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March 2007

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Raising the Bar: Dean Eugene Clark and the Charlotte School of Law

BY MICHAEL L. SHOR

Exams are over, grades are in, and even by his own admittedly strict standards, founding Dean Eugene Clark of the Charlotte School of Law has good reason to be happy: The law school has completed its very first semester of classes, the accreditation process is well underway, applications for the second entering class are strong, the expansion of the faculty to fill out an expanded offering of courses is falling into place, and the search for a permanent home is nearly complete. Not a bad start for a brand-new law school in what previously had been the largest city in America without such an institution.

What led Clark, formerly an expatriate Kansan with no less than five professional degrees (including a PhD and an MEd to go along with his JD), who had spent the better part of the past 20 years living and teaching in law schools in Australia, to leave the comfortable confines of the Charles Darwin School of Law, Business and Arts, where he served as dean and professor, to relocate to the Queen City, thousands of miles away on the other side of the globe, to serve as the founding dean of CharlotteLaw, as the school is known, a for-profit law school that is part of the InfiLaw system?

Perhaps, as George Bush the elder once said, it was “that vision thing.” Clark possesses the ability to see a law school standing alone, independent, unfettered by the demands, requirements, and politics of a university.

Dean Clark addresses new students

It could have been Clark’s simple passion. He has a passion for a humanistic, holistic, student-centered approach to legal education that rejects the traditional Socratic approach of destroying an entering student’s “old self” as the first step in creating a new lawyer.

Alternatively, it could have been Clark’s plain, old-fashioned, entrepreneurial drive. An intense desire he has to get his intellectual hands dirty while trying to build a new, strong, lasting institution with his own imprimatur.

Or maybe it was a combination of all three. Clark has spent much of his academic career overseas in university law schools advocating and encouraging a holistic, humanistic approach to legal education. He already has helped create, build, and mold new legal education programs in China, Thailand, and the South Pacific. *continued on page 10*



March 2007

www.meckbar.org

From the President



Our Magnificent New Courthouse

On February 9, 2007, our new Mecklenburg County Courthouse was dedicated. It is a spectacular building that we can all be proud of, in terms of both aesthetics and function. From a functional standpoint, there are spacious courtrooms with excellent acoustics, wide hallways and gathering areas, and multiple conference rooms available for the use of attorneys. This courthouse is truly the "state of the art."

Tony Lathrop,
MCB President

And, mentioning art, the public spaces are inspiring. There is a spectacular central atrium that rises several stories. In the center of the atrium there hangs a sculpture, titled *Persistence of Vision*, by artists Ralph Helmick and Stuart Schechter. It is constructed out of cast pewter, stainless steel cable, ball chain, steel, and utilizes motors and embedded processors. The sculpture is constantly moving. Here is the artists' statement describing the sculpture:

The atrium sculpture is at once an artwork, an event, and a reflection of the community. Consisting of multiple castings of small portrait heads reflecting the demographic makeup of the county, a large portrait head will slowly form and dissipate through the course of one work week. The following week another—different—portrait will take shape and subsequently "evaporate." An allegory for the justice system on both the macrocosmic and microcosmic levels, *Persistence of Vision* reflects the organic process of the law and the society it serves.

In addition, the exterior façade of the courthouse contains a number of inspirational quotations. They are carved into the limestone and marble through the efforts of artists Robin Brailsford and North Carolina Poet Laureate Fred Chappell. Their artists' statement describes the text:

The exterior courthouse text, entitled *We Hold These Truths*, is comprised of a series of quotations from the Declaration of Independence and the U.S. Constitution, accompanied by complementary phrases that provide historical and philosophical context. The ideas illustrate that the spirit of liberty, slowly working its way over the millennia within the human heart, came to its historical climax in the words of our nation's forefathers. The text located on the interior atrium columns, *Let Justice Like a River Roll*, echoes in poetic form the sentiments of America's founders.

continued on page 2

Strong Start for 2007 Patrons Fund Campaign

BY JAMES R. BRYANT III, PRESIDENT,
MECKLENBURG BAR FOUNDATION



MBF President Bryant

As many of you know, the Mecklenburg Bar Foundation (MBF) is responsible for managing the Hyatt Fund and the McMillan Fund. The Hyatt Fund was created by a generous gift from Robinson, Bradshaw & Hinson, PA, to provide funds for indigent legal services. In addition, a number of firms and individuals created the McMillan Fund to provide summer internships for law students interested in public service practice. These funds represent the highest level of professional service. Combined, these funds make very important contributions. But dollars raised from these two programs are restricted to their specific purposes.

In 1999 the MBF held its first Patrons Fund Campaign to raise unrestricted funds and provide an opportunity for our Bar, as a group, to give back to the Charlotte-Mecklenburg community in a more general way. Since then the Patrons Fund Campaign has grown, and your contributions have begun to have a greater impact.

This year, we have moved the Patrons Fund Campaign from the fall to the spring, running from March 1 through April 15. Mac McCarley, Chair of the Planning and Development Committee, is leading this year's campaign. In spite of this being a transition year for the Patrons Fund Campaign, it is off to a strong start. Our efforts have resulted in having already raised \$66,025 toward our goal of \$100,000 since our fiscal year started on July 1, 2006. This early success would not have been possible without the \$1,000+ commitment Bar leaders have made to this year's campaign. Their names are listed on the insert inside this issue.

Now it is your turn. By now you should have received a letter requesting your help. Because Bar membership dues do not support this separate charitable organization, your donations are the lifeblood of the Foundation.

Your tax-deductible contribution has helped fund important needs in the past, and this year is no different. The Foundation's Grant Review Committee and Board have approved the following grants, which will be funded based on the success of this year's campaign:

- *Larry King's Court Clubhouse*, located in the new courthouse, provides a safe and fun environment for children to stay while their families or caregivers are engaged in serious business in the courthouse. This is a wonderful service for children, and there is currently no other source of funding to provide needed playground equipment and indoor furniture for the infant/toddler room.
- *Devonshire and Ashley Park Elementary Schools* are considered two of the more fragile schools in the Charlotte-Mecklenburg school system. Both schools need funding for health and school supplies, transportation for parents to teacher conferences, incentives and professional development programs for staff, awards and trophies for student achievers, and books.

The goal of this year's campaign is \$100,000, and we need your help to make this goal. If you have donated in previous years, we thank you for your continued support and encourage you either to give at the same level or increase your level this year. If you have not yet enjoyed the satisfaction of being a Patrons Fund donor, we invite you to give generously. Your tax-deductible donation will be acknowledged at the following levels:

Leadership Circle for gifts of \$5,000 or more

Patron for gifts of \$2,500-\$4,999

Barrister for gifts of \$1,000-\$2,499

Counselor for gifts of \$300-\$999

Contributor for gifts up to \$299

A remittance envelope is enclosed in this newsletter for your convenience. You can also donate online at www.meckbar.org and click the "MBF Online Donations" button on the home page. Thank you for giving generously to the Patrons Fund Campaign. This is *our* campaign, and it is the one opportunity, as a group, we can give back to the community. Your participation makes a difference.

MCB



Lawyers in the News by Robert P. Johnston

Emory Named Head of Hunton & Williams' Litigation Department

Frank Emory, Jr., has been named the head of Hunton & Williams' (H & W) 300-lawyer litigation department—one of the largest in the nation.

In his new role, Emory will be responsible for both the litigation and intellectual property practices. He is the first African American to become a department head at H & W and will work from the firm's Washington and Charlotte offices.

Emory received his undergraduate degree from Duke University and his law degree from the University of North Carolina School of Law. His practice focuses on cases involving intellectual

property, complex contract disputes, business torts, and covenants against competition.

He is a member of the firm's Executive and Diversity Activities Committees and has served as co-chair of the firm's Diversity Strategies Committee. **MCB**



Emory

continued on page 10



Live Programs

Objectives Strategies and Litigation Tactics in front of the Trademark Trial and Appeal Board

CLE Credit: 3.0 hours General
Date: Wednesday, March 7, 2007
Time: Reg. 8:30 a.m.
Program 9:00 a.m.–12:00 p.m.
Location: MCB Center, 438 Queens Rd.
Fees: \$110 attorney rate,
\$55 paralegal rate

Civil Litigation Forum: Views from the Bench and Litigation Techniques

CLE Credit: 6.0 hours total
Date: Friday, March 30, 2007
Time: Reg. 8:30 a.m.
Program 9:00 a.m.–4:00 p.m.
Location: Chamber of Commerce
Fees: \$180 Civil Litigation Section member rate, \$210 non-CLS member attorney rate,
\$90 paralegal rate

Divorce 101

CLE Credit: 1.0 hour General
Date: TBD
Time: Reg. 3:45 p.m.
Program 4:00–5:00 p.m.
Location: MCB Center, 438 Queens Rd.
Fees: \$40 attorney rate,
\$27 paralegal/public rate

Save the Date!

Western District Bankruptcy Seminar

CLE Credit: 6.25 hours General
Date: Friday, May 11, 2007
Time: Reg. 8:30 a.m.
Program: 9:00 a.m.–4:00 p.m.
Location: Crowne Plaza,
201 S. McDowell
Fees: \$210 attorney rate,
\$130 paralegal rate

Video Replay

The Duty of Loyalty and Attorney Fees: Ethics Issues

CLE Credit: 3.0 hours Ethics
Date: Friday, March 16, 2007
Time: Reg. 8:45 a.m.
Program 9:00 a.m.–12:00 p.m.
Location: MCB Center, 438 Queens Rd.
Fees: \$135 attorney rate,
\$75 paralegal rate

Mental Health Tune-Up

CLE Credit: 1.0 hour Mental Health/
Substance Abuse
Date: Friday, March 16, 2007
Time: Reg. 12:45 p.m.
Program 1:00–2:00 p.m.
Location: MCB Center, 438 Queens Rd.
Fees: \$60 attorney rate,
\$30 paralegal rate

Trust Accounting

CLE Credit: 1.0 hour Ethics
Date: Wednesday, March 21, 2007
Time: Reg. 8:45 a.m.
Program 9:00–10:00 a.m.
Location: MCB Center, 438 Queens Rd.
Fees: \$55 attorney rate,
\$30 paralegal rate

Collection Law

CLE Credit: 3.0 hours total
Date: Wednesday, March 21, 2007
Time: Reg. 11:45 a.m.
Program 12:00–3:00 p.m.
Location: MCB Center, 438 Queens Rd.
Fees: \$110 attorney rate,
\$65 paralegal rate

The Disease of Addiction

CLE Credit: 1.0 hour Mental Health/
Substance Abuse
Date: Wednesday, March 28, 2007
Time: Reg. 11:45 a.m.
Program 12:00–1:00 p.m.
Location: MCB Center, 438 Queens Rd.
Fees: \$60 attorney rate,
\$30 paralegal rate

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President's Letter

continued from page 1

Moreover, the courthouse celebrates the heritage and evolution of our justice system in Mecklenburg County with a permanent exhibit of photographs of Mecklenburg courthouses, past and present, on the second floor. This exhibit was made possible by generous grants from the North Carolina Bar Association, the North Carolina Bar Association Foundation, and the professional assistance of Mitchell Kearney Photography, Inc. The exhibit contains handsome black-and-white photographs of all of Mecklenburg County's state courthouses, dating back to the first one in the center of the intersection of Trade and Tryon Streets.

I cannot write this column without expressing appreciation for the efforts of **Doug Ey, Mark Merritt, and Judge Nancy Norelli**, Co-Chairs of the Courthouse Dedication Committee. They worked tirelessly to lead the planning and organization of the dedication ceremony. In addition, it is especially fitting for Mark Merritt to have played such a significant role in the dedication because he has spent countless hours over the last decade helping to get this new courthouse funded, located, designed, and constructed.

In addition, **Parks Helms**, a member of the Mecklenburg County Bar, worked tirelessly over the last decade as a member and chair of the Board of County Commissioners to help bring this ambitious project to fruition.

One final but important note: You may recall that I have written about the ever-increasing diversity of our Bar and the efforts of our Bar's Diversity Committee. We currently have 27 state court trial judges, 9 on the superior court bench and 18 on the district court bench. Most of these judges, along with **Chief Justice Sarah Parker**, sat on the dais at the dedication ceremony. I noted that about a quarter of the judges were women and also that about a quarter were people of color.

There are more people than I can accurately count who gave significant time and effort to creating and dedicating our new courthouse. Space limitations prohibit me from listing every single name, and if I tried I would probably accidentally omit significant contributors. Accordingly, let me simply reiterate my thanks to all. I urge you to visit our new courthouse soon, if you haven't already, and even if you are not an attorney who uses the courthouse, you will find it to be truly inspiring.

MCB

EDITORIAL POLICY

The Mecklenburg Bar News accepts editorial and advertising material of general legal interest to the practicing Bar of the 26th Judicial District. The implicit purposes of the newsletter, website, and related methods of communication are to educate members of the Mecklenburg County Bar and to create and maintain shared communication with its members. The Communications Committee reserves the right to accept, reject, or edit all material.

DISCLAIMER Efforts will be made to provide information of interest that is timely, accurate, and relevant to the legal community. The Mecklenburg County Bar is not responsible for misprints, typographical errors, or misinformation in *The Mecklenburg Bar News*. The views and opinions are not necessarily those of the 26th Judicial District Bar.

Communications Committee: John Lassiter, Chair, Judge Bob Johnston, Corby Anderson, Mike Daisley, Tricia Derr, Porter Durham, Alan Edmonds, Will Esser, Jon Goldberg, Allison Karp, Charles Keller, Brandon Lofton, Valerie Munei, Nancy Roberson, Michael Shor



Pro Bono Support Keeps Low-Income Taxpayer Clinic Going Strong

BY KAMILAH EXUM AND BRITTANY COLEMAN

Recently the Internal Revenue Service (IRS) announced that it was stepping up its efforts to audit corporations and wealthy individuals. Despite new focus, a disproportionate number of audits have been—and will continue to be—based on the Earned Income Credit (EIC), a credit available only to low-income individuals and families. In the 2007 filing season the cap on income for those eligible to claim EIC is \$38,348 for a family of four or more. These audits generally examine several other benefits claimed on EIC returns as well. Low-income taxpayers cannot afford representation and often permit the IRS to proceed with erroneous assessments because they do not know how to protest effectively.

The Western North Carolina Low Income Taxpayer Clinic (LITC) at Legal Services of the Southern Piedmont offers such representation to taxpayers who cannot afford to pay an attorney. The LITC also assists its clients with collection matters, including settlements and debt deferment. In addition, the LITC educates the low-income community about tax law, discussing issues ranging from filing requirements to protecting oneself during an audit. In 2006 it assisted more than 125 taxpayers with such matters and expects that


number to increase significantly in 2007. Unfortunately, the LITC only has funding for one full-time attorney and one part-time paralegal. Thus, it relies heavily on pro bono support.

Pro bono attorneys have donated their time and expertise to LITC cases since the program's inception in 2002. One-third of all LITC cases are handled by these attorneys. In addition to

resolving tax controversies, some of these volunteers sit on the LITC's advisory committee. This group is dedicated to ensuring that pro bono attorneys receive the assistance they need and are otherwise supported while handling cases. The group also encourages LITC pro bono involvement within their firms.

The vast majority of the LITC's pro bono attorneys are not tax attorneys. They practice in civil litigation, commercial real estate, intellectual property, and many other areas. Training in tax is available, and volunteers are encouraged to contact the program director or an advisory committee member with any questions that arise during representation. They are happy to discuss substantive tax law and IRS procedure as well as provide any other necessary assistance.

An EIC benefit of \$4,500 is often equal to four or five months of income to our clients. It helps them avoid eviction or disconnection of utilities. It can help to pay for child care, groceries, and medical bills. A qualifying family should not have to forego this benefit simply because it cannot afford to pay for assistance with an audit. Please consider helping the LITC serve those in need.

If you are interested in learning more about volunteering with the LITC, please contact Program Director Kamilah Exum at 704/971-2622 or kamilah@lssp.org. 


Western North Carolina Low Income Taxpayer Clinic Advisory Committee Members

Rob Fisher,
Moore & Van Allen
Paul Kohut,
Johnston Allison & Hord
Thomas Holderness,
Robinson Bradshaw & Hinson
Seth Huffstetler,
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Yvette Springs,
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Jason Walton,
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Nick Gallo,
Alston & Bird
Steve Leasure,
Hunton & Williams


MCB Seeks Nominations for 2007 Liberty Bell Award

The Law Day Committee is accepting nominations for the 2007 Liberty Bell Award. The award, which will be presented at the upcoming Law Day Luncheon on May 1, 2007, is our Bar's highest honor for a non-lawyer (see also Law Day Luncheon information on page 11). The purpose of the award is to recognize community service that has strengthened the American system of freedom under the law. The following criteria govern consideration by the committee to recognize outstanding service by a non-lawyer in one of these areas:

1. Promoting a better understanding of our Constitution and the Bill of Rights.
2. Encouraging greater respect for law and the courts.
3. Stimulating a deeper sense of individual responsibility so that citizens recognize their duties as well as their rights.
4. Contributing to the effective functioning of our institutions of government.
5. Fostering a better understanding and appreciation of the rule of law.

Please forward your nominations to the Committee, including supporting materials and résumé of the nominee (if possible), by April 10, 2007, by mail (Liberty Bell Award, 438 Queens Rd., Charlotte, NC 28207), by fax (704/333-6209, addressed to Liberty Bell Award), or by e-mail (vmunei@meckbar.org, subject line: Liberty Bell). All nominations will be held in confidence. 

Notice of Nomination of Candidates for Office of Public Defender 26th Judicial District

The term of office of the Public Defender, currently held by Isabel Day, will expire on June 30, 2007. Ms. Day will not seek reappointment. A new four-year term for this office will begin on July 1, 2007. Any active member of the Bar who wishes to be considered as a candidate for nomination for Public Defender should send that request in writing to the Mecklenburg County Bar, 438 Queens Road, Charlotte, NC 28207, c/o Nancy M. Roberson. Candidates for nomination should be received no later than April 15, 2007. If necessary, a ballot will be distributed to the membership after that date and at least two and no more than three candidates receiving the highest number of votes shall be certified as nominees to the Senior Resident Superior Court Judge. 

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Court Communiqés

BY CHARLES KELLER, JR., MA,
COMMUNITY ACCESS AND OUTREACH ADMINISTRATOR

Public Engagement: Access and Outreach



Charles Keller, Jr.

As I grappled with a topic for this month's column, the thought occurred to me that most people have no idea what type of services are offered by the Community Access and Outreach division of the Trial Court Administrator's Office (TCAO), so I thought I would use this opportunity to educate readers. Created as an arm of the TCAO for the 26th Judicial District in 2000, the primary responsibilities of the Community Access and Outreach division are to ensure the courts are accessible to the public as well as to educate the public about the court system. I serve as the Community Access and Outreach Administrator and have two staff who report to me—the Interpreter Manager and the Attorney Fee Coordinator. I also serve as the public information officer for the Court. This means working with local and national print and broadcast media on a daily basis to issue news releases, coordinate news conferences, and follow up on requests for information regarding the outcome of court appearances, trials, and hearings. I also coordinate any media coverage that is allowed by the Court during high-profile trial court appearances. Additionally, I am responsible for any projects involving communications, which includes writing and designing brochures as well as preparing and publishing our annual statistical and community reports. I write the Trial Court Administrator's

Office employee newsletter, *On The Record*, as well as our juror newsletter, *Legally Speaking*. In the event courts are cancelled due to inclement weather, I am responsible for contacting local TV and radio stations. Posting information on our website and making sure the information is current and correct is also a task associated with this division. The information desks in the new courthouse will also fall under my direct supervision, once we receive funds to hire staff. I am also involved with special projects assigned by the Trial Court Administrator. Most recently, I have been involved with providing tours and preparing presentations of the new courthouse.

In an effort of community outreach, I sit on several advisory boards, including Programs for Assisted Living, the Retired Seniors and Volunteer Program (RSVP), and the Central Piedmont Community College Paralegal Program. I serve on the latter two due to the fact that I am also responsible for recruiting, interviewing, and placing interns and volunteers within the Trial Court Administrator's Office. I am also a member of the Communications Committee of the Mecklenburg County Bar. The 26th Judicial District has a speakers bureau that I coordinate to arrange speakers for schools, churches, civic groups, and special events. I also conduct personal tours of the courthouse for schools, churches, and civic groups.

Our Interpreter Management program provides community access by ensuring non-English-speaking defendants are provided an appropriate, qualified interpreter. Our Interpreter Manager Maura Chavez coordinates the need for interpreters in criminal matters, enforces our local



Interpreter Manager
Maura Chavez



Attorney Fee
Coordinator Rita
Hayes

rules and policies pertaining to interpreters, and translates various court documents into Spanish. She also serves as the Americans with Disabilities Act (ADA) Coordinator for the courts and makes certain our facilities are ADA-compliant. Maura also facilitates requests for sign language interpreters as well as other services and accommodations for the special needs population.

Rita Hayes is the Attorney Fee Coordinator. Her job is to review fee applications submitted by court-appointed criminal defense attorneys before they are submitted to the state for payment. This is a pilot program and will no doubt pave the way for similar positions in other districts throughout the state.

I hope this provides readers with a brief overview of the Community Access and Outreach division. If you have any questions regarding this division or require the assistance of any of the services provided by this division, please contact me at 704/686-0269. Our offices are located in the Trial Court Administrator's Office, Suite 4420, in the new Mecklenburg County Courthouse at 832 East Fourth Street. **MCB**

YLS Celebrates Young Lawyers with Award and at Event

MITCHELL KELLING, CHAIR,
YOUNG LAWYERS SECTION

Young Lawyer of the Year Award Nominations Sought

The Young Lawyers Section (YLS) of the Mecklenburg County Bar is accepting nominations for its third annual Young Lawyer of the Year Award. The purpose of the award is to recognize the outstanding contributions young lawyers make to the practice of law and the Mecklenburg County community. The award is based on the outstanding general overall contribution to the Bar, the practice of law, the community, a client, or the recipient's firm or organization, with an emphasis on professional contributions that further the purposes and objectives of the Mecklenburg County Bar and the YLS. To be eligible, the

nominee must practice law in Mecklenburg County, must meet the definition of a "young lawyer" as defined by the YLS, and must be a member of the YLS. Many outstanding nominations were received for the 2005-06 award and the YLS hopes to receive even more this year.

Nomination forms are available on the Mecklenburg County Bar's website (www.meckbar.org) or by request. Nominations are due by May 16, 2007. Nominations may be submitted to Michael Mascia by e-mail at mmascia@mayerbrownrowe.com or fax at 704/377-2033. For more information, call Ben Sidbury at 704/444-1056 or Michael Mascia at 704/444-3651.

If you are interested in getting involved with YLS, please contact Mitchell Kelling at mkelling@horacktalley.com or 704/377-7213.

YLS Warms Up with Winter Social

The Young Lawyers Section held its Winter Social on Thursday, February 22, 2007, at the Attic Bar located on Tryon Street in uptown Charlotte. Mike Tyson and David Belinkie of Hinrichs Flanagan Financial sponsored the social along with Mike Sposato of Carolina Realty Advisors. The YLS appreciates all of its sponsors, especially Mike and David for their continued support. The YLS holds quarterly socials that provide young lawyers a chance to catch up with and meet other young attorneys in a fun, casual setting. The next social will be Thursday, April 26, 2007. **MCB**

Commercial Real Estate / Transactional Attorney

Tax firm is seeking a new associate attorney for rapidly growing commercial real estate practice. One to two years experience with commercial real estate transactions, loan closings (borrower & lender representation), lease drafting and negotiations; and drafting/negotiating development documents. Great opportunity to become part of multidisciplinary firm with proven success in solving the most challenging legal and tax matters.

Contact: Recruiter; CULP ELLIOTT & CARPENTER, P.L.L.C., 4401 Barclay Downs Drive, Suite 200, Charlotte, NC 28209 or via e-mail to: rda@ceclaw.com

Remember to Update the Bar

If you've changed your address or any other contact information, the best way to get those updates to the Mecklenburg County Bar is to fax (704/333-6209) or e-mail (jwiggins@meckbar.org) Jill Wiggins, Membership/Database Coordinator. Please remember North Carolina General Statutes 84-16, 84-18.1, and 84-34 state that each lawyer has a responsibility to keep the North Carolina State Bar and your local bar, the 26th Judicial District, informed of changes in contact information.

Twelve Steps toward Fulfillment in the Practice of Law

BY TOM DICKINSON

In *LawyerLife: Finding a Life and a Higher Calling in the Practice of Law*, Judge Carl Horn III suggests a series of steps to enhance professional fulfillment. So far we have covered the following steps suggested by the author:

1. Assess your present condition, physically, emotionally, and spiritually.
2. Allow time outside of work with your family, friends, and yourselves.
3. Develop and practice good time management.
4. Implement healthy lifestyle practices.
5. Live beneath your means.
6. Don't let technology control your life.
7. Care about character—and conduct yourself accordingly.
8. "Just say no" to some clients.
9. Stay emotionally healthy.
10. Embrace law as a "high calling."
11. Be generous with your time and money.

In the preceding 11 articles, I made an effort to give you the condensed version of the above steps. Step 12, which begins on page 122, is an excellent recap by Judge Horn of all 11 steps and this section is excerpted below in its entirety. If the second paragraph sounds like a description of your life, don't let it overwhelm you. Believe me, we have a lot of company. Let's resolve to take small steps in the direction of a healthy, well-balanced life when we can.

Step 12: Pace yourself for a marathon

If you have taken Steps 1 through 11, you are already well on your way to Step 12: pacing yourself "for a marathon." Clear priorities that balance work and personal lives, effective time management, healthy lifestyle habits and practices, resisting the most intrusive technology, dealing with excessive stress, and being more selective about clients and cases are each important steps toward our last goal: a sustainable pace.

Conversely, if you are working so many hours that you consistently come home exhausted (or so distracted you cannot enjoy family or friends outside of work); if you have not established clear priorities; if you are a poor time manager; if you seldom get a good aerobic workout; if your consumer spending is out of control; if you can never get away from the beeper, cell phone, and computer for "down time"; if stress is eating you up; or if the [percentage of your difficult clients] is too high, you should probably deal with these issues first. Any one of these, left unattended for too long, is inconsistent with our ultimate goal, which is a healthy, well-balanced life.

As we consider Step 12—pacing yourself for a marathon—some of the previously made points warrant reiteration. Professor Schiltz's advice not to let yourself "be purchased at auction like a prize hog" or to "choose one law firm over another because of a \$3,000 difference in starting salary" is sound. Rather, make it clear from the outset—in your own mind first, and then with any prospective employer or partner—that only so much of you is "for sale." Make it clear that quality of life matters to you; that you intend to work hard and "pursue excellence" professionally, but not to sacrifice important relationships and

other essential elements of a healthy, balanced life.

Speaking of pursuing excellence, there is a balance point here too. As noted by both Professor Dershowitz in *Letters to a Young Lawyer* and by Dr. Elwork in his book on stress management for lawyers, striving for professional excellence is a good and worthy goal. In sharp and important contrast, trying to achieve perfection is not. Dershowitz offers a brief, two-page reflection he titles "The Perfect is the Enemy of the Excellent" in which he observes that "[e]very book, painting, symphony, or speech could be improved. The search for perfection is illusory and has no end."

He is absolutely correct, as is Dr. Elwork in concluding that "[s]ince perfection does not exist, perfectionists are doomed to be perpetually frustrated." Pursuing excellence is consistent with a sustainable pace while the futile attempt to achieve perfection is not. "Given these distinctions, choosing to strive for excellence rather than perfection has important implications for how much job satisfaction you derive and how successful you become." Strive for professional excellence, but be wary of any tendency you may have toward perfectionism.

Emotional health and balance is another important element of a sustainable pace. And because many of us depend upon warm relationships with children, and later grandchildren, for emotional strength, we should keep in mind San Francisco lawyer Michael Traynor's previously noted late-life observation "that the years with your children fly by in an instant." Many will also want to take to heart Traynor's wise counsel, "whenever you can, [to] tell the god of money and the god of ambition, who is no less voracious, that you and your kids are going to fly a kite or build a snowman."

The simple but important truth is that we are more likely to be emotionally balanced and healthy if we enjoy warm, loving relationships with those closest to us. This may not be spouses, children, or grandchildren in a particular case, of course, although for many it will be. But whoever they are, if those closest to us are having to remind us to "stop talking like a damn lawyer"

too often, this may well be an area of our lives that needs attention.

Professor Dershowitz's previously noted observation that the wealthiest people tend to take the shortest vacations brings us to another important point, if a sustainable pace is the goal. The advice here is about as straightforward as it gets: Take your vacation. All of it. You need it. The office and the practice will survive. And you will return refreshed, batteries recharged, with more enthusiasm and energy for your work. In fact, taking regular vacations will not only give you a sustainable pace, it you will make you a better lawyer.

Finally, since we are using an athletic metaphor for what we are calling "Step 12," we will end with another exhortation to exercise regularly. It was no fluke that the North Carolina Bar Association's Quality of Life Task Force discovered, out of all the "lifestyle practices" examined, the highest correlation was between lawyers who got "regular exercise" and those who self-reported a sense of "subjective well-being."

David B. Myers reviewed a number of psychological studies related to what made people "happy" in preparing to write his 1992 book, *The Pursuit of Happiness: Who Is Happy and Why*. As summarized by Dr. Elwork, the number one factor noted as contributing to "happiness" was "physical health and fitness." The bottom line: Lawyers who exercise regularly enjoy its stress-relieving effects, and are generally able to keep work pressures and demands in better perspective. If you have not done so already, make a commitment now to join them.

As we close this chapter, it is necessary to state what will be obvious to many readers, namely, that this "12 Step Program for Lawyers" is a career-long undertaking. Except for the extraordinarily well disciplined, and perhaps the most saintly, these are challenges and issues with which we can expect to struggle for the rest of our lives. But thankfully, they are not impossible struggles, and if we diligently take these "steps," we can realistically expect to move closer to our goal: finding balanced success—and fulfillment—in the practice of law. **MCB**

Lawyer Support Committee

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Cassandra Tydings	704/374-0646	ctydings@rinehartassociates.com

Help Our Investigator Training Enrichment Program: Donate Your Cell Phone!

BY SYLVIA SUMMERS,
MECKLENBURG COUNTY PUBLIC
DEFENDER INVESTIGATORS

The investigators of the Mecklenburg County Public Defenders office are conducting a cell phone recycling fundraiser.

There's nothing to buy. We are simply asking you to protect the environment by donating your used digital cell phone(s). The cell phones don't even have to be in working condition. Your used cell phone(s) may be tax deductible and will be recycled in accordance with EPA regulations or refurbished and sold. This fund-raiser is through EcoPhones, which established this fund-raising opportunity. You can check them out on the web at




<http://www.ecophones.org>.

One hundred percent of the proceeds will help fund our training enrichment programs so that we can attend training sessions involving criminal defense. Some of the classes that have been beyond our reach due to registration fees include Advanced Child Death Investigation, Child Abuse Investigation, Forensic Interviewing, and Youth Gang Awareness. Other needed classes involve cybercrime investigation, financial fraud investigations, homicide investigations, robbery investigations, and how to understand courtroom technology. These sessions are held through the North Carolina Justice Academy and the



National Defender Investigator Association. Our training is important to us. Four of our investigators have completed the North Carolina Criminal Investigation Certificate Program. The National Defender Investigation Association has annual conferences that would be so valuable for all of the investigators to attend. The next national conference is April 18–20, 2007. For additional information on this conference and the fantastic agenda please go to <http://www.ndia.net>.

Please call Sylvia (704/417-1936) to arrange for phone pick-up or drop it/them off at the Public Defender's office at 720 East Fourth Street, Suite 308, or at the Bar Center at 438 Queens Road. The deadline is March 31, 2007. We greatly appreciate your support! 

New Community Outreach Committee Makes Great Progress

Formed in July 2006, the Community Outreach Committee was created to identify and prioritize the Bar's community-based projects. Led by Chair Steven Meier, the Committee has 11 members representing diverse legal backgrounds.

In its first six months, the Committee has already built an impressive list of accomplishments. In September 2006, it partnered with the Charlotte East Rotary Club to welcome five Russian visitors through the Open World Program. The carefully selected group of Russian leaders met at the Bar Center each morning for a week as they learned about our system of democracy and visited sites of legal importance around the state. They also enjoyed a meeting with the Bar's Executive Director, Nancy Roberson, as she explained how the Bar operates.

Also in September, the Committee participated in a Citizen Workshop with the


Latin American Coalition and International House. Legal immigrants learned about the citizenship process, and immigration attorneys were on hand to conduct brief, one-on-one consultations. The Outreach Committee was instrumental in recruiting the immigration attorneys and plans to partner with the Latin American Coalition and International House on future workshops.

One result of working with these organizations was the formation of the Immigration Section here at the Bar. As the county's international community grows, so does their need for quality legal service. This new section will be able to address these needs.

Among the Committee's most visible initiatives is the Community Schools Project, which benefits "high-need" schools by recruiting volunteers and providing supplies, monetary donations, and in-kind gifts. The Bar has long

been a partner with Devonshire Elementary and, with the help of Judge Shirley Fulton, added Ashley Park Elementary School to the partnership. The Outreach Committee recently added a third partner: Community Charter School, a new public charter school located in the Cherry neighborhood. Most of the students in all three schools qualify for free or reduced lunch.

At the Bar's Holiday Party on December 13, 2006, the Committee launched the Year-Round Santa Project, which gives members the opportunity to help these schools throughout the year by having a presence at major Bar events.

The Outreach Committee is actively seeking new members. If you are interested in joining, please contact Sally Larsen, Community Outreach Coordinator, at 704/375-8624 or Steve Meier, Community Outreach Committee Chair, at 704/358-3399. 

2007 Silent Partners Program Begins New Cycle

BY STEVE GRUENDEL AND JOEY FOXHALL,
SILENT PARTNERS PROGRAM

On January 11, 2007, the opposing extremes of the Mecklenburg County Bar (MCB)—in terms of years of experience—came together in the unceremonious way that pervades the Silent Partners Program at its annual kick-off breakfast. Sponsored by the MCB's Professionalism Committee, the program pairs lawyers who have been members of the Bar for three years or less with some of the most experienced, distinguished, and accomplished lawyers and judges the Bar has to offer. The 38 new lawyers participating in this year's program span practice areas ranging from assistant district attorney to corporate counsel, while their counterparts consist of senior partners, nonprofit in-house attorneys, and judges from the local, federal, and state bench.


The mood of the meet-and-greet portion of the breakfast was as much a reunion as it was an

introduction, foreshadowing some of the points made later by the speakers in the more formal presentation. The veterans and rookies shared names of lawyers with whom they practice and invariably found the connections that seem to be just pleasantries but are, in fact, one of the subtle goals of the program.

Lewis Glenn of Parker Poe Adams & Bernstein LLP, Chair of the Professionalism Committee, presided over the presentation phase of the breakfast. He noted the shared goals of the Professionalism Committee and the Silent Partners Program to connect the members of the Bar for the benefit of our collective clients and the members themselves. Tony Lathrop, the current president of the MCB, expanded on that theme and gave concrete examples of the benefits of a familiarity within the Bar in the context of resolving conflicts for our clients. He spoke about maintaining and growing a mutual respect and civility within the Bar through its continuing commitment to

mentoring young lawyers.

The Honorable Robert Johnston, Senior Resident Superior Court Judge, spoke about past experiences with the program and how small-group discussions on the law and on the practice of law hold value for both sets of participants in the program. He invited the new lawyers to take advantage of getting to know as many of the other Silent Partners as possible rather than restricting themselves to the pairings, further highlighting the point that a collegial Bar is better for lawyers, clients, and the public in general.

The program runs officially for one year, until next year's new lawyers are paired with another group of Silent Partners, but the program strives—with good evidence of success—to make the relationships cumulative rather than finite. For more information about the program or if you have interest in participating in the future, please contact Steve Gruendel of Moore & Van Allen PLLC at stevegruendel@mvalaw.com. 

Boger Challenges CMS Policy at Luncheon Series Lecture

Jack Boger, Dean of the University of North Carolina School of Law, addressed more than 100 Bar members, civic leaders, and members of the public at the second meeting of the 2006–07 Lawyers’ Luncheon Series held at the First Presbyterian Church on January 26. The Mecklenburg County Bar would like to extend its thanks to Special Counsel for its generous sponsorship of this event.

Dean Boger discussed whether the policies instituted by Charlotte-Mecklenburg Schools (CMS) put children at risk. He asserted that CMS—once a model for school systems around the country—had fallen behind by not putting enough focus on student assignment, instead creating several high-poverty, low-performance schools in the poorer areas of the city. He compared the children of CMS to the Mount Everest climbers caught in a snowstorm in Jon Krakauer’s book, *Into Thin Air*, asking what people can realistically be expected to accomplish when they are without adequate preparation or placed in extreme environments they cannot control. Dean Boger stressed that drive and determination can only take students so far. He believes it is up to CMS to provide an adequate educational environment that benefits all students. Below is an excerpt from Dean Boger’s lecture. To read the lecture in its entirety with supporting charts and graphs, visit [Event Speeches](#) under the Resource button at www.meckbar.org.

The Charlotte-Mecklenburg School District has recently released its strategic plan *Reach Further*, charting the future of CMS to the year 2010.... It is, in effect, the trail guide to three broad, board-approved goals: (1) to provide all students with the opportunity to perform at their fullest potential; (2) to ensure there is no discernible achievement gap among students based on race, gender, or economic level; and (3) to prepare all students to be successful in institutions of higher learning or the workforce without remediation....

[T]here is one curious omission. No serious consideration is given anywhere to *student assignment* as a means to alter the marked drift... toward the high-poverty, racially isolated schools in Charlotte’s center city, where most African-American and lower-income students attend school.

My own thinking on student assignment... has been formed by what I’ve come to see as three interrelated realities: (1) that although many non-white families are middle or upper class, non-whites are, on average, far more likely to be poor; (2) that attendance at schools with *high percentages* of low-income children, “high-poverty schools,” makes low-academic performance substantially more likely; and (3) that in Charlotte, as in most American cities, residential neighborhoods foster both racial and socioeconomic separation and isolation....

There is a growing body of evidence that children who attend high-poverty schools face significantly higher risks of poor academic performance, notwithstanding their individual academic potential. *High-poverty schools, in short, are [the] “thin air” into which we are deliberately sending many of our least-prepared, most fragile children....*

For years, many educators... have argued that the answer to this crisis lies *not* in an adjustment of student assignments to guarantee racially and socioeconomically diverse schools,

but instead in indulging the assumption that students can learn wherever they are, provided they are given access to good teachers and other educational resources. Yet these arguments have an uncomfortable similarity to arguments made over 100 years ago in *Plessy v. Ferguson*, the Supreme Court decision that upheld the “separate but equal” doctrine.... The modern version of the argument has been adjusted slightly to make it more palatable for contemporary audiences. It’s sometimes called the “separate but more” doctrine. The theory goes like this: as long as schools with high concentrations of poor students or students of color receive greater and more targeted resources, extra remedial educational programs, and bonuses to attract “better” teachers, then the assignment of students, even to racially isolated schools, doesn’t really matter.

The essence of the new CMS plan is to accept and normalize this controversial claim; the new CMS plan has abandoned any commitment to diverse public schooling that made Charlotte, in the 1980s and 1990s, the watchword for excellent public education... Instead, the plan simply accepts Charlotte’s growing racial and socioeconomic divide among its schools and promises to provide good teachers to students in every school, including those with high levels of poverty....

I’ve long been gripped by the centuries-long tragedy of America’s racial inequality and heartened by the moral progress represented by *Brown [v. Board of Education]* in 1954, and later by *Swann [v. Charlotte-Mecklenburg County Board of Education]* in 1971 (that latter case argued in the Supreme Court by my indefatigable mentor, colleague, and friend Julius Chambers). In 1971, Chambers... convinced a unanimous Supreme Court that the Judge James McMillan’s orders requiring CMS to disestablish its “racially identifiable” public schools were constitutionally appropriate. Chambers led the Court to see that in 1971, 17 years after the path-breaking *Brown* decision, schools in Charlotte had made little progress toward desegregation and that remedial changes were necessary....

In 1974, Justice Thurgood Marshall warned his fellow justices that failing to address the widespread racial desegregation of the Detroit metropolitan region was a tragic mistake: “In the short run, it may seem to be the easier course to allow our great metropolitan areas to be divided up, each into two cities—one white, the other black—but it is a course, I predict, our people will ultimately regret.”...

There are thousands of children in Charlotte’s public schools... who possess everything within themselves—intelligence, heart, good will—to reach the summit of academic and life success *if* we can place them in environments in which they and their peers can flourish. This is your community. They are your children. They attend schools to which you have assigned them.... CMS schools are your responsibility. Their graduates, and their dropouts, will determine your community’s future. Let me encourage you, leaders of Charlotte, to recall your proud years of progress. Ask yourselves honestly what the future requires. May you forswear any course, as Justice Marshall warned, that you’ll ultimately come to regret.

MCB

Lawyer Leaders

Pender McElroy—Crisis Assistance Ministries

BY JOHN LASSITER



Crisis Assistance Ministries Board Chair McElroy

Adult habits are often shaped by lessons learned as children. For Pender McElroy, the example of his mother’s efforts to find folks in need and quietly go about providing help proved to be the impetus for his commitment to community service.

Despite the pressures and time demands of building the firm that bears his name, James, McElroy & Diehl, Pender has balanced the practice of law with a willingness to lend a hand to others. Beginning as part of his support of his church and Rotary Club, he volunteered to sort clothes at Crisis Assistance Ministries each month. Several years later, the agency—like many in our community—lost the only lawyer on its board. Pender accepted the invitation to join the board in 2001 and assumed the chair for 2006–07.

Crisis Assistance Ministries—often viewed as the last line of defense for people in poverty—provides clothes, furniture, rent, and utility payments to over 20,000 people each year, many of whom are working families that need a little help to keep a job, an apartment, or a family intact. Through an exceptional staff including a PhD and a retired Navy admiral, Crisis Assistance works toward the ideal of providing assistance and advocacy for people in financial crisis and eliminating poverty in Charlotte. Pender’s vision includes elevating the agency’s advocacy role in building self-sufficiency in their clients and increased awareness of the needs of people in poverty throughout the city.

Pender’s current role at Crisis Assistance is the latest example of his community leadership spanning over three decades of legal practice. His service has included chairing the boards of the Mental Health Association, Charlotte-Mecklenburg Senior Centers, Community Health Services, as well as president of the Mecklenburg County Bar in 1994–95. His mother impressed on him that “all people are created equal and should be treated equal.” She would be proud and our community has benefited by Pender McElroy’s efforts to put those words into action. MCB

Got your Santa cap on?

Find out at Law Day!

What We Stand For

BY CATHARINE BIGGS ARROWOOD,
PRESIDENT,
WAKE COUNTY BAR ASSOCIATION

The recent brouhaha over legal representation of detained terror suspects provides a fresh reminder of two essential truths: Our democracy is only as robust as the commitment of individuals to act on our loftiest ideals, yet our commitment to these ideals is most fragile in times of national peril. One such individual who represented this commitment was Kenneth Royall.

Over 60 years ago, Kenneth Royall, a native North Carolinian, was a colonel in the U.S. Army. In 1942 he was assigned to represent seven of eight suspected Nazi saboteurs who had put ashore on Long Island and Florida with plans to disrupt America's war effort and sow terror and confusion throughout the land.

Historical accounts suggest that the plot was probably less fearsome than the American public was led to believe in June 1942. The suspects were civilians, not military personnel; all had lived in America; and two claimed to be U.S. citizens. In fact, the plot unraveled before any harm had been done. One of the would-be saboteurs betrayed the group to the FBI—leading to the saboteurs' arrest and a nifty public relations coup for J. Edgar Hoover. Accounts of the incident refer to the plotters as "hapless saboteurs" and even "Keystone Kommandos."

But it was wartime—just seven months after Pearl Harbor—and the public, less interested in facts than in rough justice, clamored for blood. President Franklin D. Roosevelt obliged by issuing a proclamation and order denying the defendants access to the civil courts and ordering

that they be tried by a military commission in secret. The government signaled it would seek the death penalty.

Royall vigorously defended his clients' right to counsel and instituted *habeas corpus* proceedings to test the constitutionality of the military tribunal, despite FDR's clear disapproval.

Royall argued that the tribunal lacked jurisdiction and attempted to stop the proceedings. His argument fell on deaf ears, and the trial commenced in July. Undeterred, Royall took the case to the Supreme Court, convincing it to schedule a special session while the military trial continued. Royall used one of the court's own opinions, a Civil War-era case called *Ex parte Milligan*, to argue that military courts could not be used unless martial law had been imposed or the civil courts shut down.

The Supreme Court ultimately rejected Royall's arguments, the military commission completed the trial, and the commission's secret recommendation was sent to Roosevelt. One week later, on August 8, 1942, the government announced that six of the eight saboteurs had been executed. Two were spared for cooperating with the government, imprisoned until the end of the war, then deported to Germany.

Royall not only lost the legal battle but earned the disdain of many of his countrymen for taking up such an unpopular cause. One of Royall's fellow North Carolinians wrote: "I would suggest you remain in Washington when the war is over."

But one Supreme Court justice lauded Royall's "impressive demonstration that the right to counsel in our democracy is neither a fiction nor a formality." Many years later, Royall's law partners praised him for "[giving] our tradition of the right

to counsel new meaning, depth, and reality."

Royall was later promoted to brigadier general and served as undersecretary of war, secretary of war, and finally the first secretary of the Army. He followed his public service with a successful career in private practice and died in 1971 at the age of 77.

Lawyers today carry on Royall's dedication to the rule of law. Last year, Navy Lieutenant Commander Charles Swift, another lawyer with North Carolina roots, fought—successfully this time—for the right of the terrorism suspects to challenge in a civil court the legality of detention at Guantanamo. Last June, a 5-3 majority of the U. S. Supreme Court agreed and declared the military tribunals illegal.

Royall in his argument before the Supreme Court some 60 years before stated: "It is trite but still true to say that the soundness of any system of government proves itself in the hard cases where there is an element of public clamor. Such circumstances test the real ability of a government and its judicial system to protect the rights of an unpopular minority."

We owe a debt of gratitude—not words of scorn—to the lawyers who step up to represent the most unpopular of the accused and to the judges who consider and decide their cases. Through their acts and words, they are preserving our rights and our way of life.

Excerpt reprinted by permission of the Wake County Bar Association Flyer, January 2007. Catharine Biggs Arrowood is a native of Lumberton, North Carolina. She is a litigation partner with Parker Poe Adams & Bernstein LLP in Raleigh, NC, and the president of the Wake County Bar Association.

MCB

Two Attorneys Needed

Mid-size Mecklenburg County law firm seeks two associate attorneys: one with interest/experience in commercial/residential real estate and business practice, and one with interest/experience in district court and family law practice.

Full benefits include health, life, and disability; 401(k); paid vacation and sick leave.

Salary based upon experience with bonus opportunities.

Send resume to Dave Bland, P.O. Box 2570, Matthews, NC, 28106, or e-mail to dbland@wbbatty.com.

Office Space Available

Prestigious SouthPark area. Great location near SouthPark Mall. One to three offices available in an office-sharing arrangement. Conference room, work room, kitchen, free parking. Possible sharing arrangement available on copier. Short-term lease considered. Ideal for a new attorney or sole practitioner. Please call 704/442-9300.

Nominating Committee Meeting Notice

Open Nomination Meeting for MCB Board and Offices

The Nominating Committee of the Mecklenburg County Bar (MCB) will meet at **5:00 p.m. on March 27, 2007, in the CLE Room** of the MCB Center, 438 Queens Road. There will be an initial open session, followed by an executive session of the meeting. Members may elect to appear at 5:00 p.m. to nominate a member; thereafter the Committee will meet in executive session. A list of the persons nominated by the Committee shall be published on the MCB website and in the April newsletter and will be presented to the membership at the Annual Meeting of the MCB. Additional nominations may also be made from the floor at the Annual Meeting on May 24, 2007.

Procedures for Nomination

All members of the Mecklenburg County Bar are encouraged to submit their names or the names of other active members of the Bar to the Nominating Committee for consideration as nominees for various offices and board of directors' seats. Names should be submitted to a member of the Committee (listed below) prior to March 27, 2007, or mailed to Nominating Committee, c/o MCB, 438 Queens Road, Charlotte, NC 28207, to arrive by that date. Additional nominations may be made from the floor during the open session of the committee meeting.

Each member whose name is submitted for consideration of a nomination must have indicated his or her willingness to serve if elected. The Committee shall nominate persons to serve in the

following offices for the 2007-08 term:

- President-Elect (1-year term)
- Vice President (1-year term)
- Secretary (1-year term)
- Treasurer (1-year term)
- Board of Directors (six members: 3-year terms; one member: 1-year term to fill opening in Class of 2008 due to vacancy)

Committee Members

In accordance with Section 3, Article V, of the bylaws of the Mecklenburg County Bar, the Board of Directors has elected the following persons to serve as members of the 2007 Nominating Committee:

Shirley L. Fulton, *Committee Chair*
(Past MCB President)

Amy Butterworth

Hon. Albert Diaz

Frank E. Emory

J. Cameron Furr Jr.

Brian A. Kahn

Hon. David C. Keesler

Hannah H. Kim

Leila Z. Lahbabi

Brandon M. Lofton

Maria Long

William H. McMullen

Heloise C. Merrill

Mark W. Merritt

Calvin E. Murphy MCB




LRS Applauds Panel Members

The Lawyer Referral Service would like to thank the following Bar members for their continued support and patronage:

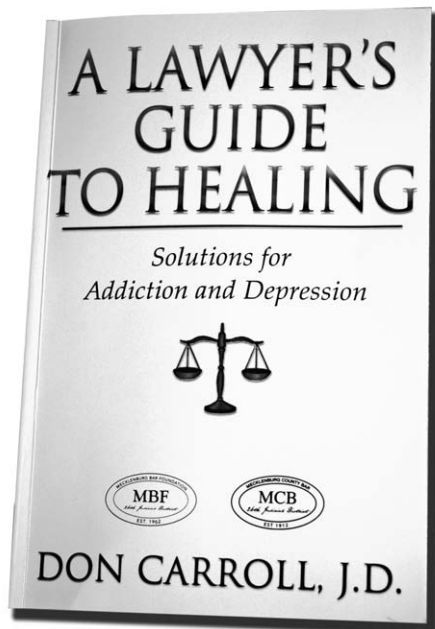
W. Thad Adams III
 Cynthia A. Aziz
 Tyyawdi M. Baker
 Lynn Bishop
 Aretha V. Blake
 Michelle Marie Botek
 Ellis M. Bragg
 Tamara W. Brooks
 Vernon Cloud Jr.
 Howard M. Cohen
 Janice V. Coulter
 Jorge Luis Cowley
 Michael A. DeMayo
 Ryan E. Dings
 David C. Driscoll
 Joshua Blake Durham
 James L. Epperson
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 J. Elliott Field
 Matthew A. Fleishman
 Denzil H. Forrester
 John M. Friguglietti Jr.
 Jeffrey Garis
 Jennefer Garrity

Michael J. Greene
 Cyndi A. Haden
 David W. Hands
 John F. Hanzel
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 Tracy T. Hatcher
 Ray Hayes II
 Susan M. Healy
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 Theodore A. Maloney
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 George N. Miller
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Annemarie Pantazis
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 Jonathan Peter Spence
 Victoria L. Sprouse
 Troy J. Stafford
 David H. Strickland
 Richard H. Tomberlin
 Dwane E. Vickstrom
 Cheryl R. Watkins, CPA
 James S. Weidner Jr.
 Anna N. Westmoreland
 Christopher Allen White
 William G. Whittaker
 Cory A. Williams
 William Chad Winebarger
 Melissa Davis Wright

If you are interested in supporting one of the oldest and most visible programs the Bar offers to the community, please contact Sally Larsen at 704/375-8624, extension 115. 

Available from the Mecklenburg County Bar A Lawyer's Guide To Healing by Don Carroll, JD



Stress, power, and high expectations of the legal profession can leave lawyers especially vulnerable to addiction. What's more, personality traits that contribute to a lawyer's success can impede recovery.

If you're struggling with addiction or depression or know an attorney or judge who struggles with one or both of these vulnerabilities of the legal profession, this book may be helpful to you.

Don Carroll, the director of the North Carolina Lawyers Assistance Program (NCLAP), has written the definitive guide on addiction and depression in the legal profession. In *A Lawyer's Guide to Healing*, Carroll discusses the disease of addiction, how it affects addicted lawyers in every aspect of their lives, and how recovery can help lawyers reclaim their personal lives and professions.

To purchase a copy for \$10, please stop by the Bar Center (438 Queens Road) or call 704/375-8624. To purchase a copy by credit card and have it mailed to you for \$15, please go to www.meckbar.org and click on "Hope and Help for Troubled Lawyers" under Announcements.

What the experts are saying about this book:

Drawing on his rich professional and personal experience, Don manages to combine the latest data on addiction, depression, and other problems besetting altogether too many lawyers with stories of overcomers and practical words of encouragement which are nothing short of inspiring. Any lawyer or judge struggling with these issues—or assisting those who are—must read this wise and instructive book.

Judge Carl Horn III

Author of the Fourth Circuit Criminal Handbook and LawyerLife: Finding a Life and a Higher Calling in the Practice of Law

This book represents a unique resource for attorneys struggling with alcoholism and substance abuse . . . Don Carroll provides a wealth of information regarding impairment and recovery, while never losing sight of the human side of the equation. The book presents the pain of addiction and the joy of recovery, together with the information needed to assist suffering legal professionals.

Michael Cohen

Executive Director of Florida Lawyers Assistance, Inc., and a member of the Florida Bar Standing Committee on Professionalism



Charlotte Law Dean Clark

Clark is not the type to rest on his laurels or stay with the tried-and-true, and CharlotteLaw offered the ideal challenge. It is the ultimate culmination of all he has worked for. CharlotteLaw offered him the chance to work with an inspired and dedicated team to build a program from the ground up. To design it, engineer it, build it, and staff it. It gave him the possibility of combining with others who share a common vision, passion, and drive to create a new model of legal education. Clark saw the opportunity and jumped at the chance. And he has never looked back. Indeed, as he puts it, the reality is much better than the vision.

Clark has no illusions about the obstacles that must be overcome. First and foremost is accreditation. Without that stamp of approval from the American Bar Association (ABA), the entire program collapses like a house of cards. To address it, Clark made sure to stack the deck in his favor. Under his leadership, the school is following the blueprint that InfiLaw has used to secure the accreditation of its other law schools—Florida Coastal School of Law (fully accredited) and Phoenix School of Law (awaiting the decision on its accreditation). More important, the school has several former members of the ABA accreditation committee, with significant experience in law school evaluations, on its Board of Advisors. The curriculum, faculty hiring, and admissions processes were all designed and implemented with accreditation in mind. The review process begins in earnest in fall 2007 and, according to Clark, CharlotteLaw will be ready.

A key aspect of the accreditation process, as well as the long-term success of the school, is the makeup of the student body and faculty corps. CharlotteLaw has assiduously followed the ABA guidelines on admissions, with its minimum LSAT and GPA requirements. Even with these fairly stringent prerequisites for an unaccredited program, the school drew over 1,000 applicants from 46 states for the entering class. From this pool, 63

students started as the first class of entering day students (following the traditional three-year program), four entered as part-time day students, and 17 began their studies in the school's first evening class (with a four-year curriculum).

CharlotteLaw also has been able to attract an experienced and diverse faculty that accepts the school's view of student-centered education geared towards graduating practice-ready lawyers. A law degree and prior teaching experience, alone, is not enough to guarantee a position at CharlotteLaw. Instead, CharlotteLaw is seeking professors who bring practical, real-world experience to their classes. This means seeking out individuals who recognize the value of being available and accessible to students; who will give real, meaningful feedback on exams and projects; and who are less worried about polishing their own reputations with research and publications than they are about producing polished, practiced-ready lawyers. It must be working. CharlotteLaw has received applications from over 700 professors and practitioners for the few positions that are available.

During this first year, the school only needed a small cadre of faculty to handle the typical first-year curriculum of property, torts, civil dispute resolution, contracts, and the "lawyering process" (known in days of old as legal writing). But as the student body increases exponentially and course offerings expand, Clark anticipates doubling the

faculty during each of the next several years. Along with new course offerings, both required and electives, Clark envisions setting up journals and establishing practical clinics, not just the traditional clinics offering pro bono and trial assistance, but also clinics for transactional attorneys.

There truly is excitement in the air at CharlotteLaw, and Clark's enthusiasm is contagious. But in many ways, Clark is as much a realist as he is an idealist. He understands that student-centered or not, holistic or not, when all is said and done, there are only two measures of success that really count for CharlotteLaw and any other law school: success on the bar and the hire rate. The bar pass rate is important; the hire rate is absolutely critical. If CharlotteLaw cannot demonstrate to applicants and the legal community alike that its graduates pass the bar in significant numbers, then why would a potential student pick CharlotteLaw over any other program? More critically, if the school's graduates are not able to secure solid, challenging, well-paid, sought-after jobs, then the best pass-rate in the country will matter little.

In Clark's dream scenario, the day will come when one of Charlotte's top law firms, confronted with two equally qualified candidates for an entry position, one from a top-tier school and one from CharlotteLaw, will choose the CharlotteLaw graduate. If Clark has anything to say about it, that day will not be far off. **MCB**

Lawyers in the News

continued from page 1

Super Lawyers Named in Charlotte

Law & Politics and *Charlotte Magazine* recently published North Carolina "Super Lawyers" 2007, which includes only five percent of the total lawyers in North Carolina. The process identified qualified candidates by using a multistep evaluation process, including balloting (14,000 were mailed to active lawyers in North Carolina), peer evaluation, and internal results.

Charlotte attorneys named in the "Top 10" in the state include **James Cooney III, Mark Merritt, and Norfleet Pruden III.**

The "Top 100" Super Lawyers include the following Charlotte attorneys: **David Allen, Michael Booe, Peter Buck, Mark Calloway, James Cooney III, Peter Covington, Jeffrey Davis, William Diehl Jr., Paul Donohue, Albert Durham, David Eades, Brian Evans, Douglas Ey Jr., James Ferguson II, Thomas Griffin III, David Hamilton, Edward Hinson Jr., Robin Hinson, Louis Lesesne Jr., Mark Merritt, Travis Moon, Raymond Owens Jr., Norfleet Pruden III, Robert Pryor, Richard Rayburn Jr., William Rikard Jr., Russell Robinson, II, David Rudolf, Richard Stephens, Philip Summa, John Wester, and James Wyatt III.**

The "Top 50 Women" Super Lawyers include **Debra Foster, Karen Gledhill, Julie Griggs, Debbie Harden, Christy Eve, Geraldine Sumter, Judy Thompson, and Elizabeth Wren.** **MCB**

Local Lawyers Assist in State Mock Trial Finals

The state finals of the 15th Annual Wade Edwards High School Mock Trial competition took place in the Mecklenburg County Courthouse January 27–28. It was the first public function, outside of court business, held at the new courthouse.

Fayetteville's Terry Sanford High School won the competition. J.H. Rose High School from Greenville was the runner-up. Both schools will advance to the nationals.

The competition is the only statewide high school-level mock trial program in North Carolina. It is sponsored by the North Carolina Academy of Trial Lawyers.

Members of the Mecklenburg County Bar who participated include **Jennifer Ahlers, Craig Asbill, Mike Bednarik, Dalton Blair, Allen Brotherton, Morris Caddell, Deborah Casey, Cameron Caudle, Howard Cohen, Leslie Cooley, Rob Corbett, Cherie Cox, Mike Daisley, Judge Albert Diaz, Joe Downer, Bill Elam, Julie Fosbinder, John Freeman, John Gresham, Jeffrey Hargett, Gary Hemric, Payton Hoover, Megan Johnson, Judge Robert Johnston, Raizel Kahn, Eddie Knox, Frances Knox, Robyn Lacy, Ashley Lamm, Judge Hugh Lewis, Laura Manfreda, Pete McArdle, Jay McKeown, Judge Regan Miller, Lee Myers, Meredith Neubauer, Curtis Osborne, Lee Poole, Natalie Potter, Chet Rabon, Mike Rousseaux, Katie Short, Ben Smith, Graham Stiles, Mark Sumwalt, Eric Trosch, Deepa Tungare, Casey Viser, Roy Wiggins, Chad Winebarger, and Tasha Winebarger.** **MCB**

New York Salary Hikes Reverberate in Charlotte

When New York's Simpson and Thatcher increased starting salaries for new associates to \$160,000, other New York firms followed suit. The \$15,000-a-year salary hike has already affected the Charlotte market.

According to a February 9 article by Will Boye in the *Charlotte Business Journal*, three national firms with offices in Charlotte have announced plans to increase first-year salaries to \$145,000.

The firms are **Cadwalader, Wickersham & Taft, Dechert LLP, and Mayer, Brown, Rowe & Maw.** The changes will lift salaries for all associates at the firm, according to the article.

Alston & Bird has increased its first-year pay to \$130,000—an increase of \$15,000—and other Charlotte firms are reevaluating their salary structures. **MCB**

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Upcoming MBF and MCB Events

April 20, 2007

Congressman Featured Speaker at Annual McMillan Fund Dinner

U.S. Congressman Mel Watt will be the guest speaker at the annual James B. McMillan Fellowship fund-raising dinner. The April 20th dinner will be held at the Mint Museum on Randolph Road starting at 6 p.m.

The Fund was established in 1995 to honor the memory and example of U.S. District Judge James B. McMillan. Since that time, this separate fund of the charitable Mecklenburg Bar Foundation has supported justice and innovation within our local legal system by awarding law students summer fellowships in not-for-profit and governmental agencies. Twenty-two Fellows have been awarded fellowships to work at such local agencies as Legal Services for the Southern Piedmont, the Trial Court Administrator's Office, the Equal Employment Opportunity Commission, Office of the Public Defender, and the District Attorney's Office since 1996. For more information about the Fellowship Fund and how you may support the program, please contact Randy Phillips at 704/331-1048. **MCB**

Save the Date!

April 24

Spring 2007 Swearing-In Ceremony
for State and Federal Courts
Tuesday, 2:30 p.m.

May 24

MCB Annual Meeting
Thursday, 12:00 p.m., Marshall Park

More information coming soon!

May 1, 2007

Experts to Discuss Diversity Issues in Education at Law Day Luncheon

Expert educators will address the Bar at our annual Law Day Luncheon at the Charlotte Marriott City Center (100 W. Trade Street) on Tuesday, May 1, 2007, at noon. President of Davidson College Robert F. Vagt and Dean of the Charlotte School of Law Dr. Gene Clark will take part in a panel discussion on this year's Law Day theme, "Empowering Youth, Assuring Democracy."

Mr. Vagt has served as president of Davidson College since July 1997. He is a graduate of Davidson College and received a masters in divinity from Duke University. Previous to his current post, he served as president to three energy companies and directed several governmental finance agencies and departments of corrections. His board experience includes the Association of Presbyterian Colleges and Universities, the North Carolina Association of Independent Colleges and Universities, and the Southern Conference Council of Presidents.

Dr. Clark is the Charlotte School of Law's first dean. Prior to this, he was Dean of the Faculty of Law, Business, and Arts as well as a professor of law at Charles Darwin University in Australia. Dr. Clark practiced law for three years in the United States before embarking on an international career in Australia, China, Thailand, and the South Pacific. He has received Australia's Inaugural National Teaching Excellence Award and has written widely about legal education issues.

In addition to the panel discussion, the luncheon will also include an opening song from Irene King of James, McElroy and Diehl as well as the presentation of the Liberty Bell Award (for more information about the award, see also page 3).

To register with a check, please use the form below. To register by credit card, please go to www.meckbar.org. The registration deadline is April 24, 2007. **MCB**

2007 MCB Law Day Luncheon Registration Form

Name _____

Firm name _____

Phone _____ Fax _____

E-mail _____

Address _____

Enclosed is my check payable to **Mecklenburg County Bar** for **\$30.00**
Please mail your registration form and check by **4/24/07**
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