

NORTH CAROLINA *lawyer*

For North Carolina Bar Association Members

February 2020 Issue

1960-2020 AND BEYOND

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AS WE MOVE INTO THE NEXT

PAGE 6



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LETTER TO THE EDITOR

“Glory Days” Response

Thank you for your feature (“Glory Days”) in the recent NCBA publication (NC Lawyer, November 2019 Issue) about (Steve Coggins, Chip Gibbons and Judge Bill Farris) and the Fike Cyclones of Wilson during the years 1967-1969. Carlester Crumpler was a name even those of us in the land of Satan (Mecklenburg County) knew well during those years. I am originally from the town of Wake Forest, so I know there is no ketchup in barbeque, but what I did not know until I read your article was the role those three individuals played in the Cyclones’ outstanding record.

I came to know Messrs. Farris and Gibbons at UNC Law School and I met Steve before law school after his “over-marriage” to Louise, who is briefly referenced in your article as Rocky Mount’s head cheerleader. Farris and Gibbons were a class ahead of me. I remember Gibbons as a bright, friendly, wild-haired and good man willing to say “hello” to a 2nd-year student. At the same time, if you had told me in 1977 (or thereafter) that he had singlehandedly won a first-round state playoff with a reception that led to the winning touchdown and a later interception, I would have said “Yeah, and I am the lead dancer with Chippendales.” Unfortunately you no doubt have witnesses and a grainy photo to prove it. How can a football hero go on to NYU and practice arcane corporate tax law for a big firm? Impossible. Maybe he played flag football with some actuaries, but he could not have been on the same field with Crumpler.

Farris looked like an athlete to me in the hallways. He too did not swagger like a football hero and was a bright and good man. At the same time there are no photos, no affidavits, no game-winning anecdotes, and as a Chief District Court Judge we will never know the truth until he joins the rest of us who labor with non-paying clients. Coggins, I know the best of this group. Yes, he still looks like he did when he was in high school (but without the slicked back hair). Also a bright and good man since the day he got his license but again (as far as I know) no 100-yard punt return, no sack of a QB with two seconds left.

Of course, history (and sports) are replete with stories of the “little men and little women” who make it happen, but I worry that your article has opened the door for the rest of us. I played basketball until the coach pointed out to me that going to my left had nothing to do with Communism, and I was captain of the soccer team at Myers Park my senior year in 1971, when you were permitted to dribble with your hands up and down the field. There was no Crumpler. I was not the wind beneath anyone’s wings. Now our voices can be heard. My best to the four of you.

Raymond E. Owens, Jr.
Higgins & Owens, PLLC
Charlotte

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NORTH CAROLINA BAR ASSOCIATION

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NCBA MISSION STATEMENT: To serve the public and the legal profession by promoting the administration of justice and encouraging the highest standards of integrity, competence, civility and well-being of all members of the profession.

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The NCBA Minorities in the Profession Committee presented ¡Adelante! Moving Forward on Nov. 2 at the N.C. Bar Center. The program is designed to empower minority law students as they navigate law school and enter the legal profession. ¡Adelante! leadership and presenters included, front from left: Tawanda Foster Artis, Geneva Yourse, Sinetta Rorie and LaKethia Jefferies. Second row: Teria Thornton, Evin Grant, Denaa Griffin, Jasmine McGhee and Brett Bowers.

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We'd love to hear from you.

Send letters to Editor, North Carolina Lawyer, 8000 Weston Parkway, Cary, NC 27513 or email them to rrawlings@ncbar.org. Please keep your letters to 250 words or less. North Carolina Lawyer edits for brevity, style and taste. The editor reserves the right to choose which letters to publish. No anonymous letters will be printed.

ABOUT THE COVER: The North Carolina Bar Foundation is celebrating its 60th anniversary in 2020. Executive Director Jason Hensley discusses the past, present and future of the NCBF on pages 6-7. Learn more online at ncbarfoundation.org/60th.

The Power of Association: To Be What We Want To Be As Lawyers

By LeAnn Nease Brown



What is the power of association? Why are we better together as members of NCBA? The answer is reflected in our state motto: *Esse Quam Videri*—to be rather than to seem. Through our association, we create opportunities to be the lawyers and legal professionals we aspire to be. Through the power of association, we learn from each other, form relationships – professional and personal – with each other, mutually support professionalism, the rule of law and access to justice, and serve the greater good. Our power as an organized voluntary association of lawyers and legal professionals confers opportunity to be effective, professional and just—not merely seem to be.

Consider the synergy between NCBA and NCBF. NCBA is 19,000 members strong. NCBF unites our talents and generosity to be a power of greater good for the people of North Carolina. The four core values of NCBF reflect the values of NCBA's membership: access to justice, service, education and professionalism.

Through NCBF and NCBA, NCBA members give of their time, talents and treasure to advance pro bono and public service. We create and maintain service opportunities that allow us to strengthen and improve our communities. We embrace our roles as educators to help all understand and have confidence in the rule of law and our justice system. We cultivate a culture of service, invest in training lawyer leaders, and use innovative approaches to bring North Carolina lawyers together to work alongside one another for the common good.

In 2019, we answered over 9,700 calls for help and information during our 4All Statewide Service Day. North Carolina Free Legal Answers served individuals in 97 of our 100 counties. Wills for Heroes hosted legal clinics in all six North Carolina law schools, engaging future lawyer leaders and highlighting our commitment to public service. Lawyers for Literacy mobilized 117 legal professionals to read with over 300 elementary children in 13 schools representing 10 of our counties.

Our programs touched all 100 counties. The synergy created through NCBF grants and programs and NCBA volunteers working in those programs allows our profession to shape a better future for the people of North Carolina and, through the opportunity to serve, a better future for our profession. Through NCBF and NCBA activated opportunities, NCBA members have avenues not only to express our collective commitment to the greater good, but to do something about it. By serving, we elevate public awareness of our professions' dedication to access to justice.

The power of our association is also reflected in NCBA members' work to improve the laws of the state. Individually, we can try to achieve change. Together we have the power to bring it to reality. For many NCBA members, the opportunity to address needed changes in the law is how they give back. Many of our sections work year over year reviewing the law in their practice areas, identifying needs and researching and drafting legislation.

Vetted by our Legislative Advisory Committee and approved by our Board of Governors, proposals to clarify, improve and modernize North Carolina laws of import to the people of North Carolina were advanced in NCBA's 2019 legislative agenda. Fifteen proposals were submitted to the General Assembly. Ten passed (in four bills) and were signed into law. The other five (in two bills) made crossover. The gift of our members' education, intellect, experience and time to improve the law reflects the constructive power of our association.

There are many other ways our association advances our profession. Our CLE Department and our section, committee and division members create and provide valuable training to lawyers and paralegals. Our members work on committees such as appellate rules, minorities in the profession, women in the profession, professional vitality to address issues and offer opportunities. Together, we apply our talents to a myriad of issues for which our training as lawyers and legal professionals makes us uniquely qualified.

Speaking with 1-L classes last fall, I was reminded of Eleanor Roosevelt's observation: "the future belongs to those who believe in the beauty of their dreams." Most of us entered our profession with altruistic aspirations to make a difference; to be rather than to seem.

Our association is a great enabler of positive deeds and attainments. Collectively, we offer one another opportunities to be what we want to be as lawyers. That is the power of our association, the power derived from being part of NCBA membership, activities, programs and initiatives.

LeAnn Nease Brown is the 2019-20 president of the North Carolina Bar Association and the North Carolina Bar Foundation.

Learn more about the Power of Association online at ncbar.org/power.

Celebrating The Foundation's 60th Anniversary

By Jason M. Hensley



This year, the North Carolina Bar Foundation celebrates its 60th anniversary. This anniversary is given special meaning by its parallel with the Association, which was in its 60th year when the Foundation was conceived and the work began to give it life. This anniversary provides us with an opportunity to reflect on the Foundation's journey as a way of framing the bright future that lies ahead.

On October 23, 1959, a group of seven attorneys gathered in Raleigh, North Carolina to create the organizational framework of the North Carolina Bar Foundation.¹ The group was led by James K. Dorsett, Jr., then President of the Association, and soon to be the first President of the Foundation. The by-laws prepared by the group identified several purposes for the organization, key among them, to foster and maintain the honor and integrity of the profession of the law, and to study, improve and facilitate the administration of justice.

On May 19, 1960, the Articles of Incorporation were filed with the North Carolina Secretary of State, formally creating the non-profit organization as the North Carolina Bar Association Foundation, Inc.² Shortly thereafter, on June 13, 1960, the Internal Revenue Service provided a formal 501(c)(3) determination for the Foundation.³ On June 18, 1960, the first Annual Meeting of the Foundation was held in Myrtle Beach, South Carolina, following the Association Annual Meeting.³ At that meeting, James B. McMillan was elected the second President of the Foundation.

The first donations to the Foundation were made by the NCBA, totaling \$1,300 and in the spring of 1960, the Foundation made its first contributions of \$100 each (almost \$900 in today's dollars) to the law schools at Duke, UNC Chapel Hill and Wake Forest. The express purpose of those contributions was to "promote the study of law and research therein, the diffusion of knowledge thereof, and the continuing education of lawyers."

While the first donations were being received, and the first contributions were being made by the Foundation, work was also un-

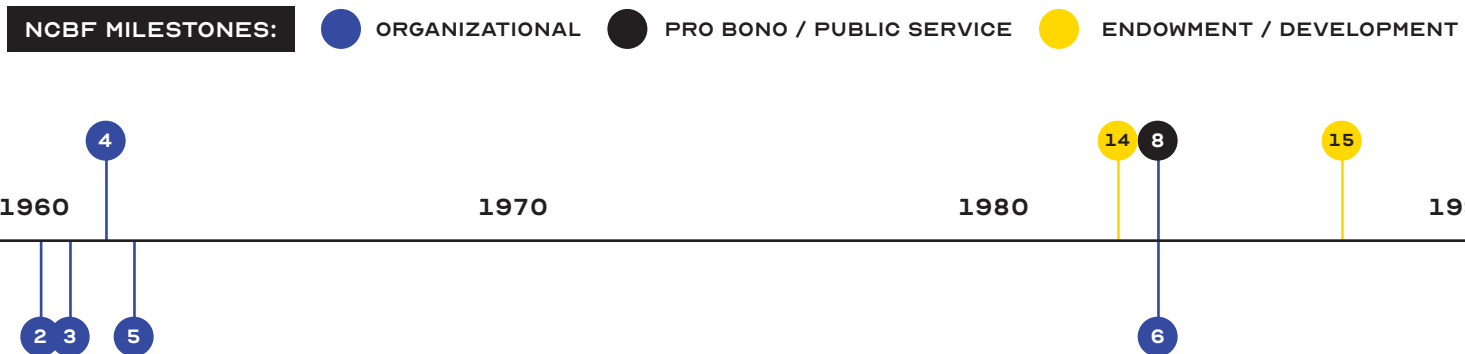
derway to obtain land and construct a "Bar Center" to be the state headquarters of the Foundation and to generate income to support the purposes of the Foundation. At a Directors Meeting on June 15, 1960, the Directors voted to accept a gift of land in Cameron Village in Raleigh and to create a steering committee to prepare plans for the Bar Center and raise funds for its construction.³

The Bar Center Building Campaign was launched in January 1961⁴ and the first North Carolina Bar Center was constructed in 1962⁵ at 1025 Wade Avenue. That location served as the home of the Association and Foundation until 1983, when the organizations moved to the second North Carolina Bar Center at 1312 Annapolis Drive in Raleigh.⁶ In 1994, the Association and Foundation moved to the current North Carolina Bar Center, located at 8000 Weston Parkway in Cary.⁷

The Association and Foundation have a long and rich history of working together to identify the unmet needs of citizens in our state and find innovative and effective ways to deliver pro bono services and increase access to justice. In 1983, work that is now core to both the Association and Foundation began when the Association initiated the Pro Bono Project with financial assistance from Legal Services Corporation, Legal Services of North Carolina (now Legal Aid of North Carolina) and the ABA.⁸

In 2007, NC LEAP (Lawyers for Entrepreneurs Assistance Program) was launched as a project Association's Business Law Section and is the only statewide program of its kind.⁹ NC LEAP provides a unique opportunity for transactional attorneys to help low-wealth entrepreneurs by providing assistance on matters such as business formation, contract review and patent applications. Since its inception, over 3,000 small business owners have been assisted by the program. In 2018-19, 90 volunteers provided assistance in 28 business law cases and 21 intellectual property cases.

The Young Lawyers Division of the Association launched the Wills for Heroes Program with a clinic in Charlotte in the fall of 2007⁹. The program provides wills, powers of attorney and health care powers of attorney for free to North Carolina first responders. In 2018-19, there were seven Wills for Heroes clinics held across the state, with 857 estate planning documents being provided by 310 volunteers. The program provides a sense of security and protection to individuals who have chosen to place themselves at risk every day to serve all of us.



The 4ALL Day of Service was launched in March of 2008¹⁰ to provide free legal information to the residents of North Carolina through a network of call centers. During the 4ALL Day of Service, almost 10,000 calls are now received each year, with 9,749 calls being answered by 449 4ALL attorney volunteers in 2019. The call centers for the program are located throughout the state, making it possible for volunteers to come together and make a profound statewide difference in a single day.

In 2010, the Middle School Mock Trial Program was launched as a means of providing mock trial and civic engagement experiences to middle school students, while introducing them to the legal profession and our judicial system. Today the Foundation provides materials and resources to middle schools and volunteers to facilitate regional competitions.¹¹

The Lawyers for Literacy program started in 2013, providing an opportunity for legal professionals to help at-risk elementary school children improve their reading skills, while sparking their interest in books, civics and history.¹² The program now serves students in 10 counties, and in 2018-19, it enabled over 100 volunteers to reach over 300 students.

The Foundation launched NC Free Legal Answers in January of 2018.¹³ The program enables volunteer attorneys to confidentially respond to civil legal questions posted by income-qualifying members of the public. The program is targeted at the access to justice gap in North Carolina and offers volunteers a meaningful way to provide free, limited-representation legal services to those in need. While the program is structured to allow volunteers to participate at any time of day and from any place that has internet access, many volunteers have enjoyed organizing “Empower Hours” where they come together to review and answer questions in a group setting. Since the start of the program 1,660 questions have been answered by 380 volunteers, serving residents in all 100 of North Carolina’s counties.

None of the Foundation’s programs would be able to operate and serve the public without the contribution of time and resources by the profession. In 1982, the Patron Campaign (the precursor to today’s Annual Fund Campaign) was launched to help support the operating costs of the Foundation.¹⁴ In 1987 the Founders Campaign successfully raised \$1.5 million, including 29 Justice Funds, to create the Foundation’s Endowment.¹⁵ In that year, the Investment Committee was given responsibility for stewarding the investment of those Endowment funds.

By 1999, the Endowment had funds of \$3.5 million and had made grants over the past decade of more than \$1 million.¹⁶ Between 1999 and 2001, in celebration of the 100th anniversary of the Association, \$1.6 million was raised for the Centennial Endowment Campaign. In 2012, the 500th grant was made from the Endowment, reaching \$4.1

million in total grants awarded.¹⁷

The Legal Aid of North Carolina (LANC) Fund was established in the Foundation’s endowment in May of 2007.¹⁸ Charles Dixon of Hickory helped launch the fund with a lead gift of \$100,000. In 2018, the Foundation received its largest ever gift from Mr. Dixon’s estate, which contributed almost \$1 million to the LANC Fund.¹⁹ Today, thanks to gifts from Mr. Dixon and many others, the LANC Fund has a value of \$2.3 million dollars.

In January of 2018, the 750th grant was made from the Endowment, reaching a total of \$6 million in grants awarded from the Endowment.¹⁹ In 2018-19, \$338,486 of funding was distributed by the Endowment to 29 programs and projects that include pro bono and public service, civic/legal education, access to justice, and professionalism. Today, through the generosity of the profession and the dedicated stewardship of the funds, the market value of the Endowment is in excess of \$14 million dollars.²⁰

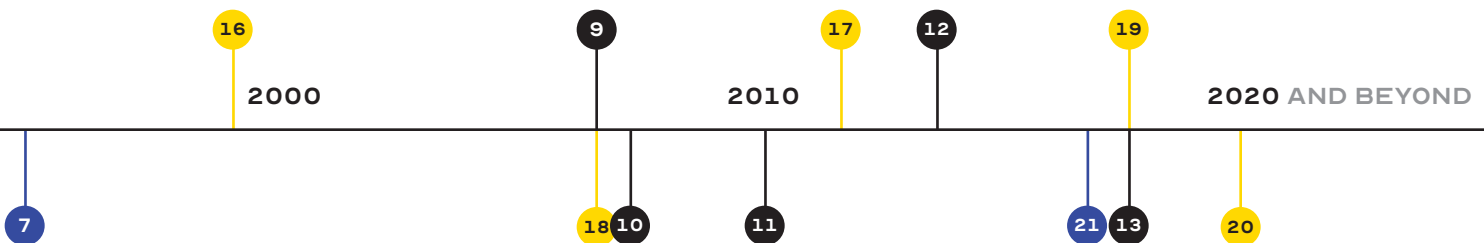
The Association acquired the Foundation’s Continuing Legal Education program on July 1, 2017.²¹ This transaction made it possible for the Association to strengthen the connection between CLE and membership and sections, while allowing the Foundation to focus more fully on its pro bono and public service efforts, development and growth of the endowment. In October of 2017, the Foundation Board of Directors adopted a new statement of mission, vision and values, reaffirming the Foundation’s commitment to bring together the talent and generosity of our profession to be a power of greater good for the people of our state by focusing on access to justice, service, education and professionalism.²¹

The engagement of our profession in the work and efforts of Foundation managed and supported projects and programs has never been higher, and together we are continuing to close the access to justice gap and make it possible for those in need to receive legal services. While substantial progress has been made by our profession and our Foundation over the past 60 years in providing legal services to those in need, the needs in our state remain great.

As we move into the next 60 years of the Foundation, we hope that you will continue to join and support the work of the Foundation as it strives to support a vibrant North Carolina, where legal services are available to all, regardless of ability to pay; where the profession provides community service and leadership with a profound impact; and where all North Carolinians understand and have confidence in our legal system.

Jason M. Hensley serves as executive director of the North Carolina Bar Association and the North Carolina Bar Foundation.

TO SEE MORE OF WHAT YOUR NORTH CAROLINA BAR FOUNDATION IS DOING, VISIT NCBARFOUNDATION.ORG.



In Defense Of The Singular They

By Maria Mangano



A note from columnist Laura Graham: In the last issue, I wrote about the challenging issue of the use of the singular they in legal writing. While I advised using it with caution, I recognized that some writers would disagree with my advice. Shortly after the column was published, I received this very thoughtful and respectful response from Maria Mangano defend-

ing the use of the singular they, and I am grateful that she agreed to its publication in this issue.

Dear Professor Graham,

I am writing in response to your column in the November 2019 issue of the *North Carolina Lawyer*. I am a licensed attorney who has been practicing law in North Carolina since 1982, and I have served as the Director of the Career Development Office at the University of North Carolina School of Law since 2005.

I was deeply (deeply!) disappointed to read your column on the singular *they*. While you accept the use of the term for non-binary persons (tacitly acknowledging that language changes and the formerly incorrect and ungrammatical can become acceptable and correct), you resist its use when it refers to a singular non-binary person (refusing to accept that language changes and the formerly incorrect and ungrammatical can become acceptable and correct). It is, to my mind, and the mind of many others, a plainly outmoded and sexist construction, and defending its use is increasingly, well, indefensible. As quoted in the NPR piece below, “When you utter ‘he,’ you always bring a male to mind.” It’s that simple.

For starters, the use of the singular *they* in English is not new at all, but has been well-established in both spoken language, and yes, written language too, for centuries. Merriam-Webster, in declaring *they* the word of the year for 2019, noted that “English famously lacks a gender-neutral singular pronoun to correspond neatly with singular pronouns like *everyone* or *someone*, and as a consequence *they* has been used for this purpose for over 600 years.”¹

Although the singular *they* has a long and venerable history both in spoken and written language, as noted by this NPR piece² from 2016 – “It shows up in Shakespeare, Dickens and George Bernard Shaw. Jane Austen was always saying things like ‘everybody has their failing,’ – “the Victorian grammarians made it a matter of schoolroom dogma that one could only say ‘Everybody has his failing,’ with the understanding that ‘he’ stood in for both sexes,” the masculine embracing the feminine as it were. The NPR piece has a link to a blog³ posting which contains a detailed history of the use of the singular *they* and the resistance to its use, which resistance got seriously criticized during the sec-

ond wave of feminism – happily in my lifetime! – noting that the prohibition against the generic *they* wasn’t really discredited until the 1970s, when the second-wave feminists made the generic masculine the paradigm of sexism in language. Male critics ridiculed their complaints as a “libspeak tantrum” and accused them of suffering from “pronoun envy.” But most writers now realize that the so-called gender-neutral “he” is anything but. Nobody would ever say, “Every candidate thanked his spouse, including Hillary.” When you utter “he,” you always bring a male to mind.⁴

My early-morning research on a busy day (would that I had even more time for this important subject) indicates that, as you say, a fair number of your colleagues have put it, “the train has left the station” when it comes to the use of the singular *they*, not only in speech, but in an increasing acceptance in formal writing and style guides. Yes, a phrase or sentence can sometimes be recast (generally by using the plural) to avoid the singular *they*, but the only reason to insist that every use of the singular *they* be recast or rewritten is based upon the belief that the singular *they* is “wrong” in some sort of immutable way. However, language is not immutable and unchanging, but rather, as the Linguistic Society of America put it in *Is English Changing?*,⁵ “Language is always changing, evolving, and adapting to the needs of its users.”

Why is this so important? Language and words help form our beliefs and images and concepts of the world. To go back to where I started, “When you utter ‘he,’ you always bring a male to mind,” reinforcing the patriarchal belief that men are more important than women. As a 16th century grammarian neatly put it, “the masculine gender is more worthy than the feminine. . . .”⁶ I am proud to say that I have done my small part to depict the world in a more egalitarian way and have consistently used the generic singular *they* not only in speech, but in my writing, both informal and formal – including all my legal writing – for as long as I can remember.

Change happens because we make it happen. I urge you to rethink your resistance to this issue and write in a way, and encourage your students to write in a way, that sends the message that the feminine gender is, always, as worthy as the masculine.

With kind regards,
Maria Mangano

Endnotes

- <https://www.merriam-webster.com/words-at-play/word-of-the-year/they>
- <https://www.npr.org/2016/01/13/462906419/everyone-uses-singular-they-whether-they-realize-it-or-not>
- <https://blogs.illinois.edu/view/25/300287>
- <https://www.npr.org/2016/01/13/462906419/everyone-uses-singular-they-whether-they-realize-it-or-not>
- <https://www.linguisticsociety.org/content/english-changing>
- <https://blogs.illinois.edu/view/25/300287>

Publish Or Perish: How To Get Published (And Why)

By Catherine Sanders Reach



“Marketing is no longer about the stuff that you make, but about the stories you tell.” - Seth Godin

Do you enjoy writing? Would you like to get published but not sure where to begin? Getting published, whether in a journal, newspaper or even on your own blog, can be rewarding in a variety of ways. It can help establish you as a thought leader. It can increase your exposure to potential clients and business partners. It can lead to inquiries from other publications, seminar developers and the media. It can help you stand out amongst your peers and establish you as an authority on a subject. It also gives you content to reuse for client handouts, your website, and social media posts. Writing can be rewarding, but to get published takes some strategy and planning.

What to Write About

There is so much to write about, but the best content is focused on the audience you are trying to capture. Articles can inspire, educate, amuse and make a point. Lawyers have a lot to say, but *who* you are writing for is as important as *what* you are writing about. The best writing helps to address a pain point, with practical guidance and specific information to help the reader. To make your writing interesting, try leveraging current events and popular culture. For instance, you could write about the tax implications of being the biggest winner in the history of *Jeopardy!* Or how *Star Wars* explains constitutional law. Or defense strategies for the characters in the next season of *Big Little Lies*. If your audience consists of non-lawyers, then it is important to provide context and examples that bring the content to life.

When choosing a topic there are several ways to leverage data insights to ensure your content is relevant. The publishing platform JD Supra provides dashboards, trend alerts and writing tips to help lawyers write content that resonates with a particular audience. You can also mine from your own frequently asked questions from your clients (or the questions you wish they asked). You can look at websites like the Justia Blawg Search in the “recent search terms” to see what people are searching for in legal blogs. You can look at Google Trends to see popular searches locally, nationally and internationally. If you do have your own blog or website, check the analytics for keywords searches and the most popular posts.

Ideas for articles sometimes crop up at inopportune times. Create a method to keep a topic list so that you can capture inspiration when it strikes. This could be a physical notebook like Aqua Notes for your shower or the RocketBook reusable notebook, an

app like Evernote or OneNote, or telling Siri or Alexa to add ideas to a list.

Where to Publish

There are many places to get published, but you must choose wisely to see the best return for your efforts. Choose authoritative publications and those with high traffic. Publications like *The American Lawyer*, *Law Technology Today* and *Trial Magazine* are great examples of popular, high traffic, attorney-focused publications. The North Carolina State Bar Journal invites the submission of original articles. You’ll want to reach out to popular publications with lots of unique visitors each month. There are specialty publications that provide you with opportunities to win new business. In-house counsel publications such as *ACC Docket* and *Inside Counsel* are key examples.

To begin to identify the right publications to write for first consider the target audience. Publications geared toward other lawyers may be a source of referrals, but what publications are read by your potential clients? Do you want to focus on regional or national publications? For instance the *Carolina Journal* provides news, commentary and analysis of North Carolina politics and policy. The *Triangle Business Journal* covers news in many industries such as real estate, transportation and health care in North Carolina, as does *Business North Carolina* magazine. There are hundreds of publications focused on a particular industry, like the ones from the North Carolina Bankers Association. Almost every profession has a corresponding professional association with periodicals, and you can find them in the Directory of Associations or do a search in NC Live for periodicals based on keywords.

National, regional and local newspapers are often looking for columnists or contributors with subject expertise. Check Google News to unearth hundreds of newspapers or check the listings at W3newspapers.

Once you have identified some periodicals to write for, you can often find readership and circulation numbers in the media kit, in the advertisement section or in the masthead.

Your submission doesn’t always have to be a featured article. You can write a column, an interview, or a review. If a publication has its own staff writers, they may take submissions for Op-eds or letters to the editor. For instance, the *ABA Journal* solicits essays for the *Your Voice* section of the online magazine. Young lawyers and law students should look into submitting content to writing contests, such as the Ed Mendrzycki Essay Contest conducted by the American Bar Association Standing Committee on Lawyers’ Professional Liability or any of the many law school and legal association opportunities.

Writing for the NCBA

Unsolicited articles and suggestions for articles are welcomed and can be submitted directly to rrawlings@ncbar.org for consideration and, where applicable, distribution. The North Carolina Bar Association has multiple venues wherein articles might appear, including North Carolina Lawyer magazine, NCBarBlog (Featured Posts and the blogs of Sections, Divisions and Committees), and the Association and Foundation websites. The CLE department also publishes books and you can submit a book idea, contribute a chapter, or offer to update an existing work. Visit “Other Resources” on the NCBA CLE website and find out more about becoming an author.

The Power of Syndication

While most newspapers and periodicals have an online counterpart that can be unearthed in web searches, there are other publishing outlets that focus on gathering, syndicating and distributing articles to a target audience. For instance, Mondaq and Lexology solicit articles for a fee and then focus on getting subscribers to the content for you. JD Supra is another pay-to-play resource that helps to get your content to a wide audience. If you have your own blog, consider getting it syndicated through LexBlog and certainly submit it to Justia’s Blawg Search for expanded reach. You can also use Justia’s Blawg Search to identify legal blogs on hundreds of practice areas and request to provide a guest post on popular, active blogs.

Pitch and Follow Through

Once you have identified publishing outlets that have the desired audience and reach, you will need to pitch your idea. Most periodicals will indicate if they take article submissions and the mechanism for submission. That information may be in the masthead, in the “About” page, in the editorial calendar, or simply by emailing the editor. First, read a few issues of the publication to understand the tone and type of content they typically publish. Then pitch your idea to the editor. Editors of popular publications can receive hundreds of pitches a day so make sure you get to the point, show how your content will provide value to publication, and provide cites or links to any of your relevant prior publications.

Once an editor accepts your proposal it is imperative that you meet expectations. There may be submission guidelines that require use of a certain style, such as AP or Chicago or Bluebook. Does the publication use footnotes, endnotes, hyperlinks or no references? Be mindful of any word count limits. No editor wants to have to whittle down an article from 10,000 words to 5,000.

The word count is often based on space and page limits and is not arbitrary. If you do write a longer piece you can always let the editor know you have an expanded version of your contribution. If another writer falls short or if your submission seems ripe for a multi-part serial your efforts may be rewarded.

Keep in mind that the timelines for a print publication are quite different from a blog or online-only publication and you may have to wait for some time to see your writing in print. This may include rounds of editorial review. Meet deadlines and provide responses to requests for proofing and reviewing in a timely manner. While there may be an editorial team, you should edit and proof-read your submission prior to turning it in. Be prepared to turn in a short bio, headshot and links to your social media profiles such as LinkedIn and Twitter.

Reprint, Recycle, Repurpose

You want to leverage your efforts in as many ways as possible so check with the editor about post publication rights. Many publications will let you repost, republish and reuse the content you provide for them after the original content has been published. In some cases, you may need to include a copyright permission statement. Avoid publishing with entities that claim exclusive ownership of your content.

Once your content has been published let the world know! Post links to social media, reference it in press releases and blog posts and add it to your LinkedIn profile in the Accomplishments – Publications section. Depending on the copyright you may also republish the content on your site or as an article in LinkedIn, always referring to the original publication. You can use it for materials for CLEs and client handouts. If the publication is prestigious, they will often offer (for a fee) to give you full color reproductions of the article for distribution.

Conclusion

If you want to get published, first determine your goals. Is it to get business, gain stature in the legal community, establish your expertise or simply because you love to write? Next, determine where you want to get published that helps you meet your goals. Once you have proven yourself a good and reliable author you will likely be asked back and become sought out by other editors. Writing is a great way to establish yourself in the legal profession and can be done at any stage in your career. It just starts with an idea.

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

The Center for Practice Management (CPM) is your free, confidential law practice advisor. We consult with NCBA members on issues from law firm start up to wind down, marketing, acquiring and upgrading technology, and all points in between. Visit cpm.ncbar.org for resources and to schedule a free, confidential consultation.

2020: The Perfect Time For Lawyers To Recommit To Engagement, Leadership

By M. Cabell Clay

Since our nation's inception, lawyers have played a vital role in its development. Our legal training not only equips us to be effective leaders, apt at reasoning and logic, it provides a shared understanding of the importance of a just and equitable government. Unfortunately, over the last several decades, lawyers' representation in elected positions has fallen.

As we head into 2020, a new decade and a national election year, I call for everyone to reflect on how we, as members of this noble profession, can work to better our communities through civic engagement. Now is the time for lawyers to recommit themselves as engaged and thoughtful leaders in our communities.

To encourage young lawyers to become more civically engaged, this bar year, the NCBA YLD launched a Civic Engagement Committee. Generously supported by a grant from the Allan B. Head Fund for Leadership, Professionalism and Service of the North Carolina Bar Foundation Endowment, the Civic Engagement Committee aims to educate and empower young lawyers to become the next generation of dynamic and innovative leaders in our communities.

The Civic Engagement Committee seeks to remove barriers to civic involvement by providing young lawyers with information surrounding what it takes to run for office (including the judiciary), serve on local, state, and non-profit boards and commissions, and to advocate on issues of importance to young lawyers and the legal profession.

The Committee also strives to develop a pipeline for the NCBA's Public Service Academy, a non-partisan program designed to educate attorneys about the ins and outs of running for elected office.

In order to provide insight and engage young lawyers, the Civic Engagement Committee is holding a series of panels on topics



Moderator Caryn McNeill, right, and "Pathway to the Judiciary" panelists, from left: Judge Allegra Collins of the N.C. Court of Appeals, former Justice Robert Edmunds of the N.C. Supreme Court, Resident Superior Court Judge Paul Ridgeway of the 10th Judicial District, Judge Melissa Owens Lassiter of the N.C. Office of Administrative Hearings, and retired Justice/Judge Robert Hunter of the N.C. Supreme Court and N.C. Court of Appeals.

relevant to various types of civic engagement.

The first panel, titled "Pathway to the Judiciary," was held at the Bar Center in Cary on Dec. 11. Moderated by NCBA Past President Caryn McNeill, a panel of current and former justices and judges that included Allegra Collins, Robert Edmunds, Paul Ridgeway, Melissa Owens Lassiter and Robert N. Hunter Jr. engaged in an insightful discussion about their experiences seeking, or being appointed to, their judicial positions, and how their legal experience and training helped guide them along their paths. Replays of the event are available on ncbar.org.

The Civic Engagement Committee's second panel will highlight non-judicial elected officials who have

a background in legal practice. The panel will provide advice and perspective on running for office as an attorney and explore how legal experiences and training helped the panelists forge a path to election night. The panelists will provide insight to young lawyers about positioning themselves to become involved in local, state and national politics. The event is scheduled for Feb. 20 from 6-7:30 p.m. at Resident Culture Brewing in Charlotte.

Finally, the Civic Engagement Committee is working closely with the NCBA Annual Meeting Committee to provide additional educational opportunities regarding civic engagement at the NCBA Annual Meeting in Charlotte in June. Stay tuned for more details!

Whether a young lawyer or more seasoned, I invite everyone to join the YLD at our Civic Engagement Panels. And I challenge everyone to start this new decade with a recommitment to using our lawyerly skills and talents to better our communities.

M. Cabell Clay is the 2019-20 chair of the NCBA Young Lawyers Division.

FEBRUARY FINALE CLE



There's no better time than now to fulfill this year's annual CLE requirement. Or, if you need last-minute credit for 2019, **here is your chance.**

This signature CLE program provides you with choice and flexibility to build your own learning experience by offering **10 new three-hour sessions from which to choose.**

Spanning five days with 30 hours of programming, along with the option to attend in person or remotely via webcast, **you don't want to miss this opportunity.**

Attend Live at the NC Bar Center in Cary or via Webcast. The choice is yours!

MONDAY, FEBRUARY 24:

- **Securities Regulation** | 8:30 a.m.–12:10 p.m.
- **E-discovery** | 1:00–4:40 p.m.

TUESDAY, FEBRUARY 25:

- **Immigration Law** | 8:30 a.m.–12:10 p.m.
- **Brew Law** | 1:00–4:40 p.m.

WEDNESDAY, FEBRUARY 26:

- **Privacy and Data Security** | 8:30 a.m.–12:10 p.m.
- **Ethics, Technology and Substance Abuse/Mental Health** | 1:00–4:40 p.m.

THURSDAY, FEBRUARY 27:

- **Air and Space** | 8:30 a.m.–12:10 p.m.
- **Esports** | 1:00–4:40 p.m.

FRIDAY, FEBRUARY 28:

- **Labor and Employment Law** | 8:30 a.m.–12:10 p.m.
- **Hemp Law** | 1:00–4:40 p.m.

**Explore this signature program
and reserve your spot today!**

www.tinyurl.com/FebruaryFinale



From left: Martha Kennon, representing her husband, the late Bill Kennon, Jim Morgan, Betty Quick and Jim Narron.

North Carolina Bar Foundation Holds Winter Dedication Ceremony: Kennon, Narron, Quick and Morgan Honored

The North Carolina Bar Foundation held its Winter Dedication ceremony on Dec. 5 at the N.C. Bar Center.

NCBF Endowment Justice Funds were dedicated in memory of A. William “Bill” Kennon formerly with Kennon Craver in Durham, and in honor of James W. Narron with Narron Wenzel in Smithfield and Elizabeth L. Quick with Womble Bond Dickinson in Winston-Salem.

The NCBF’s first Lawyer Impact Fund was established by High Point attorney James F. “Jim” Morgan of Morgan, Herring, Morgan, Green & Rosenblutt.

The Kennon Justice Fund was introduced by Rhodes Carver,

managing partner of Kennon Craver of Durham. The Narron Justice Fund was introduced by John W. Mason of Asheville. The Quick Justice Fund was introduced by Edward W. Griggs of Womble Bond Dickinson and Quick’s son, Robert Quick.

A Justice Fund is a named Endowment Fund established with a minimum gift of \$50,000 directed toward the Foundation’s unrestricted endowment. Lawyer Impact Funds are named Endowment Funds established with a minimum gift of \$25,000 restricted to legal services programs that promote the Foundation’s values of access to justice, pro bono service, civic education and/or professionalism.



Bill Kennon’s family, from left: front, Emmy Kennon; middle, Caroline Kennon, Martha Kennon and MacKenzie Kennon; back, Vicky Kennon, Bryce Kennon, Scott Kennon and Jim Kennon.

A. William “Bill” Kennon

A. William (Bill) Kennon was a well-known and highly respected attorney specializing in Trusts and Estates who lived and practiced in Durham. His legal career spanned over 46 years.

Following his graduation in 1962 from Duke University, Bill served as a commissioned division officer of the aircraft carrier USS Forrester. He is a veteran of the Cuban Missile Crisis.

After leaving the naval service, Bill married Martha Elizabeth Collins in 1964. He graduated with honors from the University of North Carolina School of Law in 1967.

Kennon practiced law with his late father until the latter's retirement in 1976, when he joined the Durham law firm of Newsom, Graham, Strayhorn and Hedrick (which later became Newsom, Graham, Hedrick & Kennon), where he served as managing partner for 12 years. He served as general counsel for Central Carolina Bank and Security Financial Holding Company prior to their merger with other financial institutions.

Kennon proudly served as corporate counsel for the American Football Coaches Association. He was instrumental in creating and served as general counsel for the American Football Coaches Foundation, the educational fundraising arm of the AFCA. At its annual meeting in January 2013, Bill was awarded an honorary membership in the AFCA.

Kennon wrote and lectured extensively on subjects pertaining to federal taxation, estate and trust planning and administration. In 1979, He was elected a Fellow in the prestigious American College of Trusts and Estate Counsel. He later was elected as a member of the American Counsel Association.

Kennon was active in the American Bar Association and the North Carolina Bar Association, serving as a member of the ABA Section of Taxation Committee on Exempt Organizations and as a member of the Executive Council of the NCBA Estate Planning and Fiduciary Law Section. He was a member of a subcommittee of the NCBA Tax Section which worked closely with the NC General Statutes Commission in developing the North Carolina Professional Corporation Act.

Kennon served for many years as a trustee of the NCBA pension plan. He was a member of an ACTEC task force which developed the Uniform Power of Attorney Act, which was adopted by most states, and served as North Carolina editor of Drafting the Power of Attorney, A Systems Approach.

Kennon retired from the practice of law in 2013, having completed his career in the law as the senior named principal in the Durham law firm of Kennon Craver, PLLC.

Kennon served two terms as a member of the Vestry of St. Stephens Episcopal Church in Durham, and also as its Senior Warden. He served three terms as a member of the Board of Governors of Hope Valley Country Club and twice as its president. He served as a member of the board of the Duke University Marine Laboratory in Beaufort, and was a member of the Board of LC Industries. He was a trustee of the St. Stephen's Episcopal Church Foundation as well as a board member of the Fox Family Foundation.

Bill and Martha Kennon had two sons, William Scott Kennon and James Kirkwood Kennon, and four grandchildren.

**NCBF Mission:
Uniting the talent and generosity
of our profession to be a power of
greater good for the people
of North Carolina.**



Jimmy Narron enjoys a light moment while his wife, Julia, uncovers his Justice Fund plaque.

James Wiley "Jimmy" Narron

His father, born and raised in Johnston County, wanted his son to grow up as the father had, hardscrabble, understanding the joy of work. On his 10th birthday, James Wiley Narron was given an alarm clock, promptly set for 5 a.m. His father, a country lawyer, would do the "lawyering" and the boy would do the farming.

Early on he learned the direct connection between effort and results.

Narron entered the University at Chapel Hill wholly unprepared for the rigors of higher education. By the second semester, he came to the realization that he should apply his farm work ethic to his studies, after which he excelled. Upon completion of his undergraduate studies in 1970, he fulfilled his R.O.T.C. commitment with the U.S. Navy, where he was an Ensign deployed to the Mediterranean.

Narron left the Navy as a Lieutenant, having completed a transformative experience of great responsibility.

Wake Forest University had a program left over from World War II under which a student could make up the first semester in summer school. Narron enrolled in January 1973, about three weeks after leaving his ship in San Diego.

For most of the five-semester time, Narron was first in his class; he made Law Review, set aside an hour each night to read, for fun, law review articles or cases cited in the footnotes of casebooks.

Narron's father died just at the end of his second semester. His mother kept open his father's office, preparing income tax returns, and passing off files to other lawyers, with the certain expectation that he would return to his father's law office and help on the farm, which he did.

In 1979 he joined with John P. O'Hale to form Narron & O'Hale, which in the following year welcomed O. Hampton Whittington Jr. into Narron, O'Hale and Whittington, P.A. The partnership of friends and colleagues lasted nearly 40 years, becoming Narron Wenzel, P.A., near the end of 2018.

At that time, there was more need for estate planning with tax consequences than for "straight" tax planning, at least in eastern North Carolina. He did both, but gravitated toward estate

planning with wills and trusts. He had been a charter member of the NCBA Section on Estate Planning and Fiduciary Law and was soon invited to speak at the annual meeting on a tax topic.

Not long thereafter, he was invited to become an adjunct professor at the Norman Adrian Wiggins School of Law at Campbell University. And, soon afterward, he was invited to become part of the faculty at the Southeastern Trust School, also at Campbell, and later at the National Trust School at the University of Chicago and Northwestern University.

Those happy invitations led to a shadow career of teaching, numerous articles in publications, and over 100 continuing education manuscripts delivered across the nation. Because of his teaching, he became, by invitation, a Fellow in the American College of Trust and Estate Counsel and a Fellow in the American College of Tax Counsel.

Narron has provided numerous contributions to his community and to the bar. Among other recognitions, he has been named Smithfield-Selma Chamber of Commerce Citizen of the Year in recognition of his development efforts in downtown Smithfield. He has served on numerous boards, including Johnston Community College Board of Trustees, and the local Library Board.

For many years he was on the Board of Directors of the North Carolina Community Foundation, Inc., and served as chairman of that board from 2008-12. He has served as an N.C. State Bar councilor and as chair of its Specialty Committee for Estate Planning, as a Vice President of the NCBA and as chair of the Senior Lawyers Division, and on various committees of the Estate Planning & Fiduciary Law Section.



Betty Quick's family, from left: front, Robert Quick; back, Jessie Quick, Kelly Quick, Robert Quick, Betty Quick and Sara Loebner.

Elizabeth L. "Betty" Quick

Elizabeth Leight Quick has devoted her entire legal career to promoting the profession and the well-being of her clients. For over 45 years, she has been a member of the NCBA and the N.C.

State Bar, holding leadership positions and volunteering her time and resources to both organizations. Her Justice Fund has been established by firm colleagues, family, friends, clients and fellow lawyers in recognition of Quick's years of devoted service.

Betty Quick was born in Izmir, Turkey, on May 22, 1948, to Edwin and Annette Leight. Her father was a tobacco buyer with Reynolds Tobacco Company and lived in Turkey and Greece his entire career.

Her first year living in the United States came in 1966 when she enrolled at Duke University as a freshman, graduating in 1970 with a degree in History. Quick attended UNC School of Law and received her juris doctor with honors in 1974, having been on the Law Review and as a member of the Order of the Coif.

Betty met her husband, Bob, in law school. As first-year law students at UNC, they met during orientation week and were in the same classes. They were married one week after graduating in 1974, and both of them were hired as associates by Womble Carlyle Sandridge & Rice in Winston-Salem – something that was quite unusual in 1974.

Both Betty and Bob worked their entire legal careers at Womble Carlyle (now Womble Bond Dickinson LLP). Betty was one of two women attorneys hired by Womble Carlyle in 1974. She went on to become the first female partner in the firm and the first female to serve as managing partner of the Winston-Salem office.

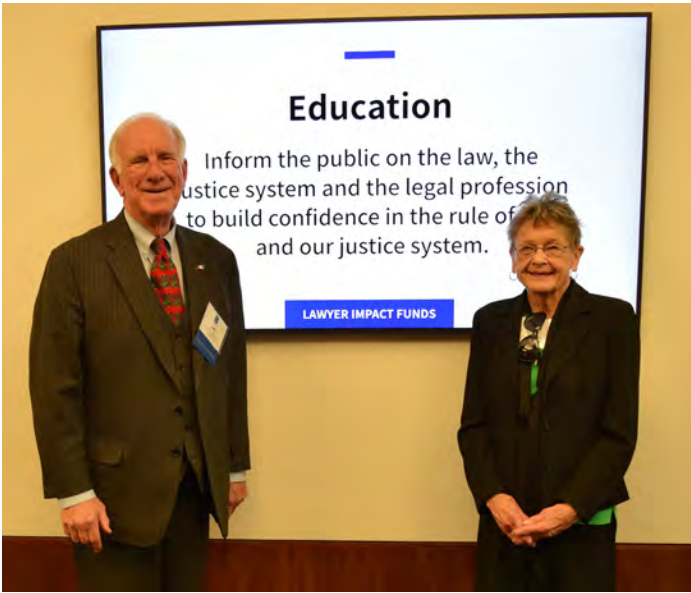
Bob died in 2012. Together they had two children, Robert and Sara, both of whom are married and each with two children.

Quick began her work with Womble Carlyle as a trust and estate lawyer, and has worked as a specialist in that field her entire career. On her first day of work she met William F. Womble, who became her mentor and introduced her to the importance of becoming an active member of the NCBA. Betty joined bar committees and immediately became a popular speaker at CLE programs. As a founding member of the Estate Planning and Fiduciary Law Section, she provided the "Recent Developments" review every year for the annual meeting of the Section. She was also the principle editor and author of the Section's "North Carolina Estate Administration Manual" in 1984, which remains today as an ongoing project of the Section and an important resource for practitioners and clerks of court in North Carolina.

Quick served as President of the NCBA and the North Carolina Bar Foundation in 1997-98. She was the 103rd President of the NCBA and has continued to serve on NCBA committees over the past two decades. Betty was especially proud to serve as chair of the search committee that recommended Jason Hensley to succeed Allan Head as Executive Director of the NCBA and NCBF.

Through the North Carolina State Bar, Betty served on the North Carolina Board of Law Examiners and just completed her second term on the IOLTA Board of Trustees, having just completed a year as chair. In 2007, Betty was the recipient of the Chief Justice's Commission on Professionalism Award presented to her by then Chief Justice Sarah Parker. Betty is a member of the American College of Trust & Estate Counsel.

In her community, Betty has served on the governing boards of numerous civic organizations and grantmaking foundations, and still volunteers her time with local non-profits. Because of her work over the years with Legal Aid and IOLTA, she has designated legal services to the poor as the focus area for the income from her justice fund.



Jim and Ann Morgan stand in front of the display monitor that will recognize Lawyer Impact Funds, beginning with the fund established by Jim Morgan.

James F. “Jim” Morgan

James F. “Jim” Morgan was born on June 21, 1943, to James V. “J.V.” and Dorothy Bowden Morgan. He attended High Point Public Schools and graduated from High Point High School in 1961. On June 29, 1963, he married Ann Tinsley Morgan, and together they have two children. Jim is a managing partner for the law firm of Morgan, Herring, Morgan, Green & Rosenblutt in High Point, where his areas of practice include personal injury, probate, wills, trials, and zoning and governmental relations.

He attended the University of North Carolina on a football scholarship for one year. The Morgans both graduated from Guilford College in Greensboro, which awarded him the Guilford College Alumni Excellence Award in 2004. Morgan attended the Cumberland School of Law at Samford University in Birmingham, Ala., where he was a chairman of the Law Day Committee, president of Phi Alpha Delta Law Fraternity and vice president of the student body. He earned his law degree in 1968.

Morgan was admitted to the North Carolina Bar in 1969 and the United States Middle District of North Carolina in 1970. He served three terms in the N.C. House of Representatives and has been continuously active in his community since leaving the legislature, serving as chairman or president of over

75 organizations, including the North Carolina Jaycees, the Metropolitan Chambers of Commerce, the N.C. Council of Bar Presidents, United Way of N.C., the N.C. Commission on Legal Aid and the N.C. Shakespeare Festival.

Morgan has served as chairman of several regional organizations such as the Guilford Legislative Delegation (1979-1982), Guilford Technical Community College, High Point Regional Health Systems Board of Trustees, Hospice of the Piedmont, Guilford County Bar (18th), Alcohol and Drug Services of Guilford, Guilford Technical Community College Foundation, High Point University Board of Visitors, Triad Chambers of Commerce, NCCJ Walk as One Committee, Guilford Education Alliance, High Point District Trustees-United Methodist Church, UNC-G Bryan Economic Development Council, Piedmont Triad Aerotropolis Project, Cornerstone Foundation, Junior Achievement of Central N.C., UNC-Bryan School of Business Advisory Board, Piedmont Triad Partnership, High Point Area Arts Council, YMCA Metro Board, YMCA South Field Committee (1990-1994), YMCA Trustees, Volunteers to Court, and Salvation Army Boys & Girls Club (1977-1978).

Morgan was founding chairman of Legal Aid of High Point (1974-1976), the High Point Community Foundation (1990-2003), the YMCA Board of Trustees, where he started the Annual Easter Prayer Breakfast (1989-1992), the Macedonia Project (2000-2004), Guilford Education Alliance (2002-2006), Cornerstone Charitable Foundation (2008-2012), and a founding member of the High Point Market Authority (2001). He has served as chairman of building projects in High Point, including the High Point Country Club (Emerywood Club House), the restoration of the High Point Train Depot, Hospice Home of High Point, Spirit Center, home of the N.C. Shakespeare Festival, and the purchase of the new Cultural Arts Center for the High Point Arts Council in 2012.

Jim has been a pillar of support to many organizations, his community and the NCBA. Jim is also very active at Christ United Methodist Church in High Point where he has been a member since 1943. He was the superintendent of the Sunday School Department from 1969-1972, president of Men’s Club, Sunday school teacher, Christian Fellowship Class, Friendly, Big Brother, and United Class from 1982 to present; chairman of the Administrative Board (1982-1987); Christian Service Award (1988); chairman of the Board of Trustees (1988-1990); delegate, Western N.C. Conference, Methodist Church (1989-1998); and chairman of the Board of Trustees for High Point District United Methodist Church (1990-1998). He is a Lay Leader for Christ United Methodist Church (1994-1999) and Certified Lay Speaker-Methodist Church.

Jim and Ann Morgan have two children, attorney Lea Evans Morgan and James F. “Jef” Morgan II, and six grandchildren.

To learn more about North Carolina Bar Foundation Endowment Funds, please contact Tom Hull, Director of Legacy Gifts, at 919.677.0561 or thull@ncbar.org; or Louise Harris, Foundation Director, at 919.677.0992 or lharris@ncbar.org.

Supreme Court Of North Carolina Exhibit Commemorates 200th Anniversary

By Russell Rawlings



Chief Justice Cheri Beasley, left, presents a Friend of the Court Award to Scott Miskimon. On the right: Willis Whichard provides remarks at the ribbon-cutting ceremony for N.C. Supreme Court bicentennial exhibit.

“Your mission, should you decide to accept it ...”

Thus begins the familiar opening line from “Mission Impossible,” a popular television series of the previous century and later a movie followed by multiple sequels in this century.

In this instance, however, we’re not talking about a television show or a movie, but an exhibit at the North Carolina Museum of History: “Law and Justice: The Supreme Court of North Carolina, 1819–2019.”

The mission, which Willis Whichard readily accepted as project chair, was to tell the story of the Supreme Court of North Carolina, all 200 years of it.

Whichard, in his role as N.C. Supreme Court liaison to the Celebrate North Carolina Courts Committee, enlisted the assistance of Scott Miskimon and Andrew Simpson. Miskimon is a partner with the Raleigh law firm of Smith Anderson, and was an accomplished photojournalist before he became a lawyer. Simpson was clerking for Justice Sam Ervin IV at the time and had met Whichard while attending UNC School of Law.

“Without those two involved,” Whichard said, “I am frank to say it could not have been done. The three of us were sort of the linchpins. There were also three people at the Administrative Office of the Courts – Sharon Gladwell, Chris Mears and Jody Lanning – who worked with us and the Museum of History to set up the exhibit.”

And what an exhibit it is! Over the course of a few dozen

panels, each roughly the size of a large movie poster, the story of North Carolina’s highest court is told. It is a remarkable story, and no one in this state could be better suited to help tell that story than Whichard.

Living History

In many ways it is the story of his professional life. Whichard began his legal career 55 years ago as a clerk for Justice (and later Chief Justice) William Bobbitt, and served on the court himself from 1986-98.

“And at times in between I argued a few cases in it,” Whichard added.

His background, coupled with Miskimon’s keen interest in legal history and attention to detail, is evident throughout the exhibit and their authorship of the panels.

“We would meet periodically and go over it,” Whichard said, “and make suggestions, the two of us along with Andrew and the AOC folks, and ultimately we agreed on what we went with.”

Karen Essic of Karen Essic Creative was entrusted with the graphic design for the exhibit.

“The museum has an independent contractor that they insisted we employ to do the design work, and they were right,” Whichard said. “They have a working relationship with her from previous exhibits, and Karen was very good.”

Whichard could not say what was the most difficult thing to



Gathering after the premiere of the documentary “North Carolina Supreme Court at 200” are, from left, NCBA/NCBF President-elect Mark Holt and President LeAnn Nease Brown, Chief Justice Cheri Beasley and Tom Earnhardt.

leave out of the exhibit.

“That would be like asking me what was the most important opinion I ever wrote,” Whichard said. “I don’t even know if I could recover from my notes the things that we left out. We would say ‘let’s do that’ and move on. It was an excellent working group.

“At the very outset the museum said it would be 32 to 33 panels, and we knew the space where it was going to be, although that changed a time or two. But we knew the amount of space and the number of panels within that space, so obviously we had to work through problems of inclusion and exclusion.

“I am very pleased with what we settled on.”

And his reaction to seeing the finished product for the first time?

“I don’t mind telling you, it felt good. When you work on something for a long period of time, and like anything else you are not sure it will work, when it not only works but works very well, that has to be pleasing.”

Labor of Love

Miskimon came aboard last March, at which time they were essentially starting from scratch.

“We started with a blank sheet of paper and had to decide what we needed to do to fill the space,” Miskimon said. “This couldn’t be something as limited as a portrait gallery or hall of fame. That approach would not do justice to the Supreme Court’s history and would not sufficiently educate the public or be all that relatable to the general public.

“The job grew and grew, and the more I got into it the more I realized that there was going to be a lot of work needed to get this done. I had never served as curator before. I now know a lot more about what it takes to put on an exhibit than I did a year ago.”

Research and writing, Miskimon quickly learned, was just the beginning.

“Then came the very hard part of getting the images needed to make the written content come alive,” Miskimon said. “That proved to be a great challenge. That was probably as time consuming a process as anything.

“It was combination of searching through images at the North Carolina Archives, licensing photographs from the Associated Press, and I took a number of photos myself that are incorporated into the exhibit. I also have a friend who is an accomplished photographer who has his own drone. We used the drone with a high-resolution camera to capture some of the images in the exhibit, including the photo of the statue on top of the Supreme Court building.”

If you’ve never noticed the statue, which is featured prominently in the exhibit, you’re not alone.

“I was taking pictures of buildings that the Supreme Court had used over the centuries,” Miskimon said, “and I looked up at the Supreme Court building and noticed that statue for the first time, and wondered, ‘What the heck is that?’

“I have lived in Raleigh since the ’80s, been in and out of the Supreme Court building countless times, but never noticed it. I thought, ‘that is something unusual; let’s utilize that.’ And when I saw beneath the statue the words ‘Law and Justice,’ it became apparent that should be the name of the exhibit, tying that into the history of the Court.”

Tip of the Iceberg

Although the exhibit was designed by lawyers and a former judge and justice, that was not their target audience. The exhibit, Miskimon noted, is for everyone, including school children.

“Two hundred years is a lot to cover, and with the different issues that the Supreme Court has addressed over two centuries, it is an incredibly broad assignment to whittle down in a way that is understandable and meaningful.”

To help achieve this goal, the exhibit is broken out into three sections.

“The first section covers the institution of the Court,” Miskimon said. “We talk about the reasons why there is a Court as well as what the Court does, and some of the early history of the Court. For about 50 years, there was no Supreme Court, so we talk about why there was a need for a Supreme Court, and once it was established, what that was like in those early years.”

The second section is devoted to the people of the Court, from the prominent justices to those justices who have also been pioneers on the Court. And the third section is devoted to the issues that come before the Court.

“That’s where you get into things as diverse as environmental protection, education, separation of powers, constitutional and civil rights, and judicial review,” Miskimon said. “One of the issues we address is the death penalty, which has been one of the core functions of the Supreme Court throughout its existence.

“We trace how the death penalty has evolved from capital crimes being determined by the General Assembly in the 1830s, when there were literally dozens of capital crimes, to how the U.S. Supreme Court has since limited the death penalty to first-degree murder cases.”

The organization of the exhibit exemplifies the heartfelt effort that went into the seemingly impossible mission of telling the story of the Supreme Court of North Carolina in a single museum gallery.

“With 101 justices,” Miskimon said, “every one of those justices has a story. There is no way in one exhibit to tell the story of

all 101 justices, but they all have a story. They've have been approximately 49,000 cases, and every one of those litigants has a story, but there is no way we could tell all of those stories.

"This exhibit covers a lot, but it truly is the top of the tip of the iceberg."

"Law and Justice: The Supreme Court of North Carolina, 1819–2019" made its debut on Nov. 14 during a special ceremony at the North Carolina Museum of History. During the ceremony, Willis Whichard and Scott Miskimon received Friend of the Court Awards from Chief Justice Cheri Beasley.

The exhibit is a collaboration of the North Carolina Museum of History, the North Carolina Supreme Court Historical Society and the North Carolina Judicial Branch. Chief Judge Linda McGee of the N.C. Court of Appeals served as chair of the Celebrate North Carolina Courts Committee.

The ribbon-cutting ceremony was followed by the premiere of the documentary "North Carolina Supreme Court at 200" by Tom Earnhardt, a multi-talented attorney, producer, writer and host of "Exploring North Carolina." Funding for the documentary was provided in part by the North Carolina Bar Foundation Endowment.

A Letter To Chief Justice Taylor

Willis Whichard, speaking at the ribbon-cutting ceremony for "Law and Justice: The Supreme Court of North Carolina, 1819–2019," shared the following letter to The Honorable John Louis Taylor, North Carolina's first chief justice, who served from Jan. 1, 1819, until his death on Jan. 29, 1829.

Dear Mr. Chief Justice:

You started all this. Well, you together with Judges Leonard Henderson and John Hall. And actually, that's not exactly right either. Richard Caswell, James Iredell, and the other drafters of the 1776 state constitution commenced it by providing that the General Assembly should appoint judges of the supreme court. The General Assembly ignored this provision, however, until 1799, when it enacted into law the practice of the state's trial judges sitting together to decide appeals. Even then, though, there was no independent appellate court. The supreme court, constitutionally contemplated forty-two years earlier, was at length established by legislative enactment in November 1818. Your brother-in-law, prominent New Bern attorney William Gaston, was the bill's sponsor, and later would become one of the court's most illustrious members.

Now it was indeed your turn, with Judges Henderson and Hall, to start something. You three first sat as an independent appellate court on January 5, 1819. On January 7, 2019, 200 years and two days later, that court held a ceremonial session to celebrate its bicentennial. On October 10, 2019, the court's Historical Society sponsored an impressive Gala to celebrate the court's first 200 years. Tonight we bring the celebration full cycle with the premiere showing of a documentary on the life and work of the court and the opening of a Museum of History exhibit that documents and displays various aspects of that life and work.

You would be pleased with the exhibit. Space limitations precluded a full recounting of the court's history. Differences of opinion on inclusion and exclusion decisions are legitimate, perhaps inevitable. But you should be pleased with what you see in this exhibit entitled "Law and Justice: The Supreme Court of North Carolina, 1819-2019."

It begins with the bold but entirely defensible declaration that "North Carolina can rightly take pride in its Supreme Court, an institution that has lasted for 200 years and produced a remarkable

body of law that is vital to the everyday lives of its citizens." Your image is there, with those of your fellow original jurists Henderson and Hall. Images of other prominent jurists in the court's history are there, too, including some that would surprise you. There have now, for example, been eight women justices on the court. In your time they could not even have voted in elections. Today they cast significant votes as the court decides its cases. Four of them, indeed, have occupied your chair as the chief justice. Seven African-American justices have served on the court. In your time they probably would have been enslaved persons. Today they are free, are vital participants in our democracy, and like the female justices, are casting votes as members of the court. Two of them have occupied your chair as the chief justice.

To quote the author of the Biblical book of Hebrews, "time would fail me" to discuss the extensive factual information in the exhibit and the several, though limited, areas of the court's jurisprudence on display. For these, you will just have to see the exhibit.

Of course we know you really can't do that. Indeed, this letter will not reach you at the address shown. Yet we believe you are with us in spirit, as are all the men and women who have served on our supreme court and could not join us tonight. You, and they, will also be present in spirit in the coming months as thousands of the citizens of North Carolina view this exhibit, especially as the state's school children learn of the history and work of their state's highest court.

At the January ceremonial session we concluded a brief history of the court by quoting from Lord Coke's *Fourth Institutes*, where he wrote, "[L]et us now peruse our ancient authors, for out of the old fields must come the new corne." We noted that the seven justices now privileged to serve are mining "the old fields," initially plowed by their ninety-four predecessors, as they seek "the new corne" from which to resolve the cases before them. We noted that they, too, are contributing to what will become "old fields" from which their successors will mine "new corne." Finally, we concluded with the wish that "this grand old institution [may] not only survive, but thrive, in the third century of its existence."

May it indeed, and may the exhibit we now formally open have a small but significant role in educating the public about it and thereby contributing to its survival and success.

(Signed) Very truly yours,

Willis P. Whichard

Neither Time Nor Foul Weather Can Disrupt Robeson County's Annual Buck Harris Dinner

By Russell Rawlings

By any measure, the afternoon and early evening hours of Friday, Dec. 13, 2019, were miserable. The weather was miserable, the traffic was miserable, and I-95 was miserable.

The infamous words of W.C. Fields entered my mind on more than one occasion as I made my way to Lumberton for the Robeson County Bar Association's 76th Annual Buck Harris Dinner:

"It ain't a fit night out for man or beast."

Only later did I learn through Dictionary.com that Fields first uttered those words on screen in "The Fatal Glass of Beer." Had I known, a four-hour drive that normally takes two hours might have ended with an abrupt U-turn.

Fortunately, I stayed the course and made my way to Pinecrest County Club, the site of this year's dinner. The menu called for "venison and quail," but in my mind's eye it read "deer and bird." Grits, black-eyed peas, sweet potatoes, cornbread, boiled eggs and apple pie topped with cheese were also provided.

Rumor has it there was also an open bar, but you didn't hear that from me. I had done my homework, heeding the words of Catharine Biggs Arrowood, a past president of the North Carolina Bar Association and North Carolina Bar Foundation, and native daughter of Robeson County:

"The local paper over the years has exercised mighty restraint in its reporting of the dinner," Arrowood wrote in describing the event in 2007 while serving as president of the Wake County Bar Association and 10th Judicial District Bar. "Of course, they would not get asked back if they did not show such good sense."

Having waited 18 years to attend, I am not about to ruin my chances for a return invitation from Bruce Huggins, who chairs our Senior Lawyers Division, and his daughter, Katherine Huggins Davis, who serves as treasurer of the 16B Judicial District Bar and Robeson County Bar Association.

Warm Welcome

Immediately upon arriving, David Branch Jr., who recently gave up his chairmanship of the event after a 17-year stint, extended a welcoming hand, as did Brian Brooks, the outgoing bar president.

I was also greeted by Robeson County royalty, John Wishart Campbell Jr., whose father, the late John Wishart Campbell, chaired the dinner for nearly 50 years and was also a member of the NCBA General Practice (now Legal Practice) Hall of Fame.

Brooks underscored one of the grandest traditions of the Buck Harris Dinner – that no one take themselves too seriously – as he began his farewell address by informing the featured speaker that everyone would be hanging on his words, and not those of the attorney general.

"I have been waiting one whole year to give this speech," Brooks said, "and no matter the lateness of the hour, I will give my talk. Apologies to my friends from Cumberland, Wake, Murphy or

Manteo. I have a few things that I want to get off of my chest. I am entitled to this opportunity. I have earned it!"

Brooks informed the audience that he had been encouraged earlier in the day by District Court Judge William Jeffrey Moore, in open court no less, to keep it short and sweet:

Judge Moore: "Brian, are you going to the Buck Harris?"

Brooks: "Yes Judge, I am on the program. You know I am president."

Judge Moore: "Buuuud, you're not going to give a speech, are you?"

Brooks: "Judge, I have to; it's tradition for the president to speak."

Judge Moore: "Buuuud, no one wants to hear your speech. Buuuud, don't give a speech. Buuuud, you know what the best speech is? No speech!"

Brooks failed to heed the good judge's warning, but he did threaten to run against him after initially setting his sights on the seat held by Superior Court Judge James Gregory Bell.

"Judge Bell, it is an act of kindness that has led me to make my announcement this evening," Brooks deadpanned. "I was going to wait until Friday, but I have witnessed your anxiety grow as you wait to see if you will have opposition."

"Judge Bell, yes, your misery is over. Your greatest fear has been realized. You will have opposition and it shall be me!"

"No, I am not running against Judge Bell. Obviously, it is a joke. I am now running against Judge Moore."

This too was a joke, as the filing deadline of Dec. 20 has come and gone, and both jurists are running without opposition in 2020.

History of Buck Harris

N.C. Sen. Danny Earl Britt Jr. provided this year's introductions of special guests, including the chief justice and several members of the state's appellate courts. He also provided a brief history of the event – yet another tradition of the Buck Harris Dinner that now falls upon his shoulders as its ringleader.

The late Henry A. "Sandy" McKinnon Jr. provided the definitive document on this subject in 1995, and was credited accordingly when President David Branch Jr. provided the Buck Harris history in 2002.

"By way of historical perspective," Branch said, "Judge William Clinton Harris, better known as Judge Buck Harris, began his Superior Court judicial service in 1927 as one of only 20 Superior Court judges who presided over cases in all of North Carolina."

Harris, Branch added, was a lifelong resident of Raleigh – not Robeson County as one might assume – and served on the Superior Court bench for 28 years.

"Judge Buck Harris first held court in Robeson County during the fall months of 1929. Shortly after his rotation in



Carlton Mansfield of the Robeson County Bar Association, left, and its outgoing president, Brian Brooks, join the featured speaker, Attorney General Josh Stein. (Photo courtesy Mark Oxendine) A legacy of leadership is epitomized by John Wishart Campbell Jr., left, whose father and namesake chaired the Buck Harris Dinner for nearly 50 years, and David Branch Jr., who chaired the event for 17 years.

Robeson County, our local bar met and the minutes of that meeting reflect that all present unanimously passed a resolution honoring Judge Harris by recording, and I quote, ‘that the bar of this county has been favorably impressed with Judge Harris’s even temperament, unflinching good humor, eminent fairness, judicial poise and the saving grace of common sense which he has applied to all of his rulings,’ and further the Bar noted in its resolution, ‘We welcome any occasion which might permit him to hold our courts again.’”

Over time, Branch continued, the quail dinner hosted by Frank McNeill, a local attorney and state legislator, merged with the annual dinner meeting of the Robeson County Bar Association to form what later became known as the Buck Harris Dinner.

“All sources,” McKinnon noted, “recognize that the ‘father’ of the event was Frank McNeill.”

Dec. 22, 1943, according to McKinnon’s history, is cited as the date on which the dinner was officially designated by the local bar as Judge Harris Day, but Harris had been a regular at the bar’s annual dinner throughout the 1930s.

“The notoriety of the Buck Harris Dinner grew statewide during the forties and fifties,” Branch concluded, “and many public officials desired to be included on the guest list. Even though Judge Harris passed away in 1954 (followed shortly thereafter by McNeill), the Robeson County bar has continued this tradition and hopefully the fellowship and camaraderie among members of the Bar will be continued through this tradition for years to come.”

Insider’s Perspective

Until this year, my greatest source of insight regarding the Buck Harris Dinner was the aforementioned Catharine Arrowood. Not

unlike the event’s namesake, her professional life has been based in Wake County, where she has spent most of her career with Parker Poe.

“I first learned of Judge Harris from my father (the late I. Murchison Biggs) and his childhood friend, Judge Sandy McKinnon,” Arrowood wrote in 2007. “For every year I can remember, my father and his fellow members of the Robeson County Bar Association and the Sixteenth Judicial District attend a dinner on the first Friday in December in honor of Judge Buck Harris.”

Years later, as Arrowood was beginning her legal career, a precedent was set when women attended the Buck Harris Dinner for the first time.

“I know the date because I was there,” Arrowood said. “While it was tradition to invite state and federal court judges from within and without the district, as well as certain political office holders who demonstrated themselves worthy of attendance, Chief Justice Susie Sharpe and Judge Naomi Morris, over the years, demonstrated delicacy in the matter and politely declined to attend.

“I am proud to say that fellow Wake County Bar member Martha Walston and I, along with a colleague, Adelaide Behan, were not so polite and indeed demanded to attend and did so in 1976. I have had the privilege of attending nearly 30 years of these dinners.”

Arrowood later attended the event with Chief Justice Sarah Parker, who summed up the proceedings accordingly:

“Tradition is what give the celebration its beauty, fabric and richness. It gives us a chance to laugh and ourselves and recognize the humor in an otherwise serious situation.”

Continued at the bottom of page 23

New Book Compares Exum-Led State Supreme Court To U.S. Supreme Court Era Under Warren

By Russell Rawlings



The Exum Court of 1993-94 included, from left: standing, Willis Whichard, Burley Mitchell, Jim Exum and John Webb; seated, Louis Meyer, Henry Frye and Sarah Parker. (Photo courtesy Supreme Court of North Carolina Library)

Mark Davis, while serving on the N.C. Court of Appeals, set out to write a master's thesis comparing the Supreme Court of North Carolina under Chief Justice Jim Exum to the U.S. Supreme Court under Chief Justice Earl Warren.

But in pursuit of the Master of Laws in Judicial Studies from Duke University School of Law, Davis became so enthralled with his subject that he continued writing.

The result of this effort, along with a master's degree which he earned in 2018, is a new book: "A Warren Court of our Own: The Exum Court and the Expansion of Individual Rights in North Carolina."

Published in October 2019 by Carolina Academic Press, "A Warren Court of our Own" examines the period from 1986 to 1995, over which time Henry Frye, I. Beverly Lake Jr., Harry Martin, Louis Meyer, Burley Mitchell, Sarah Parker, John Webb and Willis Whichard also held seats on the seven-member court.

Four of those justices – Frye, Lake, Mitchell and Parker – went on to serve as chief justice.

"I have always been fascinated by the period of the North Carolina Supreme Court when Jim Exum was chief justice," said Davis, who now serves on the Supreme Court. "It had occurred to

me shortly after becoming a judge on the Court of Appeals that in certain types of cases we would see landmark cases cited over and over in briefs and they all seemed to be coming from the same era. They were usually cited by defendants in criminal cases and plaintiffs in civil cases involving individual rights – the little guy against the big corporation or against the government.

"It slowly dawned on me that it was not a coincidence that a lot of these landmark decisions had been issued by this particular incarnation of the Supreme Court under Jim Exum. I knew I had to write a thesis and it was a topic I wanted to explore, so it was the perfect opportunity to do so."

Even before he decided to turn the thesis into a book, Davis had focused his attention on eight particular cases (see attachment) which he believed were the biggest landmark cases of the Exum Court.

"Jim Exum and most of his colleagues – I don't know if they would admit to it – but you get a sense from their opinions that they had a vision that North Carolina law needed to be modernized and needed to be brought into the 20th century in a way that it really hadn't up to that point. So I talked about cases that supported that proposition."

The cases are divided into subject areas, one of which is the state constitution.

“The Exum Court,” Davis said, “was just not willing to limit the way it interpreted the North Carolina Constitution to the way the U.S. Supreme Court had interpreted the United States Constitution.”

The rest of the cases in the book, Davis added, deal with the way the Exum Court interpreted statutes enacted by our General Assembly.

“My premise, which I think the research bears out, is that they interpreted statutes very expansively. When you’re talking about North Carolina statutes, you’re not necessarily dealing with how the U.S. Supreme Court interpreted federal statutes. This is more an exclusively North Carolina issue.

“While the North Carolina constitutional cases do bring into play comparisons to how the U.S. Supreme Court interpreted federal constitutional provisions, the statutory cases naturally stand on their own and are North Carolina-specific. The premise of the book is that the Exum Court consistently interpreted statutes very broadly to effect, if at all possible, a result that would provide relief to a party who claimed that their rights had been violated.”

The writing styles of the justices, Davis noted, were strikingly different.

“On the one hand you had Justice Exum, who wrote these long, scholarly opinions that were many times like mini law review articles. And on the other side of the spectrum you had John Webb, one of the great judges who served on the Exum Court, who would rarely use his law clerks to write opinions.

“He wrote them himself – I believe someone told me he wrote them in longhand – and they are noticeably, considerably, exponentially shorter than the opinions by every other member of the court. He prided himself on making them very, very short and very much to the point, and he writes them in sort of a conversational, almost folksy way. If you’re doing research on this era of the court, the Webb opinions stand out because there is so

much brevity there and it is written in such a plainspoken, easy to understand fashion.

“Burley Mitchell was also somewhat in the Webb category. His opinions were not quite as short and I think he used his law clerks a little more than Webb did. He was very impatient with balancing tests and long academic discussions. He wanted to cut to the chase. He wanted to say this is the result and this is how we got here and then move on to the next case without long, scholarly discourse, even though he was an incredibly brilliant man and still is.”

At the outset, Exum and his colleagues were skeptical as to whether their body of work merited any comparison whatsoever with the Warren Court and its role in transforming the Bill of Rights and expanding civil liberties in the 1950s and ’60s.

“What really amazed me about every single one of them,” Davis said, “including Exum himself, was that when I started this process, they sort of disagreed with my premise. They were proud of the work they had done during their entire time on the court, to be sure, but they said they never really considered that particular period, from 1986 to 1995, to be particularly significant.

“After hours and hours of interviews, and after they had read what I had written, virtually all of them had changed their minds – that it was in fact an extraordinary era. But, interestingly, each of them – even Exum – said they never had this grand vision of what they were hoping to accomplish. They just decided each case as it was presented before them without any overarching vision.

“It was like not seeing the forest for the trees, because they were in the middle of it, but when they stepped back and read what I had written about the cases that they decided during this era, they really agreed that it was an unusually progressive era for the North Carolina Supreme Court in which there were a disproportionate number of landmark opinions expanding individual rights.

“And that was gratifying.”

From time to time, NC Lawyer provides information to readers about books written by NCBA members.

Buck Harris Dinner, continued from page 21

The Tradition Continues

The Robeson County Bar Association turned 90 last year. Ironically, as the historian McKinnon noted and Branch alluded, its formation coincided with the local bar’s earliest encounters with Judge Harris.

“At a meeting held on September 2, 1929,” McKinnon writes, “during the noon recess of court, a constitution and by-laws were unanimously adopted, and Dickson McLean was elected President, Henry A. McKinnon, Vice President, and John G. Proctor, Secretary and Treasurer, with an Executive Committee of lawyers from the six towns in the county, bringing the Robeson County Bar Association into official being.”

Months later, McKinnon continued, the final two weeks of court for the fall term commenced on Dec. 5.

“Old bar association minutes show that the next meeting of the Robeson County Bar Association after its organization in September was held in the court room on Friday, December 13, 1929, ‘called for the purpose of passing resolutions relative to the work of Judge W.C. Harris.’ ”

Such resolutions, he added, were frowned upon at that time, but Judge L. R. Varsler and several members of the bar argued in favor of making an exception.

“It is clear from these events,” McKinnon writes, “that the respect and affection of the Robeson County Bar for Judge ‘Buck’ Harris began with his first appearance in Robeson in 1929, but it takes a combination of old memories, hearsay and past recollection to trace the evolution of these feelings into ‘The Buck Harris Dinner’ as it continues today.”

And so it was, 90 years to the day the resolution was adopted, the Buck Harris Dinner lived on in Robeson County.

It was, by any measure, a lovely evening.

The Good And The Ugly: What North Carolina Attorneys Are Saying About Their Practices And Their Lives

By Sean Doyle



By now, most of us are familiar with the mental health risks associated with the practice of law. A 2016 ABA study found 20.6% of lawyers had unhealthy relationships with alcohol, 28% reported symptoms of depression, 19% showed signs of anxiety, and 23% had harmful levels of stress.

North Carolina has a long history of attending to the health of legal professionals. For 30 years, the North Carolina Bar Association and other groups within the state have been national leaders in measuring attorney well-being and promoting practices and policies to enhance the psychological welfare within the profession. A 2017 study of North Carolina lawyers shows some signs for hope, as well as areas in need of greater attention.

Leader in Attorney Well-Being

With decreasing levels of attorney satisfaction nationally, and many reporting “lost dreams and idealism,” the NCBA formed its Quality of Life Task Force in July 1989, to assess and address the health of N.C. lawyers. Among other actions, the Task Force conducted a survey to evaluate the health of the profession. The Task Force designed and mailed questionnaires to 11,810 N.C. attorneys, and received 2,570 responses (1991 survey).

Among other findings, the 1991 survey revealed that 81% of respondents were at least “mostly satisfied” with the quality of their lives. While generally positive, this figure was lower than it was for other professions and for North Carolinians in general. More troubling however, was that 24% of N.C. lawyers reported having signs of depression at least three times a month, and more than 25% expressed feelings of anxiety.

The N.C. State Bar and NCBA responded with the creation of various supports for lawyers, including BarCARES and FRIENDS (one of the precursors to the Lawyer Assistance Program), and by adding mental health and professionalism components to the continuing education curriculum.

2002 Survey

In 2002, the Chief Justice’s Commission on Professionalism checked in on the health of N.C. lawyers again. A modified survey was mailed to a subset of the bar, receiving responses from 597 lawyers and 22 judges. While the Commission’s 2005 report uncovered new issues, such as certain declines in professionalism, general health, and concerns raised by women in the profession, the committee concluded that the overall picture of attorney health in North Carolina was improving. A greater percentage of respondents indicated that they were satisfied with their lives, and those reporting signs of depression declined to 18%.

2017 Survey

These earlier North Carolina studies have informed and guided the mental health programs and offerings for lawyers across the country. This work has made life better for thousands of attorneys and has resulted in our being better able to serve our clients and our community. Despite their age, these earlier reports continue to be cited today.

Roughly 13 years after the 2002 study, the NCBA’s Lawyer Effectiveness and Quality of Life Committee (LEQL) began work to update the findings about attorney well-being. On a much more modest budget, the LEQL began an extensive review of the 2002 survey design and considered updates to reflect advances in data informatics.

After its evaluation, the LEQL concluded that there was value in maintaining fidelity to the 2002 survey so that results could be more easily compared. In June 2017, LEQL sent electronic surveys to all North Carolina attorneys, and received 2422 responses.

2017 Preliminary Results

The decision to stay faithful to the earlier survey structure proved valuable. Without even considering the 1991 study, the results from the 2002 and 2017 surveys yielded over 637,000 data response points that could be compared. This figure also does not include the massive amount of information that could be gleaned from the hundreds of pages of thoughtful, revealing written responses provided in the current study.

An initial, summary review of the data, has focused on just a few areas across a three specific demographics: the age of respondents; reported gender and practice size. Even this brief snapshot of the data offers insights, identifies issues for closer analysis, and provides areas for preliminary action. Among other findings, the current survey revealed:

Satisfaction with Life and Work: Approximately 80% of respondents in 2017 indicated they were “Delighted, Pleased or Mostly Satisfied” with “life as a whole.” This figure is roughly the same as it was under both the 1991 and 2002 surveys. It is significant however, that in 2017 many more lawyers (17%) reported that they were “delighted” with their lives (the most positive ranking in our study), than those who used the three lowest evaluations combined (7% reporting life as “mostly dissatisfied”, “unhappily” or “terrible”). Both this highest rating, as well as the combined lowest assessment, rose since 2002, when 14% percent of lawyers reported being delighted with life and 4% were dissatisfied.

In addition to a sense of satisfaction with life, in 2017 26% of attorneys, over one-quarter of the respondents, reported they were “very satisfied” with the practice of law. Only 3% of lawyers indicated they were “very dissatisfied” with the practice. These figures remained the same from the 2002 survey.

While it is promising that more lawyers are happier with their

lives, it appears there is a widening “satisfaction gap” in the profession. Of particular concern, is that greater numbers of women (from 4% to 7%), lawyers under 50 (from 4% to 7%) and lawyers in large practices (5% to 9%) are reporting that they are dissatisfied with life.

Depression: Depression is particularly devastating, because it destroys perspective, undermines relationships, and interferes with our ability to do the things that counteract its ill effects. While 2017 saw a slight increase in lawyers who reported “feeling depressed or very unhappy” (from 8% to 10%), the current evaluation does not compare attorneys with the general population. Most studies show increases in the disease in the broader culture, suggesting that the rates of depression among North Carolina lawyers have remained relatively flat. In addition, in both 2002 and 2017, 63% of lawyers reported that they rarely or never feel depressed.

Not all areas of the bar maintained this steady state, however. There were dramatic increases in depression and unhappiness for women under 50 in large firms, where rates went from 14% to 23%.

Alcohol Usage: More North Carolina lawyers expressed an “uncontrollable urge” to drink alcohol in 2017 than had in 2002 (10% compared to 6%). They also reported they were drinking more often. Among those surveyed, 27% drank at least one drink, 5 or more days a week. This figure is up from 22% in 2002, and was seen across all demographics, except lawyers over 50.

While this raises concerns, the average number of drinks consumed declined over the same period. In 2002, 6% of lawyers were drinking at least 4 drinks on the days they drank. By 2017, that number had dropped to 3%. This is still a matter worth paying attention to. For a woman to consume 4 or more drinks on a single occasion, or a man to drink 5 or more, is considered binge drinking by the Centers for Disease Control. Eight or more drinks per week for a woman, or 15 or more for a man, is considered “heavy drinking”.

Support Services: While the data around lawyer satisfaction, depression and alcohol usage in North Carolina is mixed, increasing numbers of lawyers have sought help, either through bar supported services such as BarCARES and LAP (11% in 2017 vs. 4% in 2002), or through other counseling and support groups (40% vs. 30%). There were significant increases in the use of prescription medication to cope with depression or anxiety (16% compared to 9%). In addition, the lawyers surveyed reported that they have more people with whom they can share their most private feelings (from 2.7 to 4.1) and dramatically more people who will be happy for them, “simply because of who they are” (from 6.6 to 12.9).

Conclusions and Next Steps

The 2017 survey revealed some positive trends, as well as areas requiring increased vigilance. Overall, the levels of depression among lawyers appear to have remained generally unchanged. Further, more lawyers give life the most favorable appraisal possible, about a quarter are highly satisfied with the practice of law, and increasing numbers have rich social supports.

But the fact that a subset of lawyers are flourishing provides little comfort or solace to those who are struggling or for whom life is flat. This initial review of the 2017 survey data also highlighted real concerns for the profession: a widening “satisfaction gap,” increasing levels of depression among women attorneys, and decreases in life satisfaction for women, lawyers under 50, and at-

torneys in large practices. Further, the hundreds of pages of written responses collected provide a complex and subtle human narrative that can get lost when only comparing the numbers from a psychometric rating scale. It is a chronicle filled with joys and deep concerns about life as a lawyer.

Over the coming months, the successor committee to the LEQL, the Professional Vitality Committee (PVC) will look at some of the specific risks to our well-being, such as the effects of technology, high stress and low decision latitude, the 24/7 demands, and financial pressures (law school debt, price pressures, billing requirements). It will consider strategies to both address these risks, as well as promote increased vitality in and out of work. The absence of illness is not the same as health or flourishing. Positive and negative affect are not disparate ends of a single continuum. They are independent, separately measurable, and suggest different things about our lives.

Some strategies will draw from the research about what causes people to thrive in general: exercise, connections with others, cultivating gratitude, recrafting our jobs to engage our strengths, building resilience. We also hope to find practices that are especially helpful for lawyers, such as discovering what may be different for the 26% of the bar who are “highly satisfied” with the practice of law, and for the growing number of attorneys who give life their highest appraisal.

In Appreciation

Through my involvement with the 2017 survey, I have been privileged to work with so many people who are committed to improving the health and well-being of our profession, of individual attorneys, and in the delivery of legal services to our community. It would be impossible to acknowledge every one of them here. Scores of lawyers on the LEQL and related groups volunteered hundreds of hours.

The late Allan Head, NCBA leadership and Board of Governors, and the North Carolina Bar Foundation made this study a priority and supported the work. Attorney Darren Allen, who was so instrumental in analyzing the 2002 results, lent his expertise for the current evaluation. Chandra Storrusten with Visible Value and Ryan Suydam of Client Savvy helped us navigate and narrow the tens of thousands of data points and alert us to trends to consider.

Of course, there was the assistance of the late Leary Davis, who led much of the work on the 1991 and 2002 studies, and provided invaluable guidance on the 2017 survey. And finally, we are extremely grateful to the 2,422 North Carolina attorneys and judges who generously carved time out of their days, to offer us their responses and insights on this important and extensive study.

Special thanks to John “Sean” Doyle and the NCBA Professional Vitality Committee for contributing this overview of the 2017 survey. Doyle serves as general counsel for MCNC, previously taught psychology at N.C. State University, works with attorneys on matters of well-being, and is the author of “Mud and Dreams,” a series of essays on the science and poetry of living. The Professional Vitality Committee, chaired by Erna Womble, was established by NCBA President LeAnn Nease Brown to focus greater attention on the importance of vitality and to “celebrate the humanity of our profession.”

NC Lawyers Seeking Statewide Office

The following North Carolina attorneys are seeking election in 2020 to the U.S. Senate, the U.S. House of Representatives, Governor, Lieutenant Governor, Attorney General, Council of State, Supreme Court, Court of Appeals and the General Assembly.

Members of the North Carolina Bar Association are denoted in bold; asterisk (*) indicates candidate has primary opposition.

Every effort has been made to compile a complete and accurate list. Please email dkarst@ncbar.org regarding corrections or omissions.

US Senate

Paul Wright (R)*

Trevor M. Fuller (D)*

Cal Cunningham (D)*

U.S. House of Representatives

District 1

G.K. Butterfield (D)

U.S. House of Representatives

District 2

Deborah Ross (D)*

Jeff Matemu (L)

U.S. House of Representatives

District 6

Kathy Manning (D)*

Rhonda Foxx (D)*

U.S. House of Representatives

District 8

Patricia Timmons-Goodson (D)*

U.S. House of Representatives

District 9

Dan Bishop (R)

Harry Southerland (D)*

Marcus Williams (D)*

U.S. House of Representatives

District 10

David Parker (D)

U.S. House of Representatives

District 11

Gina Collias (D)*

Moe Davis (D)*

N.C. Governor

Roy Cooper (D)

Holly Grange (R)*

N.C. Lieutenant Governor

Bill Toole (D)*

Chaz Beasley (D)*

John Ritter (R)*

Mark Johnson (R)*

N.C. Attorney General

Josh Stein (D)

Jim O'Neill (R)*

Sam Hayes (R)*

Christine Mumma (R)*

N.C. Auditor

Tim Hoegemeyer (R)*

N.C. Commissioner of Labor

Jessica Holmes (D)

N.C. Secretary of State

Elaine Marshall (D)

N.C. Commissioner of Insurance

Wayne Goodwin (D)

NC Supreme Court Chief Justice

Cheri Beasley (D)

Paul Newby (R)

NC Supreme Court Seat 02

Lucy Inman (D)

Phil Berger, Jr. (R)

NC Supreme Court Seat 04

Mark Davis (D)

Tamara Barringer (R)

NC Court of Appeals Seat 04

Tricia Shields (D)

April C. Wood (R)

NC Court of Appeals Seat 05

Lora Christine Cabbage

Fred Gore

NC Court of Appeals Seat 06

Gray Styers (D)

Chris Dillon (R)

NC Court of Appeals Seat 07

Reuben F. Young (D)

Jeff Carpenter (R)

NC Court of Appeals Seat 13

Chris Brook (D)

Jefferson G. Griffin (R)

N.C. Senate

• Sammy Davis Webb (R, District 4 | Edgecombe, Halifax, Wilson)

• Toby Fitch (D, District 4 | Edgecombe, Halifax, Wilson)

• Billy Strickland (R, District 7 | Lenoir, Wayne)*

• **Michael Lee (R, District 9 | New Hanover)**

• **Allen Wellons (D, District 11 | Nash, Johnston)**

• Danny Earl Britt, Jr. (R, District 13 | Columbus, Robeson)

• Dan Blue (D, District 14 | Wake)

• Jay Chaudhuri (D, District 15 | Wake)

• Wiley Nickel (D, District 16 | Wake)

• Sam Searcy (D, District 17 | Wake)

• Scott McKaig (R, District 18 | Wake, Franklin)*

• Larry E. Norman (R, District 18 | Wake, Franklin)*

• **Gray Ellis (D, District 20 | Durham)***

• **J.D. Wooten (D, District 24 | Alamance, Guilford)***

• **Amy S. Galey (R, District 24 | Alamance, Guilford)***

• Helen Probst Mills (D, District 25 | Anson, Moore, Richmond, Scotland)

• **Philip E. (Phil) Berger (R, District 30 | Caswell, Rockingham, Stokes, Surry)**

• Terri Elizabeth LeGrand (D, District 31 | Davie, Forsyth)

• Paul Newton (R, District 36 | Cabarrus)

• Jeff Jackson (D, District 37 | Mecklenburg)

• Mujtaba Mohammed (D, District 38 | Mecklenburg)*

• Laura Anthony (D, District 38 | Mecklenburg)*

• Rob Bryan (R, District 39 | Mecklenburg)*

• Natasha Marcus (D, District 41 | Mecklenburg)

• **Warren Daniel (R, District 46 | Avery, Burke, Caldwell)**

• **Ben Scales (R, District 49 | Buncombe)**

• Julie Mayfield (D, District 49 | Buncombe)*

N.C. House of Representatives

• **Deb Butler (D, District 18 | New Hanover)**

• Ted Davis, Jr. (R, District 20 | New Hanover)*

• Albert Kirby, Jr. (D, District 22 | Bladen, Sampson)*

• Vernetta Alston (D, District 29 | Durham)

• Marcia Morey (D, District 30 | Durham)

• Antoine Marshall (D, District 33 | Wake)*

• **Grier Martin (D, District 34 | Wake)** Terence Everitt (D, District 35 | Wake)

• Julie von Haefen (D, District 36 | Wake)

• Sydney Batch (D, District 37 | Wake)

• Abe Jones (D, District 38 | Wake)*

• **Darren Jackson (D, District 39 | Wake)**

• Joe John (D, District 40 | Wake)

• Billy Richardson (D, District 44 | Cumberland)*

• Robert T. Reives, II (D, District 54 | Chatham)

• Pricey Harrison (D, District 61 | Guilford)

• **Peter McClelland (R, District 64 | Alamance)***

• Scott T. Brewer (D, District 66 | Montgomery, Richmond)

• **Lee Zachary (R, District 73 | Forsyth, Yadkin)**

• Dan Besse (D, District 74 | Forsyth)

• William Hamby (R, District 82 | Cabarrus)*

• Jay White (R, District 83 | Cabarrus)* Hugh Blackwell (R, District 86 | Burke) Destin Hall (R, District 87 | Caldwell)

• Sarah Stevens (R, District 90 | Alleghany, Surry, Wilkes)

• Terry Brown (D, District 92 | Mecklenburg)

• **Grey Mills (R, District 95 | Iredell)**

• **Rachel Hunt (D, District 103 | Mecklenburg)**

• **Brandon Lofton (D, District 104 | Mecklenburg)**

• Tim Moore (R, District 111 | Cleveland)

• David Rogers (R, District 112 | Burke, Rutherford)

CRR Section Honors Williams

James E. Williams Jr. of Durham was honored in December as the 2019-20 recipient of the John McNeill Smith Jr. Constitutional Rights and Responsibilities Section Award.

The award was presented at the section's annual meeting and CLE at the N.C. Bar Center by Leto Copely who chaired the section's awards committee and serves on the section council.

Williams presently serves as of counsel attorney for The Center for Death Penalty Litigation. He joined the CDPL in 2018 following a distinguished career as chief public defender for Orange and Chatham counties, where he served from 1990-2017.

Williams is a graduate of Duke University (1973) and Duke University School of Law (1979). In 2016 he received the Thurgood Marshall Award from the N.C. Advocates for Justice, where he served on the Board of Governors. In 2017, he received the Frank Porter Graham Award for Lifetime Achievement from the North Carolina ACLU.

Williams is the founder and board member of the North Carolina Public Defender Committee on Racial Equality, and served as its president from 2011-16.

The John McNeill Smith Jr. Constitutional Rights & Responsibilities Section Award honors a person who has demonstrated extraordinary commitment to the ideals embodied in the Constitution of the United States and the Constitution of North Carolina by the following: (a) Promoted the awareness and understanding on the part of the profession, the public, and/or public officials of the rights embodied in the Constitution of the United States and/



Leto Copely presents John McNeill Smith Jr. Constitutional Rights & Responsibilities Section Award to James E. Williams Jr.

or the Constitution of North Carolina; (b) Encouraged respect for the American constitutional system and the rule of law; and (c) Helped forward the discussion and debate of constitutional issues by the public and/or the profession.

The late John McNeill Smith Jr., who died in 2011, was the founding chair of the NCBA's Constitutional Rights & Responsibilities Section, serving from 1995-97.

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To submit notices, email rrawlings@ncbar.org.



Britt



Connor



Jolly



Jones



Leerberg



Scherer



McNeill



Mutisya



Poley



Rader

Senior Judge [W. Earl Britt](#) of the U.S. District Court for the Eastern District of North Carolina received the North Carolina Award, the state's highest civilian honor. Britt was nominated and confirmed to the court in 1980, served as chief judge from 1983-90, and assumed senior status in 1997.

[Heather Connor](#) of McAngus Goudelock & Courie (MGC) in Charlotte has been recognized as a Certified Litigation Management Professionals by the Claims and Litigation Management Alliance.

[Melody Jolly](#) and [Jennifer Morris Jones](#) of Cranfill Sumner & Hartzog LLP (CSH Law) have been appointed to leadership positions in DRI, which is an "international organization of defense attorneys and in-house counsel." Jolly, who is based in the firm's Wilmington office, will chair the Professional Liability Committee. Jones, who is based in the firm's Raleigh office, will chair the Workers' Compensation Committee.

[Matthew Nis Leerberg](#) and [Elizabeth Brooks Scherer](#) of Fox Rothschild LLP in Raleigh have co-authored "North Carolina Appellate Practice and Procedure," published by LexisNexis and described as "a comprehensive legal treatise offering detailed discussion of the constitutional provisions, statutes, rules, cases and customs that govern North Carolina appellate law."

[Caryn Coppedge McNeill](#) of Smith Anderson in Raleigh has been elected to the American Law Institute, which is an "independent organization in the United States producing scholarly work to clarify, modernize, and otherwise improve the law." McNeill is a past president of the North Carolina Bar Association and North Carolina Bar Foundation.

[Bahati Mutisya](#) in Raleigh has been appointed to the board of commissioners for the Raleigh Housing Authority. She will provide oversight in the planning, construction, and operation of housing for people with low income within Raleigh and Wake County.

[Stephanie Gaston Poley](#) of Cranfill Sumner & Hartzog LLP (CSH Law) in Raleigh has been elected to membership in the Federation of Defense and Corporate Counsel, which is "an organization of leaders in the legal community who have achieved professional distinction."

Chief District Court Judge [Robert Rader](#) of the 10th Judicial District (Wake County) has received the Patriot Award from the Office of the U.S. Secretary of Defense's Employer Support of the Guard and Reserve. He has served on the District Court since 1994.

IN MEMORIAM

In Memoriam is a regular feature devoted to recently deceased NCBA members. Listings include the age, residence, law school and graduation year. To submit notices, call 919.657.1558 or email rrawlings@ncbar.org.

Louis Adams Bledsoe Jr.
92 | Charlotte | UNC '55

Robert Vincent Bode
71 | Raleigh | UNC '74

Richard J. Boles Sr.
86 | Murrells Inlet, S.C. | UNC '66

Judge Anthony Mason Brannon
82 | Durham | UNC '62

Franklin Roosevelt Brown
83 | Tarboro | UNC '61

Everette C. "Buddy" Carnes
98 | Marion | Wake '48

John Francis Eichorn
Burnsville | 69 | Emory '76

Sen. Kay R. Hagan
66 | Greensboro | Wake '78

Charles Stuart Lanier
72 | Jacksonville | Wake '72

Henry Clyde Lomax
84 | Placida, Fla. | UNC '58

Wendell Harrell Ott
79 | Greensboro | UNC '76

James Bethel Richmond
88 | Durham | UNC '58

James Quimby Wallace III
66 | Morehead City | Campbell '81

L. Stacy Weaver Jr.
90 | Fayetteville | Duke '53

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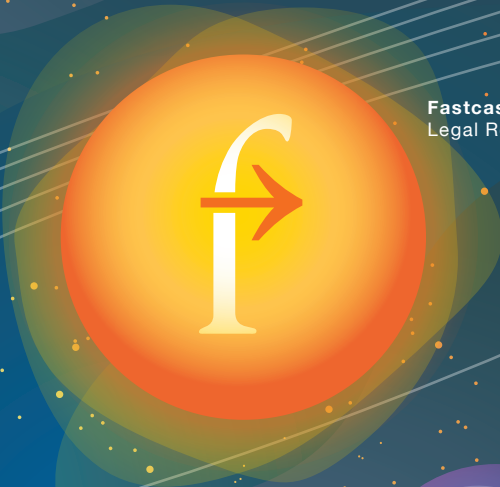
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