a diagnosis of Major Depressive Disorder, Bipolar Disorder, or Schizophrenia and have been charged with misdemeanors and/or low-class felonies (H & I). Referral sources include members of the Bar, detention center, probation and parole, and law enforcement. Court sessions are attended by the participant and the mental health court treatment team, comprised of the judge, district attorney, assistant public defender, case managers, probation and parole, and the court coordinator. Probation and parole manages information relating to participants' adherence to court conditions. Case management services are provided by mental health providers. Incentives in the form of verbal praise, phase promotion, gift cards, and progress certificates are provided to participants. Sanctions are given if the participant does not adhere to conditions of the court. The program length is at least one year. Upon successful completion of the pro-

gram, the court may assist with unpaid fees due on probation and the District Attorney's Office may dismiss other pending charges, if applicable. The court functions to assist each participant in a holistic manner. This holistic approach allows each participant to have other issues addressed that are specific to them, which in turn allows them to be better equipped to re-enter the community upon completing the program. Outcomes for justice-involved individuals with a mental illness may be very different if they are processed through traditional criminal courts without the option of mental health courts as diversionary measures.

Scenario 1 – Traditional Criminal Court Potential Outcomes

William is in a district that does not have a mental health court. William is 25 years of age and has been convicted of larceny. This is his third conviction in a 12-month period, and he has a diagnosis of Paranoid Schizophrenia. William is homeless, unemployed, with no social support. William has a public defender who has worked with him in the past and knows about his history of mental illness. William's public defender may face an ethical dilemma. While William is waiting for the disposition of his case, he is at risk for insufficient management of his mental illness⁴⁷ and decompensation which may lead to his transfer to a psychiatric facility, lengthening the time of confinement. Additionally, inmates with a mental illness often have difficulty understanding or following prison rules, resulting in more time spent in the criminal justice system than inmates without a mental illness.⁴⁸ As such, William may ultimately spend a longer period incarcerated unless he pleads guilty. As a result, the public defender may be forced to choose between advocating that William serve more time incarcerated or in a psychiatric facility or advising William to plead guilty and endure a lesser sentence.⁴⁹

Model Rule 1.14, Client with Diminished Capacity, states that "(b) when the lawyer reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial or other harm unless action is taken and cannot adequately act in the client's own interest, the lawyer may take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client."⁵⁰ If William's attorney is



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aware of the lack of adequate mental health treatment William may receive while incarcerated but has no choice except to advocate that William serve time, it is questionable that Williams's best interests will be served.⁵¹

Upon release, William will have a parole officer to oversee the probation, but will likely be unable to access quality counseling/therapy due to having no financial means (and many defendants do not have the means) and will not have access to the resources available to mental health court participants. Given William's history, lack of access to mental health treatment, and circumstances relating to poverty, these factors suggest he is at risk for re-offending.

Scenario 2 – Mental Health Court Potential Outcomes

William is in a district that does have a mental health court. William's attorney refers his client to the mental health court, and his case is diverted to the court for further handling. William will be released into the community, but with court oversight. He will have access to therapy/counseling even if he

cannot afford it. William will be accountable for his treatment and behavior in the community, as he will be required to report to court every two weeks and provide an update on medication and therapy adherence, employment, housing, substance use, and any other issues that need to be addressed. William's mental health provider and probation/parole officer will also update the court on William's progress. The mental health court team will give William positive feedback and praise, but those same individuals will let him know of their disappointment for non-adherence. William will have the same group of people working with him to build relationships or a sense of family. Since the program will build William's confidence and give him a sense of accomplishment, he will have the opportunity to inspire and encourage fellow program members. William will be connected with mental health resources and providers who will assess and attend to the needs of the whole person. This ensures that William can self-sustain by assisting him to get his driver's license, birth certificate, and/or housing, etc.

It will also help William to be successful with the underlying probation. As an incentive, he may receive financial assistance to pay probation fees at the conclusion of the program. Upon release, because William has had access to mental health and community resources due to his involvement with the mental health court, management of his mental health symptoms has improved, and he is at decreased risk for re-offending.

Next Steps

Diversion of justice-involved individuals with a mental illness to the mental health courts will benefit participants and the community. Studies have found positive impacts on recidivism and the likelihood that graduates of the mental health court will engage in mental health treatment after release from court. To further the work of mental health court oversight, an optional aftercare program of six months is currently in the planning stages in Pitt County. Providing participants with an after-care program following graduation from the program could further enhance the benefits of the mental health

court in terms of repeat offending. Addressing criminogenic risk factors, such as unemployment, substance use, associations with peer groups that may engage in antisocial behavior, and lack of positive recreational/leisure activities,⁵² may further positively influence recidivism.⁵³ An after-care program would provide participants with positive peer influences and support systems to facilitate optimum wellbeing.

Persons with mental illness are overrepresented in the criminal justice system and subject to health disparities. A uniform and systematic approach to primary prevention in the form of diversionary measures to prevent incarceration would support advances toward achieving health equity.⁵⁴ Mass incarceration could potentially be reduced by expanding the number of mental health courts nationally and statewide.⁵⁵ Additionally, it is imperative that funding to sustain those mental health courts currently in existence is prioritized at the federal, state, and local levels. In North Carolina, increasing the number of mental health courts would ensure that this diversionary tool maximizes its effectiveness for mentally ill justice-involved individuals and for society. ■

Dr. Mitzi Pestaner has been a member of the North Carolina Bar since 2002 and previously practiced law in Pitt County, representing clients in criminal and family law matters. She is an assistant professor at East Carolina University College of Nursing and, as a registered nurse, cared for patients with mental health needs in acute care and community settings. While practicing law, Dr. Pestaner recognized the overrepresentation of those with mental illness in the criminal justice system, which fueled her interest in examining the influence of the Behavioral Health Treatment Court on re-offending and mental health outcomes for participants within the context of social justice, as well as advocating for its expansion and sustainment.

District Court Judge Wendy S. Hazelton was elected in November 2016 in Pitt County, North Carolina. She helped spearhead and is the assigned judge over Pitt County's Behavioral Health Treatment Court (PCBHTC), which held its first session of court on July 17, 2020. The PCBHTC combines court supervision with mental health treatment by including members from the criminal justice system and mental health treatment agencies. This collaborative relationship helps ensure that qualifying individuals obtain appropriate treatment and serv-

ices, and that they maintain treatment and services as they transition back into community life.

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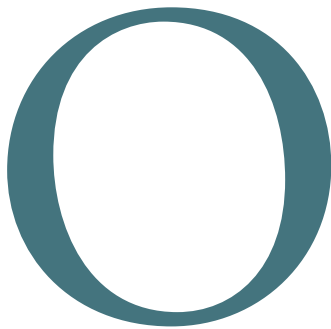
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Confident In Your Crown

BY E. BAHATI MUTISYA AND TENIA CLAYTON



On March 21, 2022, the Honorable Ketanji Brown Jackson, then-nominee for the US

Supreme Court, began her confirmation hearings before the Senate Judiciary Committee. The world watched as the first African American woman nominated to our country's highest court answered questions about

her qualifications with grace, poise, and the utmost composure. Not only was Judge Jackson the first Black woman to go through the confirmation process, but she did so wearing her natural hair in a beautiful style lovingly known as “sisterlocks.”



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That day, Black women across the US were talking about the meaning of this historic moment, including *Diversity Ever After* podcast hosts E. Bahati Mutisya, Tenia L. Clayton, and Nakimuli Davis-Primer, who had the pleasure of speaking with the Honorable Ashleigh Parker Dunston,¹ Wake County North Carolina District Court Judge, about the Creating a Respectful and Open World for Natural Hair Act, better known as the CROWN Act.

The CROWN Act aims to end race-based hair discrimination nationwide. This

federal legislation follows years of advocacy for protection against policies in schools and professional spaces that ban natural hairstyles such as afros, braids, bantu knots, and locks. Such discriminatory policies have been used to keep Black employees from securing or keeping employment, to keep Black children out of classrooms and important school events, and to marginalize Black people for the hair that naturally grows from their scalp.

Over the years, several states have passed their own legislation banning such discriminatory policies, including bills passed in

Maine and Tennessee in their most recent legislative sessions. The CROWN Act was first introduced as a federal bill in 2021, but did not garner enough votes in the US Senate to become law. However, a call for legislation on the federal level continued with the help of the campaign led by the CROWN Coalition. On March 18, 2022, just three days prior to recording our podcast episode, the CROWN Act passed a vote in the US House of Representatives (Bill H.R. 2116). The bill now awaits a vote by the US Senate, giving Congress a second opportuni-



ty to pass federal legislation protecting against race-based hair discrimination.

In 2019, Judge Dunston wrote an article for the *Wake County Bar Flyer* about Black women's natural hair in the legal profession titled *My Crown is Professional*. Bahati, Tenia, and Nakimuli



spoke with Judge Dunston about Black natural hair in the legal field, including what professionalism means to her, the importance of the professionalism standard being inclusive, and the future of this profession in light of possible federal legislation protecting Black natural hair in the workplace.

Judge Dunston explained that what has been deemed “professional” in the legal field has been the “Euro-centric standard.” With the legal profession consisting mostly of white people, straight hair has been established as the acceptable norm, and any other textured hair has been excluded. Black people, who make up approximately five percent of the legal profession, have historically had to straighten, cut, or chemically alter their hair to fit the mold. The Joy Collective’s 2019 CROWN Research Study found that Black women are 80% more likely than white women to have to worry about changing their hair from its natural state to fit in at the office. The pressure to change an important natural part of oneself creates, at mini-

mum, unnecessary stress, and in the worst cases prevents Black people from gaining access to professional spaces.

This is why Judge Dunston aimed to use her article, *My Crown is Professional*, “to shift the perspective” on professionalism to make the legal field more inclusive. In her own words, we need to be “inclusive of all individuals [who] have gone through the same bar exam that all of us have gone through.”

Judge Dunston supports the natural hair movement not only by speaking and writing about it, but also by living it. She proudly shared her own natural hair journey with us, noting that she spent years wearing her hair relaxed and dyed

black because she felt the need to assimilate. After joining the North Carolina Attorney General’s Office as a young attorney, she did the “big chop,” dyed her hair blonde, and began wearing her natural hair to work. In that moment, she realized, “I have arrived!” Her decision to go natural was sparked by watching other Black women in the North Carolina Attorney General’s Office wearing their natural hair in many beautiful styles including short cuts, wash and go’s, and afros. She noticed that, “[i]t didn’t take away from their skills—it didn’t take away from anything.”

This journey led Judge Dunston to realize the importance of allowing all individuals, including Black women, to have a choice of how they want to wear their hair on a daily basis. From relaxers to corn rows, to weaves, to blow outs—any style should be acceptable. Judge Dunston proudly changes her hair style every month. Visitors in her courtroom have seen her on the bench with crochet weaves, corn rows, and braids. As Judge

Dunston explained, “I love it because it’s my choice, and I’m making that decision every day to have all of these hair styles. All of these versions of Ashleigh are fine and are professional and do not change at all who I am or how I am in this world.” Through the collective efforts within the CROWN Act movement, including proudly wearing her own natural hair on the bench, Judge Dunston has seen a great deal of progress in the legal profession, with other Black women also wearing their hair naturally more often in court. “I would say the most important thing is that it’s becoming normalized.”

As we wait to learn whether the CROWN Act will pass in the Senate, Judge Dunston emphasized the importance of education to ensure the CROWN Act has an impact once passed. Without education and thoughtful discussion, many might be left wondering why it is important for the CROWN Act to pass on a federal level. Judge Dunston expressed that the CROWN Act is necessary on every level because continuing to allow something as trivial as hair texture or style to result in termination or other adverse employment action is a problem. There are enough barriers to Black people’s promotion—hair should not be one of them. To guarantee that the CROWN Act puts an end to such injustice, Judge Dunston believes leadership and those in management-level roles have to implement diversity training to raise awareness of biases in their organizations and how they can overcome them.

A key takeaway for employers is to start these trainings now. Implement policies and procedures that align with the CROWN Act’s mission regardless of whether it passes.



This can go a long way in transforming an organization into a more inclusive environment if it is proactively made clear that any discrimination will not be tolerated. Despite prior assumptions that we are in a “post-racial society,” we unfortunately are not, so it is possible that this legislation will not pass the Senate. But that does not mean that the work stops.

For those hoping to help and be allies in this movement, use your voice to speak for others who may not be in the room. If unproductive comments about someone’s hair are made, bring the focus back to something that matters, such as the person’s good work product. Try to point leadership to clear, objective measures when minorities are being evaluated to avoid unconscious biases that can emerge when discussing people subjectively. And finally, compliment your Black colleagues. Black women, in particular, deal with unique hardships due to the intersectionality of race and gender such that it can be hard to show up sometimes. A positive comment can be encouraging and go a long way.

For Black attorneys who are trying to navigate the issue of how to wear their hair as professionals, Judge Dunston gives the following advice: “The most important thing is to walk in confidence.” Black self-love means proudly wearing whatever curl pattern comes out of your head and encouraging others to do so as well. Whether you choose to wear your hair curly, in braids, or straight, it’s your choice. So, embrace it and your confidence will outshine everything else. This can be easier said than done, so Judge Dunston recommends building a community that will support you. She fosters this in her own network by hosting collegial, almost therapeutic,

events such as a Sip-and-Paint where participants paint images of Black women and share stories of their hair journeys, which so many women found to be relatable and validating. It can be difficult to flourish and succeed at work while feeling that you can’t be your authentic self. In a professional setting, safe spaces are needed and must be intentionally cultivated. Whenever things feel hard, remember to stay confident in your crown! ■

E. Bahati Mutisya is an attorney in the Raleigh/Research Triangle office of Baker Donelson, where she focuses her practice on representing health care providers in legal proceedings and helping them navigate complex regulatory requirements. Her clients include hospitals, behavioral health providers, hospice providers, and assisted living facilities.

Based in the Nashville office of Baker Donelson, Tenia L. Clayton is a health care attorney with a focus on a variety of transactional matters, including mergers and acquisitions and other corporate matters. She concentrates her practice on assisting health care organizations in a full range of phases throughout the



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timeline of transactions, from due diligence to closing.

Endnote

1. Judge Ashleigh Parker Dunston is a district court judge in the 10th Judicial District of North Carolina, which encompasses Wake County and includes Raleigh. Prior to her appointment by Governor Roy Cooper in 2017, Judge Dunston served the state as an assistant attorney general at the North Carolina Department of Justice and as an assistant district attorney at the Wake County District Attorney’s Office. She graduated with a bachelor of arts in psychology from Wake Forest University and graduated *cum laude* from North Carolina Central University School of Law. She has been practicing law since she was 24 years old, and at age 30, Judge Dunston was only the third and the youngest African American female to hold this position in Wake County since the district courts were established over 50 years ago.

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Getting to Know Legal Aid’s New Chief Executive Officer, Ashley Campbell

BY HEIDI C. BLOOM

A

shley Campbell is the new chief executive officer of Legal Aid of North Carolina as of July 1, 2022. Ashley is smart, passionate, positive, beautiful inside and out,

and kind. But there is much more to her than your typical c-suiter. Ashley sat down with her fellow attorney, State Bar councilor, and friend, Heidi Bloom, and talked about how she got here, her vision for Legal Aid, and how she juggles it all. Here’s what she had to say in (mostly) her own words:

Q: Tell me about your family and upbringing.

I was born in Lincolnton and grew up in Gastonia, North Carolina. My parents divorced when I was two years old, and my brother and I were raised by my mom until she got remarried when I was eight. My mom was a domestic violence survivor and her struggles to escape that cycle, to raise two children alone while working two jobs, and to persevere are very much part of my

story, my mission, and why Legal Aid and advocacy for low income people is so very important to me. My mom was a fighter—she had very little help from family, but big dreams for her children. Had my dad fought her for custody of my brother and me, my mom may very well have lost due to lack of resources. My mom’s experience was the experience of many of our Legal Aid clients, which makes this job and the work of Legal Aid extremely personal to



me.

Growing up in Gastonia shaped who I am. Community service was always a part of my life, and, at 16, I started volunteering at the House of Mercy in Belmont, North Carolina, which was (and still is) a home for people living with AIDS. That experience made me deeply empathetic to the experience of marginalized people. When I was 18, I competed in and won the Miss Mount Holly pageant and went on to com-

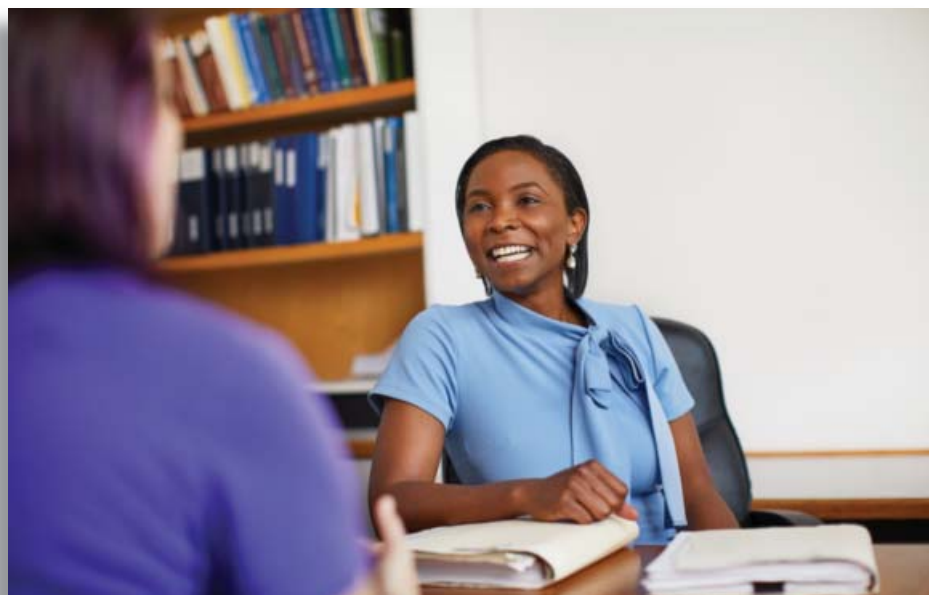
pete in the Miss North Carolina pageant. I know pageantry rightfully has its skeptics, but these experiences were pivotal to my future in two ways. First, I used that experience as a platform to raise awareness about HIV/AIDS. I was teaching high school kids about safe sex, handing out birth control, and serving terminally ill patients while advocating for them. I won the community service project component of Miss North Carolina for this work, and, to this day, believe community service is vital. Second, in addition to giving me a platform to promote issues I cared about, the pageant experience forced me to become comfortable with public speaking, which has been critical to my work as a litigator and legal advocate. So, truthfully, my Gaston County roots and the pageant experience were very positive and trained me in some important and transferable life skills.

Q: Did you always know you wanted to be a lawyer?

I am living proof that a child can watch thousands of hours of TV and still succeed. Because my mom worked two jobs supporting us, my brother and I were at home alone and watched a lot of TV—*The Facts of Life*, *Silver Spoons*, *The Jeffersons*...all the 80s classics. But my favorite was always *Perry Mason*. I watched *Perry Mason* every day, and Perry was the reason I thought I wanted to be a lawyer. In college at UNC-Chapel Hill, I studied American studies, which was a deep and enriching dive into American art, history, culture, music, books, etc. I love to read and to write and wrote my honor's thesis about women in the 1950s—Sylvia Plath, Betty Friedan, and Anne Moody, a civil rights leader who fought for voting rights. I loved American studies, and at one point I thought I wanted to teach rather than be a lawyer. My mom quickly disavowed me of that idea and told me to go to law school. So, I did. But years later, my dream of becoming a professor would come true when I joined the faculty at Campbell Law School to teach.

Q: Who were the mentors who guided you through your legal career?

The first was Ted Fillette. Ted is a legal legend and icon, particularly in housing law. Ted always talked in a quiet, calm voice and patiently guided me through the General Statutes, the Rules of Civil



Procedure, or whatever law I needed to learn. While I was working in the Gastonia office of Legal Aid, Ted and I brought a successful appeal to the court of appeals. That case—*Dean v. Hill*—reaffirmed the rights of residential tenants to safe and habitable housing and has been cited by our appellate courts in numerous subsequent opinions.

Later, at Ragsdale Liggett, I had the incredible fortune of working with Mary Hulett. Mary was from California, and she had that super relaxed, chill, California vibe. And the most important thing Mary taught me was to stay calm. Mary never overreacted, never got mad, and never raised her voice. She was always a calm in any storm. And litigation is often one storm after another. Mary was also a great appellate advocate. During oral argument, she would just talk to the court. Her approach was very accessible. When I later taught advocacy at Campbell Law School, I encouraged my students to just talk to the court, in the same way that Mary did so effectively.

Q: By the time you went into private practice, though, you were married and had two children. How on earth did you juggle all these responsibilities and pressures?

I think it is important to be honest here. It can be really hard being a trial lawyer and juggling life and a family. I tried a month-long jury trial in the North Carolina Business Court when my daughter was 12

weeks old. I had worked on that case for seven years. There were times when my kids were little that I would go cry in my closet. What I learned from the experience of chasing the elusive Holy Grail of balance is that you must prioritize taking care of yourself. Personal wellness—and in particular *lawyer* wellness—is so very important. When I applied for the CEO position at Legal Aid, I spent time thinking about how I would care for myself and my family because I knew it would be demanding. I have learned what I need to be healthy—exercise, a spiritual practice, healthy eating, and hiking. And the key when taking on a demanding role (even a rewarding one!) is having a plan on how to keep yourself healthy. Because the lows are going to happen. But the question is, “What are you going to do when the REAL lows hit?” You need to have a plan. Implementing my plan makes me a better lawyer, a better mother and wife, and a better person.

Q: Tell me what your first months on the job have been like.

Extraordinary. I am truly blown away and inspired by the work the people at Legal Aid of North Carolina do and the clients we serve. I have already visited the Wilmington office and met the exceptional people who work there. Legal Aid has more than 20 offices, and I will visit all of them this year. Going into local communities and our local offices, meeting the staff, understanding their needs and the needs of the community is a priority for me.

Understanding the hardships our clients face and seeing them be resilient in the face of so much is deeply inspiring. I have also been meeting with stakeholders to understand how we can partner and collaborate with one another. For example, I met with Ben David, the district attorney of New Hanover County, because the DA's Office helped obtain a grant for expunction relief. In late July I attended the 11th Annual North Carolina Top 50 Women "Super Lawyers" Celebration in Greensboro, hosted by Janet Ward Black. Janet is joining the Legal Aid board and has been a tremendous supporter of the work of Legal Aid. The reception honored the 20 years of Legal Aid; featured a presentation by the Honorable Allyson Duncan, whose service to the judiciary and dedication to advancing the rule of law is second to none; and highlighted the passion and commitment of my Legal Aid staff and co-workers. It also gave me the opportunity to thank my predecessor, George Hausen, for his tireless leadership of Legal Aid.

Q: What do you see as the biggest obstacles to the work of Legal Aid?

The first is funding. Legal Aid of North Carolina is a non-profit organization that has as many lawyers as Womble Bond Dickinson, one of the biggest law firms in North Carolina. We cover legal needs from Murphy to Manteo, and the needs are extraordinary. We are focusing on capacity building and raising staff salaries—attracting and retaining top talent to do this work

is vital. The second challenge is effectively communicating the amazing work that we are doing all over the state. We can and must do a better job articulating the value Legal Aid brings to each community and why that value matters. I believe civil legal aid is a critical component of the health of a community—just as roads, the police department, the fire department, and infrastructure.

Q: You recently served on the State Bar's Regulatory Reform sub-committee. How did that work influence and/or impact your thinking about our profession?

I was truly encouraged by the fact that our State Bar recognizes that access to justice is a core value. This committee spent two years learning about different models across the United States that attempt to provide greater access to justice. There is some real innovation out there that can be tapped, and I look forward to working with lawyers and the State Bar to innovate regarding greater access to justice. For example, a priority for me is to understand technological innovations that exist to deliver legal services more efficiently, particularly in rural areas. I hope Legal Aid can partner with technology companies to create an innovation lab where we work on leveraging technology to service people, particularly in rural areas. I believe the overlap of Legal Aid and technology can be a big part of the solution to the rural legal desert.

Q: Speaking of rural, I have followed on

social media your journey of hiking the Appalachian Trail. What spurred that adventure?

When I was in law school, I received a leadership scholarship to go on an Outward Bound trip, which included seven days of hiking on the Appalachian Trail. Before that trip, I had never done backpacking or hiking before, and to my surprise, I loved it! So, I had this dream of completing the "thru hike," which is what they call hiking all 2,200 miles of the Appalachian Trail in one summer. But I never seemed to find the time to start the hike. I was busy raising kids, trying cases, and practicing law, and time just passed. But because I like to read so much, I was in a book club, and our book club read this book called *Wild*, which is about a girl who hiked the Pacific Coast Trail. At the end of the book (spoiler alert), she finishes the PCT and is sitting outside a coffee shop resting when a guy in a fancy car and shiny suit comes up to her and asks her what she's doing. She tells him she just finished hiking the PCT. He explains that he is a lawyer, and says that, "I always wanted to hike the PCT." When I finished the book, I realized I had always wanted to be her, but now am him. And I wondered how and when that transformation happened. In that moment, I decided that no matter how hard it would be and how long it would take, I was going to complete the full 2,200 mile hike. So, each summer I take two weeks off to hike a section of the trail. I am currently about 100 miles from Virginia. I'm determined to finish the North Carolina section of the trail next year. The journey has helped me stay connected to what's important, taught me that lost dreams can be found, and reinforced that I really, really do not like snakes. ■

Heidi Bloom is a partner at the Raleigh law firm of Wyrick Robbins Yates & Ponton, where she is the head of the Family Law Practice Group. She is a North Carolina board certified family law specialist; has been a State Bar councilor for the past nine years; and is a member of the North Carolina Bar Association Board of Governors. Her path has crossed with and connected to Ashley's often during their respective careers through their shared leadership roles in the State Bar and the Wake County Bar Association as well as their common interest in and support of Legal Aid.



“The Last Place in the Universe”

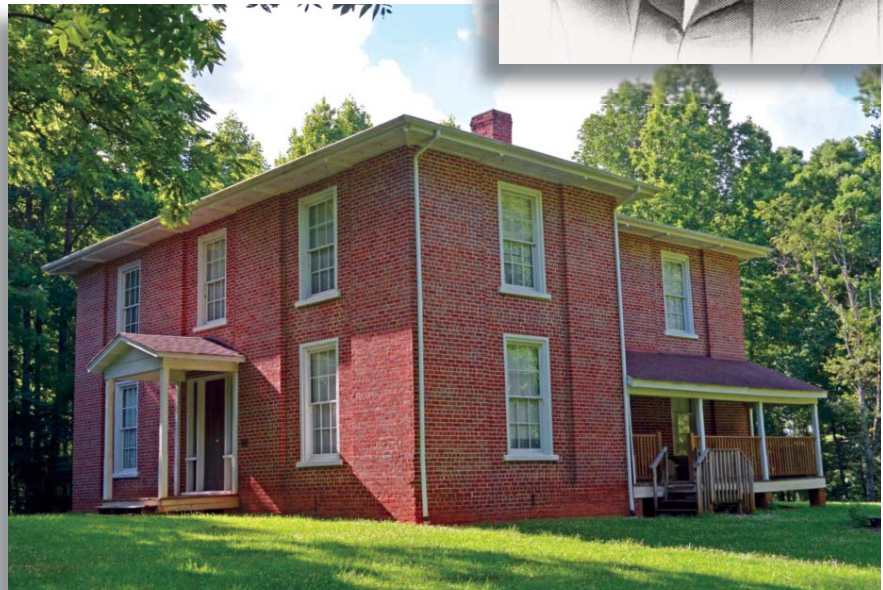
Richmond Mumford Pearson’s Law School

BY TOM LANGAN

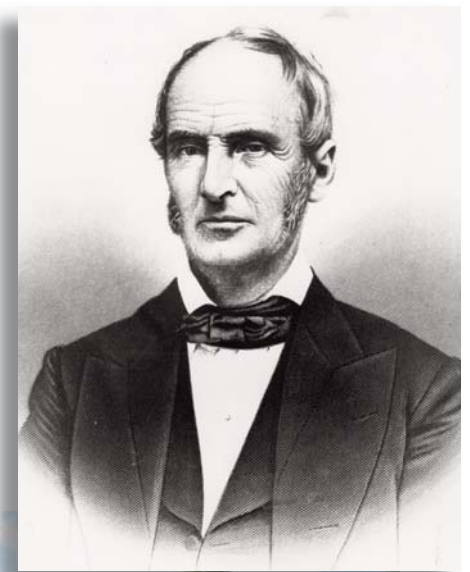
Imagine attending law school in a log cabin, miles from the nearest town. Your professor in all subjects is the highest-ranking judicial officer in the state. You are quizzed on torts, contracts, evidence, and property “at the table, on the path in the woods, at the fishing place on the river, and in the summer afternoons, beneath the shades of the old oaks on the hill or down by the spring.”¹

This is what legal education was like at Richmond Hill from 1846 to 1878 when Chief Justice Richmond Mumford Pearson operated a law school on his estate in rural Yadkin County. While nothing remains of the cabin today, Pearson’s brick home still stands—as does the enduring legacy of his school.

Considered by many to be one of our state’s most influential judges, Richmond Pearson served on North Carolina’s highest court for 30 years. As chief justice during the Civil War, Pearson is best known for invalidating the Confederacy’s conscription laws by releasing draft evaders and deserters. Pearson’s storied career as a law professor began in Mocksville in the 1830s, shortly



after his election to the circuit court trial bench. When Pearson began teaching law, legal education consisted of “reading law,” where an aspiring lawyer learned under the supervision of an established practitioner.



The apprentice read the master’s books, assisted with office tasks, prepared legal documents, and observed the workings of a general practice both in and out of the courthouse. It was a very practical educa-

tion. Pearson himself read law in the offices of Leonard Henderson, who also became chief justice. By the mid-19th century, legal education began to evolve into a more academic discipline. The master-apprentice model gave way to the modern university affiliated law schools that developed later in the century.²

When Pearson moved from Mocksville to Surry (now Yadkin) County, the law school moved with him. One student's recollection suggests that the location of the law school may not have been incidental to Pearson's relocation. "He [Pearson] told me he selected this place," the student recalled, "so that his students could be quiet and have nothing to withdraw their minds from their books." Located eight miles from Boonville on what is still only a gravel road today, the law school at Richmond Hill remains removed from the "whirl and excitement of society" Pearson sought to avoid.³

Young men traveled from all over North Carolina and beyond to study at Richmond Hill. Records show students enrolled from as far away as Alabama and Baltimore. They came from landed families down east and from humbler homesteads in the Piedmont to study under the chief justice. The academic terms at Richmond Hill were conducted in the fall and the spring while the chief justice was home from Raleigh between sessions of the Supreme Court. The first semester of study began in early March and lasted until early June, while the fall session ran from September to December. The curriculum at Richmond Hill consisted of two programs. One program focused on local practice in places like Rockford, just across the Yadkin River in neighboring Surry County. Another program was designed to prepare lawyers for a statewide practice in the circuit courts. For those out-of-state students, a modified course of study was also available.

Not all who studied at "the Hill" were fond of its isolation. A student's letter to his family refers to the campus as "monotonous, dreary, and tiresome," while another commented that it was, "as isolated a seat of learning as this state ever knew."⁴ "The last place in the universe," is handwritten on the flyleaf of *Bouvier's Law Dictionary* kept at the restored home. The inscription was likely written by a South Carolina lawyer who studied under Pearson, describing his alma mater. Kemp Battle, who visited Richmond

Hill and later went on to become president of the University of North Carolina, described the place as having "as few attractions as any I have ever seen."⁵ Nevertheless, Pearson's reputation as the state's preeminent legal educator was rivaled only by Battle's father who taught at the University in Chapel Hill.

The schoolhouse itself was a modest structure made of logs from the dense woods found in Yadkin County during the mid-1800s. The classroom was about 400 square feet with a chimney on one end and a door on the other. There were two windows with a bookshelf between them. The building was located on the slope of a hill directly in front of the judge's home. Pearson sat beside the fireplace facing the door, while the students formed a semicircle around a box filled with pipe tobacco. The generous instructor shared his tobacco with the young men as freely as he imparted his wisdom, and a cloud of smoke filled the room on lecture days.⁶ Class sizes varied from 12 to 60, averaging 30 students. Some students were fortunate to secure housing "on campus," in a cluster of residences nicknamed "Logtown." Those fortunate students took their meals at the family residence and Pearson did not miss an opportunity to continue their schooling over dinner.

Other students boarded with local families in Rockford, Dobson, or surrounding communities. They commuted to class by ferry, coach, and foot. The walk from Rockford was about three and a half miles to the lecture room. To cross the Yadkin River, students paddled canoes and a landing was constructed on the other side. Colonel Frank Armstrong, an innkeeper in Rockford, hired out a coach to transport students to and from classes. This horse-drawn carriage is believed to have been driven by an enslaved man named William. William sat in on lectures while waiting to carry the boys back to their boarding houses. After emancipation, William dispensed legal advice to his friends and neighbors in Barney Hill, Yadkin County's African American community.⁷

Campus culture at Richmond Hill was informal by 19th century standards. Pearson affectionately called students "his boys," and remarked that Richmond Hill was a "good place for them to wear their old clothes."⁸ He lectured three days a week for two hours, and the remaining instruction took place on the grounds as the students ate, worked,

socialized, and played. Two of the lectures were designed for those who were studying for their local county court licenses, while the third lecture was for superior or circuit court students who were required to attend all lectures.

As was the case in the nineteenth century, the student body at Richmond Hill did not include women.⁹ However, the young men were not bereft of any interaction with the opposite sex. Pearson's seven daughters and their friends visited with, hosted, and entertained students. After all, what better place than an all-male law school to meet an upwardly mobile eligible bachelor. The best evidence of this was that at least two law students married Pearson girls—most notably, Daniel G. Fowle, who was elected governor in 1888.

There may not have been a strip of bars adjacent to campus, but when students visited the county seat in Rockford to observe court proceedings, Pearson's students gathered at the taverns and networked with the lawyers who were also in town for courthouse business. The social scene in Rockford prompted one to note that, "there are quite a number of law students here preparing to practice [*sic*] at more bars than one."¹⁰ Long after the law school closed, residents of Rockford told stories of when the drunken and mischievous law students from across the river were in town.

Education at Richmond Hill was not merely theoretical. All students were encouraged to attend court sessions in Rockford and Dobson. More important, however, were the grander themes and principles undergirding the English common law and its application in the United States. Pearson firmly believed that the practice of the courts could be learned once the foundations were established. The treatises of Sirs Edward Coke and William Blackstone were always assigned readings, but Professor Pearson did not entirely neglect the everyday problems that lawyers were called upon to solve. Pearson's lectures and the colloquy with his students lacked sequence and were characterized by rapid changes in theme. This should not be viewed as disorganization or lack of preparation on the part of the lecturer, but rather a practical consideration. Pearson's aim was to make future lawyers "ready to meet any question, however suddenly arising." This haphazard approach, Pearson believed, best prepared advocates for the conflicts of

the courtroom.¹¹

The Socratic method of teaching law came into fashion in the 19th century at Harvard University and continues to be used widely in American law schools to this day. Pearson was a devotee of the method. One student referred to the method as the true way to teach and wondered why everybody had not adopted it. Pearson called on students randomly just as today's professors do to encourage preparation and attentiveness. Pearson's lectures were conversational and included examples from everyday life and homely metaphors to which the mostly rural student body could relate. He described his teaching method to "manuring broadcast," a reference to the crop cultivation process in which fertilizer is spread uniformly over the surface area of the soil, as opposed to manuring in the hill. This concept was best illustrated by an episode involving Benjamin Long. Long, who had been in possession of a prior student's notes, was able to answer question after question from Pearson. Long was so sharp that Pearson began quizzing him on material that had yet to be covered in class or in the assigned readings. Long continued to answer correctly and without hesitation. The professor cast him a glance and remarked, "Mr. Long, you've been manuring in the hill, haven't you?"¹²

Despite its remote setting, Richmond Hill boasted one of the most comprehensive law libraries in North Carolina. Owing to purchases of private collections from around the state, Pearson amassed an extensive library. It consisted of over 700 volumes, many of them rare and valuable. While the law school was operating, students had free access to all these study and research materials. In 1924, the books were donated to the University of North Carolina at Chapel Hill where curious law students today can still read and learn from Pearson's vast holdings.

While Pearson earned a reputation for being austere, stern, and dispassionate on the bench, scores of former students remembered an educator who was kind, generous, affable, and genial.¹³ On lecture days, Pearson made his way from the main house around the hillside to his office in the log cabin, chewing on a twig broken off from a tree along his path before taking a seat and beginning a Socratic dialogue with an eager student. He took roll by scanning the room with his eyes, asking why a particular student wasn't in class. On one occasion, a stu-

dent explained that his roommate was ill. Pearson, no stranger to drink himself, would comment, "I expect he went to see Ike Williams yesterday." Ike Williams was a moonshiner.¹⁴ When another student confessed that he was studying eight hours a day, Pearson teased that he looked "white under the gills."¹⁵ When there was time to spare, Pearson joined his students in fishing and hunting. Rabbit, fox, and squirrel abounded in the woods around Richmond Hill. Hiking to the summit of Pilot Mountain was another welcome break from the rigors of law school.

In contrast to the escalating cost of legal education today, tuition remained fixed at \$100 from when Pearson's first school opened in Mocksville to when Richmond Hill shuttered its doors in 1878. Admissions at Richmond Hill were need-blind. "Come to me, enjoy this opportunity, and pay for it when you can," Pearson advertised.¹⁶ Frank I. Osborne, one of three attorneys general to study under Pearson, remembered that his teacher never turned a student from his door for lack of funds, trusting only to their honor and ability to repay their debt in the future. "He willingly helped anyone who was battling adverse fortune to begin an honorable career."¹⁷ Accordingly, the students who could not afford entry were encouraged to devote their careers to public service. Many did.

Alumni success was not limited to law and government either. As a young man, Pearson was a Whig who held strong pro-business sentiments and supported internal improvements. These sentiments certainly were not lost on the students who made their fortunes in banking and railroads. No less than four railroad developers could claim the benefit of a legal education from Richmond Hill. Others worked as corporate lawyers representing banking and railroad interests in the New South.

A chief purpose of law school, then as now, is to prepare students to sit for the bar examination. In Pearson's time, the exam was administered orally and in-person before the Supreme Court, over which Pearson presided. While data on bar passage rates are unavailable, one may assume that Richmond Hill graduates fared favorably when it came to gaining admission. In a letter to the historian Adelaide Fries, a lawyer vividly offers an account of Pearson as bar examiner. During the lawyer's examination,

Pearson accepts a response to a question over the objection of a fellow justice even though the student's answer diverged from the widely accepted explanation found in *Blackstone's Commentaries*.¹⁸ Pearson did not always agree with the esteemed English jurist, and his students knew this.

Pearson never published a textbook, nor did he reduce any of his lectures to writing. This didn't keep his pupils from keeping notes and improving upon them year after year just as today's law students prepare outlines and pass them along to the classes that follow. The cumulative result of this practice was the publication of his lectures by Judge Benjamin F. Long, the former student who "manured in the hill." *The Law Lectures of the Late Chief Justice Richmond M. Pearson* is organized in a familiar Socratic "question and answer" format. In the preface, Judge Long wrote that the notes, "prepared by one class became the heritage of the next, growing more complete from year to year..."¹⁹ *The Law Lectures*, published one year after Pearson's death, is both a hornbook and a memorial to a great teacher. Letters, diary entries, and other testimonials share unanimously in their assessment of Pearson as a teacher without equal. A newspaper tribute published in 1878 noted that no man, "ever had fully developed the faculty for impressing himself upon his pupils than did Judge Pearson."²⁰

Pearson indeed earned the respect, affection, and gratitude of "his boys." During Reconstruction, Pearson's former students quietly rallied to their beloved teacher's rescue. In 1870, when Governor William Woods Holden enlisted the chief justice's help in taking on the Ku Klux Klan, the revanchist legislature sought to impeach both men. While Governor Holden was eventually convicted and removed from office, Pearson was spared. Historians credit Richmond Hill alumni then serving in the legislature with blocking moves against him at a critical juncture in the state's history.²¹

Given his role as jurist, bar examiner, and professor to so many of his colleagues at bench and bar, the degree of Pearson's impact on the jurisprudence and the practice of law in North Carolina during the latter half of the 19th century is incalculable. Pearson claimed to have taught over 1,000 lawyers. Among those were governors, congressmen, a federal cabinet member, and countless judges including six state Supreme Court

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justices, two of whom, like their teacher, later served as chief justices. At one point in 1875, Pearson presided over a Supreme Court that included three of his former students. On the federal level, four of North Carolina's representatives to the 49th United States Congress (1885-87) passed through Richmond Hill.²² Pearson's influence was felt well into the 20th century when former student and Chief Justice William A. Hoke died on the bench in 1925. His last living graduate was Hugh R. Scott of Rockingham County. Scott died in 1947 after a distinguished career in law and politics.

At Oakwood Cemetery in Raleigh an 18-foot monument towers over the grave of Chief Justice Richmond Mumford Pearson. The monument was erected by a group of North Carolina attorneys "who learned in the woods and fields about old Richmond Hill to revere [Pearson's] great mind and to love his simple life."²³ Pearson's jurisprudence is equaled or perhaps even surpassed by the education he provided to a generation of lawyers in a log cabin 150 years ago. Council S. Wooten Jr., a student of Pearson's who became a journalist, called Pearson,

"the greatest teacher that ever lived on the earth, and I don't believe that there will ever be such another."²⁴

One more thing is certain: North Carolina's universities will continue to produce the best attorneys, learned judges, and great leaders, but there will never be another law school like Richmond Hill. ■

Tom Langan is a State Bar councilor and district court judge in Surry and Stokes Counties. He received his legal education at Wake Forest University, 25 miles east of Richmond Hill.

Endnotes

1. Samuel A. Ashe, Ed., *A Biographical History of North Carolina, Vol. V* (Memorial address delivered by Judge Robert P. Dick at Oakwood Cemetery on June 8, 1881), Charles L. VanNoppen, Publisher (Greensboro, 1906).
2. Full a full discussion on the evolution of legal education in nineteenth century North Carolina, see Farmer, Fannie Memory, *Legal Education in North Carolina, 1820-1860*, *The North Carolina Historical Review*, 271 (July 1951); and *The Story of the Law School at the University of North Carolina*, *North Carolina Law Review*, Vol. 47, No. 5 Special Issue (1968).
3. Council S.Wooten Jr., Esq., *A Famous Old Time North*

Carolina Law School, 2 North Carolina Journal of Law 465 (1905).

4. Lewis Shore Brumfield, *Chief Justice Pearson and His Students* (1992), 10.
5. *Id.*, 10.
6. Wilson Anglely, *Richmond M. Pearson and the Richmond Hill Law School, Part I*, North Carolina Division of Archives and History (Raleigh, 1978), 38-41.
7. *Id.*, 50.
8. Wooten, 465.
9. Tabitha Ann Holton was scheduled to sit for the bar examination on Tuesday, January 8, 1878. Her exam was postponed as a mark of respect for Pearson who had died on his way to Raleigh that Saturday. On January 9, Holton became the first woman licensed to practice law in North Carolina. Holton was from Dobson, the Surry County seat, but I am not aware of any connection to Pearson or his school. However, it is a testament to the area's rich legal heritage.
10. Letter from William Horn Battle to his wife, March 11, 1851.
11. Benjamin F. Long, *The Law Lectures of the Late Chief Justice Richmond M. Pearson*, Edwards, Broughton & Co., Law Publishers, (Raleigh, 1879), 5.
12. Letter from Hugh R. Scott to Anna Lula Dobson, April 24, 1941.
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Wastelands: The True Story of Farm Country on Trial

A BOOK REVIEW BY JERRY HARTZELL

A new book tells the story of the North Carolina hog farm nuisance litigation: an improbable group of cases that succeeded despite long odds, against a controversial industry with powerful friends.

Wastelands: The True Story of Farm Country on Trial by Corban Addison (Alfred A. Knopf Pub., 2022) would be captivating even if it were not about something significant: interesting people doing interesting things against extraordinarily vehement opposition makes for a good story. But pork production *is* significant—enormously significant. Pork is the single most widely consumed protein in the world.¹ We eat it, or most of us do. We have a more immediate, direct connection with pork than with most things, because we put it in our bodies. And North Carolina’s Duplin and Sampson Counties are the nation’s top two counties for pork production.²

Nowadays the overwhelming majority of hogs are grown through a process in which lots of animals are housed in close quarters, are fed a lot of food, and add a lot of weight. Unavoidably, the hogs produce a lot of waste (feces, urine, dead animals). High-volume hog growing operations inevitably produce high-volume waste.

Five juries sitting in federal court in Raleigh each found hog growing operations to constitute civil nuisances and awarded damages to neighbors.³ Four of those juries awarded punitive damages. Three made big punitive awards: \$5 million among ten plaintiffs in *McKiver*; \$25 million among two plaintiffs in *McGowan*; \$450 million among

six plaintiffs in *Artis*.⁴ One appeal was decided by the Fourth Circuit, which affirmed the jury award on actual damages and remanded for redetermination of punitives.

The General Assembly, as the trials were going on, enacted legislation that not only effectively barred future cases, but also denounced the pending cases, in the language of the enacted statute itself, as “frivolous.”

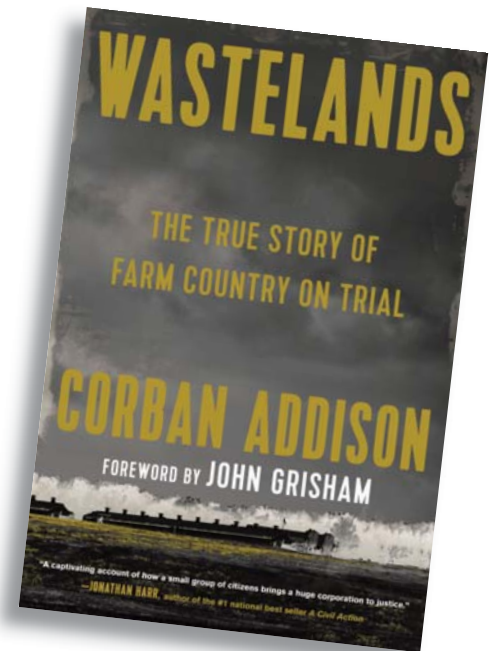
Cases worthy of punitives, in the eyes of the juries and in the 2-1 opinion of the Fourth Circuit. Frivolous cases, in the eyes of our elected representatives as shown by the language of a statute with enough votes to be enacted over Governor Cooper’s veto. High stakes. Some remarkable drama. A good story, which *Wastelands* tells well, about something as fundamental as how we get our food.

* * * * *

The cases and verdicts were based on the hog farms’ waste disposal practices. The general character of those practices appears to be widespread:

Between 1989 and 1995, vertically integrated corporations and their contract growers built 700 Concentrated Animal Feeding Operations (CAFOs) in Eastern North Carolina, while 7,000 smaller hog farmers went out of business. The emergent “megalopolis” of confinement houses quartered 8.2 million pigs that produced twice as much manure as the population of New York City without a sewage treatment plant in sight...

The 2,300 North Carolina swine CAFOs operating today rely on the so-called lagoon and spray field system. Hog waste



is flushed from confinement barns into uncovered and unlined earthen pits, where it partially digests before industrial sprinklers spray the effluent onto nearby cropland.

D. Lee Miller & Ryke Longest, *Reconciling Environmental Justice with Climate Change Mitigation: A Case Study of NC Swine CAFOs*, 21 Vt. J. Envtl. L. 523, 524 (2022) (footnotes omitted). According to Judge J. Harvey Wilkinson III of the Fourth Circuit, the evidence in *McKiver* showed that the lagoon and spray field system of hog waste disposal affected neighbors:

As with any large, uncovered cesspool, it should come as no surprise that environmental and health concerns with the lagoon technology include emissions of ammonia, odors, pathogens, and water quality deterioration. The waste in these lagoons almost certainly contained pathogenic microorganisms and bacteria, including antibiotic-resistant bacteria.

When this waste material is sprayed into the air, everything around, including nearby homes, is at the mercy of the prevailing winds.

McKiver v. Murphy-Brown, LLC, 980 F.3d 937, 981 (4th Cir. 2020) (Wilkinson, concurring) (cleaned up).

The *Wastelands* cases were started in 2013 by lawyers at Wallace & Graham of Salisbury, North Carolina. Initially filed in state court in Wake County, then voluntarily dismissed and refiled in federal court, they comprised 26 actions on behalf of some 500 neighbors of several dozen eastern North Carolina hog farms. All the cases were against the same single defendant: Murphy-Brown, LLC, a Smithfield Foods subsidiary that owned the hogs and parceled them out to growers. The growing facilities were alleged to emit odor, fecal particulate (airborne pig excrement), and dead animals, and to unreasonably interfere with neighbors' enjoyment of their homes.

During 2018 and early 2019, five representative "bellwether" (test) cases were tried before juries. Some of these test cases were chosen by plaintiffs, some by defendants. The cases were tried before two different federal judges (four before Judge Earl Britt (E.D.N.C.); one before Judge David Faber (S.D.W. Va.)), who rendered differing rulings on key issues. The first three trials, in April 2018 through mid-August of that year, resulted in the three especially significant money judgments described above.

The North Carolina General Assembly enacted legislation adopted in 2017 and 2018 effectively barring future nuisance actions against agricultural operations.⁵ The 2018 statute begins "[w]hereas, frivolous nuisance lawsuits threaten the very existence of farming in North Carolina." This statute was enacted after the *McKiver* verdict and while the *McGowan* trial was underway.⁶

McKiver went up on appeal, and the fourth circuit's 2-1 decision (*McKiver v. Murphy-Brown, LLC, supra*) upheld the award of compensatory damages and plaintiffs' right to punitives.

The cases were settled. The settlement is confidential. The General Assembly has not only ensured that henceforth agricultural nuisance actions will be impracticable, but has also attempted to protect the secrecy of conditions by enacting an "ag gag" statute, N.C. Gen. Stat. § 99A-2. (That statute has been struck down as unconstitutional; as of

the date of writing, the appeal remains pending.⁷)

The "Wallace" in the Wallace & Graham firm name is Mona Lisa Wallace. The hog nuisance cases came about principally as a result of efforts by Ms. Wallace and her colleague, John Hughes. I am astonished by the cases' success—I thought they faced impossible odds.

Consider some of the problems: The hog farms were operating their lagoon and spray-field waste disposal systems under state-issued permits. The cases were largely about odor. There is no accepted means of testing for odor. Since you can't photograph or measure it, how do you prove it? Likewise, testing to show the presence of airborne contamination had not been developed or, at least, no testing method was well-established and widely accepted.

Odors and other airborne hog effusions vary from place to place, from farm to farm, and from neighbor to neighbor. Farms' practices concerning the disposition of dead animals varied. This farm-to-farm and neighbor-to-neighbor variation meant lots of separate cases, with testimony by lots of homeowners, which meant lots of depositions and long trials.

The availability of punitive damages was highly uncertain. Moreover, it was quite possible—perhaps likely—that courts would limit compensatory damages to some percentage of the value of the affected property, and a recovery in the amount of a fraction of a modest country home's fair market value would seem too low to justify litigation.

By any fair measure, hog farm nuisance cases in North Carolina would be difficult, unwieldy, and expensive.

Given these problems, and others, how is it that Wallace & Graham, led by an experienced litigator, would take these cases? We know at least part of the answer: Judge Donald Stephens. Stephens, now retired, was the longest serving superior court judge in Wake County history. He had been a superior court judge since 1984 and the senior resident judge, effectively overseeing the Wake County court system, since 2001. When the initial versions of the cases were in state court (2013-2014), they became Judge Stephens' cases.

The plaintiffs were represented by Ms.

Wallace and Mr. Hughes of Wallace & Graham, and by two out-of-state lawyers. The pro hac vice motions to allow the out-of-staters to participate, normally granted as a matter of course, were vigorously opposed by Murphy-Brown. After a hearing, Judge Stephens granted the pro hac motions, but shortly thereafter disagreements arose among the plaintiffs' attorneys. Ms. Wallace and Mr. Hughes moved to withdraw. The clients consented to the withdrawal; another North Carolina firm indicated its willingness to step in. But Judge Stephens directed the parties to appear for a hearing. As reported in *Wastelands*, at the hearing the judge said:

I normally sign these *pro forma*, but I ordered this matter before the court because one of the primary reasons that I allowed the out-of-state attorneys to join the case...was that Mona Lisa Wallace and her firm were in it.

The judge casts a glance at Mona over his glasses. "Your firm is one of the few firms in the state that I thought could prosecute this case, the enormity of it, the complexity of it, the expense of it, and serve the plaintiffs well. So, if I allow the motion for Mona Lisa Wallace and John Hughes to get out of the case, then I'll have to reevaluate the original decision I made allowing the out-of-state attorneys to participate.

Whether you call Judge Stephens' comments a challenge, a request, or a veiled order, he told Ms. Wallace it needed to be Wallace & Graham that took these cases forward.

The firm stayed in the cases, without the out-of-staters. It would later add other co-counsel: one group for the trials, another for the appeals.

Wastelands has heroes, particularly Mona Lisa Wallace and John Hughes and their firm. Regardless of what side you're on, a review of what happened compels the conclusion that they represented their clients well.

The *Wastelands* cases were about hog waste. Hog waste disposal practices are changing: some lagoon covers are being installed; some methane generated by hog waste lagoons is being harvested as a source of fuel.⁸ Environmentalists contend these measures not only do not solve the problems, but also that they further entrench hog

farms' use of an intrinsically flawed waste system.⁹

Regardless of the significance and merits of lagoon covers and methane harvesting, industrial hog farming will continue to be controversial because of concerns of animal mistreatment. How regularly this happens depends on how one defines "mistreatment," but it certainly seems to happen at least some of the time. Consider Judge Wilkinson's concurrence in *McKiver*.

The warp in the human-hog relationship, and the root of the nuisance in this suit, lay in the deplorable conditions of confinement prevailing at Kinlaw [Farms], conditions that there is no reason to suppose were unique to that facility. Confinement defined life for the over 14,000 hogs—all of which Murphy-Brown owned—that Kinlaw Farms had crammed into its 12 confinement sheds. Consistent with Kinlaw's role as a "finishing" facility, hogs arrived at around 40 pounds, to be fattened to over seven times their starting weight. The one thing that never grew with the hogs, though, was the size of their indoor pens. Even though "[h]ogs grow bigger now," the pens' design has not changed a whit in 25 years. The sad fate of Kinlaw's hogs was, therefore, to remain in these densely packed pens from the time they arrived to the time they were shipped for slaughter, straining in vain as their increasing girth slowly but surely reduced them to almost suffocating closeness.

McKiver v. Murphy-Brown, *supra*, 980 F.3d at 979 (Wilkinson, concurring) (citations omitted). "Almost suffocating closeness" sounds like mistreatment.

One hog welfare issue that has drawn ongoing attention is gestation crates, which hog producers employ to isolate breeding sows. According to the USDA, two states (Massachusetts and California) have prohibited the sale of pork originating in gestation crate systems, and seven additional states have prohibited the use of gestation crates within their borders.¹⁰ McDonald's purports to be in the process of eliminating pork produced from gestation crates.¹¹ The issue is driven primarily by concerns about humane treatment of animals.

Animal welfare-based objections to gestation crates surely have much in common with objections to "densely packed pens" in which hogs "strain...in vain as their increas-

ing girth slowly but surely reduce[s] them to almost suffocating closeness."

* * * * *

Industrial hog production is important and controversial. High-volume hog production inevitably generates, and will continue to generate, high volumes of hog waste. This waste has environmental effects, both locally and globally. *Wastelands* tells an interesting and engaging story about litigation in North Carolina over something that deserves our attention. ■

Jerry Hartzell, a member of the North Carolina State Bar since 1977, co-authored an amicus brief in *McKiver v. Murphy-Brown* (4th Cir. 2020) arguing the General Assembly's 2017 curtailment of remedies for common law nuisance did not apply to pending cases. The Fourth Circuit so held. 980 F.3d 937, 954-58.

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1. Facts & Statistics, National Pork Board, bit.ly/3DpdcIA (citing USDA).
2. Jennifer Shike, *America's Top 20 Pig Counties*, Farm Journal's PORK (July 23, 2019), bit.ly/3Fbox07 (citing USDA).
3. *McKiver v. Murphy-Brown LLC*, No. 7:14-CV-00180-BR (E.D.N.C.); *McGowan v. Murphy-Brown LLC*, No. 7:14-CV-00182-BR (E.D.N.C.); *Anderson v. Murphy-Brown LLC*, No. 7:14-CV-00183-BR (E.D.N.C.); *Gillis v. Murphy-Brown LLC*, No. 7:14-CV-00185-BR (E.D.N.C.); *Artis v. Murphy-Brown LLC*, No. 7:14-CV-00237-BR (E.D.N.C.).
4. In the resulting judgments, the punitive damages were trimmed to the grater of \$250,000 per plaintiff or three times actual damages. See N.C. Gen. Stat. § 1D-25. That meant \$250,000 per plaintiff in punitives in *McIver* and *McGowan*. In *Artis*, the jury awarded \$23 million in actual damages; the aggregate punitives award in *Artis*, after applying the cap, was \$61.5 million.
5. 2017 N.C. Sess. Laws 11; 2018 N.C. Sess. Laws 113, §§ 10.a-10.c.
6. 2018 N.C. Sess. Laws 113 was ratified by the General Assembly on June 15, 2018, and became law over Governor Cooper's veto on June 27, 2018. The verdict in *McKiver* was handed down on April 26, 2018. The *McGowan* trial ran from May 29 through June 29, 2018.
7. *People for the Ethical Treatment of Animals, Inc. v. Stein*, 466 F. Supp. 3d 547 (M.D.N.C. 2020), appeal pending No. 20-1807 (4th Cir.).
8. See, e.g., *Biggest Pork Producer Pledges to Cover Manure Ponds*, NPR (Oct. 29, 2018), n.pr/3eZ0PJU; Ryan December, *Dominion Energy Turns to Cow Manure in Gas Pact*, Wall Street Journal (Dec. 11, 2019).
9. See, e.g., Miller & Longest, 21 Vt. J. Envtl. L. at 540; *Concerns with Directed Biogas Projects in North Carolina*, North Carolina Conservation Network (Mar. 2021), bit.ly/3Ds9i1L.

10. *Hog Welfare Laws Cover 9 States and 3 Percent of the National Herd in 2022*, USDA Economic Research Service, bit.ly/3z5BOUn. A Commerce Clause challenge to California's ban is currently before the Supreme Court. *National Pork Producers Council v. Ross*, No. 21-468 (argued October 11, 2022). Federal legislation that would ban gestation crates is also being considered. *Mace, Escobar Introduce Pigs Act to Ban Gestation Stalls Nationwide* (Mar. 11, 2022), bit.ly/3TC9Mf.
11. See, e.g., Patrick Thomas, *Farmers, Activists, Investors Fight Over Treatment of Pregnant Pigs*, Wall Street Journal (Mar. 27, 2022). Compare, e.g., *McDonald's Responds to Icahn's Call for Eliminating Gestation Crates*, National Hog Farmer (Apr. 22, 2022), bit.ly/3MZi7TQ, with, e.g., Matt McNulty, *Billionaire McDonald's Investor Writes Scathing Letter Blasting Fast Food Giant's 'Obscene' Use of Cruel Gestation Crates for Pregnant Pigs Despite Vowing to Phase Them Out by 2022*, Daily Mail (Apr. 21, 2022), bit.ly/3DqUFvt.

Pearson's Law School (cont.)

14. Letter from Scott, April 24, 1941.
15. Letter from Lewin B. Barringer to his father, Rufus Barringer (also a Pearson student), dated October 28, 1871, quoted in Brumfield, 30.
16. Remarks of Judge A. A. McKoy, "Proceedings in Memory of Richmond Pearson," North Carolina Reports 78 (7 Jan. 1878).
17. Frank I. Osborne, quoted in *Portrait of Chief Justice Pearson. Presented to the Supreme Court on Wednesday, March 15, 1893*, 112 NC Reports, 657.
18. Letter from Hugh R. Scott to Adelaide Fries, May 1, 1941.
19. Long, *The Law Lectures*, 4.
20. James Albert Hutchens, *A Brief Summary of the Career of Chief Justice Richmond Mumford Pearson*, Yadkin County Heritage 2000 Steering Committee (March 20, 1999), 4.
21. Edgar E. Folk, Bynum Shaw, *W. W. Holden: A Political Biography*, John F. Blair, Publisher (Winston-Salem, 1982), 223. As chief justice, Pearson presided over Holden's impeachment trial.
22. Justices of the North Carolina Supreme Court who studied under Pearson are Thomas Settle, William P. Bynum, William T. Faircloth,* Alphonso C. Avery, David M. Furches, and William A. Hoke* (asterisks denote chief justices). Governors include John W. Ellis, Daniel J. Fowle, and Robert B. Glenn. John Steele Henderson, Joseph J. Martin, William H. H. Cowles, Thomas D. Johnston, Ridsen Bennett, and Pearson's son, Richmond Jr., all served in Congress after attending Richmond Hill. This list of luminaries is by no means exhaustive; state and federal judges, mayors, general assemblymen, and many other prominent officials passed through the law school.
23. Inscription on the monument erected at the tomb of Richmond M. Pearson, Oakwood Cemetery, Raleigh, North Carolina.
24. Wooten, 466.

Big Dreams for BigLaw

BY LAURA MAHR

What would you do if you had one year to move the needle on creating healthy working environments in BigLaw? I think about this question often as I am regularly contacted by BigLaw leaders considering implementing firm-wide wellness programs, but who are unsure where to start. Most firm leaders with whom I speak prefer a “let’s dip our toes in the well-being waters and see what works” versus a “let’s go at this full throttle” approach. This “toe-in” method is reasonable, as well-being programs may still feel like a cutting edge concept for law firms big and small. Without years of financials that clearly point to wellness programs providing a solid return on the firm’s investment, conservative moves toward well-being make sense.

That said, I—along with other thought leaders in the well-being in law movement—can’t help but dream of what BigLaw would look like if it approached wellness full bore. Within the context of the inherently stressful billable hour paradigm—and with client needs accounted for—what would a fully resourced well-being model program look like? What would it take to implement it over a year’s time? What challenges would need to be overcome for its successful implementation?

This article culls a few of my Dream Year musings. While my dream lists are expansive and may seem daunting, my intention is that they inspire, not overwhelm. My hope is that these ideas spark new ideas and inspire others to join in the conversation and dream a little dream with me.

If done well, a well-being Dream Year supports wellness equity and fosters a richly healthy working environment while simultaneously producing quality work, satisfying clients, and attracting and retaining top talent. To be successful, a Dream Year plan will likely need to start small, align with values already held by the firm, and be right-paced, allowing for the firm’s well-being culture to transform while holding the bottom line and addressing con-

cerns as they arise. Realistically, firms may need to grow well-being programs over several years. It may be advisable to implement well-being Dream Year ideas within a few willing practice groups that are open to experimenting with a handful of ideas at a time.

Dream One: Dream Team of Experts Creates and Conducts Needs Assessment

Dream One of the Dream Year I imagine involves assembling a team of experts: The Dream Team. Members of The Dream Team include:

- researchers and leaders in organizational development, organizational psychology, and social change
- experts in fostering healthy workplace culture grounded in diversity equity and inclusion (DEI)
- leaders in workplace wellness and well-being from within and outside the law
- representatives from each level of stakeholder at the firm (stakeholders will likely include business staff, administrative staff, junior and senior associates, attorneys of counsel, firm partners, and shareholders).

The Dream Team’s first task is to create and conduct a model needs assessment that helps the firm uncover two important things:

1. What are the primary stressors and well-being pain points for each category of stakeholder at the firm?
2. What does a healthy working environment look like for the firm’s workforce?

The needs assessment is conducted with all stakeholders using effective information gathering approaches such as 1:1 conversations, small focus groups, and large group surveys.



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Dream Two: Dream Team Defines Healthy Working Environment and Drafts Plan

From the information gathered in the needs assessments, the Dream Team defines what I call a “Healthy Working Environment” (HWE) for the firm. A HWE is a place where the greatest number of employees can feel satisfaction and accomplishment with their work product while also feeling physically, emotionally, mentally, and spiritually supported and well.

The plan addresses:

- the starting place (i.e., the current state of the firm’s working environment)
- key factors that are causing chronic workplace stress and challenging healthy workplace culture
- the firm’s short-term and long-term goals determined by the information gathered in the needs assessments (i.e., ways the firm will move the dial to create a HWE)
- how to implement the firm’s HWE plan in manageable steps (create a strategic plan)
- known and likely challenges to implementing the HWE plan
- possible solutions to overcoming the challenges
- intended outcomes
- ways to measure success.

Once the HWE plan is established, I envi-

sion bringing a group of expert data analysts onto the Dream Team to track and advise regarding:

- financials and bottom line profitability (to show if/why/how the model HWE plan is working)
- statistics regarding hiring and retention of new associates and attorneys (e.g., does creating a HWE at the firm impact the firm's ability to attract and retain top talent from diverse backgrounds?)

In addition to creating the firm's HWE plan, the Dream Team also creates a strategic plan that lays out how to implement the HWE plan over the next one to three years.

Dream Three: Individual Work Well Plans

My number one well-being dream I had when I was lawyering and will discuss here is what I call an Individual Work Well Plan (IWWP). The core concept behind the IWWP is to give each attorney at the firm enough autonomy to be a leader in their own professional wellness. The IWWP model allows for employees to individualize their work and professional development based on the factors that motivate them to do good work and feel good doing it. The main goal behind the IWWP is to off-set the stressors and challenges of the billable hour model and to make working in BigLaw less overwhelming and more manageable. An additional benefit of IWWPs is that associates and partners have a clear expectation for associates' availability.

The core research behind the IWWP indicates that people are the most motivated when they have more autonomy and control over their schedules and working environments. Autonomy helps to create "flow state" work, in which a person is physically comfortable, emotionally regulated, mentally alert, motivated, creative, productive, and pleasant to be around. To use a mundane example, think about tackling your to-do list at home. How does it feel to take on the projects on the list when you can put on your own music or podcast, do it at a time of day/week when you feel most alert and interested, access the right help when you need it, and get to decide when to take your breaks? To-doing becomes a lot more fun.

The expectation behind the IWWP model is that attorneys and staff will work more efficiently and meet client expectations more effectively because they are working when feeling optimally motivated, comfortable, and supported. The IWWP creates the structure

for each attorney to build a daily schedule and yearly work plan that incorporates their personal needs and preferences and allows them, when possible, to make requests related to:

- percentage of full-time employment (including the option to be on a "partner track" even if working part-time)
- location of work (home/office/hybrid)
- office type (e.g., private space; hotel style; group workspace; shared office)
- working hours and days
- "off hours" (hours during which they are not expected to be checking email but are available for emergencies)
- ideal sleep hours/blackout times (a set number of hours that they are not expected to be available so that they can unplug, rest, and restore)
- holidays and vacation days
- *pro bono* projects
- work travel (frequency and length per trip)
- on-boarding and subsequent training and support
- resources for mental/emotional support (e.g., time management, burnout prevention, resilience building)
- resources for effective work performance (e.g., mentorship, DEI support, ADHD coaching, ADA accommodations, working parent coaching, mindfulness training).

Dream Four: Robust Project Management for Integrating Individual Work Well Plans

I can imagine law firm administrators reading the above section and thinking, "Are you sure this is a dream, Laura? Because it sounds like a logistical nightmare!" Fair enough. I recognize that providing IWWPs for large legal teams sounds daunting. In order to integrate the wider scope of variables included in the IWWPs, it will likely be necessary to upsize current project management staff, such as workflow coordinators, and improve project management software. In my BigLaw dream, the hearty project management team tracks IWWP implementation along with project staffing, casework flow, client satisfaction, and helps associates prioritize assignments when overwhelmed. Project management teams help associates navigate how to organize and deliver assignments coming in from numerous partners all with a "due now" directive. I can imagine the stress relieving benefits for both associates and partners in having assistance with calibrating competing client needs and deadlines.

Dream Five: Substitute Lawyers

In order to backfill the personnel hole when associates are on vacation or using sick leave, I dream about the possibility of having a cadre of BigLaw contract lawyers from which the project management team can pull. Like a substitute teacher who carries out the lesson plan until the teacher returns, contract lawyers keep casework moving along while the associate is out so that client services stay top notch. While the substitute lawyers may not be able to handle certain aspects of the case, they are capable of checking email, and creating and organizing lists of items that need to be addressed upon the associate's return. The substitute lawyer can also alert other team members to pressing emails, take notes at meetings, review documents, and conduct legal research in order to "babysit" a case so that the attorney "parent" can go on vacation. This substitute lawyer model allows the attorney who is out to glean the benefits of unplugging, allowing them to restore and come back ready to tackle their cases with fresh perspectives and renewed energy.

Dream Six: Mindset Shift

An integral part of my Dream Year includes having ample time and resources to help stakeholders better understand the connection between well-being, productivity, and profitability. There are many in BigLaw who already grasp that attorneys who work reduced hours or have flexible schedules are equally capable and valuable as full-time attorneys and staff. Others, however, may need to understand the research and see it in action before shifting their mindset. Change on this level can feel like a big investment of time, energy, and money. It makes sense that some stakeholders may be hesitant to try on any of these Dream Year concepts without more information.

I imagine Dream Team members creating a curriculum that safely guides stakeholders through a mindset shift. This may be accomplished by demonstrating that it is both financially and emotionally compelling to have people working in their "flow state." The training may include existing research on the correlative between overworking, burnout, decreased productivity, diminished capacity to deliver high-caliber work product, and either quitting or termination.

It will likely be challenging for firm leaders

CONTINUED ON PAGE 33

Perfectionism—Part 2: Maladaptive Perfectionism

BY ROBYNN MORAITES AND CATHY KILLIAN

There is a national effort underway to raise the consciousness of the legal profession. Individual stories, like Payal Salsburg's,¹ are being promoted on social media sites like LinkedIn as part of a #fightingstigma campaign. I encourage you to read her short story—one of super success, by anyone's measure, and of the dangers and pitfalls of equating our identities with our professional successes and failures.

In my last column I focused on the 3 P's of legal practice: perfectionism, procrastination, and paralysis. Continuing the perfectionism theme, this column will explore what can happen when our identities get too wrapped up in our professional successes and our failures, and we lose sight of our inherent value and worth. One mechanism as to how this occurs is maladaptive perfectionism. Maladaptive perfectionism combines unrealistic standards of achievement with hyper-self-criticism for failing to meet them. Nothing is ever good enough, and accomplishments—big and small—are dismissed or minimized.

In my recent *Imposter Syndrome* article, I explained what the inner critic is, how it operates, and the double-edged nature of it.² On one hand, it propels us to great academic success that leads us to law school and the profession. On the other hand, left unchecked, it can become a cruel taskmaster leading to a host of problems.

Let's break out my favorite tool, the continuum. On one end we have healthy behavior that is motivated by an intrinsic desire to do well. On this end of the continuum, we probably have more ambitious goals than others might. We strive for excellence and set high standards for ourselves. We take the maxim, "just do your best," to heart and maybe to another level. But the key here is that everything is intrinsically motivated, not externally or competitively

motivated. We can get all A's in school, but so can other people. We can strive for our own personal records ("PRs") in running or triathlons, but not only do we not begrudge our friends their PRs, we help celebrate them. Importantly, we can recognize and celebrate our own successes; we don't minimize, dismiss, or ignore them. Our self-image is not determined by our successes and failures, nor others'. Some research has labeled this healthier end of the continuum and form of perfectionism as "striving" or "adaptive."

The other end of the continuum is known in research circles as "maladaptive" or "evaluative." As we slide down the continuum from healthy into unhealthy, our thinking and behavior changes, as does our motivation. On this end of the continuum, we become increasingly motivated by extrinsic values and others' perceptions of us and our performance. What we think or how we feel about our performance not only no longer matters, but it also fades completely from the screen. As we become preoccupied by how we are perceived by others, performance anxiety takes hold. We may become hypervigilant and begin overworking to meet the performance standards that others expect of us (more accurately, what we imagine they expect of us, when it is really what we expect of ourselves). Sometimes others' expectations of us are real and stated out in the open. More often, however, they are not. We imagine and assume them without doing a reality check. In the case of maladaptive perfectionism, the "other" for whom we imagine we are performing is not a person out there; rather, it is our own inner critic (that we unconsciously project onto other people).

If we unpack this a little bit further, there are some flawed underlying assumptions forming the basic framework for maladaptive perfectionism. Maladaptive perfectionists are never good enough in their own minds. There is a kind of rigid, black or white thinking about their own performance—if it isn't perfect, it's



horrible. On the other end of the equation, successes are minimized or ignored, no matter how stellar a performance (that is usually openly admired by friends and colleagues).

The thinking goes something like this:

If I lose a motion/lose a trial, I am a failure as a person. If someone does a task better than me, then I am a loser, or I failed at the whole task. If I do not hit it out of the park every single time, then people will not respect me or like me, I will tarnish my reputation, I will lose clients, I will get fired, I will lose my career, or *fill in the blank with consequence(s) of choice*. For a stark discussion about the tragic consequences of maladaptive perfectionism, and the kind of thinking it fosters, see *Big Law Killed My Husband*.³

On the other hand, successes are minimized or dismissed. When complemented on a job well done, responses include statements like, "Anybody could have done it," or some form of "Well, it wasn't that great," followed by a list of what didn't measure up.

The research on maladaptive perfectionism, all of which is unrelated to the legal profession, shows a high correlation to anxiety and depression. It is easy to see why. And research is now emerging that validates the correlation to alcohol abuse. A new, small study published in the journal *Alcoholism: Clinical & Experimental Research*, found that these traits

are also associated with severe alcohol use disorder. It confirms what we have seen consistently over the years with the lawyers we work with. Specifically, the study found:

Perfectionism—striving for unrealistic performance standards and being prone to self-criticism—has been shown to generate feelings of failure and thoughts in individuals that they are not attaining standards they believe others expect from them. These traits can lead to social isolation, as well as increased vulnerability to stress and depression.

“Severe alcohol use disorder was related to unrealistic personal standards and increased sensitivity to other people’s expectations, even after accounting for the role of depressive symptoms and anxiety,” according to a news release announcing the study’s findings. “This is consistent with what is known about self-related and interpersonal factors in severe alcohol use disorder, such as reduced self-esteem, a tendency to self-blame, and a divergence between people’s ideal and actual selves.”⁴

There is a bit of a chicken and egg conundrum about alcohol use and depression. Many, if not most, serious alcohol abusers eventually become depressed because alcohol is a central nervous system depressant. Some people are depressed to begin with and start to self-medicate with alcohol for the immediate relief it brings. It then becomes a vicious cycle. But for people who have maladaptive perfectionistic traits, that skewed perfectionistic thinking seems to precede either the depression or the alcohol abuse.

Most perfectionists learn or perceive early in life that other people value them because of what they can do—not for who they are. As an adult, this skewed valuation translates into being increasingly disconnected from our authentic selves and the ability to feel good about our intrinsic value and worth. Our self-worth is based on other people’s approval and/or external standard(s). So, our accomplishments and achievements become one of the only ways we feel affirmed and appreciated. We are only as good as our last test score, our ranking in our law school class, our last case, the net income on our last W2, and so on. If the accomplishment/achievement isn’t up to our perfect standards, no amount of praise from others is sufficient. We instantly and sometimes adamantly dismiss or negate the accomplishment. While this may be perceived as humility, it is actually self-critical

and deprecating in nature.

Even when we are not predisposed to this type of thinking based on our familial upbringing, law school—everything about law school—establishes and then reinforces this type of thinking.

All the mental health research focused on law students indicates that we enter law school at the same (or better) rates of depression, anxiety, alcoholism, and suicidal ideation as the general population. Studies also show that law school changes all of that. A mere three years of law school conditioning later, we are graduating at the staggering rates we see in the profession, rates that are three to four times the rate of the general population, and two to three times greater than other professions, like medicine. What is happening here?

As I have said before, law school sets up the big comparison marathon. With its forced curve, every activity a competition, and winner-take-all framework, law school serves as an introduction and indoctrination to what we will encounter in the profession, particularly in the world of litigation.

In one study, researchers found that over the course of the three years, we lose identification with the intrinsic values that got us to law school in the first place as we become overly identified with the extrinsic values imposed upon us by the system. This is exactly what happens on the maladaptive perfectionism continuum. Over the course of that process, we “lose the sense of perceived autonomy.” In lay terms: we feel like we don’t have a choice.

Let’s illustrate using a running metaphor. We are competitive runners in high school and college and do very well. We love it. We go to law school. Administrators, professors, and career services directors (maybe even family members standing in the wings) welcome us and point us to the nearest treadmill. We know how to run on a treadmill. Heck, we’ve been doing it for years! So, we jump on. We start to run. This is fun! Someone comes walking by and begins to turn up the speed. Well, we can run faster. So, we do. And it feels good to get into the rhythm of running fast and hard. Maybe we will set a new PR! Another person walks by and starts to gradually increase the incline on our treadmills. We are running shoulder to shoulder with our classmates. None of them seem phased. In fact, some of them are still chatting with each other. Clearly, they are not winded. So, although we are starting to get winded, we don’t want to appear so. We ask ourselves, “What kind of competitive runner

do I think I am when I can get winded so easily, but all of my peers are not?” We want to fit in and appear relaxed. So, we make small talk with our neighbor as we push on. We are not going to be the first one to get spit off the back. We’re going to prove that we can keep up. The faculty and staff remind us repeatedly, “Only successful students will get the good jobs, so be careful not to get spit off the back of your treadmill,” as they again turn up the speed. Grim determination begins to take hold. Now we don’t want to just keep up, we become determined to be the last wo/man standing. All the joy of running for running’s sake has gone. But we do not seem to notice. All we notice is that conversation has stopped down the line of runners. Ha! So, they *are* getting winded, too! But wait, now some of them are running in suits. I’ll end the analogy there. You get the gist.

For most of us, it never occurs to us that we can turn down the speed, reduce the incline, and start running again for the pure joy of it. We feel like we don’t have a choice. Without intending for it to happen, it morphed into a performance comparison. Did you notice the internal shift in attention from internal/intrinsic motivation to external/extrinsic performance comparison?

What these disparate law school studies are showing us, when taken together, is that law school sets us up to unconsciously begin adopting maladaptive perfectionistic traits, and in so doing, it is dramatically—dare I say catastrophically—impacting our mental health, happiness, and life satisfaction.

The irony here is that we are trained to suppress vulnerability because we equate it with weakness in our profession. So, we armor up; we cover ourselves in a kind psychic and emotional Teflon. The problem is, it blocks everything, good and bad. So, accomplishment can become one of the only ways we feel affirmed. It creates a vicious, self-reinforcing cycle. The more we are praised for our performance, we increasingly disconnect from our authentic internal experience and the ability to feel good about ourselves for our intrinsic value and worth, unrelated to accomplishment. Everything becomes measured by externals and comparisons. It can become very difficult to stop because our society, and particularly our profession, so reward accomplishment.

Ironically, this cycle leaves us excessively sensitive to the opinions and criticism of others.

Another irony has to do with the vulnerability mentioned. While perfectionism

makes us vulnerable (more like a hypersensitivity and defensiveness) to what others think of us (or what we perceive they think), it takes allowing ourselves to be vulnerable enough (in a non-defended way) to admit how we feel to ourselves and trusted others. Only in allowing ourselves to be vulnerable in this healthy way can we begin to absorb, feel, and genuinely take in the love, honor, and recognition others are giving us, and in turn, give it to ourselves.

If you find you identify with the maladaptive perfectionism description, what can you do about it? If we want to make real progress in this area and have happier lives, we must make intentional, diligent efforts to change, but always start small. For example, if you are super organized—down to your kitchen pantry, refrigerator, or closet—try changing it around. Disorganize it. Mess it up on purpose. Then leave it. Not for a week...*forever*. Now, notice what arises for you, even upon reading that.

The first step is non-judgmental self-awareness. Approach yourself with a sense of curiosity. Become aware of your behavior and tendencies. Be attentive to your thought patterns, feelings, and behaviors around perfectionism. I sometimes call it, “catching myself in the act.” Be willing to do a deep dive into your underlying motivations; don’t settle for the superficial, “I just want to be successful,” kind of stuff we always tell ourselves. It may take working with a therapist to help get you there.

The addendum to the first step is recognizing before you begin that you probably have an overactive inner critic, so just know it is going to start berating you for your new self-awareness! Try not to buy into whatever it is saying. Be patient with yourself. We did not get here overnight. There are well worn neural pathways, ingrained habits of thought and behavior, that need changing. Hence the need for intentional, diligent work in this area. And you will probably encounter some resistance inside yourself—fears that you will lose your excellent work product or lose your edge. You won’t.⁵

There is a difference in being a high achiever and a maladaptive perfectionist. It is perfectly OK to be a high achiever, always wanting to do your best. Both are seeking success, but high achievers are internally motivated to do their best while perfectionists are motivated by a host of fears. Brené Brown has been quoted on this topic: “Healthy striving is self-

focused: ‘How can I improve?’ Perfectionism is other-focused: ‘What will they think?’”

Research shows people with perfectionistic tendencies aren’t more effective because of those tendencies; in fact, research shows the opposite. So, try making a list of all the ways perfectionism is hurting you and those around you. An inventory like this can help motivate us to shed these tendencies. But it is important not to use this inventory as yet another way of berating ourselves.

Perfectionists hyper focus on the negative parts of our work and ourselves, so for every negative thought, replace it with three positive ones or things you appreciate about yourself. Again, you may need help on this from a trusted source if you can’t do it on your own.

Work on self-acceptance and self-compassion. We are our own worst enemies. We pressure ourselves the most, so it is important to replace self-criticism with self-nurturance and to replace perfectionistic thoughts with more realistic expectations. Mindfulness tools and strategies can help.⁶ Remember, setting more realistic expectations doesn’t mean we have to sacrifice the end result of excellent work product; we just go about getting there differently.

When you find you are berating yourself, ask yourself what evidence supports this as true (that you must be perfect, that you are a failure, that the project wasn’t good enough or should have been done better, etc.) Is there actual evidence or are these thoughts based on unverified assumptions? Are you overinflating the truth? (For example, is there some modicum of truth at the root, but you are extending it past its logical boundaries?) Then flip the analysis. Ask yourself what evidence supports this as false. Being realistic and factual will help challenge those negative thoughts and perspectives. The key here is to look at what facts you have, not feelings. Feelings aren’t facts, but at times they really can feel like it.

Challenge irrational or illogical thoughts by analyzing and evaluating them. In this context, it is to clarify meaning, elicit emotion, explore consequences, gradually create insight, and explore alternative actions.

Learn to accept compliments both outwardly and inwardly. When someone compliments you or your work, say, “Thank you, I appreciate that. How kind of you to say so,” and smile! There is a neurological link between smiling and feeling good. Then repeat the compliment to yourself. Cathy recommends at least 100 times. Really. Why

all the repetition? Even if you don’t believe it right away, enough repetition will help turn negative self-talk into positive, realistic self-talk and thus healthier behavior.

Some recovery slogans can help you along the way in this journey:

“Act as if.” “Fake it ‘til you make it.”

Let’s conclude this column with another quote from Brené Brown.

Authenticity is the daily practice of letting go of who we think we’re supposed to be and embracing who we are. Choosing authenticity means cultivating the courage to be imperfect, to set boundaries, and to allow ourselves to be vulnerable; exercising the compassion that comes from knowing that we are all made of strength and struggle; and nurturing the connection and sense of belonging that can only happen when we believe that we are enough. Authenticity demands wholehearted living and loving—even when it’s hard, even when we’re wrestling with the shame and fear of not being good enough, and especially when the joy is so intense that we’re afraid to let ourselves feel it. Mindfully practicing authenticity during our most soul-searching struggles is how we invite grace, joy, and gratitude into our lives.

If you find you need some additional support in navigating this rocky terrain, we are only a phone call or email away. ■

Robynn Moraites is the director of the North Carolina Lawyer Assistance Program, a confidential program of assistance for all North Carolina lawyers, judges, and law students, which helps address problems of stress, depression, alcoholism, addiction, or other problems that may impair a lawyer’s ability to practice. For more information, go to nclap.org or call: Cathy Killian (Charlotte/areas west) at 704-910-2310, or Nicole Ellington (Raleigh/down east) at 919-719-9267.

Endnotes

1. bit.ly/3TAI8Li.
2. See nclap.org/imposter-syndrome, nclap.org/podcast-sidebar/20-imposter-syndrome and nclap.org/podcast-sidebar/12-validation/ for discussions about the inner critic and imposter syndrome.
3. bit.ly/3GS64E4.
4. bit.ly/3TINJFx.
5. Another great NY Times article discussing this research: nyti.ms/3OzesuY.
6. Our July *Mindful Moment* podcast episode (bit.ly/3veZu6K) and article with Laura Mahr (bit.ly/3Sl0bUT) is all about self-compassion.

Jorge I. Pardo, Board Certified Specialist in Immigration Law

BY SHEILA SAUCIER, CERTIFICATION COORDINATOR, BOARD OF LEGAL SPECIALIZATION

I recently had an opportunity to speak with Jorge Pardo, a board certified specialist in immigration law who practices in Charlotte at the Pardo Law Firm.

Q: Tell us about yourself.

I immigrated from Ecuador in the '90s and have lived in Charlotte since 2005. After graduating from high school, I wanted to follow my parents' footsteps and pursue a career in banking; however, I found my passion in immigration law and have been practicing it since I graduated from law school in 2012. I am the proud father of two boys; one will graduate from Duke University in May 2023 and the other is in second grade. I enjoy dining out with my wife, traveling with my family, and watching my younger son play soccer.

Q: What led you to become an attorney?

Working as an immigration paralegal for some years, I found it very rewarding to help reunite families, and seeing clients legalize their status in the US and achieve their dream of becoming US citizens. I felt that by becoming an attorney, I could do more and make a difference in people's lives. Although practicing immigration law can be very stressful, it is also extremely rewarding.

Q: Why did you pursue becoming a board certified specialist in immigration law?

Since my practice is dedicated exclusively to immigration law, I felt it was important to add the specialist distinction to my years of experience. Becoming a board certified specialist would also give me the confidence to market my services at a higher level. Preparing for the certification exam served as an opportunity to do a comprehensive review of all areas of immigration law (which changes constantly) to better serve and advise my clients.

Q: Are there any hot topics in your specialty

area right now?

Immigration law changes constantly and every week there is something new that can affect asylum seekers, employment-based petitions, non-immigrant visas, etc. However, something that is affecting almost all applicants is processing delays by government agencies. It is something that is as frustrating for our clients as it is for us. US Citizenship and Immigration Services is facing huge backlogs. According to the Ombudsman,

the backlog was around 2.7 million cases in July 2019. By comparison, the backlog now has more than 5 million cases. This impacts our clients' ability to work legally, renew/obtain driver's licenses, travel, and other benefits.

Q: What is most rewarding about your work?

The most rewarding part of being an immigration attorney is knowing that our work can have a huge impact on improving people's lives and their future in the US. It gives me great joy when clients achieve their goal of legalizing their status or reuniting with their loved ones. When I get a call or a visit from a client to thank us for our work, or when they send us a photo of their family (reunited after many years apart), it gives me a sense of satisfaction that is lasting and priceless.

Q: What aspect of your daily job interests you the most?

The complexities of each case pose a different challenge from client to client. The ability to strategize law concepts as they apply to a case and find viable solutions for my clients keeps me engaged and interested in all my cases.

Q: What is the best advice you've ever given and/or received?

The best advice I ever received was to be aware of my emotional health. Practicing immigration law can be very stressful and we can't help but feel for our clients to the point that it affects us as well. To strike a balance and be able to compartmentalize each client's situation with my emotional well-being is how I have been able to maintain a healthy balance.

Q: How has certification been helpful to your career in immigration law?

Being a board certified specialist in immigration law has allowed me to increase my confidence to market myself among the best in the field. It has given a higher level of prestige to my practice while allowing me to feel better equipped to advise my clients. Some clients have also shared that they made the decision to hire me because of my board certification.

Q: What would you say to encourage other lawyers to pursue certification?

Whatever area of law you practice, being a certified specialist is invaluable to a lawyer's career. Having a board certification puts you in a better position to market and value your practice, as many customers look for someone with not only years of experience, but also a board certification. Studying and preparing for the certification exam has the added bonus of expanding your knowledge and serving as a refresher of what you already know—it is a win-win.

Q: What is your next goal in life?

My next goal is to truly achieve a work/life balance. To me, that means being able to fully dedicate myself to my clients and their cases, as well as to my staff while I am at work, and then being able to fully enjoy my time with my family once I leave the office. ■

For more information on board certification for lawyers, visit us online at nclauspecialists.gov.



Grievance Committee and DHC Actions

NOTE: More than 30,500 people are licensed to practice law in North Carolina. Some share the same or similar names. All discipline reports may be checked on the State Bar's website at ncbar.gov/dhccorders.

Disbarments

Meghan E. Ashworth of Raleigh surrendered her law license and was disbarred by the State Bar Council at its October meeting. Ashworth admitted that she diverted legal fees that lawfully belonged to and should have been paid over to her law firm employer.

Suspensions & Stayed Suspensions

Thomas C. Flippin of Elkin improperly disbursed funds from his trust account; did not conduct required trust account reconciliations; did not always identify the client on trust account checks and deposit slips; did not maintain sufficient records to identify

the owners of entrusted funds in his trust account; and did not timely disburse funds from his trust account. The DHC suspended Flippin's law license for two years. The suspension is stayed for two years upon his compliance with enumerated conditions.

Timothy Gunther of Raleigh falsely held himself out as eligible to be elected as district court judge in a district in which he did not reside; falsely stated his residential address on a Voter Registration Application that he signed under penalty of perjury; falsely stated his residential address on a Notice of Candidacy form that he swore/affirmed to be true; used his newly-but-falsely-established voter registration address to prove residency in District 10F to Wake County Board of Elections personnel and to induce the director of the Wake County Board of Elections to certify that he was a resident of District 10F; and changed his addresses in other records to further the appearance that he resided at an address at which he did not reside. The DHC suspended Gunther for two years.

Camille Hill of Asheville did not obtain her client's written consent to a division of attorney's fees among herself, her former law firm, and a lawyer at another firm; did not advise her client that she could have remained a client of Hill's former law firm before transferring her client's case to another lawyer; made misrepresentations to the Grievance Committee; collected a clearly excessive fee; and did not deposit disputed mixed funds into a trust account until the dispute regarding those funds was resolved. The DHC suspended Hill for one year. The suspension is stayed for two years upon her compliance with enumerated conditions.

Kelly R. Routh of Charlotte diverted to herself cash payment of a fee to which her law firm employer was entitled. The DHC suspended her for five years. She will be eligible to apply for a stay after serving one year of active suspension.

Completed Motions to Show Cause

In April 2019, the DHC suspended

Meredith P. Ezzell of Carolina Beach for three years. Ezzell neglected and failed to communicate adequately with her clients, charged fees for services not performed, did not refund unearned fees, allowed her non-lawyer paralegal to provide legal services, did not properly maintain trust account records, and engaged in conduct prejudicial to the administration of justice. The suspension was stayed for three years on enumerated conditions. The State Bar alleged that Ezzell did not comply with the conditions and moved to activate the suspension. On September 9 the DHC lifted the stay and activated the suspension.

Completed Grievance Noncompliance Actions before the DHC

Brooke M. Crump of Lake Tillery failed to produce documents and other information responsive to a subpoena for cause audit issued by the chair of the Grievance Committee. At the conclusion of a hearing on the DHC's order to show cause why her license should not be suspended for grievance non-compliance, the chair of the DHC determined that Crump was non-compliant, had no justifiable basis for being non-compliant, and gave her an additional five days to comply fully with the subpoena. When Crump did not fully comply within five days, the chair suspended her law license.

Orders of Reciprocal Discipline

Alexander Zolfaghari of Arizona, in cases involving numerous clients, neglected and abandoned clients' cases, did not refund unearned fees, made false statements during the disciplinary investigation, did not abide by court orders, did not appear for court hearings, closed his law practice without notifying clients, engaged in intentional dishonest conduct, and engaged in conduct prejudicial to the administration of justice. Zolfaghari's license was suspended by the Supreme Court of Arizona for five years. The Grievance Committee imposed recipro-

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for sponsoring the
Councilor Dinner

cal discipline, suspending Zolfaghari's North Carolina license for five years.

David Harley of South Carolina was reprimanded by the Supreme Court of South Carolina. He did not promptly render an accounting of entrusted funds, neglected a client's case, did not respond to a regulatory authority, and engaged in conduct prejudicial to the administration of justice. The Grievance Committee imposed a reciprocal reprimand.

Reprimands

J. Darren Byers of Winston-Salem was reprimanded by the Grievance Committee. He engaged in conduct establishing a pattern of delay, procrastination, forgetfulness, or carelessness indicating a reckless disregard of his professional duties; did not adequately communicate with and reasonably consult with his client; and engaged in conduct prejudicial to the administration of justice. Byers did not address his client's outstanding motions for appropriate relief for several years. He also threatened that he would "come after" the complainant for filing this grievance.

The Grievance Committee reprimanded **George Miller** of Charlotte. In 2011, a client hired Miller to help secure legal permanent resident status in the United States. Miller did not timely provide necessary documents in response to an audit notification by the Department of Labor, which resulted in denial of the client's application. When the Department of Labor refused to re-open the audit period for the application, Miller appealed but later withdrew the appeal without his client's knowledge. Throughout the representation, Miller consistently failed to respond to his client's reasonable requests for information and failed to keep his client informed about the status of the case.

George Norris of New Bern was reprimanded by the Grievance Committee for engaging in a conflict of interest and disclosing confidential client information. Norris represented a client in a criminal case. He later undertook to represent her friend in a civil action against her and used the first client's confidential information to her detriment and for the benefit of the second client.

Gerald Parker of Asheboro was reprimanded by the Grievance Committee for entering into an improper business transaction with a client and engaging in a conflict

of interest. Parker directed his wife to lend money to a client and represented both the client and his wife during the closing of that transaction. Parker was the named trustee and had personal and financial interests in the matter. When the client failed to repay the loan, Parker assisted the substitute trustee in pursuing foreclosure against the client.

The Grievance Committee reprimanded **Michelle L. Vereckey** of Monroe for initiating multiple wire transfers without verifying the wiring instructions, which were fraudulent.

Completed Petitions for Reinstatement/Stay – Uncontested

Steven J. Allen of Hendersonville was suspended for one year by the DHC in 2020 for having sexual relations with a domestic client. He was reinstated after demonstrating that he had complied with the conditions for reinstatement.

Completed Petitions for Reinstatement/Stay – Contested

Daniel S. Rufty of Charlotte was suspended for five years. The DHC found that Rufty committed criminal acts; aided in the criminal practice of debt adjusting; did not supervise his nonlawyer assistants; made false or misleading statements about his services; and engaged in conduct involving dishonesty or misrepresentation. The order of discipline provided that, after he served six months of the suspension, Rufty could petition for a stay of the balance upon demonstrating compliance with enumerated conditions. On September 1, the DHC concluded that Rufty did not comply with the enumerated conditions and denied his peti-

tion for stay.

Transfers to Disability Inactive Status

Sarah E. Salton of Charlotte was transferred to disability inactive status.

Notices of Intent to Seek Reinstatement

In the Matter of Gregory Bartko

Notice is hereby given that Gregory Bartko of Atlanta, Georgia, intends to file a petition for reinstatement before the North Carolina Disciplinary Hearing Commission of the North Carolina State Bar. Bartko was disbarred effective November 18, 2010, pursuant to a Consent Order of Disbarment entered in the Wake County Superior Court dated February 8, 2011, in Wake County Superior Court Case No. 11CV001961.

In the Matter of Douglas T. Simons

Notice is hereby given that Douglas T. Simons of Charlotte, NC, intends to file a petition for reinstatement before the Disciplinary Hearing Commission of the North Carolina State Bar. Simons was disbarred in 2005 pursuant to an Order of Disbarment dated April 15, 2005, upon an affidavit of tender of surrender of license by Simons admitting to misappropriation of at least \$300,000 in client funds from his trust account, using the misappropriated funds for his own personal use over a period of three years, and presenting false documentation to investigators for the State Bar.

Individuals who wish to note their concurrence with or opposition to these petitions should file written notice with the secretary of the State Bar, PO Box 25908, Raleigh, NC 27611-5908, before February 1, 2023. ■

2023 Meeting Schedule

Below are the 2023 dates of the quarterly State Bar Council meetings.

January 17-20	NC State Bar Headquarters, Raleigh
April 18-21	NC State Bar Headquarters, Raleigh
July 18-21	The Renaissance Hotel, Asheville
October 24-27	NC State Bar Headquarters, Raleigh

(Election of officers on October 25, 2023, at 6:30 pm)

Working Groups Identify Recommendations to Improve Access to Legal Services

In 2021, the NC Equal Access to Justice Commission and NC Equal Justice Alliance released the 2020 Legal Needs Assessment, the first comprehensive assessment of civil legal needs in North Carolina in more than two decades. Completed with funding support from NC IOLTA, the executive summary and report documented with greater clarity the most significant legal needs and the biggest barriers facing individuals seeking legal help. The report has prompted deeper understanding of the needs of our fellow North Carolinians and has called on all to think collectively about how to respond. As Justice Anita Earls shared at the time of the report's release, "[t]his is also an opportunity for the bench and bar to partner with all justice system stakeholders to ensure we are meeting the North Carolina Constitution's guarantee that 'justice shall be administered without favor, denial, or delay.'"

At NC IOLTA, we are continuing this con-

versation in 2022.

Civil legal aid has a critical role in building a legal system that works for everyone. With the information in hand from the 2020 Legal Needs Assessment, NC IOLTA and the NC Equal Access to Justice Commission surveyed legal aid provider organizations earlier this spring about opportunities to respond to the gaps identified in the Legal Needs Assessment. The Legal Needs Convening brought leaders from legal aid programs together to share challenges and successes and brainstorm about opportunities to address these needs as a community.

A few months later, NC IOLTA established four working groups to continue these conversations in the summer of 2022. We know that if we want to work toward equitable access to civil legal aid, we need to support a system that everyone can fairly navigate. The goal of the working groups was to identify specific

strategies for the community to respond in the greatest areas of identified needs with the ultimate goal of improving the availability of and access to legal services. The four working groups included: (1) family law; (2) legal services for immigrant populations; (3) outreach and communications; and (4) coordinated intake. NC IOLTA grantees and stakeholders were asked to identify staff to participate in each of the working groups who could offer their subject matter expertise.

Summary of the Recommendations

I. Family Law

Family law was by far the greatest area of underserved need in research conducted for the Legal Needs Assessment, with divorce, domestic violence, and custody being the second, fourth, and sixth most prevalent civil legal case types filed each year. Family-related cases account for 30% of total case volume. While

• **NC IOLTA Leadership Update.** Maria Missé of Ahoskie completed six years of service on the NC IOLTA Board of Trustees on August 30, 2022. The board recognized Maria's service with a resolution of appreciation at the August board retreat.

At the July State Bar Council meeting, Alexander C. Dale (Alex) of Wilmington was appointed to serve for a term of three years beginning September 1, 2022. The council appointed new board leadership as well—Shelby Duffy Benton of Goldsboro was appointed to a one-year term as chair and Heather W. Culp of Charlotte was appointed to a one-year term as vice-chair.

• **IOLTA Revenue.** While monthly revenue from participant income in the first half of 2022 was slightly depressed compared to 2021—a decrease of about 4%—current monthly income has increased significantly due to increases in the Federal Funds Target

Rate (FFTR) and positive adjustments being made by many financial institutions in their interest rates paid on IOLTA accounts. Income from January through August 2022 totaled \$3.9 million.

• **2023 Grantmaking.** Requests for 2023 funding from NC IOLTA were due on September 23. Thirty seven applications totaling \$7.83 million were submitted. Staff are reviewing applications and meeting with applicants to collect additional information prior to the board's review of applications later this year. 2023 awards will be finalized and announced in mid-December.

• **State Funds.** NC IOLTA administers state funding on behalf of the NC State Bar. Under the Domestic Violence Victim Assistance Act, a portion of fees assessed in civil and criminal court actions support legal assistance for domestic violence victims provided by Legal Aid of North Carolina and

Pisgah Legal Services. In the first quarter of the 2022-23 state year, NC IOLTA has administered \$215,241 in domestic violence state funds. An additional \$100,000 in state funding in 2022-23 was directed to Pisgah Legal Services in the state budget for their veteran's legal services program.

• **Don't forget to certify!** Each year, as part of the annual dues process, all State Bar members are required to make a certification regarding IOLTA status. This simple question asks you to confirm if you do or do not hold funds on behalf of North Carolina clients. Whether you complete the dues process online through the Member Portal or print a form and mail it in, don't forget to complete this step. As a reminder, separate from the mandatory annual certification, *all attorneys should inform NC IOLTA any time your IOLTA status changes*, that is, if you change employment or open or close a trust account.

some of the legal aid programs provide family law services, the length of cases and high demand makes providing extended representation difficult. The Family Law Working Group recommended:

(1) improving available *pro se* resources for family law issues (for example *pro se* packets, county-specific information, written legal information, and brief services) and developing best practices for expanding and maintaining the resources;

(2) exploring opportunities for the expansion and promotion of unbundled family law services;

(3) developing a central repository of resources around family law issues; and

(4) coordinating with court staff to partner around use and improvement of court-supported resources.

II. Legal Services for Immigrant Populations

The second most cited underserved practice area in the Legal Needs Assessment was immigration, in addition to other areas of civil legal need for immigrant populations including consumer issues, landlord/tenant issues, and workers' rights. The barriers impacting expanded access include restrictions on funding, changing federal laws, processing delays, and language and literacy challenges. The Legal Services for Immigrant Populations Working Group recommended the following:

(1) developing a formal space for coordination among legal services providers serving this population to support better coordination, referral, and community strategy;

(2) expanding legal resources for immigrant populations including *pro se* resources, limited services, and *pro bono* opportunities;

(3) analyzing legal needs of the population further; and

(4) supporting staff recruitment and retention.

III. Outreach and Communications

In addition to cost, documented barriers that prevent access to legal services include transportation, distance from a legal aid office, lack of internet access, health issues, language and cultural literacy, trust, and lack of awareness, both about legal needs being experienced and available services to meet those needs. The Outreach and Communications Working Group recommended the following:

(1) developing a repository of resources to support organizations' individual outreach and communications work, including templates, suggested vendors, calendars, and best practices; and

(2) pursuing cross-organization collaboration in communications efforts, for example, through shared training, collaborative resource fairs for clients, joint communications efforts around common goals, and gatherings or trainings for social services providers to build rela-

tionships with legal aid organizations and better understand their work.

IV. Coordinated Intake

The Legal Needs Assessment documented concerns about the ability of potential clients to access available services, including long wait times on the phone hotline, confusing phone menus, and waits to get a call back. Challenges to better access include capacity and resources, literacy and technological capabilities of callers, and willingness and ability of callers to answer return calls. The Coordinated Intake Working Group recommended the following:

(1) developing coordinated referral systems for programs to refer cases with clear protocols, understanding of available capacity, and policies for efficient and effective transfer of information that address confidentiality and other concerns;

(2) identifying and pursuing a pilot to centrally triage cases for a particular area to test and learn from a coordinated statewide intake system;

(3) coordinating support for intake staff; and

(4) establishing clear protocols for sharing information periodically to better identify trends and needs and support the ability to respond.

The full set of recommendations can be found on NC IOLTA's website at nccbar.gov/media/730714/legal-needs-assessment.pdf. ■

Pathways to Well-being (cont.)

and associates alike to feel entirely comfortable implementing the Dream Year plan, as our lawyer brains are wired to avoid unknown risks. I imagine the Dream Team's training curriculum and attendant individualized coaching support will include how to navigate change without feeling overwhelmed or paralyzed by risk.

Dream a Little Dream with Me

If you'd like to imagine what it would be like to put the dreams discussed in this article to work at your firm, start here:

1. If your firm is already carrying out well-being programming, bring this article to your team to kickstart new conversations about what else is possible.

2. If your firm has yet to begin well-being

programming, bring this article to your team as a jumping off point for brainstorming ideas for your firm.

3. If reading this article reminds you of a well-being success story, share your experiences with me and others so that we can celebrate with you and learn from your success.

I recognize that it is impossible to include in this article all the possibilities and challenges inherent in shifting the well-being paradigm in BigLaw, or to address the challenges of the billable hour. That said, hopefully by reading my Dream Year musings, stakeholders will recognize and feel good about steps they are already taking to make a difference, and everyone—regardless of their position at a firm—may be inspired to try a few new things to move the needle forward. ■

Many thanks to Roz Pitts, director of pro-

fessional development and well-being at Katten Muchin Rosenman, LLP, for discussing my BigLaw dreams and for sharing her BigLaw insights and experiences. Her ideas and edits were integral in the writing of this article.

Laura Mahr is a North Carolina and Oregon lawyer and the founder of Conscious Legal Minds LLC, providing well-being consulting, training, and resilience coaching for attorneys and law offices nationwide. Through the lens of neurobiology, Laura helps build strong leaders, happy lawyers, and effective teams. Her work is informed by 13 years of practice as a civil sexual assault attorney, 25 years as a teacher and student of mindfulness and yoga, and six years studying neurobiology and neuropsychology with clinical pioneers. She can be reached through consciouslegalminds.com.

Council Adopts One Opinion; Committee Studies Possible Exemption to Prohibition on Financial Assistance to Clients

Council Actions

At its meeting on October 21, 2022, the State Bar Council adopted the ethics opinion summarized below:

2022 Formal Ethics Opinion 5

Client Paying Public Adjuster-Witness a Contingency Fee

Opinion rules that a lawyer may call as an expert witness a public adjuster who will collect a statutorily authorized contingency fee paid by the client.

In addition to adopting the opinion described above, and following favorable votes from both the Ethics Committee and the Executive Committee, the council adopted and approved for transmission to the Supreme Court the proposed amendments to Rule 1.15 and Rule 4.1 that were published during the last quarter. The proposed amendment to Rule 4.1 makes a technical correction to the language in the comment. The proposed amendments to Rule 1.15, the trust accounts rule contain new definitions of common ledgers used in monitoring a lawyer's trust account and rearrange some parts of the rule for improved understanding and application.

Ethics Committee Actions

At its meeting on October 20, 2022, the Ethics Committee considered a total of eight inquiries, including the opinion and rule amendments referenced above. Four inquiries were returned or sent to a subcommittee for further study, including the recently published Proposed 2022 FEO 4, Billing Considerations for Overlapping Legal Services; an inquiry addressing a lawyer's professional responsibility when selling a law practice and handling aged client files; and an inquiry examining a lawyer-mediator's ability to draft an agreement between *pro se* parties defining the terms of participating in a mediation. The committee also approved one ethics advisory concerning the

applicability of the duty of confidentiality in the context of a lawyer's advocacy for criminal justice reform. No new opinions are published for comment this quarter.

Additionally, the committee created a new subcommittee to study a possible exception to the prohibition on providing financial assistance to a client in connection with pending or contemplating litigation set forth in Rule 1.8(e). The American Bar Association recently amended Model Rule 1.8(e) by creating a "humanitarian exception" that permits a lawyer to provide nominal financial gifts to indigent clients under limited circumstances. The new Model Rule permits a lawyer, a non-profit legal services organization, or a law school clinic program to provide "modest gifts" to a client for basic living expenses provided that a) the client is indigent, and b) the representation is *pro bono*. Additionally, a lawyer acting under this new exception is prohibited from advertising or publicizing the ability to make such gifts, is prohibited from stating or implying the availability of a gift as

Public Information

The Ethics Committee's meetings are public, and materials submitted for consideration are generally NOT held in confidence. Persons submitting requests for advice are cautioned that inquiries should not disclose client confidences or sensitive information that is not necessary to the resolution of the ethical questions presented.

an inducement to secure representation, and is prohibited from seeking or accepting reimbursement of the gift from the client or anyone affiliated with the client. Several other jurisdictions employ similar exceptions to the prohibition on financial assistance to a client. The subcommittee will hold its first meeting over the next quarter and will report back to the full committee in January 2023. ■

Diversity, Equity & Inclusion Statement

Lawyers swear an oath to defend the United States and North Carolina Constitutions. These constitutions decree all persons are created equal and endowed with certain inalienable rights and guarantee all persons equal protection of the laws. The North Carolina Constitution also specifically prohibits discrimination by the State against any person because of race, color, religion, or national origin. The North Carolina State Bar considers diversity and inclusion essential elements of promoting equity and preventing discrimination. Diversity encompasses characteristics that make each of us unique. Equity promotes fairness by aiming to ensure fair treatment, access, opportunity, resources, and advancement for everyone to succeed. Inclusion fosters a collaborative and respectful environment where diversity of thought, perspective, and experience is valued and encouraged. The North Carolina State Bar therefore recognizes diversity, equity, and inclusion as core values and is committed to being intentional about incorporating diversity, equity, and inclusion into its operations and mission.

Amendments Approved by the Supreme Court

On November 2, 2022, the North Carolina Supreme Court approved the following rule amendments. (For the complete text of the amendments, see the Spring 2022 and Summer 2022 editions of the *Journal* or visit the State Bar website: www.ncbar.gov.)

Amendments to the Rules Concerning Rulemaking Procedures

27 N.C.A.C. 1A, Section .1400, Rules Concerning Rulemaking Procedures

The amendment increases the timeframe within which a rule or rule amendment adopted by the council must be transmitted to the Supreme Court for its review.

Amendments to the Rules Concerning Procedures for the Administrative Committee

27 N.C.A.C. 1D, Section .0900, Procedures for the Administrative Committee

The amendment gives the secretary of the State Bar the discretion to transfer an active

member to inactive status upon the completion of a petition to transfer to inactive status in the same manner that the secretary has the discretion to reinstate inactive members.

Amendments to the Rules Concerning the Plan for Certification of Paralegals

27 N.C.A.C. 1G, Section .0100, The Plan for Certification of Paralegals

The amendments revise administrative requirements for the Board of Paralegal Certification and permit a member of the board who is a certified paralegal to serve as chair.

Amendments to the Rules of Professional Conduct

27 N.C.A.C. 2, Section .0100, Client-Lawyer Relationship

The amendment to Rule 1.6 adds a sentence to comment [1], explaining that information acquired during a professional relationship with a client does not encompass information acquired through legal research.

Highlights

· As authorized by 27 N.C. Admin. Code 1E.0306, and publicized in a sidebar to this article in the Fall 2022 edition of the *Journal*, at its meeting in October, the council approved increasing the fee for initial and annual renewal registrations of prepaid legal services plans from \$100 to \$300.

The amendments to Rule 1.9 clarify when a lawyer who has formerly represented a client may use or reveal public information relating to the former representation. The amendments to Rule 1.19 specify that the prohibitions in the rule apply to sexual conduct including sexually explicit communications with a client or others involved in a legal matter.

Amendments Pending Supreme Court Approval

At its meeting on October 21, 2022, the North Carolina State Bar Council voted to adopt the following rule amendments for transmission to the North Carolina Supreme Court for its approval. (For the complete text of the rule amendments, see the Fall 2022 edition of the *Journal* or visit the State Bar website.)

Additional proposed amendments pending before the North Carolina Supreme Court can be found in the Winter 2020 and Summer 2021 editions of the *Journal*.

Proposed Amendments to the Discipline and Disability Rules

27 N.C.A.C. 1B, Section .0100, Rule .0119, Effect of a Finding of Guilt in Any

Criminal Case

The proposed amendments address what the State Bar must do when a criminal conviction relevant to a disciplinary matter has been expunged, overturned, or otherwise eliminated.

Proposed Amendments to the Procedures for the Administrative Committee

27 N.C.A.C. 1D, Section .0900, Rule .0902, Reinstatement from Inactive Status

The proposed amendments permit a federal judge who is an inactive member of the State Bar to use each year (or portion thereof) of service as a federal judge to offset each year of inactive status for the purpose of determining whether the judge must sit for

and pass the bar exam to be reinstated to active status.

Proposed Amendment to the Rules Concerning Prepaid Legal Services Plans

27 N.C.A.C. 1E, Section .0300, Rules Concerning Prepaid Legal Services Plans

The proposed amendment changes the definition of a prepaid legal services plan to prohibit a plan from operating simultaneously as an “intermediary organization” (formerly known as a lawyer referral service).

Proposed Amendments to the Rules of Professional Conduct

27 N.C.A.C. 2, Rule 1.15, Safekeeping Property

The proposed amendments add definitions for four different types of ledgers to Rule 1.15-1, and reorder the subparagraphs in Rules 1.15-2 and 1.15-3 to make the pro-

gression of requirements more logical.

27 N.C.A.C. 2, Rule 4.1, Truthfulness in Statements to Others

The proposed technical correction to

Rule 4.1, comment [2], replaces a reference to “tortuous misrepresentation” with “tortious misrepresentation.”

Proposed Amendments

At its meeting on October 21, 2022, the council voted to publish for comment the following proposed rule amendments:

Proposed Amendments to the Rule on Standing Committees of the Council

27 N.C.A.C. 1A, Section .0700, Standing Committees of the Council

The proposed amendments designate the Access to Justice Committee as a standing committee of the council.

Rule .0701, Standing Committees and Boards

(a) Standing Committees. Promptly after his or her election, the president shall appoint members to the standing committees identified below to serve for one year beginning January 1 of the year succeeding his or her election. Members of the committees need not be councilors, except to the extent expressly required by these rules, and may include non-lawyers. Unless otherwise directed by resolution of the council, all members of a standing committee, whether councilors or non-councilors, shall be entitled to vote as members of the standing committee or any subcommittee or panel thereof.

(1) Executive Committee. It shall be the duty of the Executive Committee to receive reports and recommendations from standing committees, boards, and special committees; to nominate individuals for appointments made by the council; to make long range plans for the State Bar; and to perform such other duties and consider such other matters as the council or the president may designate.

...

(9) Access to Justice Committee. It shall be the duty of the Access to Justice Committee to study and to recommend to the council programs and initiatives that respond to the profession’s responsi-

bility, set forth in the Preamble to the Rules of Professional Conduct, “to ensure equal access to our system of justice for all those who, because of economic or social barriers, cannot afford or secure adequate legal counsel.” 27 N.C. Admin. Code 2.0.1, Preamble.

(b) Boards...

...

Proposed Amendments to the Discipline and Disability Rules

27 N.C.A.C. 1B, Section .0100, Discipline and Disability Rules

Proposed amendments to Rule .0113 were published after the July 2022 Quarterly Meeting following the adoption of statutory amendments that required the establishment of a review procedure for public discipline issued to a respondent by the Grievance Committee. Upon the initiation of the review procedure in the third quarter, it was determined that the amendments to Rule .0113 required some minor revisions, and two additional rules required amendment.

Rule .0105, Chairperson of the Grievance Committee: Powers and Duties

(a) The chairperson of the Grievance Committee will have the power and duty

(1) to supervise the activities of the counsel;

...

(20) to appoint a subcommittee to make recommendations to the council for such amendments to the Discipline and Disability Rules as the subcommittee deems necessary or appropriate;

(21) to appoint the members of a grievance review panel; and

(22) to perform such other duties as the council may direct.

(b) Absence of Chairperson and Delegation of Duties. ...

Rule .0106, Grievance Committee: Powers and Duties

The Grievance Committee will have the power and duty

(1) to direct the counsel to investigate any alleged misconduct or disability of a member of the North Carolina State Bar coming to its attention;

...

(15) to consider and decide whether to follow the recommendation of a grievance review panel; and

(16) to perform such other duties as the council may direct.

Rule .0113, Proceedings Before the Grievance Committee

(a) ...

...

(m) There shall be a grievance review panel of the Grievance Committee. For each review conducted, the chair shall appoint a panel consisting of the chair, two vice-chairs, and two other members of the Grievance Committee, including one public member. The panel shall not include any member who serves on the subcommittee that was assigned to address the underlying grievance file. The chair shall serve as the chair of the panel. If the chair or either of the two vice-chairs from the other subcommittees served on the subcommittee that issued the discipline or are otherwise unable to serve on the review panel, the chair may appoint a substitute member or members of the committee to serve on the review panel in the place of the chair or in the place of such vice-chair or vice-chairs.

(1) The panel shall have the following powers and duties:

(A) Upon a timely-filed written request by a grievance respondent, to review an order of public discipline issued to the respondent by the Grievance Committee.

(i) A written request for review must be filed with the secretary of the State Bar within 15 days of service of the public discipline upon the respondent.

(ii) The written request shall contain the grounds upon which the respondent believes review is warranted and may include supporting documentary evidence that has not previously been submitted to the Grievance Committee.

(iii) The respondent shall ~~have the right~~ be entitled to be represented by legal counsel at the respondent's expense. The respondent or the respondent's legal counsel and legal counsel for the State Bar shall ~~have the right~~ be entitled to appear and to present oral arguments to the panel. The panel's review shall be conducted upon the written record and oral arguments. Neither the respondent nor the State Bar may present live testimony or compel the production of books, papers, and other writings and documents in connection with a request for review. The panel may, in its discretion, question the respondent, legal counsel for the respondent, and legal counsel for the State Bar.

(iv) The panel shall consider the request for review, any documentation submitted in support of the request for review, and all materials that were before the Grievance Committee when it made its decision. The respondent shall be entitled to receive all material considered by the panel other than attorney-client privileged communications of the Office of Counsel and work product of the Office of Counsel. The panel shall determine whether the public discipline issued by the Grievance Committee is appropriate in light of all material considered by the panel.

(a) After considering the request for review, oral arguments, and the documentary record, the panel may, by majority vote, either concur in the public discipline issued by the Grievance Committee or remand the grievance file to the Grievance Committee with its rec-

ommendation for a different disposition.

(b) The panel shall prepare a memorandum communicating its determination to the respondent and to the Office of Counsel. The memorandum will not constitute an order and will not contain findings of fact, conclusions of law, or the rationale for the panel's determination.

(c) The Grievance Committee shall act upon a remand at its next regularly scheduled meeting.

(d) Upon remand, the Grievance Committee may affirm its original public discipline issued or may reach a different disposition of the grievance file.

(e) The decision of the Grievance Committee upon remand is final, and its decision is not subject to further consideration by the Grievance Committee.

(f) Within 15 days after service upon the respondent of (i) the panel's memorandum concurring in the original public discipline issued by the Grievance Committee, or (ii) the Grievance Committee's final decision upon remand after review, the respondent may refuse the public discipline imposed by the Grievance Committee and request a hearing before the commission. Such refusal and request shall be in writing, addressed to the Grievance Committee, and served upon the secretary of the State Bar by certified mail, return receipt requested.

(v) Second or subsequent requests for review of Grievance Committee action in the same file will not be considered.

(vi) A request for review is in addition to and not in derogation of all procedural and substantive rights contained in the Discipline and Disability Rules of the State Bar.

(2) All proceedings and deliberations of the panel shall be conducted in a manner and at a time and location to be determined by the chair of the Grievance Committee. Reviews may be conducted by videoconference in the discretion of

Comments

The State Bar welcomes your comments regarding proposed amendments to the rules. Please send your written comments to Alice Neece Mine, The North Carolina State Bar, PO Box 25908, Raleigh, NC 27611.

The Process

Proposed amendments to the Rules of the North Carolina State Bar are published for comment in the *Journal*. They are considered for adoption by the council at the succeeding quarterly meeting. If adopted, they are submitted to the North Carolina Supreme Court for approval. Unless otherwise noted, proposed additions to rules are printed in bold and underlined; deletions are interlined.

the chair.

(3) All proceedings of the panel are closed to the public. Neither the respondent nor legal counsel for the respondent and the State Bar shall be privy to deliberations of the panel. All documents, papers, letters, recordings, electronic records, or other documentary materials, regardless of physical form or characteristic, in the possession of the panel are confidential and are not public records within the meaning of Chapter 132 of the General Statutes.

(~~mn~~) Disciplinary Hearing Commission Complaints - Formal complaints will be issued in the name of the North Carolina State Bar as plaintiff and signed by the chairperson of the Grievance Committee. Amendments to complaints may be signed by the counsel alone, with the approval of the chairperson of the Grievance Committee.

Proposed Amendments to the Rules Governing IOLTA

27 N.C.A.C. 1D, Section .1300, Rules Governing the Administration of the Plan for Interest on Lawyers' Trust Accounts

(IOLTA)

The proposed amendments are largely technical in nature, improving clarity and revising designated dates and timeframes to comport with practice.

Rule .1306, Appointment of Members; When; Removal

The members of the board shall be appointed by the Council of the North Carolina State Bar. ~~The council will make appointments for upcoming vacancies occurring at the end of a member's term prior to the term ending on August 31. The July quarterly meeting is when the appointments are made.~~ Vacancies occurring by reason of death, resignation or removal shall be filled by appointment of the council at the next quarterly meeting following the event giving rise to the vacancy, and the person so appointed shall serve for the balance of the vacated term. Any member of the board may be removed at any time by an affirmative vote of a majority of the members of the council in session at a regularly called meeting.

Rule .1313, Fiscal Responsibility

All funds of the board shall be considered funds of the North Carolina State Bar, with the beneficial interest in those funds being vested in the board for grants to qualified applicants in the public interest, less administrative costs. These funds shall be administered and disbursed by the board in accordance with rules or policies developed by the North Carolina State Bar and approved by the North Carolina Supreme Court. The funds shall be used only to pay the administrative costs of the IOLTA program and to fund grants approved by the board under the four categories approved by the North Carolina Supreme Court as outlined above.

(a) Maintenance of Accounts: Audit - The funds of the IOLTA program shall be maintained in a separate account from funds of the North Carolina State Bar such that the funds and expenditures therefrom can be readily identified. The accounts of the board shall be audited on an annual basis. The audit will be conducted after the books are closed at a time determined by the auditors, but not later than ~~March 31~~ **April 30** of the year following the year for which the audit is to be conducted.

...

Rule .1314, Meetings

The board by resolution may set regular meeting dates and places. Special meetings of the board may be called at any time upon notice given by the chairperson, the vice-chairperson or any two members of the board. Notice of ~~the~~ meeting shall be given **to all members of the board** at least two days prior to the meeting ~~as directed by the board, by mail, telegram, facsimile transmission, or telephone. Notice shall also be provided as required by any statutory provision regulating notice of public meetings of agencies of the state.~~ A quorum of the board for conducting its official business shall be a majority of the total membership of the board.

Rule .1316, IOLTA Accounts

(a) IOLTA Account Defined. Pursuant to order of the North Carolina Supreme Court, every general trust account, as defined in the Rules of Professional Conduct, must be an interest or dividend-bearing account. (As used herein, "interest" shall refer to both interest and dividends.) Funds deposited in a general, interest-bearing trust account must be available for withdrawal upon request and without delay (subject to any notice period that the bank is required to reserve by law or regulation). Additionally, pursuant to G.S. 45A-9, a settlement agent who maintains a trust or escrow account for the purposes of receiving and disbursing closing funds and loan funds shall direct that any interest earned on funds held in that account be paid to the North Carolina State Bar to be used for the purposes authorized under the Interest on Lawyers' Trust Account Program according to Section .1316(d) below. For the purposes of these rules, all such accounts shall be known as "IOLTA Accounts" (also referred to as "Accounts").

(b) Eligible Banks. Lawyers may **only** maintain ~~an one or more~~ IOLTA Account(s) ~~only~~ at banks and savings and loan associations chartered under North Carolina or federal law, as required by Rule 1.15 of the Rules of Professional Conduct, that offer and maintain IOLTA Accounts that comply with the requirements set forth in this Subchapter (Eligible Banks)...

(c) Notice Upon Opening or Closing IOLTA Account. Every lawyer/law firm or settlement agent maintaining IOLTA Accounts shall advise NC IOLTA of the establishment or closing of each IOLTA

Account. Such notice shall include (i) the name of the bank where the account is maintained, (ii) the name of the account, (iii) the account number, and (iv) the names and bar numbers of the lawyer(s) in the firm and/or the name(s) of any non-lawyer settlement agent(s) maintaining the account. The North Carolina State Bar shall furnish to each lawyer/law firm or settlement agent maintaining an IOLTA Account a ~~suitable~~ **plaque notice to clients** explaining the program, which ~~plaque~~ shall be exhibited in the office ~~of~~ the lawyer/law firm or settlement agent.

(d) Directive to Bank. Every lawyer/**law firm** or ~~law firm and every~~ settlement agent maintaining a North Carolina IOLTA Accounts shall direct any bank in which an IOLTA Account is maintained to:

- (1) ...;
- (2) transmit with each remittance to NC IOLTA a statement showing for each account: (i) the name of the ~~lawyer/law firm/lawyer~~ lawyer or settlement agent maintaining the account, (ii) the lawyer/law firm's or settlement agent's IOLTA Account number, (iii) the earnings period, (iv) the average balance of the account for the earnings period, (v) the type of account, (vi) the rate of interest applied in computing remittance, (vii) the amount of any service charges for the earnings period, and (viii) the net remittance for the earnings period; and
- (3) transmit to the ~~lawyer/law firm/lawyer~~ lawyer or settlement agent maintaining the account a report showing the amount remitted to NC IOLTA, the earnings period, and the rate of interest applied in computing the remittance.

(e) Allowable Reasonable Service Charges... Allowable reasonable service charges for IOLTA Accounts are: (i) a reasonable account maintenance fee, (ii) per check charges, (iii) per deposit charges, (iv) a fee in lieu of a minimum balance, (v) federal deposit insurance fees, and (vi) automated transfer (Sweep) fees. All service charges other than allowable reasonable service charges assessed against an IOLTA Account are the responsibility of and shall be paid by the lawyer/~~or~~ law firm **or settlement agent**. No service charges in excess of the interest earned on the Account for any month or quarter shall be deducted from interest earned on other IOLTA Accounts or from the principal of the Account.

Rule .1319, Certification

Every lawyer admitted to practice in North Carolina shall certify annually on or before June 30 to the North Carolina State Bar that all general trust accounts maintained by the lawyer or his or her law firm are established and maintained as IOLTA accounts as prescribed by Rule 1.15 of the Rules of Professional Conduct and Rule .1316 of this subchapter or that the lawyer ~~is exempt from this provision because he or she does not maintain any general trust account(s) for North Carolina client funds.~~ Any lawyer acting as a settlement agent who maintains a trust or escrow account used for the purpose of receiving and disbursing closing and loan funds shall certify annually on or before June 30 to the North Carolina State Bar that such accounts are established and maintained as IOLTA accounts as prescribed by G.S. 45A-9 and Rule .1316 of this subchapter.

Proposed Amendments to the Rules Governing the Continuing Legal Education Program

27 N.C.A.C. 1D, Section .1500, Rules Governing the Administration of the Continuing Legal Education Program; 27 N.C.A.C. 1D, Section .1600, Regulations Governing the Administration of the Continuing Legal Education Program

The following proposed amendments to the CLE rules are part of the ongoing process of improving the procedures for regulating compliance with mandatory CLE. Additional proposed amendments to the CLE rules can be found in the Fall 2022 edition of the *Journal*.

Proposed changes since the last publication appear in red text.

Rule .1517, Exemptions

(a) Notification of Board. To qualify for an exemption, ~~for a particular calendar year,~~ a member shall notify the board of the exemption ~~in during~~ the annual ~~membership renewal process or in another manner as directed by the board~~ report for that calendar year sent to the member pursuant to Rule .1522 of this subchapter. All active members who are exempt are encouraged to attend and participate in legal education programs.

(b) Government Officials and Members of Armed Forces. The governor, the lieutenant governor, and all members of the

council of state, members of the United States Senate, members of the United States House of Representatives, members of the North Carolina General Assembly, full-time principal chiefs and vice-chiefs of any Indian tribe officially recognized by the United States or North Carolina state governments, and members of the United States Armed Forces on full-time active duty are exempt from the requirements of these rules for any calendar year in which they serve some portion thereof in such capacity.

(c) Judiciary and Clerks. Members of the state judiciary who are required by virtue of their judicial offices to take ~~an average of (twelve) 12 or more hours of~~ continuing judicial or other legal education ~~annually~~ and all members of the federal judiciary are exempt from the requirements of these rules for any calendar year in which they serve some portion thereof in such judicial capacities. ~~Additionally, A~~ full-time law clerk for a member of the federal or state judiciary is exempt from the requirements of these rules for any calendar year in which the clerk serves some portion thereof in such capacity, provided, however, that

(1) the exemption shall not exceed two consecutive calendar years; and, ~~further provided, that~~

(2) the clerkship begins within one year after the clerk graduates from law school or passes the bar examination for admission to the North Carolina State Bar whichever occurs later.

(d) Nonresidents. The board may exempt an active member from the continuing legal education requirements if, for at least six consecutive months immediately prior to requesting an exemption, (i) the member resides outside of North Carolina, (ii) the member does not practice law in North Carolina, and (iii) the member does not represent North Carolina clients on matters governed by North Carolina law. ~~Any active member residing outside of North Carolina who does not practice in North Carolina for at least six (6) consecutive months and does not represent North Carolina clients on matters governed by North Carolina law shall be exempt from the requirements of these rules.~~

(e) Law Teachers. An exemption from the requirements of these rules shall be given to any active member who does not practice in North Carolina or represent North Carolina clients on matters governed by North

Carolina law and who is:

(1) A full-time teacher at the School of Government (~~formerly the Institute of Government~~) of the University of North Carolina;

(2) A full-time teacher at a law school in North Carolina that is accredited by the American Bar Association; or

(3) A full-time teacher of law-related courses at a graduate level professional school accredited by its respective professional accrediting agency.

(f) Special Circumstances Exemptions.

The board may exempt an active member from the continuing legal education requirements for a period of not more than one year at a time upon a finding by the board of special circumstances unique to that member constituting undue hardship or other reasonable basis for exemption, ~~or for a longer period upon a finding of a permanent disability.~~

(g) Pro Hac Vice Admission. Nonresident ~~attorneys~~ lawyers from other jurisdictions who are temporarily admitted to practice in a particular case or proceeding pursuant to the provisions of G.S. 84-4.1 shall not be subject to the requirements of these rules.

(h) Senior ~~Status~~ Exemption. The board may exempt an active member from the continuing legal education requirements if

(1) the member is sixty-five years of age or older; and

(2) the member does not render legal advice to or represent a client unless ~~the member associates with~~ under the supervision of another active member who assumes responsibility for the advice or representation.

(i) Bar Examiners. Members of the North Carolina Board of Law Examiners are exempt from the requirements of these rules for any calendar year in which they serve some portion thereof in such capacity.

~~CLE Record During Exemption Period. During a calendar year in which the records of the board indicate that an active member is exempt from the requirements of these rules, the board shall not maintain a record of such member's attendance at accredited continuing legal education programs. Upon the termination of the member's exemption, the member may request carry over credit up to a maximum of twelve (12) credits for any accredited continuing legal education program attended during the calendar year~~

immediately preceding the year of the termination of the exemption. Appropriate documentation of attendance at such programs will be required by the board.

(j) ~~Permanent Disability.~~ Attorneys who have a permanent disability that makes attendance at CLE programs inordinately difficult may file a request for a permanent substitute program in lieu of attendance and shall therein set out continuing legal education plans tailored to their specific interests and physical ability. The board shall review and approve or disapprove such plans on an individual basis and without delay.

(kj) Application for Substitute Compliance and Exemptions. Other requests for substitute compliance, partial waivers, and/or other exemptions for hardship or extenuating circumstances may be granted by the board on an annual yearly basis upon written application of the ~~attorney~~ member.

(l) ~~Bar Examiners.~~ Credit is earned through service as a bar examiner of the North Carolina Board of Law Examiners. The board will award 12 hours of CLE credit for the preparation and grading of a bar examination by a member of the North Carolina Board of Law Examiners.

(k) Effect of Annual Exemption on CLE Requirements. Exemptions are granted on an annual basis and must be claimed each year. An exempt member's new reporting period will begin on March 1 of the year for which an exemption is not granted. No credit from prior years may be carried forward following an exemption.

(l) Exemptions from Professionalism Requirement for New Members.

(1) Licensed in Another Jurisdiction. A newly admitted member who is licensed by a United States jurisdiction other than North Carolina for five or more years prior to admission to practice in North Carolina is exempt from the PNA program requirement and must notify the board of the exemption during the annual membership renewal process or in another manner as directed by the board.

(2) Inactive Status. A newly admitted member who is transferred to inactive status in the year of admission to the North Carolina State Bar is exempt from the PNA program requirement but, upon the entry of an order transferring the member back to active status,

must complete the PNA program in the reporting period that the member is subject to the requirements set forth in Rule .1518(b) unless the member qualifies for another exemption in this rule.

(3) Other Rule .1517 Exemptions. A newly admitted active member who qualifies for an exemption under Rules .1517(a) through (i) of this subchapter shall be exempt from the PNA program requirement during the period of the Rule .1517 exemption. The member shall notify the board of the exemption during the annual membership renewal process or in another manner as directed by the board. The member must complete the PNA program in the reporting period the member no longer qualifies for the Rule .1517 exemption.

Rule .1518, Continuing Legal Education Requirements

(a) Reporting period. Except as provided in paragraphs (1) and (2) below, the reporting period for the continuing legal education requirements shall be three years, beginning March 1 through the last day of February:

(1) New admittees. The reporting period for newly admitted members shall begin on March 1 of the calendar year of admission.

(2) Reinstated members.

(A) A member who is transferred to and subsequently reinstated from inactive or suspended status before the end of the reporting period in effect at the time of the original transfer shall retain the member's original reporting period and these Rules shall be applied as though the transfer had not occurred.

(B) Except as provided in Subparagraph (A) above, the first reporting period for reinstated members shall be the same as if the member was newly admitted pursuant to Paragraph (1) above.

(ab) Annual Hours Requirement. Each active member subject to these rules shall complete ~~12~~ 36 hours of approved continuing legal education during each ~~calendar year beginning January 1, 1988~~ reporting period, as provided by these rules, and the regulations adopted thereunder.

Of the ~~12~~ 36 hours:

(1) at least ~~2~~ 6 hours shall be devoted to the areas of professional responsibility or

professionalism or any combination thereof ethics as defined in Rule .1501(c)(8) of this subchapter;

(2) at least 1 hour shall be devoted to technology training as defined in Rule .1501(c)(4719) of this subchapter. This credit must be completed in at least 1-hour increments; and further explained in Rule .1602(c) of this subchapter; and

(3) effective January 1, 2002, at least once every three calendar years, each member shall complete an hour of continuing legal education at least 1 hour shall be devoted to programs instruction on professional well-being substance abuse and debilitating mental conditions as defined in Rule .1501(c)(18) of this subchapter. ~~1602 (a).~~ This credit must be completed in at least 1-hour increments. This hour shall be credited to the annual 12-hour requirement but shall be in addition to the annual professional responsibility/professionalism requirement. To satisfy the requirement, a member must attend an accredited program on substance abuse and debilitating mental conditions that is at least one hour long.

(bc) Carryover credit. Members may carry over up to 12 credit hours from one reporting period to the next reporting period. Carryover hours will count towards a member's total hours requirement but may not be used to satisfy the requirements listed in Paragraphs (b)(1)-(3) of this Rule. carry over up to 12 credit hours earned in one calendar year to the next calendar year, which may include those hours required by paragraph (a)(1) above. Additionally, a newly admitted active member may include as credit hours which may be carried over to the next succeeding year any approved CLE hours earned after that member's graduation from law school.

(d) The board shall determine the process by which credit hours are allocated to lawyers' records to satisfy deficits from prior reporting periods. The allocation shall be applied uniformly to the records of all affected lawyers and may not be appealed by an affected lawyer.

(ee) Professionalism Requirement for New Members. Except as provided in Rule .1517(l), paragraph (d)(1), each newly admitted active member admitted to of the North Carolina State Bar after January 1, 2011, must complete the an approved

~~North Carolina State Bar Professionalism for New Attorneys Pprogram (PNA Pprogram) as described in Rule .1525 in during the member's first reporting period. year the member is first required to meet the continuing legal education requirements as set forth in Rule .1526(b) and (c) of this subchapter. It is strongly recommended that newly admitted members complete the PNA program within their first year of admission. CLE credit for the PNA Pprogram shall be applied to the annual mandatory continuing legal education requirements set forth in pParagraph (ab) above.~~

[Subsequent subparts and paragraphs deleted.]

Rule .1520, Requirements for Program Approval Registration of Sponsors and Program Approval (replaced in its entirety)

(a) Approval. CLE programs may be approved upon the application of a sponsor or an active member on an individual program basis. An application for such CLE program approval shall meet the following requirements:

- (1) The application shall be submitted in the manner directed by the board.
- (2) The application shall contain all information requested by the board and include payment of any required application fees.
- (3) The application shall be accompanied by a program outline or agenda that describes the content in detail, identifies the teachers, lists the time devoted to each topic, and shows each date and location at which the program will be offered.
- (4) The application shall disclose the cost to attend the program, including any tiered costs.
- (5) The application shall include a detailed calculation of the total CLE hours requested, including whether any hours satisfy one of the requirements listed in Rules .1518(b) and .1518(d) of this subchapter, and Rule 1.15-2(s)(3) of the Rules of Professional Conduct.

(b) Program Application Deadlines and Fee Schedule.

(1) Program Application and Processing Fees. Program applications submitted by sponsors shall comply with the deadlines and Fee Schedule set by the board and approved by the council, including

any additional processing fees for late or expedited applications.

(2) Free Programs. Sponsors offering programs without charge to all attendees, including non-members of any membership organization, shall pay a reduced application fee.

(3) Member Applications. Members may submit a program application for a previously unapproved program after the program is completed, accompanied by a reduced application fee.

(4) On-Demand CLE Programs. Approved on-demand programs are valid for three years. After the initial three-year term, programs may be renewed annually in a manner approved by the board that includes a certification that the program content continues to meet the accreditation standards in Rule .1519 and the payment of a program renewal fee.

(5) Repeat Programs. Sponsors seeking approval for a repeat program that was previously approved by the board within the same CLE year (March 1 through the end of February) shall pay a reduced application fee.

(c) Program Quality and Materials. The application and materials provided shall reflect that the program to be offered meets the requirements of Rule .1519 of this subchapter. Sponsors and active members seeking credit for an approved program shall furnish, upon request of the board, a copy of all materials presented and distributed at a CLE program. Any sponsor that expects to conduct a CLE program for which suitable materials will not be made available to all attendees may be required to show why materials are not suitable or readily available for such a program.

(d) Online and On-Demand CLE. The sponsor of an online or on-demand program must have an approved method for reliably and actively reliable method for recording and verifying attendance and reporting the number of credit hours earned by each participant. Applications for any online or on-demand program must include a description of the sponsor's attendance verification procedure.

(e) Notice of Application Decision. Sponsors shall not make any misrepresentations concerning the approval of a program for CLE credit by the board. The

board will provide notice of its decision on CLE program approval requests pursuant to the schedule set by the board and approved by the council. A program will be deemed approved if the notice is not timely provided by the board pursuant to the schedule. This automatic approval will not operate if the sponsor contributes to the delay by failing to provide the complete information requested by the board or if the board timely notifies the sponsor that the matter has been delayed.

(f) Denial of Applications. Failure to provide the information required in the program application will result in denial of the program application. Applicants denied approval of a program may request reconsideration of such a decision by submitting a letter of appeal to the board within 15 days of receipt of the notice of denial. The decision by the board on an appeal is final.

(g) Attendance Records. Sponsors shall timely furnish to the board a list of the names of all North Carolina attendees together with their North Carolina State Bar membership numbers in the manner and timeframe prescribed by the board.

(h) Late Attendance Reporting. Absent good cause shown, a sponsor's failure to timely furnish attendance reports pursuant to this rule will result in (i) a late reporting fee in an amount set by the board and approved by the council, and (ii) the denial of that sponsor's subsequent program applications until the attendance is reported and the late fee is paid.

Rule .1521, Noncompliance

(a) Failure to Comply with Rules May Result in Suspension. A member who is required to file a report of CLE credits and does not do so or who fails to meet the minimum requirements of these rules, including the payment of duly assessed penalties and attendee fees, may be suspended from the practice of law in the state of North Carolina.

(b) Late Compliance. Any member who fails to complete his or her required hours by the end of the member's reporting period (i) shall be assessed a late compliance fee in an amount set by the board and approved by the council, and (ii) shall complete any outstanding hours within 60 days following the end of the reporting period. Failure to comply will result in a

suspension order pursuant to Paragraph (c) below.

~~(bc) Notice of Suspension Order for Failure to Comply. Sixty days following the end of the reporting period, the board council shall notify issue an order suspending any member who appears to have failed to meet the requirements of these rules within 45 days after the service of the order, that the member will be suspended from the practice of law in this state, unless (i) the member shows good cause in writing why the suspension should not take effect; be made or (ii) the member shows in writing that he or she has complied with meets the requirements within the 30-day period after service of the notice order. The order shall be entered and served as set forth in Rule .0903(d) of this subchapter. Additionally, the member shall be assessed a non-compliance fee as described in Paragraph (d) below.~~ Notice shall be served on the member by mailing a copy thereof by registered or certified mail or designated delivery service (such as Federal Express or UPS), return receipt requested, to the last known address of the member according to the records of the North Carolina State Bar or such later address as may be known to the person attempting service. Service of the notice may also be accomplished by (i) personal service by a State Bar investigator or by any person authorized by Rule 4 of the North Carolina Rules of Civil Procedure to serve process, or (ii) email sent to the email address of the member contained in the records of the North Carolina State Bar if the member sends an email from that same email address to the State bar acknowledging such service.

(d) Non-Compliance Fee. A member to whom a suspension order is issued pursuant to Paragraph (c) above shall be assessed a non-compliance fee in an amount set by the board and approved by the council; provided, however, upon a showing of good cause as determined by the board as described in Paragraph (g)(2) below, the fee may be waived. The non-compliance fee is in addition to the late compliance fee described in Paragraph (b) above.

~~(ce) Effect of Non-compliance with Suspension Order. Entry of Order of Suspension Upon Failure to Respond to Notice to Show Cause. If a member fails to meet the requirements during the 45-day~~

~~period after service of the suspension order under Paragraph (c) above, the member shall be suspended from the practice of law subject to the obligations of a disbarred or suspended member to wind down the member's law practice as set forth in Rule .0128 of Subchapter 1B. written response attempting to show good cause is not post-marked or received by the board by the last day of the 30-day period after the member was served with the notice to show cause upon the recommendation of the board and the Administrative Committee, the council may enter an order suspending the member from the practice of law. The order shall be entered and served as set forth in Rule .0903(d) of this Subchapter.~~

~~(df) Procedure Upon Submission of a Timely Response to a Notice to Show Cause Evidence of Good Cause.~~

~~(1) Consideration by the Board. If the member files a timely written response to the notice, suspension order attempting to show good cause for why the suspension should not take effect, the suspension order shall be stayed and the board shall consider the matter at its next regularly scheduled meeting, or may delegate consideration of the matter to a duly appointed committee of the board. If the matter is delegated to a committee of the board and the committee determines that good cause has not been shown, the member may file an appeal to the board. The appeal must be filed within 30 calendar days of the date of the letter notifying the member of the decision of the committee. The board shall review all evidence presented by the member to determine whether good cause has been shown, or to determine whether the member has complied with the requirements of these rules within the 30-day period after service of the notice to show cause.~~

(2) Recommendation of the Board. The board shall determine whether the member has shown good cause as to why the member should not be suspended. If the board determines that good cause has not been shown, the member's suspension shall become effective 15 calendar days after the date of the letter notifying the member of the decision of the board. The member may request a hearing by the Administrative Committee within the 15-day period after the date of the

board's decision letter. The member's suspension shall be stayed upon a timely request for a hearing, or that the member has not shown compliance with these rules within the 30-day period after service of the notice to show cause, then the board shall refer the matter to the Administrative Committee that the member be suspended.

~~(3) Consideration by and Recommendation of Hearing Before the Administrative Committee. The Administrative Committee shall consider the matter at its next regularly scheduled meeting. The burden of proof shall be upon the member to show cause by clear, cogent, and convincing evidence why the member should not be suspended from the practice of law for the apparent failure to comply with the rules governing the continuing legal education program. Except as set forth above, the procedure for such hearing shall be as set forth in Rule .0903(d)(1) and (2) of this Subchapter.~~

(4) Administrative Committee Decision. If the Administrative Committee determines that the member has not met the burden of proof, the member's suspension shall become effective immediately. The decision of the Administrative Committee is final. Order of Suspension. Upon the recommendation of the Administrative Committee, the council may determine that the member has not complied with these rules and may enter an order suspending the member from the practice of law. The order shall be entered and served as set forth in Rule .0903(d)(3) of this Subchapter.

~~(e) Late Compliance Fee. Any member to whom a notice to show cause is issued pursuant to Paragraph (b) above shall pay a late compliance fee as set forth in Rule .1522(d) of this Subchapter; provided, however, upon a showing of good cause as determined by the board as described in Paragraph (d)(2) above, the fee may be waived.~~

(g) Reinstatement. Suspended members must petition for reinstatement to active status pursuant to Rule .0904(b)-(h) of this Subchapter.

Rule .15224, Reinstatement

[Deleted and incorporated into Proposed Rule .1521.] ■

Resolution of Appreciation for Darrin D. Jordan

WHEREAS, Darrin D. Jordan was elected by his fellow lawyers from Judicial District 19C (now 27) in 2010 to serve as their representative in this body; he was, thereafter, re-elected councilor for two successive three-year terms; and

WHEREAS, in October 2019, Mr. Jordan was elected vice-president and in October 2020 he was elected president-elect; and on October 7, 2021, he was sworn in as president of the North Carolina State Bar; and

WHEREAS, during his tenure with the North Carolina State Bar, Mr. Jordan served on the following committees and boards: Ad Hoc Committee to Study Changes to the Disciplinary Rules, including as chair; Administrative Committee; Appointments Advisory Committee, including as vice-chair and chair; Communications Committee, including as chair; Ethics Committee, including as vice-chair and chair; Executive Committee, including as vice-chair and chair; Finance and Audit Committee, including as vice-chair and chair; Grievance Committee; Issues Committee, including as vice-chair and chair; Legislative Committee; Publications Committee; and the Lawyers Assistance Program Board, including as chair; and

WHEREAS, while serving as a State Bar councilor, Mr. Jordan participated in numerous significant initiatives of the State Bar including two substantial revisions of the North Carolina Rules of Professional Conduct, construction of the new State Bar headquarters, the successful adjudication of a major lawsuit against the State Bar, and an extensive review of the disciplinary process, to name but a few; and

WHEREAS, President Jordan's tenure as an officer of the State Bar began just prior to the global pandemic that necessitated the conversion of five consecutive quarterly meetings of the State Bar Council, from April 2020 through April 2021, to online/Zoom events, a format that was an impediment to the look-you-in-the-eye, shake-your-hand discussion and camaraderie of face-to-face meetings that are dear to President Jordan's professional heart; nevertheless, President Jordan rose to every occasion by facilitating or presiding over efficient,

organized, and, to the greatest extent possible, inclusive meetings, whether online or in-person; and

WHEREAS, President Jordan built upon the undertakings of his predecessor, including the completion of the following initiatives: the exploration of ways to improve diversity, inclusion, and equity in the profession and in the agency; studies of the intersection of lawyer competency with the courts' secured leave policy and with the caseload and compensation of court-appointed defense attorneys; and the study of regulatory changes that have the potential to improve access to justice for those who are financially unable to afford legal representation, which study will help to inform the work of the Access to Justice Committee, a new standing committee instituted under President Jordan's leadership; and

WHEREAS, President Jordan's commitment to volunteer public service and to the 6th Amendment and the right to counsel for those charged with crimes or who face significant deprivations of liberty was demonstrated by his service from 2014 to October 2021 on the Indigent Defense Services Commission while also serving as a State Bar councilor and officer; as chair of the commission, President Jordan was and continues to be a tremendous advocate for lawyers who handle indigent defense and for their clients; and

WHEREAS, President Jordan's service on the Lawyer Assistance Program Board evolved into a commitment to promote the importance of lawyer well-being, devoting two of his president's messages in the *State Bar Journal* to mental health issues, and ending one of those messages with the following admonishment: "Don't reach out only to the attorney who seems to be having a bad day, reach out to the attorney who may be fighting a battle that is invisible;" and

WHEREAS, throughout his service as a State Bar officer, President Jordan has embodied, nurtured, and advocated for the fostering of the collegiality that underpins our profession, traveling across North Carolina to act as an ambassador for the State Bar at an untold number of professional conferences, meeting

with everyone from superior court judges to court reporters; he also traveled untold miles to present the John B. McMillan Distinguished Service Award—including arranging for an in-person presentation of the award to a recipient who initially received her award in an online presentation; entirely on his own initiative, he hosted informal dinners throughout the state at which lawyers from different practice areas could socialize in an atmosphere of support and friendship; and, whenever there was an opportunity to extend the hand of professional kindness, despite any personal inconvenience due to travel or schedule, President Jordan did so, as demonstrated by his trip to a rural county to present a certificate of service to a 50-year lawyer diagnosed with terminal cancer who would not live to attend the 2022 50-Year Lawyer Luncheon; and

WHEREAS, when he first became an officer, President Jordan treated some members of the State Bar staff to a delightful day in his hometown of Salisbury, where they dined at a favorite local cafe, strolled the beautiful downtown, and enjoyed a gift of Cheerwine fudge from the local candy emporium, thereby forecasting the warm and generous relationships President Jordan would cultivate with the State Bar staff throughout his tenure as an officer; and

WHEREAS, whether it was a Hurricanes playoff game, or the possibility that the fishing would be good at his mountain sanctuary that weekend, President Jordan always made sure that the Friday council meeting ended on time.

NOW, THEREFORE, BE IT RESOLVED that the Council of the North Carolina State Bar does hereby, and with deep appreciation, express to Darrin D. Jordan its debt for his personal service to the State Bar, to the people of North Carolina, and to the legal profession, and for his dedication to the principles of leadership, integrity, professionalism, and equality.

BE IT FURTHER RESOLVED that a copy of this resolution be made a part of the minutes of the Annual Meeting of the North Carolina State Bar and that a copy be delivered to Darrin D. Jordan.

State Bar Swears In New Officers



Armstrong



Brown



Smith

Armstrong Installed as President

Smithfield Attorney Marcia H. Armstrong was sworn in as the 88th president of the North Carolina State Bar by Chief Justice Paul Newby at the State Bar's Annual Dinner on Thursday, October 20, 2022.

Armstrong earned her bachelor's degree from Salem College and her JD from the Wake Forest University School of Law.

Armstrong was a member of the North Carolina State Bar Council from 2011–2019, during which time she served on many committees and was chair of the Legislative Committee and the Opioid Summit Special Committee, and a vice-chair of the Grievance Committee.

A partner of The Armstrong Law Firm, PA, Armstrong has been a board certified specialist in family law since 1989. She is a past-president of the state chapter of the American Academy of Matrimonial Lawyers (AAML), which is recognized as one of the top family law associations in the country. She is a past-president of the Johnston County Bar Association and the 11th Judicial District Bar. In 2011, Armstrong received the Sara H. Davis Excellence Award from the North Carolina State Bar Board of Legal Specialization. She was recognized in 2010 as a Citizen Lawyer by the North Carolina Bar Association and has served in the past on the association's Board of Governors and as chair of the Family Law Section. In 1997, Armstrong was awarded the Distinguished Service Award from the North Carolina Bar Association for her service to the Family Law Section. Additionally, Armstrong received the Gwyneth B. Davis Award in 1995

from the North Carolina Association of Women Attorneys.

Armstrong practices law with her husband, Lamar; her son, Lamar III; her daughter, Eason Keeney; and her son-in-law, Daniel

Keeney. Lamar's wife, Beth, is a third grade teacher. Armstrong's other son, Hinton, is a biochemical engineer, and his wife, Anna, is a pharmacist. Altogether, there are seven grandchildren, ages six months to six years.

Brown Elected President-Elect

Charlotte Attorney A. Todd Brown was sworn in as president-elect of the North Carolina State Bar by Chief Justice Paul Newby at the State Bar's Annual Dinner on Thursday, October 20, 2022.

Brown earned his bachelor's degree from the University of South Carolina, and his JD from the University of South Carolina School of Law.

Brown has been a member of the North Carolina State Bar Council since 2013, during which time he has served as chair of the Administrative Committee, and has been vice-chair and chair of the Grievance Committee.

A partner of Hunton Andrews Kurth LLP, Brown is the managing partner of the firm's Charlotte office, is co-head of the firm's commercial litigation practice group, co-chairs its Diversity and Inclusion Committee and its Talent Development Committee, is a member of its Associates Committee and Screening Committee, and is a former member of its Executive Committee.

Brown is a past-president of the North Carolina Association of Defense Attorneys. He has also served as president of the Mecklenburg County Bar, was a member of its Board of Directors, and was co-chair of its Committee on Diversity.

Smith Elected Vice-President

Eden attorney Matthew W. Smith was sworn in as vice-president of the North Carolina State Bar by Chief Justice Paul Newby at the State Bar's Annual Dinner on Thursday, October 20, 2022.

Smith earned his bachelor's degree from Campbell University, and his law degree from Campbell University's Norman Adrian Wiggins School of Law.

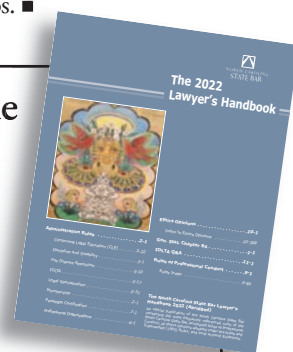
Smith has been a member of the North Carolina State Bar Council since 2014, during which time he served as vice-chair and chair of the Grievance Committee, and vice-chair and chair of the Authorized Practice Committee.

An associate and partner with Maddrey Etringer Smith Hollowell & Toney, LLP, in Eden since 1998, Smith focuses his practice on real estate, estates, guardianships, as well as other areas of law typically covered by a small-town practice.

Smith is a member of the Board of Directors for the Boys' & Girls' Club of Eden. He has also served as a member and chair of the Eden Planning and Zoning Board from 2009-2022.

For 23 years, Smith has been married to his wife, Michelle. They have two sons: Harrison, 19, and Hunter, 16. He enjoys the mountains and all things Chicago Cubs. ■

Preorder the 2023 Lawyer's Handbook



Order a hard copy by submitting an order form (found on the State Bar's website at bit.ly/2qXcDTA) by April 21, 2023. The digital version will still be available for download and is free of charge.

Fifty-Year Lawyers Honored

Members of the North Carolina State Bar who are celebrating the 50th anniversary of their admission to practice were honored during the State Bar's Annual Meeting at the 50-Year Lawyers Luncheon. One of the honorees, Fred Moody, addressed the attendees, and each honoree was presented a certificate by the president of the State Bar, Darrin Jordan, in recognition of his or her service. After the ceremonies were concluded, the honorees in attendance sat for the photographs below and on the following page. ■



First row (left to right): Kemp A. Michael, Luther T. Moore, Wade H. Leonard Jr., Grayson Scott Jones, John M. May, W. Thurston Debnam Jr., Hunter H. Galloway III, Tate K. Sterrett, E. Fred McPhail Jr., Dailey J. Derr *Second row (left to right):* Philip D. Lambeth, David Q. LaBarre, Fred B. Emmerson Jr., George H. Harvey, James Lyle Dellinger Jr., Jerry Cash Martin, James M. Green Jr., Edward L. Embree III, William H. Elam, Dave R. Badger *Third row (left to right):* Anthony L. Giordano, Walter A. Holland Jr., John G. Caudill, Thomas A. Harris, David C. Bridges Jr., Samuel W. Johnson, Chase B. Saunders, William C. Lawton, Charles D. Heidgerd, Robert S. Hodgman

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First row (left to right): C. Christopher Smith, Ernest B. Fullwood, Roger L. Dillard Jr., Michael P. Flanagan, Fred H. Moody Jr., Bill Faison Jr., Dennis E. Boring, William F. Burns Jr., Chester C. Davis, Dan Rizzo *Second row* (left to right): Wallace W. Dixon, Danny T. Ferguson, Howard L. Williams, John L. Sarratt, Terrence D. Sullivan, Richard M. Taylor Jr., Carroll “Chuck” Wall III, Gregory B. Crampton, Richard Anthony Orsbon, James C. Marrow Jr. *Third row* (left to right): George D. Regan, Thomas R. Crawford Sr., Richard J. Rose, C. David Benbow IV, John S. Willardson, John R. Wester, Amos T. Mills III, Gary C. Rhodes, Claud R. Wheatly III

John B. McMillan Distinguished Service Award

Ronald G. Baker Sr.

Ronald G. Baker Sr. received the John B. McMillan Distinguished Service Award on September 28, 2022, at the Angus Barn in Raleigh, NC. State Bar President Darrin D. Jordan and Bar Councilor C. Everett Thompson presented the award. Also in attendance were Chief Justice Paul Newby and State Bar Past-President Ronald L. Gibson.

Baker grew up in Ahoskie, North Carolina. He was a recipient of the UNC Morehead Scholarship and graduated in 1971 with a degree in business administration. He graduated from UNC Law School with honors in 1975. During much of this time, he served in the North Carolina National Guard, attaining the rank of staff sergeant with specialties in light weapons infantry and medic. Baker began his practice of law in Greensboro, NC, but soon returned to his hometown of Ahoskie, where he practiced until he joined Sharp, Graham, Baker & Varnell.

Baker was a longtime North Carolina State Bar councilor, serving as a member and

chair of numerous committees. He ultimately served as president of the State Bar. As president, he spent an enormous amount of time on the Legal Zoom case and other litigation involving the State Bar’s regulation of the legal profession. When asked how he wanted his administration as president of the State Bar to be remembered, his reply was that he wanted it to be satisfactory to the public and the profession. Baker also served as the president of the North Carolina Association of Defense Attorneys, and served as state representative to the Defense Research Institute. He is currently a member of the North Carolina Board of Law Examiners.

Baker has also been a leader in his longtime home of Ahoskie and Hertford County, serving as a county commissioner and county commission chair, serving on the Hertford County Board of Education, and serving as president and director of the Hertford County Committee of 100. He is an ambassador and life member of the United States Jaycees, and a lifetime member and past-president of the Ahoskie

Jaycees.

As stated by one of his colleagues, “Ron’s career can be summed up concisely and accurately as ‘distinguished service’—service to his clients, his family, his friends, his colleagues and partners, and the profession. I cannot think of a more deserving and appropriate recipient.”

Shelby Duffy Benton

Shelby Duffy Benton received the John B. McMillan Distinguished Service Award on September 29, 2022, in Goldsboro, North Carolina, at a meeting of the North Carolina Chief Justice’s Commission on Professionalism. The award was presented by North Carolina State Bar Past-President Barbara R. Christy and State Bar Councilor Heidi Bloom.

Benton graduated from North Carolina State University in 1982 with a degree in political science and criminal justice. She earned her law degree from Campbell University School of Law in 1985. Following law school, she began working in Goldsboro for Braswell and Taylor. She

began to focus on family law cases when she established a new firm, Hollowell and Benton, PA, in 1991. In 1995 she became a board-certified specialist in family law and has remained so certified since that time. She is also certified as a family and financial mediator and is a fellow in the American Academy of Matrimonial Lawyers.

Throughout her career, Benton has been a distinguished leader within the NCBA. She is a past-president of the North Carolina Bar Association. Prior to being named president-elect of the NCBA, she served the association in several leadership roles: chair of the Family Law Section from 2009 to 2010; Board of Governors member from 2010 to 2013; chair of the Talent Development Committee from 2017 to 2019; member of the 4All Committee from 2011 to 2016; member of the Legislative Advisory Committee from 2010 to present; and co-chair of the NCBA Leadership Academy. In addition to her extensive involvement with the NCBA, she has been committed to aiding in the self-regulation to

the legal profession. She has served as president of the 8th Judicial District Bar, as councilor for the 8th District in North Carolina, as a member of the LAMP Committee, and as a member of the State Bar Ethics Committee. She is also a member of the Paralegal Certification Board and is the vice-chair and trustee of the IOLTA Board for the State Bar.

Ms. Benton has been equally involved in serving her community, having served in various local, state, and national roles. She serves the state of North Carolina as a commissioner on the NC Domestic Violence Commission where she chairs the Victim Services Committee. Nationally, she serves on the Legislative and Racial, Ethnic, and Religious Considerations in Family Law Committees of the American Academy of Matrimonial Lawyers. She has served on several boards and advisory committees concerning public education over the past 36 years. She assisted the Wayne County Bar and her local Communities Supporting Schools Program from 2012 to 2015 to

develop a Teen and Attorney Partnership for Success (TAPS) program for high school students to have countywide mock trial competitions. She has assisted local middle school mock trial teams as they prepare for the NCBA Middle School Mock Trial Competition. She has been recognized by the NCBA for her service to her community and the legal profession with a Citizen Lawyer Award. Campbell University has honored her as a Distinguished Alumna, the Family Law Section of the NCBA recognized her with their Distinguished Service Award, and she received the first Wayne County Women of the Year Award from the Wayne County Chamber of Commerce.

Nominations Sought

Members of the State Bar are encouraged to nominate colleagues who have demonstrated outstanding service to the profession. Information and the nomination form are available online: ncbar.gov/bar-programs/distinguished-service-award. Please direct questions to Suzanne Lever at slever@ncbar.gov. ■

Upcoming Appointments

The following appointments must be made at the January 2023 Quarterly Meeting of the State Bar Council. Anyone interested in being appointed to serve on any of the State Bar's boards, commissions, or committees should email lheidbrink@ncbar.gov to express that interest (being sure to attach a current resume), by January 6, 2023.

Lawyer Assistance Program Board (three appointments, three-year terms)—There are three appointments to be made. Theodore C. Edwards II (councilor member) and Paul D. Nagy (clinician member) are not eligible for reappointment. Crawford H. Cleveland III (volunteer member) is eligible for reappointment.

The LAP Board is a nine-member board consisting of three State Bar councilors, three LAP volunteers, and three clinicians experienced in working in the substance abuse and/or mental health field. The LAP Board establishes policy related to the execution of the LAP mission and is responsible for the oversight of the operation of the Lawyer As-

sistance Program subject to the statutes governing the practice of law, the authority of the council, and the rules of the board. The LAP Board usually meets during the regularly scheduled quarterly State Bar Council meetings, but may meet at other times during the quarter.

North Carolina State Bar Foundation Board (two appointments, four-year terms)—There are two appointments to be made. Irvin W. Hankins III, and Barbara B. Weyher are not eligible for reappointment.

The North Carolina State Bar Foundation Board is composed of seven members, all of whom must be past-presidents of the North Carolina State Bar. The board oversees the sound investment of the assets of the foundation for the purpose of generating income for the support of the maintenance and operation of the State Bar building and for the support of the programs of the State Bar.

North Carolina Legal Education Assistance Foundation Board (NC LEAF) (one

appointment, three-year term, no limit on consecutive terms)—William R. Purcell is the State Bar's appointee and has been so since the program's inception. He is eligible for reappointment because there are presently no limits on the number of terms that a board member may serve consecutively. We have been advised by the NC LEAF executive director that a project to revise the bylaws to include a provision for limiting the number of consecutive terms has begun.

NC LEAF assists in the recruitment and retention of public interest attorneys by providing loan repayment assistance for law school debt. The NC LEAF Board consists of 18 members appointed by their constituent groups. The NC State Bar Council has one appointment to the board. The NC LEAF Board establishes policy related to the execution of the NC LEAF mission and is responsible for oversight of the operation of the program. The board meets once a year. The Executive Committee of the board meets more frequently. ■

Client Security Fund Reimburses Victims

The North Carolina State Bar Client Security Fund Board of Trustees met on August 12, 2022, and October 7, 2022.

At its August 12, 2022, meeting, the board approved the following payments totaling \$33,750 to six applicants who suffered financial losses due to the misconduct of North Carolina lawyers:

1. An award of \$5,000 to the mother of a former client of Glenn E. Gray of Smithfield. The applicant retained Gray to file a Motion for Appropriate Relief (MAR) for her son. Upon receipt of the flat fee quoted, Gray failed to file the MAR, failed to communicate with the applicant and her son, and reportedly left the country. Gray also represented to the applicant, to the client, and to the State Bar that he had entered into an agreement with another attorney to take over his cases, which was determined to be untrue. The board concluded that Gray made false representations, misappropriated the fee, and left the country without providing any meaningful legal services for the fee paid.

2. An award of \$9,200 to the mother of a former client of Glenn E. Gray. The claimant retained Gray to represent her daughter in a criminal matter. The applicant paid \$9,200 towards the quoted \$10,000 fee in several installments. Gray made a couple of court appearances and did nominal work for the fee paid before ceasing all communication with the applicant and the client. Gray falsely represented to the client that he could obtain an acquittal on her charges, knowing that he intended to leave the country and would not provide any further legal services. Gray also represented to the applicant, to the client, and to the State Bar that he had entered into an agreement with another attorney to take over his cases, which was determined to be untrue.

3. An award of \$1,500 to a former client of Katherine Pekman of Hickory. The client retained Pekman to assist in her divorce matter. Pekman failed to provide any mean-

ingful legal services for the fee paid prior to her disbarment. Pekman was disbarred on December 12, 2021. The board previously reimbursed four other Pekman clients a total of \$7,247.

4. An award of \$2,400 to a former client of Janet P. Reed of Jacksonville. The client retained Reed to handle a DWI, an expungement, and a traffic ticket. The client paid Reed's fee over several months. Reed failed to handle the cases before she was disbarred on September 2, 2021.

5. An award of \$5,000 to a former client of Edward D. Seltzer of Charlotte. The applicant retained Seltzer to assist someone with his immigration status. Upon receipt of the retainer, Seltzer stopped communicating with the client and failed to provide any meaningful legal services for the fee paid before he died on June 30, 2021. The board previously reimbursed three other Seltzer clients a total of \$60,500.

6. An award of \$10,650 to a former client of Edward D. Seltzer. The client retained Seltzer to file a lawsuit. Upon receipt of the retainer, Seltzer did not file the lawsuit or provide any meaningful legal services for the fee paid prior to his death.

At its October 7, 2022, meeting, the board approved the following payments totaling \$40,865.07 to four applicants who suffered financial losses due to the misconduct of North Carolina lawyers:

1. An award of \$34,585.07 to a former client of Peter S. Coleman of Raleigh. The board determined that Coleman handled a real estate closing for a client. Coleman failed to make all the proper disbursements from the sale proceeds to pay off one of the loans on the property causing the client's wages to be garnished. Due to Coleman's embezzlement and misappropriation of funds, there are insufficient funds in his trust account to pay all his client obligations. Coleman was disbarred on June 4, 2020. The board previously reimbursed six other Coleman clients a total of \$41,989.69.

2. An award of \$3,750 to a former client of George L. Collins of Jacksonville. The client retained Collins to handle a civil case. Collins neglected the client's matter and accepted a flat fee for legal services knowing he would likely soon be disbarred or suspended and provided no beneficial legal services for all the fees paid. Collins was disbarred on December 31, 2019, and died on April 16, 2020. The board previously reimbursed six other Collins clients a total of \$52,442.47.

3. An award of \$1,200 to a former client of Brooke M. Crump of Hickory. The client retained Crump to assist her daughter in filing for a divorce. Crump accepted the fee, but failed to provide any meaningful legal services for the fee paid.

4. An award of \$1,330 to a former client of Christy A. Misocky of Monroe. The client retained Misocky to help with her child custody case. Misocky quoted a fee between \$1,000 to \$5,000 and the client paid Misocky a \$2,500 retainer. Misocky provided some meaningful legal services for the fee paid, but since there were unearned funds remaining when Misocky was suspended from practicing law, the client was due a refund of those unearned funds. Misocky was suspended on June 23, 2021. The board previously reimbursed four other Misocky clients a total of \$8,955.

Funds Recovered

It is standard practice to send a demand letter to each current or former attorney whose misconduct results in any payment from the fund, seeking full reimbursement or a Confession of Judgment and agreement to a reasonable payment schedule. If the attorney fails or refuses to do either, counsel to the fund files a lawsuit seeking double damages pursuant to N.C. Gen. Stat. §84-13, unless the investigative file clearly establishes that it would be useless to do so. Through these efforts, the fund was able to recover a total of \$45,590.45 this past quarter. ■

Law School Briefs

Campbell University School of Law

Campbell Law School Dean J. Rich Leonard has announced Miguel Hernandez will serve as assistant dean of admissions effective September 19, 2022. Hernandez is the first Hispanic dean to lead the school's admissions and financial aid department. In his role, Hernandez oversees the law school's admissions process in its entirety, from prospective student interaction to application review and selection to financial aid, matriculation, and orientation. He also represents Campbell Law at various community and professional recruitment events throughout the US. "I am thrilled we have someone with Miguel's credentials to lead our admissions efforts," Leonard said. "I can think of no one better suited to lead our next generation student engagement efforts." Hernandez comes to Campbell Law from the University of North Texas (UNT) at Dallas College of Law, where he served as interim assistant dean of admissions.

Lawyers Mutual Consulting & Services (LCMS) Press has announced the publication of *From Welcome to Windhoek: A Judge's Journey*, written by Campbell Law School Dean J. Rich Leonard. According to LCMS, this is the remarkable story of how a boy from rural Welcome, North Carolina, grew up to become an innovative judge, global citizen, and go-to guy for court-building in emerging African nations. Along the way, he organizes the first-ever judicial conference in Zambia, jogs with children in Lusaka, dances with a python, and has adventures ranging from the harrowing to the hilarious. In the end, he discovers the distance between Welcome and Windhoek is not as great as he imagined, and that both places now occupy adjoining spaces in his heart. He is now in his tenth year as dean of the law school in downtown Raleigh. Copies of the book can be ordered from Quail Ridge Books in Raleigh, Amazon, or Barnes & Noble.

Duke University School of Law

Duke Law School welcomed one of the

most diverse 1L classes in school history this fall. The 225 members of the JD class of 2025 come from 35 different US states and territories and nine other countries, and it represents 109 different undergraduate institutions. Students of color account for a record high 44% of the class and there are record percentages of Latinx and Asian American students.

James E. Coleman Jr. received the 2022 Raphael Lemkin Rule of Law Guardian Medal from Duke's Bolch Judicial Institute. A faculty member for more than 25 years, Coleman directs Duke's Wrongful Convictions Clinic and Center for Criminal Justice and Professional Responsibility and is a nationally recognized leader in pursuing justice for the wrongfully convicted and for death penalty reform.

Veteran communications lawyer C. Amanda Martin joined the First Amendment Clinic as senior lecturing fellow and supervising attorney. Martin is a founding partner of Stevens Martin Vaughn & Tadych of Raleigh. While leaving private litigation, Martin will remain general counsel to the North Carolina Press Association, a role she has served for 20 years. The clinic recently was awarded a multi-year grant by the Legal Clinic Fund for Local News that will enable it to hire a fellow who will focus on public records and access matters for North Carolina journalists.

Daniel (D.J.) Dore, formerly an attorney with Legal Aid of North Carolina, joined Duke Law as director of its *pro bono* program. Dore, a veteran currently serving in the US Army Reserve, was LANC's Veterans Law Practice Group manager for the state and helped establish the Durham Expunction and Restoration (DEAR) Program.

The Juvenile Sentence Review Board Clemency Project, a student *pro bono* initiative that seeks clemency for petitioners sentenced as minors, won the North Carolina Bar Association's 2022 Law School Pro Bono Award.

Elon University School of Law

Join Elon Law at lectures with Sunny

Hostin, Shannon Bream. These two media figures who started their careers in the practice of law comprise Elon Law's 2022-2023 Distinguished Leadership Lecture Series presented by The Joseph M. Bryan Foundation. Sunny Hostin of *The View* (January 19, 2023) and Shannon Bream of *FOX News* (April 12, 2023) will explore the way Americans shape their perceptions of justice through established and emerging sources of news and entertainment. All programs are free and open to the public starting at 6:30 PM at the Carolina Theatre (310 S. Greene Street, Greensboro). Elon Law encourages interested guests to RSVP at law.elon.edu/leadership to receive timely updates. Dan Abrams of *ABC News* and *NewsNation* visited on November 2.

Associate Professor Tiffany Atkins was bestowed with the 2022 ALWD Diversity Award by the Association of Legal Writing Directors during a July conference organized by the Legal Writing Institute. The ALWD Diversity Award honors a person who has made significant accomplishments in DEI or has demonstrated a strong commitment to promoting DEI. ALWD created the award in 2020 "in furtherance of its continued commitment to contributing to a legal writing discipline that is equitable and inclusive."

Professor Enrique Armijo has been named a fellow at George Washington University's Institute for Data, Democracy & Politics, where he intends to protect historically marginalized groups harmed when authorities reply to false information in public dialogue by spreading their own lies. Armijo's "The Counter-lies Project" also aims to help platforms like Twitter and Facebook better protect underrepresented users by moderating content based on his theory of the way this type of lying can ultimately harm free expression.

University of North Carolina School of Law

Carolina Law surpasses \$75 million fundraising milestone six months ahead of the December 31, 2022, closing of the Campaign for Carolina. Carolina Law

reached the milestone at the end of the last fiscal year having raised \$76.7 million. This milestone more than doubles the \$32 million Carolina Law raised during the Carolina First campaign that ran July 1, 1999, through December 31, 2007.

This year's entering JD class includes 188 students from 22 states, Washington, DC, China, Korea, and Sri Lanka. More than half are North Carolina residents.

Carolina Law is the only NC law school

that didn't have a drop in the 2022 bar passage rate for first-time test takers. According to results released by the North Carolina Board of Law Examiners, UNC School of Law had 93% of its 127 first-time test takers pass the July 2022 North Carolina bar exam.

The overall state passage rate for first-time test takers was 75.36%, which was down from last July's 83.98% passage rate.

United States Associate Attorney General Vanita Gupta helped UNC celebrate

Constitution Day. Gupta discussed her career and service as well as her work as it relates to the Constitution. She is the 19th United States Associate Attorney General and serves as the third-ranking official at the Department of Justice supervising multiple litigating divisions within the Department of Justice, including the Civil Division, Civil Rights Division, Antitrust Division, Tax Division, and Environmental and Natural Resources Division. ■

February 2023 Bar Exam Applicants

The February 2023 bar examination will be held in Raleigh on February 21 and 22, 2023. Published below are the names of the applicants whose applications were received on or before November 2, 2022. Members are requested to examine it and notify the Board in a signed letter of any information which might influence the Board in considering the general fitness of any applicant for admission. Correspondence should be directed to Lee A. Vlahos, Executive Director, Board of Law Examiners, 5510 Six Forks Rd., Suite 300, Raleigh, NC 27609.

Emmanuel Agyemang-Dua Greensboro, NC	Mooresville, NC	Alexis Beshears Oak Ridge, NC	Eden, NC	Philip Chalmers Durham, NC
Stephanie Ahlstrom Wilmington, NC	Towqir Aziz Durham, NC	Kimberley Beyer Glenville, NC	Elizabeth Bullock Raleigh, NC	Nathaniel Chapman Greensboro, NC
Ghulam Akhonzada High Point, NC	Samantha Baker Greensboro, NC	Patrick Bidwell Greensboro, NC	Daniqua Burgin Morrisville, NC	Trisha Chapman Las Vegas, NV
Austin Albertson Walhalla, SC	Talida Balaj Columbia, SC	Carter Bishop Atlanta, GA	Allison Burke Winston-Salem, NC	Katie Charleston North Myrtle Beach, SC
Cameron Alderman Raleigh, NC	Luke Banker Charlotte, NC	Chassity Bobbitt Charlotte, NC	Breann Burns Raleigh, NC	Tyler Chavonne Fayetteville, NC
Safwan Ali Henderson, NC	Ayana Banks Mocksville, NC	Hannah Boles Greensboro, NC	Jacob Busey Charlotte, NC	Seoyeon Cho Winston-Salem, NC
Maya Allen Denver, CO	Artrice Barksdale Charlotte, NC	Caroline Boling New Orleans, LA	Brenton Byrd Lake Waccamaw, NC	Derek Chouinard Greensboro, NC
Dawnwin Allen Charlotte, NC	Sean Barlow Morrisville, NC	Sydney Booker Raleigh, NC	Alaina Byrd Charlotte, NC	Molly Ciacchio Greensboro, NC
Kendall Alligood Washington, NC	Sontina Barnes Raleigh, NC	Darius Boxley Raleigh, NC	Kaitlan Cabe Charleston, SC	Jeremiah Clarke Cary, NC
Silas Altheimer Cary, NC	Logan Bartholomew Sanford, FL	Samantha Bridges Greensboro, NC	Patrick Campbell Charlotte, NC	Kevin Claussen Greensboro, NC
Angie Amador Winston-Salem, NC	Allison Bateman Arden, NC	Heather Bridgforth Greenville, NC	Sha'Lantae' Carmon Dayton, OH	Caison Clemmons Bolivia, NC
Anna Amsbaugh Raleigh, NC	David Batts Raleigh, NC	Ryan Bristow High Point, NC	Jeannette Carson Whitsett, NC	Deswin Cole Charlotte, NC
Heather Andrews Greensboro, NC	Elliott Beale Charlotte, NC	Victoria Brokaw Charlotte, NC	Morgan Carter Charlotte, NC	Pamela Collins Durham, NC
Siddhartha Aneja Washington, DC	Morgan Beatty Huntersville, NC	Thelma Brooks Charlotte, NC	Victoria Carter Valdese, NC	Breanna Combs Mebane, NC
Hayley Anhalt Stokesdale, NC	Michael Beck Winston-Salem, NC	Frenchie Brown Charlotte, NC	Christine Carver Greensboro, NC	Briana Cool Greensboro, NC
Shari Anhalt Long Beach, CA	David Belisle Chester, VA	Kristopher Brown Charlotte, NC	Ethan Case Decatur, GA	Jeanna Cooper Greensboro, NC
Generra Arnette Charlotte, NC	Jessica Bell Faison, NC	Theresa Brunner Pineville, NC	Pamela Case Pittsboro, NC	Raina Coposky Raleigh, NC
Sasha Arroyo Concord, NC	Trenor Bender Raleigh, NC	Jeremiah Brutus Durham, NC	Rebecca Cathcart Chapel Hill, NC	Kenny Cortez Charlotte, NC
Dara Arroyo Longoria Greensboro, NC	Dorothy Bennett Columbia, SC	Kathia Buenrostro Raleigh, NC	Julio Cazares Raleigh, NC	Korree Cotton Durham, NC
Claudia Ayala	Karen Bensch Raleigh, NC	Benjamin Bullins	Sterling Chafin Colfax, NC	Amanda Couture

Kernersville, NC
Kelley Creacy-Durham
 Sanford, NC
Savannah Croxton-Zweigart
 Raleigh, NC
Jaleea Cunningham
 Indian Trail, NC
Ellen Curcio
 Charlotte, NC
Veronica Curet
 Chapel Hill, NC
Julian Cuthbertson
 Havelock, NC
Lindsey Dastrup
 Huntersville, NC
Jason Davis
 Jamestown, NC
Jameson Davis
 Hamden, CT
James Davis
 Davidson, NC
Erica Day
 Cramerton, NC
Erica Diamond
 Lenoir, NC
Brenna Dicks
 Alexandria, VA
Michael Diehl
 Indianapolis, IN
David DiMaggio
 Morganton, NC
Stephen Dinkel
 Wendell, NC
Scott Donaldson
 Wilmington, NC
Jared Donaldson
 Arlington, VA
Edwin Duque
 Winston-Salem, NC
Morgan Earp
 Greensboro, NC
Catherine Elbakidze
 Greensboro, NC
Meredith Ellington
 Garner, NC
Emily Erickson
 Greensboro, NC
Jasmine Etheridge
 Greensboro, NC
Brittany Eudy
 Mount Pleasant, NC
Justin Ewing
 Durham, NC
Angelique Fabiani
 Pinchurst, NC
TG Falcon
 Raleigh, NC
Lauren Farris
 Raleigh, NC
Avrohom Feinstein
 Visalia, CA
Paul Fisher
 Salisbury, NC
Alexandra Fishman
 Durham, NC
Delilah Fladger
 Greensboro, NC
Eduardo Flores
 Raleigh, NC
Warren Flowers
 Clayton, NC
Jake Floyd
 Raleigh, NC
Diane Ford
 Cary, NC
Raquel Foriest
 Kernersville, NC
Mary-Bailey Frank
 Durham, NC
Cameron Funderburk
 Harrisburg, NC
Briana Gaines
 Daytona Beach, FL
Ashley Garcia
 Greensboro, NC
Jennifer Garcia
 Raleigh, NC
Lisa Garner
 Greensboro, NC
Rachael Geiger
 Kernersville, NC
Hannah Gelband
 Chapel Hill, NC
Maximilian Gibbons
 Asheville, NC
Michael Gibeley
 Greensboro, NC
Jenell Gillespie
 Lumberton, NC
Shelby Godwin
 Rocky Mount, NC
Tamara Gomez
 Huntersville, NC
Maira Gonzalez
 Flat Rock, NC
Mia Graves
 Greensboro, NC
Novian Graves
 Durham, NC
Savannah Gray
 Winston-Salem, NC
Christopher Gray
 Tuckaseegee, NC
Brittany Graybeal
 Burlington, NC
Caitlin Green
 High Point, NC
Rachel Greer
 Asheville, NC
Amy Grener
 Greensboro, NC
Cole Griffin
 Lumberton, NC
Veronica Gutierrez Higinson
 Seagrove, NC
Brianne Habit
 Raleigh, NC
Linda Haddad
 Summerfield, NC
Jeremy Hagee
 Charlotte, NC
Cynthia Hager
 Greensboro, NC
Kira Hague
 Garner, NC
Benjamin Hahn
 Greenville, NC
Reyona Hammond
 Charlotte, NC
Denise Hanrahan
 Raleigh, NC
David Harden
 Chesapeake, VA
Bradley Harrah
 Huntersville, NC
Turner Harrison
 Raleigh, NC
Cris Harshman
 Asheville, NC
Thomas Harvey
 Elon, NC
Allison Harvill
 Cary, NC
Erin Hawk
 Augusta, GA
Maeve Healy
 Raleigh, NC
Lillian Heckman
 Greensboro, NC
Tyler Held
 New Bern, NC
Madeline Helms
 Raleigh, NC
Stephanie Hernandez
 Durham, NC
Michael Herrera
 Raleigh, NC
Emily Hickman
 Chapel Hill, NC
Madeline Hill
 Raleigh, NC
Alexandria Hill
 Dolomite, AL
Tenisha Hines
 Durham, NC
Emily Hobbs
 Charlotte, NC
Paul Hobbs
 Charlotte, NC
Brendan Hobbs
 Clearwater, FL
Stephanie Hoffman
 Fort Myers, FL
Larry Holder
 Raleigh, NC
Shannon Holland
 Angier, NC
Ashley Holton
 Cary, NC
Ryan Hopfe
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 Lincoln, NC
Rory Horde
 Charlotte, NC
Abigail House
 Chapel Hill, NC
Jeffrey Hudgins
 Anderson, SC
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 Blacksburg, VA
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 Columbia, SC
Gabrielle Hull
 China Grove, NC
Lura Hulse
 Raleigh, NC
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 Whittier, NC
Amroh Idris
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Jeffrey Ivashuk
 Pisgah Forest, NC
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Harriet Jackson
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Darlene Johnson
 Greenville, NC
Andrea Johnson
 Durham, NC
Whittany Johnson
 Raleigh, NC
Alexis Johnson
 Lynchburg, VA
Emily Johnston
 Austin, TX
William Jones
 Charlotte, NC
Tocarra Jones
 Durham, NC
Darrien Jones
 Charlotte, NC
Chanelle Jones
 Chesapeake, VA
Letreshia Joyner
 Pleasant Garden, NC
Haddijatou Kah-Jallow
 Warwick, RI
Omar Kalala
 Charlotte, NC
Brian Karpf
 Boca Raton, FL
Rachel Kemp
 Cameron, NC
Kailyn Kennedy
 Raleigh, NC
Jennifer Kim
 Charlotte, NC
Adam Kindley
 Charlotte, NC
Erica King
 Greensboro, NC
Virginia Kirkland
 Raleigh, NC
Kerolos Kirolos
 Hickory, NC
Julie Kirstein
 Fairview, NC
Stephanie Koenig
 Chapel Hill, NC
Aaron Kohatsu
 Fairview, NC
Shannon Konkol
 Lincoln, NB
Patrick Lambert
 Cherokee, NC
Brandy Lea
 Hampstead, NC
Sangeun Lee
 Garden Grove, CA
Erin Lee
 Durham, NC
Christopher Leicht
 Cayce, SC
Christine Leonard
 Wake Forest, NC
Erika Lessane
 Concord, NC
Jordyn Levinsky-Carter
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Quianna Lewis
 Durham, NC
Shya Lewis
 Richmond Hill, GA
Madison Libby
 Greensboro, NC
Caitlin Lindenhovius
 Rochester, NY
Jordan Lockhart
 Greensboro, NC
Jeremy Lofthouse
 Carrboro, NC
Michael Longo
 Asheville, NC
Guadalupe Lugo
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Anna Lukasiewicz
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Dawson Lybbert
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Whitley Lyons
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DaVon Maddox
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Marina Malak
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Lucia Malaver
 Raleigh, NC
Ayesha Malik
 Morrisville, NC
Amy Mallett
 Hickory, NC
Armina Manning
 Knightdale, NC
Courtney Marion
 Hanahan, SC
Kaci Marks
 Jacksonville, NC
Cheryl Marshall
 Lexington, NC
Casey Martens
 Pisgah Forest, NC
William Mason
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Claire McCaskill
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Bailey McDaniel
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Emma McEvoy
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Kody McHale
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Leah McLean
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Alyssa McPike
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Kimani McRae
 Rosedale, NY
Matrice Mebane-Williams
 Burlington, NC
Italo Medelius-Marsano
 Durham, NC

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Candler, NC

Emily Mehalek
Raleigh, NC

Anai Mendez
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Asheville, NC

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Charlotte, NC

Lauren Merritt
White Lake, NC

Frederick Messner
Washington, DC

Alexandra Meyer
Winston-Salem, NC

David Miller
Charlotte, NC

Matthew Minikus
Raleigh, NC

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Morganton, NC

Amber Monroe
Fayetteville, NC

Jeb Montgomery
Knoxville, TN

John Moody
Randleman, NC

Jeanette Moore
Fayetteville, NC

Joshua Mooring
Morganton, NC

Chandler Morgan
Columbia, SC

Ke'Aria Morgan
Knightdale, NC

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Pasadena, CA

Michaela Morris
Whitsett, NC

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Greensboro, NC

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Charlotte, NC

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Raleigh, NC

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Greensboro, NC

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Chapel Hill, NC

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Columbia, SC

Todd Nelson
Cashiers, NC

Daniel Nelson
Raleigh, NC

Simone Nettles
Raleigh, NC

Demetris Neyland
Raleigh, NC

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Pleasant Garden, NC

Jillian Noble
Wake Forest, NC

Violetta Normatova
Greensboro, NC

Casey Nothing
Winterville, NC

Mukeni Ntumba
Charlotte, NC

Daniel Nykamp
Chapel Hill, NC

Whitney Oakley
Seneca, SC

Nnaemeka Obiagwu
Charlotte, NC

Elizabeth O'Brien
Raleigh, NC

Kathleen O'Day
Davidson, NC

Kyle Offerman
Clayton, NC

Tessa Olinger
Greensboro, NC

Babatunde Opaleye
Greensboro, NC

Tara Opitz
VA Beach, VA

Kaitlin O'Reilly
Greensboro, NC

Elvira Oviedo
Charlotte, NC

Carson Pace
Greensboro, NC

Midushi Pandey
Charlotte, NC

Jonelle Parker
Raleigh, NC

Simi Patel
Anaheim, CA

Christian Perry
Salisbury, NC

Mark Pfanstiehl
Burlington, NC

Amy Pilson
Bradenton, FL

Lizza Pinch
Charlotte, NC

Lori Pittman
Enfield, NC

John Pittman
Rockingham, NC

Brittane Pitts
Greensboro, NC

Amelia Poore
Raleigh, NC

James Porter
Morrisville, NC

Chelsea Preddy
Mount Pleasant, NC

Dakota Price
Greensboro, NC

Angel Price
Raleigh, NC

Justin Prusiensky
Charlotte, NC

Connor Purks
Cary, NC

Kory Purks
Cary, NC

Benjamin Putnam
Greensboro, NC

Holly Rabil
Raleigh, NC

Sean Rafferty
Durham, NC

Paraskevie Ramfos
Greensboro, NC

Michael Ramirez
Troutman, NC

Caroline Randive
Sweetwater, TN

Brianna Randolph
Greensboro, NC

Elizabeth Ranson
Greensboro, NC

Victoria Rasberry
Greensboro, NC

Jack Rasmussen
Cary, NC

Bader Rayyan
Wilmington, NC

Gary Redding
Halifax, NC

Dylon Register
Leland, NC

Laura Reinhard
Greer, SC

Philip Reinhart
Holly Springs, NC

Doralys Reyes Calderon
Naguabo, Puerto Rico

Sydney Reynolds
Wilmington, NC

Terris Riley
Greensboro, NC

Lisa Roach
Charlotte, NC

Matthew Roberts
Summerfield, NC

Sonya Robinson
Charlotte, NC

Rebecca Robison
Dallas, NC

Joya Rodgers
Charlotte, NC

Malcom Rodriguez
Raleigh, NC

Desiree Ross
Winston-Salem, NC

Emmett Rouse
Luray, SC

Alejandra Rousselo
Lynchburg, VA

MaKenzie Rowland
Danville, VA

Jasmine Rucker
Morrisville, NC

Ashley Russell
Mebane, NC

Colin Russell
Raleigh, NC

Christopher Sabbagh
Carrboro, NC

Joel Salman
Raleigh, NC

Alyssa Sanchez Wright
Hickory, NC

Michael Sanders
Fuquay Varina, NC

Roberto Santiago
Mooresville, NC

Neil Sanyal
Raleigh, NC

Tatiana Saporito
Holly Springs, NC

Megan Satarley
Asheville, NC

Sorrell Saunders
Sanford, NC

Jada Saxon
Winston Salem, NC

Stephanie Schleicher
Claremont, NC

Joel Schlieman
Cary, NC

Nathaniel Scripa
Mooresville, NC

Carol Sellers
Bonita Springs, FL

Jacob Selvey
Harrisburg, NC

Olivia Setser
Raleigh, NC

Harsh Shah
Matthews, NC

Joshua Shandler
Leland, NC

Kierston Sharp
Kernersville, NC

Jaimee Sharp
Raleigh, NC

James Sharpe
Greensboro, NC

Christopher Shenton
Durham, NC

Bryan Shytle
Charlotte, NC

Karen Siderovski
Winston-Salem, NC

Jullien Silva
Mooresville, NC

Wilton Simons
Fayetteville, NC

Simerjit Singh
High Point, NC

Raini Singleton
Greensboro, NC

Amanda Skiscim
Greensboro, NC

Tyra Slade
Durham, NC

John Sloan
Fayetteville, NC

Stuart Small
Asheville, NC

David Smith
Davidson, NC

Conor Smith
Greensboro, NC

Emeline Smith
Hurdle Mills, NC

Sharonda Smith
Charlotte, NC

Yvonne Smith
Liberty, NC

Ajai Smith
Durham, NC

Destiny Smith
Durham, NC

Tamra Smith
Fayetteville, NC

Andrecia Smith
Charlotte, NC

Julia Soprano
Fort Mill, SC

Victoria Southerland
Smithfield, NC

Amy Spears
Lynchburg, VA

Cyndey Spencer
Burlington, NC

Margaret Sport
Atlanta, GA

Taylor Squires
Burlington, NC

Morgan Stacy
Hartsville, SC

Avery Staley
Mooresville, NC

Danny Stamey
Pasadena, CA

John Steber
Sarasota, FL

Daniela Stephen
Charlotte, NC

Andrew Stephenson
Willow Spring, NC

Kirsten Stevenson
Davis, CA

Brooke Stewart
Miami, FL

Matthew Stone
Clinton, NC

Robert Suber
Raleigh, NC

Faisal Sulman
High Point, NC

Alex Swanson
Burlington, NC

Jeffrey Swing
High Point, NC

Kyle Tatich
Matthews, NC

Christopher Taulbee
Brevard, NC

Margaret Taviano
Philadelphia, PA

Cooper Taylor
Tuscaloosa, AL

Krystal Telfair
Cary, NC

Rahwa Theodros
Charlotte, NC

Goodrich Thiel
Greensboro, NC

Steven Thomas
VA Beach, VA

Tierra Thompson
Waxhaw, NC

Kayla Tilley
Madison, NC

Julia Tillman
Tampa, FL

Connor Tilson
Eldersburg, MD

Morgan Tompkins
Greensboro, NC

Connor Torraca
Raleigh, NC

Nicholas Towell
Murphy, NC

Lindsay Trapp
Charlotte, NC

Hayley Twing
Sylva, NC

Toni Tyson
Charlotte, NC

Daniella Vallone

Homestead, FL
Lani Van Zyl
Hinesville, GA
Karina Vasquez
 Mooresville, NC
Jabari Vaughn
Charlotte, NC
Anna Verderame
Charlotte, NC
Jessica Vice
Cornelius, NC
Cameron Vick
Albemarle, NC
Austin von Henner
Arden, NC
Amanda Wagner
Kernersville, NC
Mary Walker
High Point, NC
William Walker
Ponchatoula, LA

Jenny Wang
Raleigh, NC
Monica Ward
Charlotte, NC
Victoria Ward
Greensboro, NC
Matthew Warman
Greensboro, NC
Claire Washburn
Aberdeen, NC
Vanessa Way
Louisburg, NC
Jennifer Weigle
Greensboro, NC
Amy Weinke
Charlotte, NC
Leah Werker
Bradenton, FL
Kristyn Wescott
Cary, NC
Erika Westbrook

Durham, NC
Carly Whisner
Arlington, VA
James Whitney
Chapel Hill, NC
Amanda Whitt-Downs
Apex, NC
Adam Whitworth
New Orleans, LA
Jenna Wiggins
Bryson City, NC
Ehren Wilder
Lexington, SC
Cameron Williams
Greensboro, NC
Jeanna Williams
Garner, NC
Benjamin Williams
Durham, NC
Michelle Williams-McNair
Charlotte, NC

Brittany Willis
Greensboro, NC
Kenneth Wilson
Charleston, SC
Elise Wilson
Atlanta, GA
Herman Wilson
Fayetteville, NC
Robin Wintringham
Burlington, NC
Evan Womble
Durham, NC
Erin Wood
Salisbury, NC
Chandler Woods
Burlington, NC
Reginald Woods
Raleigh, NC
Kelly Workman
Burlington, NC
Stacie Wormley

Charlotte, NC
Karsen Wright
Greensboro, NC
Jameilah Wyatt-Buford
Greensboro, NC
Savannah Yale
Yadkinville, NC
Sonia Yancey
Lenoir, NC
Isaac Ybarra
Kannapolis, NC
Asha Zahrt
Clayton, NC
Kaihua Zhou
Yorktown, VA
Erin Zorn
Davidson, NC

In Memoriam

Patrick Maxwell Anders
Burlington, NC

Marion Wilson Benfield Jr.
New Braunfels, TX

Bobby Wayne Bowers
Lexington, NC

Harry Hilliard Clendenin III
Randleman, NC

Green Redmond Dill Jr.
Morganton, NC

Lemuel Wallace Dowdy
Southern Pines, NC

Kenneth Franklin Essex
Davidson, NC

Forrest Andrew Ferrell
Hickory, NC

Wayne Hampton Foushee
Winston-Salem, NC

William W. Gerrans
Morehead City, NC

Powell Watkins Glidewell IV
Burlington, NC

Henry Houston Groome Jr.
Lenoir, NC

Robert Cecil Hedrick
Lexington, NC

Henry Clifton Hester
Elizabethtown, NC

Mark Heywood Hoppe
Winston-Salem, NC

Lennie Lewis Hughes
Elizabeth City, NC

Henry James Jr.
Charlotte, NC

Ralston Darnell Jarrett
Columbus, GA

William Welch Jordan
Greensboro, NC

Andrew Charles Karp
Charlotte, NC

William Oliver King
Durham, NC

Daniel Kenney McAlister
Greensboro, NC

John Douglas McCullough
North Las Vegas, NV

Charles H. McGirt
Lexington, NC

Joe McLeod
Naples, FL

Richard F. Melvin
Franklin, NC

William Joseph Morgan
Jacksonville, NC

Herbert Taylor Mullen Jr.
Elizabeth City, NC

David Alan Nash
Wilmington, NC

Daniel Joseph Park
Elkin, NC

Lucius W. Pullen
Greensboro, NC

Annie Maynette Regan
Saint Pauls, NC

Millard Roland Rich Jr.
Raleigh, NC

Lisa N. Rogers
Raleigh, NC

Andrew L. Romanet Jr.
Garner, NC

Joseph W. Seegers
Newland, NC

Lowell L. Siler
Durham, NC

Herman Girling Thompson
Southern Pines, NC

Philip Tracy Wall
Greensboro, NC

Andrew Lamarr Waters
Wilmington, NC

Brady Wallace Wells
Rocky Mount, NC

Annual Reports of State Bar Boards

Board of Continuing Legal Education

Submitted by Adrienne S. Blocker, Vice-Chair

Lawyers continue to meet and exceed their mandatory continuing legal education requirements. By mid-March 2022, 27,491 annual report forms had been filed electronically for the 2021 compliance year. I am pleased to report that 99% of the active members of the North Carolina State Bar complied with the mandatory CLE requirements for 2021. The report forms show that North Carolina lawyers took a total of 376,085 hours of CLE in 2021, or 14 CLE hours on average per active member of the State Bar. This is two hours above the mandated 12 CLE hours per year.

The CLE program operates on a sound financial footing and has done so almost from its inception over 30 years ago. Funds raised from attendee and non-compliance fees not only support the administration of the CLE program, but also support three programs that are fundamental to the administration of justice and the promotion of the professional conduct of lawyers in North Carolina. The program's total 2021 contribution to the operation of the Lawyers Assistance Program (LAP) was \$334,844.73. As of September 30, 2022, the board has also collected and distributed \$283,488.46 to support the work of the Equal Access to Justice Commission and \$283,488.46 to support the work of the Chief Justice's Commission on Professionalism. In addition, the CLE program generated \$70,378.93 to cover the State Bar's costs for administering the CLE-generated funds for the LAP and the two commissions.

This year the CLE Board has proposed sweeping changes to its rules and procedures to improve the program. We are hopeful to have final recommendations to submit to the council in early 2023.

The State Bar has worked closely with the programmers to develop new regulatory management software, which includes a new CLE database and lawyer portal. The staff

has been actively using the software this year. We anticipate the launch of a new sponsor portal early in 2023.

Regrettably, the terms of our chair, Judge A. Elizabeth Keever, and our board members, Judge Rebecca E. Eggers-Gryder of Boone, and Marisa S. Campbell of Raleigh, have come to an end. They will all be greatly missed.

The board strives to ensure that the continuing legal education requirements meaningfully advance the competency of North Carolina lawyers. We welcome any recommendations or suggestions that councilors may have in this regard. On behalf of the other members of the board, I thank you for the opportunity to contribute to the protection of the public by overseeing the mandatory continuing legal education program of the State Bar.

Board of Legal Specialization

Submitted by Jan Pritchett, Chair

North Carolina's Legal Specialization program exists for two reasons: First, to assist in the delivery of legal services to the public by identifying lawyers who have demonstrated special knowledge, skill, and proficiency in a specific field, so that the public can more closely match its needs with available services; and second, to improve the competency of the Bar. I am proud to report that, under the guidance of the Board of Legal Specialization, and with the tireless efforts of the specialty committees and staff, our program is stronger than ever and continually achieving the very purpose for which the State Bar Council created the program in 1985. On top of that, our program is entirely self-sufficient.

With the addition of 57 new specialists last November, there are nearly 1,100 certified legal specialists in North Carolina. The State Bar's specialization program certifies lawyers in 13 specialties. This spring we received 111 applications from lawyers seeking certification. Of these applicants, 98 met

the substantial involvement, CLE, and peer review standards for certification and were approved to sit for their respective specialty exams. In 2020 and 2021, due to public health considerations stemming from the COVID-19 pandemic, we administered our specialty certification exams using remote proctoring through ExamSoft, the software program our board has employed in administering our exams for the past seven years. Our experience with remote proctoring has been a resounding success, both from the examinees' and staff's perspective. This year, we are offering our exams both in-person and via remote proctoring based upon the examinee's and/or the specialty committee's preference. We expect to continue to offer the option to take the certification exams remotely in the future, thereby increasing access to our program across the state by eliminating the barriers of time and travel that may have previously prevented lawyers from pursuing certification.

To assist lawyers interested in becoming certified specialists but who are not yet qualified, in 2018 we successfully created and implemented a new process allowing lawyers to fill out a Declaration of Intent form. We continue to utilize this form to track, communicate with, and assist interested lawyers regarding the lawyer's eligibility under the applicable certification standards. I am happy to report that this relatively new process remains both successful and appreciated by members of the profession.

Last year, the board, with the council's support, made significant strides in clarifying an existing specialty area of law and in creating a new specialty certification. First, the board approved important amendments to the administrative rules governing the criminal law specialty—these amendments clarify the criminal law specialty by creating a new sub-specialty focused on federal criminal law practice and ensure consistency among what will be three sub-specialties within criminal law: state criminal law, federal criminal law,

and juvenile delinquency. Second, the board approved the creation of a new specialty in child welfare law. This area of law was identified to the board as a developing and increasingly important area of law in need of a resource for the public to identify lawyers who have objectively demonstrated their proficiency in the field. I am happy to report that both efforts were considered and adopted by the Supreme Court, and the board has certified the first individuals under these new specialties. We remain grateful to the council for its support on all of our rule amendments throughout the year as we strive to improve what is already a nationally respected specialty certification program.

The Board of Legal Specialization typically holds an annual luncheon in the spring to honor both long-time and newly certified specialists, but this year we attempted to pivot to a different recognition structure consisting of multiple small receptions located throughout the state to increase attendance and program visibility. Unfortunately, the various waves of COVID in the early part of the year forced us to abandon these plans, though we do hope to host one of these events before the end of 2022. Our inability to host an event, however, did not prevent us from publicly recognizing our specialists' achievements. On September 16, 2022, we released a video tribute via the State Bar's YouTube page honoring those who obtained their initial specialty certifications in 2021, as well as those who reached the important milestones of 25 and 30 years of specialty certification in 2022. We were honored to have State Bar President Darrin Jordan and State Bar President-Elect Margaret Armstrong—both of whom are specialists in their own practices—participate in the video tribute. In 2023 we intend to move forward with our plan of multiple receptions around the state, and we invite any councilor to join us if possible.

I am also happy to report that, despite the financial difficulties presented by the past two years, the Jeri L. Whitfield Legal Specialty Certification Scholarship Fund, established to provide scholarships for specialization application fees for prosecutors, public defenders, and non-profit public interest lawyers who wish to become certified specialists, continued to experience success in 2022. The fund is administered by the North Carolina Legal Education Assistance

Foundation (NC LEAF). We received several donations from specialists and board members during late 2021 and 2022. The fund balance at the beginning of 2022 was \$750, and we received over \$1,000 in additional scholarship funds thus far in 2022. All contributions are tax-deductible and can be made through NC LEAF. As a result of this scholarship fund, I am pleased to report that 18 public interest applicants received scholarships this year, thereby offering these lawyers the opportunity to not only attain certified status, but also instill trust and confidence in the legal services received by the clients they serve.

Our exams continue to be a strong and objective measure of proficiency for the various specialties, and we are ever-striving to improve both the content of the exams and the testing experience. Additionally, we continue to work with Dr. Terry Ackerman from the University of Iowa for psychometric analysis of our exams to ensure our exam remains valid and reliable. We also continue to utilize ExamSoft for all our testing needs. ExamSoft is a secure, cloud-based software that is used by many law schools and on most bar exams. The program's significant capabilities help streamline all aspects of the testing process, from writing and storing exam questions to grading and analyzing exams. As mentioned before, since 2020 we also utilized the remote proctoring features offered through ExamSoft to administer our certification exams. We are excited that this new method of offering the exam has proven useful in reaching more lawyers in more parts of the state, thereby increasing lawyers' access to our program and the public's access to improved legal services via certified specialists.

Also in this year's specialization news, the State Bar *Journal* featured interviews with Gregory Peacock, a specialist in elder law from New Bern; John Korzen, a specialist in appellate law from Kernersville; and Kim Coward, a residential real property specialist from Cashiers. Additionally, the Summer 2022 edition of the *Journal* featured a Q&A with our newly certified specialists in child welfare law about their collective experiences in the practice area and the importance of the new specialty on the public's ability to obtain legal services in this crucial area of law.

We continue to be thankful for the State Bar Council's support of our program, including its thoughtful consideration in

reappointing Matthew Ladenheim to an additional three-year term and in appointing John Bircher, a bankruptcy law specialist, and public member Julie Beavers of Lawyers Mutual, to their initial three-year terms on the board. We are also grateful for the council's appointment of Matthew Ladenheim as vice-chair to the board, and I am humbled by your action in appointing me as chair of the board. We look forward to continued success in certifying lawyers in their specialty practice areas, thereby contributing to the State Bar's mission of protecting the public by improving the quality of legal services available to the people of this state.

Board of Paralegal Certification

Submitted by Warren Hodges, Chair

Our program continues to do the good work of the North Carolina State Bar by serving the public and contributing to the improvement of legal services offered in this state. North Carolina's Paralegal Certification Program exists for two reasons: First, to assist in the delivery of legal services to the public by identifying individuals who are qualified by education and training and have demonstrated knowledge, skill, and proficiency to perform substantive legal work under the direction and supervision of a licensed lawyer; and second, to improve the competency of those individuals. Seventeen years after the first application for paralegal certification was accepted by the board in 2005, there are today over 3,700 North Carolina State Bar certified paralegals. I am proud to report that, under the guidance of the Board of Paralegal Certification and with the tireless efforts of various volunteers and staff, our program is thriving and continually achieving the very purpose for which the State Bar Council created the program. Importantly, our program is entirely self-sufficient.

In 2020, as a product of the COVID pandemic, our program successfully pivoted to administer our certification exams via remote proctoring. Our proactive measures paid off—we continued to administer our exams despite the ever-present uncertainties brought by the COVID pandemic, and we have seen an overall increase in the number of examinees over the past 18 months due to the exam being more accessible to paralegals across the state. Importantly, the software used to remote proctor the exams has produced minimal, if any, technological issues

for examinees and assists us in ensuring the integrity of our exam. On April 23, 2022, we administered our paralegal certification exam to 140 applicants via remote proctoring. Of those applicants, 83 achieved passing scores and were so certified by the board. On October 15, 2022, we will administer our paralegal certification exam via remote proctoring to approximately 200 applicants. We anticipate designating a total of over 200 new certified paralegals in 2022. We had one of our highest application years in 2021, and the total number of applicants in 2022 was equally impressive. We had hoped the switch to remote proctoring would enable more paralegals to pursue paralegal certification, particularly those who ordinarily could not afford the time or the travel expense of taking the exam at one of our traditional testing locations. I am delighted to report that our hope has become our experience, and I am proud that our program converted the difficulties of 2020 and 2021 into opportunities to evolve our program for the betterment of legal services offered by paralegals in all parts of our state.

Also in 2022, the board will have considered over 3,700 recertification applications. To maintain certification, a certified paralegal must complete six hours of continuing paralegal education (CPE) credits annually, including one hour of ethics. I am pleased to report that certified paralegals have continued to improve their competency by taking over 22,500 hours of CPE in the last 12 months.

In 2020, and with the support of the State Bar Council, the Supreme Court of North Carolina approved the rule amendment permitting a paralegal to qualify to take the paralegal certification exam based upon the applicant's work experience. The new rule recognizes our state's valuable and experienced paralegals who did not obtain particular degrees prior to joining the paralegal profession by allowing paralegals with five years of paralegal work experience plus ethics training to qualify for the exam. The board feels this new rule works well with our ongoing educational requirements, allowing only those paralegals who have demonstrated specific educational achievements or substantial paralegal work experience to sit for the exam, thereby ensuring the high standards communicated by our certification process. We are thankful for the State Bar Council's and Supreme Court's support of this rule amend-

ment. I am happy to report that over the past three years, 59 paralegals qualified to sit for our certification exam by way of their work experience. In 2023 we again expect that number to grow.

The board remains active in evaluating its own administrative rules to identify and pursue improvements in the program for the betterment of the public and the profession. To this end, the board approved a number of rule amendments this year to increase the program's operational efficiency, including amendments to the nomination and voting process for certified paralegal board members, and an amendment permitting a certified paralegal to serve as chair of the board. The board is incredibly appreciative of the council's support of our program's efforts to improve not only how we select individuals for leadership roles on the board, but who are eligible to serve in such important capacities.

Our exam continues to be a strong and objective measure of proficiency for paralegals, and we are ever striving to improve both the content of the exam and the testing experience. Most importantly, our Paralegal Certification Committee has been working hard on reviewing and revising the certification exam in 2022. This substantial effort will produce a new exam for 2023 that is both rigorous and relevant, and that ensures paralegal certification carries the important weight of objective proficiency that was its intent when created. Additionally, we continue to work with Dr. Terry Ackerman from the University of Iowa for psychometric analysis of our exams to ensure our exam remains valid and reliable. We also continue to utilize ExamSoft for all our testing needs. ExamSoft is a secure, cloud-based software that is used by many law schools and on most bar exams. The program's significant capabilities help streamline all aspects of the testing process, from writing and storing exam questions to grading and analyzing exams. As mentioned before, since 2020 we have also utilized the remote proctoring features offered through ExamSoft to administer our certification exams. We are excited that this new method of offering the exam has proven useful in reaching more paralegals in more parts of the state, thereby increasing paralegals' access to our program and the public's access to improved legal services via certified paralegals.

We continue to be thankful for the State Bar Council's support of our program, including its thoughtful consideration in appointing new lawyer and paralegal members during the October 2022 meeting that will carry forward and build upon the tradition of excellence and integrity that embodies our program. On a personal note, as it is my last year of service on the board, including the last four years as chair, I want to express my sincere gratitude for the opportunity to serve the public through this program.

The Board of Paralegal Certification looks forward to continued success certifying qualified paralegals to help with the delivery of legal services to the citizens of North Carolina. We welcome any recommendations or suggestions that councilors may have for ways in which the board might improve the paralegal certification program. On behalf of the other members of the board, thank you for the opportunity to contribute to the protection of the public by overseeing this important program of the North Carolina State Bar.

Lawyer Assistance Program

Submitted By Robynn Moraites, Director

We have had another productive, mostly-virtual year at the NC Lawyer Assistance Program (NC LAP). We opened 135 new files. By far, the most common issues lawyers, judges, and law students are dealing with are depression, anxiety, and alcoholism. One noteworthy datapoint: our self-referral percentage continues to climb and hit 64% this year. This percentage has been inching up a percentage point or two every year for the past five to six years. The way we interpret this trend is that our collective effort to destigmatize help-seeking behavior, our messaging and education, backed by vocal, visible support from Bar officers year after year, is working. To view the detailed statistics, see the full annual report at nclap.org/wp-content/uploads/2022/10/2021-2022-LAP-Annual-Report.pdf.

The two most significant technology-based initiatives this year are the launch of our podcast and LAP's engagement on social media. We are always looking for ways to connect with members of the Bar and judiciary as well as law students. LAP staff, volunteers, and board members are engaged in a perpetual educational campaign to destigmatize recovery and help-seeking behavior.

Folks will only reach out to us if they know about us, first and foremost. Second, they must trust we are confidential and that we know what we are talking about. Younger lawyers and law students communicate almost exclusively via social media. So, we must adapt how we are reaching folks.

We created a LinkedIn page and a Twitter account (@NCLAPtweets). We are tracking numbers closely, and during the first 90 days we had 697 LinkedIn post views and 948 Twitter views (average of about ten a day). We also had over 1,600 Twitter profile visits within the first 90 days. We hope to see those numbers grow as our social media presence gains traction.

As to adapting our messaging, we launched *Sidebar*, a podcast, to accompany our quarterly *Sidebar* e-newsletter. Episodes feature interviews of lawyers and judges who share their personal stories and journeys of recovery. We have released about 25 episodes so far. Topics include imposter syndrome, compassion fatigue, the fight or flight response, stigma and anonymity, being a parent of an alcoholic, depression, suicide, alcoholism, and regular mindfulness-based tools with Laura Mahr. Although some topics may sound depressing, the episodes are quite inspirational because they are focused on recovery, tools, and solutions. One can listen to the podcast directly from the LAP website or on Apple, Spotify, or anywhere you listen to your podcasts. You can subscribe to the podcast directly on your player of choice to be alerted when new episodes drop. We are excited about the podcast as a new way to reach a broader audience and reinforce recovery seeking behavior.

We resumed in-person events in fits and starts. We held our annual conference in person in November 2021. Volunteers from across the state came together for the first time in two years. Our volunteers held sacred space for each other as they shared their experiences through the past several years, including losses of beloved family members and friends. Notwithstanding, our volunteers are a jovial group, both by nature and as a result of their recovery. The raucous laughter and meaningful reconnection with each other throughout the weekend served as a balm on everyone's souls. By sheer luck, the event was well-timed between the surges of the Delta and Omicron variants.

LAP's annual Minority Outreach



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"BarTalk" Podcast: bit.ly/NCSBBarTalk

Conference (MOC) is usually held in February, which was during the first Omicron surge. Recognizing how crucial these in-person connections are for our mental and emotional well-being, rather than cancel the February 2022 event, we postponed it until June. Again, lawyers and judges came together for mutual support for the first time in two years. The event also served as a balm on people's souls; as a result, we received overwhelming feedback that it was the best MOC held to date.

In March we co-sponsored an inaugural Women's Well-being Conference in conjunction with the lawyer assistance programs of four other states (KY, TN, VA, and WV). The event was held in Asheville. About 150 lawyers and judges attended, of which approximately 30 were from NC. Feedback on the evaluation forms was excellent and confirmed—much like our Minority Outreach Conference, this event is meeting an unmet need. Next year's event will be held March 2-5, 2023, in Roanoke, VA.

We have begun resuming in-person support groups across the state and have decided that some will remain virtual, allowing lawyers and judges who live in more rural areas to participate on a regular basis. The

monthly law student support group will continue to meet virtually as it allows students attending different law schools across the state to participate. We have also begun tabling in-person events, like orientation or lawyer well-being week, at some of the law schools.

Any report would be incomplete without acknowledging our dedicated volunteers. Their contribution to the basic functioning and success of our program cannot be overstated. By participating at support groups and mentoring (both formally and informally), they offer hope and guidance to new participants. There is no way our small staff could cover the number of CLE requests we receive each year. Volunteers not only share their stories at CLE, but they also learn to give talks on topics like compassion fatigue and work/life balance. Our volunteers visit lawyers in distress, essentially doing welfare checks and informal interventions. They appear in videos on our website. They write articles for the *Sidebar* and the *State Bar Journal* and have now jumped into giving podcast interviews. We would be far less effective without the meaningful involvement and contributions of each and every one of our volunteers. I thank them all. ■

The North Carolina State Bar and Affiliated Entities

Selected Financial Data

The North Carolina State Bar

	2021	2020
Assets		
Cash and cash equivalents	\$7,706,332	\$8,823,474
Property and equipment, net	12,923,033	13,158,679
Other assets	<u>718,128</u>	<u>717,962</u>
	\$21,347,493	\$22,700,115
Liabilities and Fund Equity		
Current liabilities	\$3,464,136	\$5,460,937
Long-term debt	<u>8,251,374</u>	<u>8,627,612</u>
	11,715,510	14,088,549
Fund equity-retained earnings	<u>9,631,983</u>	<u>8,611,566</u>
	\$21,347,493	\$22,700,115
Revenues and Expenses		
Dues	\$9,110,611	\$8,894,700
Other operating revenues	<u>1,121,887</u>	<u>1,124,204</u>
Total operating revenues	10,232,498	10,018,904
Operating expenses	(8,936,206)	(8,894,882)
Non-operating expenses	<u>(275,875)</u>	<u>(260,409)</u>
Net income (Loss)	\$1,020,417	\$863,613

The North Carolina State Bar Plan for Interest on Lawyers' Trust Accounts (IOLTA)

	2021	2020
Assets		
Cash and cash equivalents	\$9,792,884	\$7,330,682
Interest receivable	460,376	518,465
Other assets	<u>74,129</u>	<u>1,519,553</u>
	\$10,327,389	\$9,368,700
Liabilities and Fund Equity		
Grants approved but unpaid	\$4,214,500	\$4,395,040
Other liabilities	<u>98,396</u>	<u>86,797</u>
	4,312,896	4,481,837
Fund equity-retained earnings	<u>6,090,506</u>	<u>4,886,863</u>
	\$10,403,402	\$9,368,700

Revenues and Expenses

Interest from IOLTA participants, net	\$5,438,280	\$4,685,417
Other operating revenues	<u>403,567</u>	<u>188,991</u>
Total operating revenues	5,841,847	4,874,408
Operating expenses	(4,653,476)	(3,824,655)
Non-operating revenues	<u>15,272</u>	<u>92,032</u>
Net Income (loss)	\$1,203,643	\$1,141,785

Board of Client Security Fund

	2021	2020
Assets		
Cash and cash equivalents	\$2,915,003	\$2,314,142
Other assets	<u>2,540</u>	<u>22,835</u>
	\$2,917,543	\$2,336,977
Liabilities and Fund Equity		
Current liabilities	\$14,663	\$23,239
Fund equity-retained earnings	<u>2,902,880</u>	<u>2,313,738</u>
	\$2,917,543	\$2,336,977

Revenues and Expenses

Operating revenues	\$933,485	\$889,294
Operating expenses	(346,451)	(742,413)
Non-operating revenues	<u>2,108</u>	<u>9,833</u>
Net Income (loss)	\$589,142	\$156,714

Board of Continuing Legal Education

	2021	2020
Assets		
Cash and cash equivalents	\$225,000	\$201,376
Other assets	<u>201,064</u>	<u>185,592</u>
	\$426,064	\$386,968
Liabilities and Fund Equity		
Current liabilities	35,849	42,060
Fund equity-retained earnings	<u>390,215</u>	<u>344,908</u>
	\$426,064	\$386,968

Revenues and Expenses

Operating revenues	\$897,579	\$814,236
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Operating expenses	(852,272)	(857,302)
Non-operating revenues	<u>-</u>	<u>-</u>
Net Income (loss)	\$45,307	\$(43,066)

Board of Legal Specialization

	2021	2020
Assets		
Cash and cash equivalents	194,782	166,547
Other assets	<u>16,450</u>	<u>11,450</u>
	\$211,232	\$177,997

Liabilities and Fund Equity

Current liabilities	13,446	12,538
Fund equity-retained earnings	<u>197,786</u>	<u>165,459</u>
	\$211,232	\$177,997

Revenues and Expenses

Operating revenues-specialization fees	\$201,000	\$199,485
Operating expenses	(168,673)	(181,286)
Non-operating revenues	<u>-</u>	<u>-</u>
Net Income (loss)	\$32,327	\$18,199

Board of Paralegal Certification

	2021	2020
Assets		
Cash and cash equivalents	\$448,971	\$379,976
Other assets	<u>50</u>	<u>-</u>
	\$449,021	\$379,976

Liabilities and Fund Equity

Current liabilities-accounts payable	65,971	45,358
Fund equity-retained earnings	<u>383,050</u>	<u>334,618</u>
	\$449,021	\$379,976

Revenues and Expenses

Operating revenues-fees	\$260,835	\$233,960
Operating expenses	(212,403)	(250,285)
Non-operating revenues	<u>-</u>	<u>-</u>
Net Income (loss)	\$48,432	\$(16,325)



Meeting the Moment

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Winter 2022

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