THE NORTH CAROLINA STATE BAR

JOURNAL

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The Discipline Process Unwrapped

By Ronald G. Baker Sr.

When I first became a State Bar Councilor some 12 years ago I was, of course, aware that the State Bar had something to do with disciplining lawyers. That, however, was about the extent of my knowledge concerning how the State Bar went about handling grievances. I suspect that many, if not most, of the lawyers in this state are in the same boat as I was back then. Now, after serving on the Grievance Committee for nine years, including two years as chair of a subcommittee and two years as chair of the full committee, my knowledge of the process is much greater. In the hope that knowing how the system works might alleviate the fear that many lawyers seem to have when responding to grievances, I will give you a general description of the process.

Grievances that come to the State Bar are handled by the Office of Counsel. That office is made up of the counsel to the State Bar, a number of deputy counsel, several investigators, plus support staff including paralegals and administrative personnel. Grievances come from many sources including judges, clients, opposing party, opposing counsel, or an officious intermeddler who saw you in court and did not like the way you did things. In addition, sometimes matters come to the Bar's attention as a result of newspaper coverage or criminal charges that are publicized.

Once a matter comes in, a file is opened and it is assigned to a deputy counsel for handling. The first thing that is done is a review to determine whether, if everything alleged is true, the attorney's actions violate the Rules of Professional Conduct. If not, the deputy counsel recommends to the chair of the Grievance Committee that the grievance be dismissed. If the chair concurs, the grievance is dismissed at that point. If the allegations, if true, might show a violation, a letter of notice is sent to the involved attorney. The letter of notice advises the attorney of the nature of the allegations and requests the attorney's response or explanation of the matter along with any supporting documentation that might be necessary or appropriate. Now, if you remember nothing else from this article, remember this: **DO NOT IGNORE A LETTER OF NOTICE!** The fastest way I know to turn nothing into something is to ignore a letter of notice. Failing to respond to the Bar is an ethical violation in and of itself that will always result in discipline, even if there was absolutely nothing to the original complaint. That should be enough said on that point.

Once the attorney's response is in, the matter is again reviewed by deputy counsel to determine whether there is probable cause to believe a violation has occurred. If probable cause does not exist, deputy counsel recommends to the chair of the Grievance Committee that the matter be dismissed. If the chair and a vice-chair of the committee agree, the matter is dismissed at that point with no further action. Dismissal by either the chair or the chair and a vice-chair is the disposition of most grievances. Sometimes, after reviewing the response to the letter of notice, deputy counsel determines that further investigation is necessary. That may consist of requesting more information from the attorney or assigning the matter to an investigator to interview witnesses or the involved attorney, obtain and examine records, and things of that sort. Once the file is as complete as possible, a Report of Counsel (ROC) is prepared by the deputy counsel and the matter goes to the Grievance Committee.

Every councilor of the State Bar serves on either the Grievance Committee or the Ethics Committee. In addition to councilors, there are advisory members on the Grievance Committee who are appointed by the president for one-year terms. Those individuals are full voting members of the committee. The committee meets four times a year at the quar-

terly meetings of the State Bar Council. Since the volume of grievances handled at each quarterly meeting is so substantial, it is impractical for the Grievance Committee to sit as a whole to consider them. Instead, the committee is divided into three subcommittees, each chaired by a vice-chair of the Grievance Committee. The subcommittees consider the grievances assigned to them, following which the full committee meets to review and approve the actions of the subcommittees. It is important to note that the meetings are closed and the actions of the full committee are not reviewed by the full State Bar Council. The proceedings are confidential to the point that even Bar councilors who are not members of the Grievance Committee are not permitted to sit in on the meetings, nor even know the identities of the lawyers who have grievances before the committee.

The possible outcomes for grievances are:

1. dismissal
2. dismissal with a letter of caution
3. dismissal with a letter of warning
4. admonition
5. reprimand
6. censure
7. referral to the Disciplinary Hearing Commission.

Dismissals through admonition are private and are communicated only to the involved attorney. Reprimands and censures are public and are docketed on the official docket of the State Bar, published in the State Bar *Journal,* and posted on the State Bar website. A censure is also entered on the judgment docket in each county where the lawyer maintains a law office and filed with the NC Court of Appeals, the NC Supreme Court, the US District Courts in North Carolina, the Fourth Circuit Court of Appeals, and the US Supreme Court. Also, all public discipline is sent to a newspaper of general circulation where the lawyer maintains a law office.

Prior to the quarterly meeting, each subcommittee member is provided with the ROC prepared by deputy counsel along with all documentation developed during the investigation. The ROC contains a recommendation from the deputy counsel as well as the lawyer's discipline history and the range of discipline that has been administered in the past for similar conduct by other attorneys. At the quarterly subcommittee meetings, each grievance is considered and a report is heard from deputy counsel. Presentation of witnesses is not allowed, and there is no right to attend the meeting on the part of the involved attorney. After hearing from deputy counsel and asking any desired questions, the subcommittee votes either to dismiss the grievance in one of the three ways described above, or to hold a preliminary hearing. Once all grievances have been considered, deputy counsel is excused from the room and the preliminary hearings begin. The preliminary hearing is actually a hearing on the written record for each grievance referred for preliminary hearing. After debating the matter, the subcommittee votes to impose one of the results numbered one through six above, or to refer the matter to the Disciplinary Hearing Commission (DHC). Referral to the DHC is reserved for those cases wherein the committee feels that suspension or disbarment may be appropriate. The Grievance Committee cannot suspend or disbar a lawyer—only the DHC can do that. More on that below. Once all three subcommittees have completed their business, the full committee meets to review their actions. At the full committee meeting the subcommittee actions may be either approved, or a matter may be reconsidered *de novo*, with the same disposition options available to the full committee as were available to the subcommittee. As noted above, the action of the Grievance Committee is final and not subject to review or approval of the full State Bar Council.

In the weeks following the quarterly meeting, involved lawyers are notified in writing of the committee's action with respect to the grievances filed against them. No attorney is bound to accept the decision of the Grievance Committee. Other than an outright dismissal or a dismissal with letter of caution, an attorney can reject any disposition made by the committee. With respect to a dismissal with letter of warning through a reprimand, a lawyer is deemed to have accepted the disposition if he or she does not *reject* it, in writing, within 30 days of receipt of written notice of the disposition. With respect to a censure, it is deemed to have been rejected if he or she does not *accept* it in writing within 30 days of notification. The effect of rejection of committee imposed discipline is simple—the matter goes to the DHC just as if it had been referred there by the committee.

Once a matter has been referred to the DHC, the Office of Counsel prepares a complaint, just as in a civil case, and files it with the DHC. The complaint is served, answer is filed, and the matter proceeds according to The Rules of Civil Procedure to a trial before the DHC using the Rules of Evidence and, with few exceptions, the procedure that would be used in superior court. The DHC has available to it all of the levels of discipline available to the Grievance Committee, plus suspension and disbarment. Those disciplines are reserved for the most serious cases. Appeal is to the court of appeals as in other civil actions. The DHC has both lawyers and lay people on it, and the hearings are before three-person panels, of whom two are always lawyers and one is always a lay person. Once a complaint has been filed, the matter is public and may be viewed on the State Bar website.

The foregoing is a bird's eye view of the grievance process from beginning to end. Most lawyers probably go through their careers without ever having a grievance filed against them. Many others have grievances or complaints made against them and never know it because the complaints are dismissed as without merit. Unfortunately, other lawyers become what we call "frequent flyers" and seem to always have an open grievance file going. Simple ways to avoid contact with the grievance process are to communicate with your clients, show up in court when you are supposed to, treat opposing counsel and parties with dignity and respect, and reconcile your trust account as you are required. When a grievance does occur, however, don't assume that the State Bar is out to get you or that the deck is stacked against you. That is not the case. Committee members have both huge amounts of material to review before each quarterly meeting and a heavy responsibility in judging the conduct of other lawyers. My experience is that the councilors take this responsibility very seriously.

One must always keep in mind, however, that the responsibility of the North Carolina State Bar, in regulating the profession, is to protect the public. We will retain the power of self-regulation only so long as we wield it with the public interest in mind.

CORRECTION: It has been called to my attention that in my last column I erroneously stated that Legal Zoom removed the litigation with the State Bar to the business court. In fact, the State Bar removed the original Legal Zoom case to the business court. My apologies for the error. ■

Ronald G Baker Sr. is a partner with the Kitty Hawk firm of Sharp, Michael, Graham & Baker LLP.

Gone on Walkabout

By L. Thomas Lunsford II

"The State Bar is the appropriate entity to initiate action to wind down the practices of lawyers who appear unable to continue to serve and protect the interests of their clients, and for whom no law partner can act. Under such circumstances, the State Bar, by and through its staff, will when necessary and appropriate, seek the appointment of qualified members of the Bar as trustees pursuant to G.S. 84-28 (j) and 27 N.C. A.C. 1B, .0122, and support their efforts in winding down the practices of the subject lawyers. Support shall consist of consultation and direction, as well as compensation in the event no other source of funds is available. Compensation shall be determined and paid by the executive director in his or her discretion. The executive director is also authorized to reimburse such expenses of the trusteeship as he or she deems reasonable and appropriate. The executive director shall report to the president, or to any committee he or she may designate, at least annually regarding the trusteeships that have been concluded since the last report, the trusteeships that remain active, and the expenditures that have been made or are contemplated. It is hereby recognized that the primary purpose of each trusteeship will be to protect the interests of the subject lawyer's clients, and that trusteeships will generally be administered to discontinue, rather than conserve or perpetuate, the practices involved."

Policy adopted by the council of the North Carolina State Bar, April 25, 2014.

Most of what I know about Australia I learned from watching "Crocodile Dundee." The film, which premiered in 1986, provided my generation with a treasure trove of information about the mysterious land down under and spawned a cult of mateship, marsupials, and melgibsonia that persists in America even unto the present day. Who among us of a certain age can forget the feelings of euphoria that swept the crowds out of the theatres and into the Outback Steakhouses? It was a watershed cultural event, inducing millions of people like me to avoid billabongs and, ultimately, to send their college-aged children on breathtakingly expensive semesters abroad in the southern hemisphere.

For me, the most interesting Aussie custom was dramatized in the final reel when the hero abruptly decamped from a luxury hotel in New York City and went on a "walkabout." Although the term was undefined for the American audience, the cinematic context suggested a sort of spiritual journey characterized by spontaneous departure for "parts unknown" by means unspecified for no particular reason and for an indefinite period of time. Now, to be fair, savvy moviegoers like myself had an inkling that the journey in question was intended to mend a broken heart. After all, there's nothing like random perambulation in a snakeskin vest to take one's mind off unrequited love. But whatever the impetus, the essence of the exercise was unmistakable. To go walkabout is to disconnect, at least temporarily, and to wander unfettered until the time for wandering is understood to be up. There is then the possibility of reconnection—if there is anything left with which to reconnect.

My research indicates that the practice may have originated with Australia's Aboriginal people. As I understand it, those folks were mostly hunters and gatherers—deeply spiritual people who lived quite simply and close to the land from the very beginning of time. For them, occasional disconnection from the tribal group must have been relatively easy to manage. Deadlines, court dates, and statutes of limitations were unknown until the arrival of European settlers in the 18th century, and mandatory continuing legal education wasn't imported until much later. Once emigrants began to intrude in large numbers, however, life became more complicated and walkingabout got to be more difficult. The imposition of western inventions like schools, guilt, property, and disease made it increasingly hard for the average guy to drop everything and take a hike. Ironically though, those were the very things that seemed to increase the need and the desire of many native people to "get away," as it were.

Be that as it may, it should not surprise any serious student of history to learn that cultural imperialism in Australia was, as in most other colonial settings, a two-way street. In return for such gifts as cursive writing and smallpox, the settlers were introduced to strange things like boomerangs and walkabouts. Inevitably, such items and notions were conveyed back to England and the rest of the British Empire, including North Carolina. Wherever they came to rest, they were adapted by the local populace and repurposed. Unfortunately, the boomerang never caught on as a weapon in the New World. Hostile American Indians were adept at dodging the crooked devices which, having failed to kill, maim, or stun their intended victims, generally failed to fly back to hand, as advertised.

Walkabouts, on the other hand, became quite common in certain circles. During the American Civil War, for example, thousands of soldiers disconnected from their units on both sides of the conflict for reasons that appear to have had little to do with spiritualism or romantic love. The practice became unfashionable, however, once the military concluded that disconnection was indistinguishable from desertion, and equally deserving of capital punishment. A century later, as another war raged, the concept again found expression—this time on college campuses. In Chapel Hill, as I recall, lots of young people—but not me—turned on and tuned out, briefly but effectively disconnecting from the turmoil in Southeast Asia. Others went walkingabout in Canada, presumably for the climate.

Although lawyers have probably always

walkedabout, the State Bar took little notice until the last quarter of the twentieth century. In North Carolina up until that time, the disappearance of a practitioner and the confusion engendered thereby, was generally a local matter—something to be addressed by the Bar in the community on an informal basis. This was true whether the "departure" of the subject attorney was a function of decision, death, disbarment, or disability. Of course, when the missing lawyer had partners, his practice could be easily discontinued—or continued for that matter—in the bosom of the firm. However, in those cases involving sole practitioners, it usually fell to the local Bar as a whole to assume responsibility for tidying things up on behalf of the missing friend and colleague. Typically, someone would, on his own motion or at the behest of the resident judge, volunteer to "take over" and, depending on the circumstances, either hold the fort or fold the tent. In the process, the volunteer would, with the cooperation of the rest of the Bar, do what was reasonably necessary to protect the absent lawyer's clients and make sure that everyone got what was coming to them in the way of files and funds. Apparently not much attention was paid to the question of whether the *de facto* trustee ought to be exposed to the confidential information that existed in the absent lawyer's office. He (regrettably, there really weren't many female lawyers around in those days) simply walked in and did what needed to be done free of charge. The volunteer's services were almost always donated as a favor to the missing lawyer or his survivors, or as a contribution to the profession. Even so, opportunity for compensation sometimes presented itself. If the missing lawyer's practice was a going concern at the time it was interrupted, it would not have been all that unusual for the volunteer to have had the opportunity to gently solicit and "step into" pending cases that were likely to generate fees. As far as I can tell, it was just part of the deal and not regarded as an ethical problem. And the system seemed to work pretty well.

But then the world changed. I was admitted to the Bar in 1978, triggering an enormous expansion in the population of lawyers in our state that has persisted over the past three decades. Why so many of you decided to follow my lead and get law licenses is an inexplicable phenomenon that continues to intrigue and baffle economists. Happily enough, its analysis is beyond the scope of this essay. What can be said without fear of contradiction is that the recent growth of the profession and the concentration of practitioners in our cities has greatly changed the way in which we deal with lawyers who are here today and gone tomorrow, perhaps never to return. The fact is that in many legal communities we no longer know each other as fellow attorneys. Professional encounters are much more sporadic and impersonal than they used to be, and are regulated more by rules and circumstantial advantage than by trust and routine accommodation. In the absence of relationship, we have passing acquaintance. Where once we felt personally responsible for each other as individuals, we now feel at most a sense of collective responsibility—an obligation that is increasingly professional and corporate.

It should not be all that surprising then that the State Bar currently has so much to do with lawyers who suddenly become unavailable. We are, after all, the embodiment of our 27,000 members, so many of whom are now, unfortunately, strangers to one another. And it does appear that we at the State Bar are presently in the best position to "initiate action to wind down the practices of lawyers who appear unable to continue to serve and protect the interests of their clients, and for whom no law partner may act." The quoted language was taken from the policy statement set forth at the beginning of this article. The policy was recently adopted by the State Bar Council, essentially to bless the *status quo*. It references statutory authority that has been in place for many years and administrative practice that has been ongoing as a cottage industry throughout my tenure as executive director. The impetus for drafting the policy was, frankly, our sense that the number of missing lawyers for whom trustees must be appointed is steadily growing along with the expenses of the resulting trusteeships. At the moment, there are dozens of trusteeships ongoing. Over the past five years, we have spent on average about $26,000 a year to compensate trustees and pay expenses. This year, the State Bar's operational budget contains an appropriation of $25,000 to defray such costs. Given the increasing size of the undertaking, there needed to be a declaration as to legitimacy of our spending and its proper purposes. Hence, the policy.

The way we do business now in regard to missing lawyers is not unlike the old model. We still rely for the most part on volunteers, and their duties haven't changed all that much.

Our trustees are still primarily concerned with notifying clients and courts of the subject lawyer's unavailability, and with making sure that client property—principally files and money held in trust—is identified, protected, and distributed. What is different, mainly, is the formality of the exercise. These days, trustees almost never act without a specific grant of judicial authority. Typically, someone at the State Bar gets a call about a sole practitioner who has died or become incapacitated or can't be found. After verifying that a problem exists that warrants the appointment of a trustee, our lawyers try to identify a logical candidate—someone with a law license who is related to the subject lawyer or is familiar with his or her practice. If such a person is apparent and available and can be persuaded to act as a trustee, the senior resident superior court judge is advised of the situation and of the lawyer's willingness to serve. The court then makes the suggested appointment or conscripts someone else. In any event, the trustee invariably acts on the authority of a court order. This greatly facilitates his or her dealings with third parties such as banks and landlords. It eliminates concern about confidentiality. And the involvement of the court also allows for accountability and discharge once the proceedings are effectively concluded.

As our policy clearly recognizes, the primary purpose of a trusteeship is to protect the interests of the missing lawyer's clients. The trustee steps into the shoes of the departed lawyer to avoid prejudice to the clients, if reasonably possible, and to facilitate the employment of successor counsel, if necessary. Although the statute speaks in terms of administering or conserving the law practice of the missing attorney, the trustee in virtually all cases is responsible for the orderly discontinuation of the enterprise. The trustee is not in place to represent the departed lawyer's clients, except to the extent of obtaining continuances or extensions of time to take procedural actions. Nor is the trustee there to keep anyone's seat warm. We're folding tents, not holding forts.

Another significant difference between the old ways and the new is that the State Bar and, by extension, each of you, is now committed to paying the freight. As noted above, it was formerly the case that *de facto* trustees were inclined and expected to contribute their services. Nowadays, it seems unfair to require such a thing, particularly in cases where there is no antecedent personal relationship between the missing lawyer and the trustee. The council's policy recognizes that the profession as a whole

has an obligation to step up financially in cases where no other source of funds is available and pay the trustee. Of course, no one is getting rich in the trustee business. We have heretofore keyed our payments to the rates paid to appointed counsel in felony cases. This keeps the trustee from going broke, but provides no incentive to belabor things.

The more interesting financial aspect of the situation relates to the incidental cost of winding down a law practice. To be sure, every case is unique, but there are definitely some repeating themes. There are always files to be marshaled, classified, and distributed. While this might seem to be a fairly routine undertaking, it can be a very expensive and time consuming headache for the trustee. This is particularly true if the missing lawyer left things in disarray, as quite often happens. In such cases, it is frequently necessary for the trustee to retain personnel from the old law firm to try to bring some order to thousands of files in dozens of file cabinets. Needless to say, there is usually a digital aspect to the problem as well. Passwords aren't always available and computerized filing systems can be impenetrable without professional assistance. It costs money to deconstruct a law practice. It can cost even more to hold on to records while you figure out what to do with them. It is not unusual for a trustee to have to continue renting the missing lawyer's office for months at a time while things get sorted out. That is, of course, unless the landlord needs the property, in which case other storage options come into play—like the trustee's own law office or, heaven forbid, my law office. And then there's the matter of returning the files to their rightful owners—the clients and former clients. Reasonable efforts must be made to personally contact everyone whose file is active. At a minimum, notices must be published to constructively notify those whose whereabouts cannot be ascertained. And what about the wills and the other valuable documents that are or may be in those old "closed" files?

Similar complications and expenses can arise in regard to the trust account. Those records, if they exist at all, are frequently hard to find and are usually incomplete and disorganized when they are found. What's worse is that upon analysis, they sometimes prove or strongly suggest malfeasance. It falls to the trustee—in the first instance at least—to figure out whose money is or should be on deposit. Unfortunately, in many cases it then becomes a forensic accounting problem for a local CPA or the investigator who staffs the State Bar's Client Security Fund. In any case, untangling the accounts left behind by someone who has committed suicide, or become senile, or got disbarred, or just went on walkabout can be mighty expensive.

No one seems to dispute that the State Bar ought to take responsibility for seeing that these situations are resolved expeditiously with minimal harm to the public. The rationale is pretty much the same as for the Client Security Fund. We, as a self-regulating profession, license our members and invite the public to deal with them exclusively, trusting that they are fit, competent, and trustworthy. When a lawyer goes missing, it is incumbent upon us as a profession to ameliorate—if not completely salvage—the situation. That's the collective responsibility that the council has accepted on your behalf.

As you might suppose, the council is not only concerned with damage control. It has a lively interest in preventing harm to the public

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Life on the Front Lines of Budget Cuts

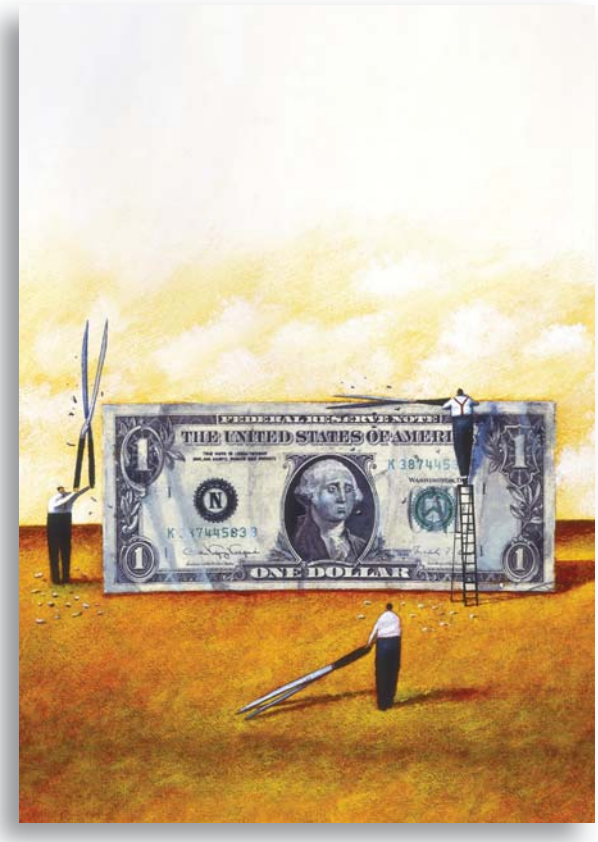
By Tom Maher and Robynn Moraites

Budget Cuts at the Office of Indigent Services

By Tom Maher

I became the executive director of the Office of Indigent Defense Services (IDS) on January 1, 2009. This was not an auspicious time to become responsible for the budget of a state agency, particularly for an agency tasked with providing constitutionally effective legal representation to those who cannot afford to hire their own counsel. People who find themselves facing a criminal charge without the ability to hire a private lawyer are entitled to a lawyer who has the experience, skill, and time to provide effective representation, and this constitutional right cannot be suspended in times of budget crisis. While a state may choose to reduce the number of criminal prosecutions it brings in the face of a reduced budget, it may not meet a smaller budget by reducing the quality of representation provided below that required by the constitution. IDS has struggled to provide effective representation with significantly reduced resources, and has done so largely by reducing the compensation to those who are on the front lines of the criminal justice system—the defense lawyers, investigators, paralegals, and others who turn the abstract right to an effective defense into a reality.

Those who work in the public defender system have borne some of the impact of the budget cuts, from relatively minor reductions, such as training and travel restrictions, to more serious reductions, such as the loss of earning power as increases in compensation became increasingly rare. These burdens, of course, are shared by others in the court system, as well as by teachers and other state employees. Unlike other state agencies, which rely primarily on state employees to provide services, IDS relies on private counsel to provide representation in approximately two-thirds of the cases in which there is a right to appointed counsel. These lawyers, and others who play a necessary role in helping IDS meet its constitutional obligations, have borne the brunt of the cuts to the budget. Most devastating to the private lawyers were the reductions in the rates paid for work on indigent cases. When I began as IDS director, North Carolina had an indigent defense system that was a model for other jurisdictions, and this was in large part due to the quality of the lawyers who took on this work. We were able to compensate lawyers at the rate of $75 per hour for non-capital cases, and $95 per hour for capital cases. While this is significantly lower than the compensation for lawyers appearing in federal courts in North Carolina, who are now paid $126 per hour for non-capital cases and $180 per hour for capital cases, it was sufficient to allow good attorneys to provide quality representation. In May 2011, acting at the direction of the General Assembly and under tremendous budgetary pressure, IDS reduced those rates—attorneys in district court cases lost $20 per hour in income, while attorneys in superior court lost $15 to $5 per hour depending on the felony charged, and those handling capital cases lost $10 per hour.



Dave Cutler/Illustration Source

In examining the impact of these cuts, it is crucial to remember that IDS does not provide these lawyers with offices, support staff, insurance, telephones, access to a law library, or any of the tools needed to practice law. All of the overhead costs of running a small law firm must be paid out of the hourly pay before the attorneys earn anything. These reductions, then, came directly out of the modest net earnings that attorneys providing indigent defense made under the higher rates. In addition, despite these significant cuts, IDS has continued to be underfunded. This underfunding means

that, at the end of each fiscal year, IDS exhausts the money available to pay the private lawyers and is forced to stop making payments until a new budget is approved for the next fiscal year. Then IDS uses a significant portion of the new budget to pay amounts owed for work done in the prior year. For the private lawyers, it means that, come May, IDS will stop making payments, and those payments may not begin again until July, assuming a new budget is enacted by then. The injury of reduced payments for the same work is compounded by the insult of months of delay.

The impact of these cuts and payment delays on those who work in the private sector to provide effective representation is very real. Reduced pay does not reduce office rent or other bills, and delays in payment will not allow the lawyers to delay paying their bills. While $55 per hour may seem to some like a good rate of pay, by the time overhead is subtracted there is little left. Since I have been director, I have taken calls from lawyers who face personal financial pressure, lawyers who face foreclosure on their homes, who cannot get through the months of delay and pay their bills, who have to close their office and practice from a residence, and one memorable call from a spouse who wanted me to know that I was responsible for the fact that she and her husband could not afford to have a child.

While the right to effective representation belongs to the client and IDS does not exist to provide employment for lawyers, unless the lawyers who do this work are treated fairly, the right to counsel will become meaningless. North Carolina is fortunate to have a significant number of lawyers who are willing to work in indigent defense, and who do so at rates far below the market rates paid by private clients. These lawyers have largely been willing to continue this work despite the reduced pay, but it is unrealistic to expect the private bar to continue to work at the current rates on a long-term basis.

Lawyers as Collateral Damage

By Robynn Roraites

The Lawyer Assistance Program has recently seen a disproportionate number of attorneys who work within the IDS system. The cuts in hourly wages and delayed payment cycles trigger a progression of practical business-related decisions and subsequent mental health consequences that are largely invisible and silent to the majority of the legal community—that is, until a lawyer is in real peril.

The nature of the legal work covered by IDS takes a heavy toll on lawyers' mental health to begin with. Burnout, compassion fatigue, and secondary trauma are commonplace. Now add to that unrelenting financial pressure. Perpetual economic insecurity leads to periods of intense anxiety and loss of sleep. Prolonged anxiety and the accompanying fight, flight, or freeze response, along with the disruptions in sleep, leads many lawyers into major depressive episodes. In order to make a living and to relieve some of the anxiety, lawyers often give up office space and lay off support staff. Lack of support staff, in turn, leads to an increase in stress levels and anxiety from keeping too many plates spinning. Lawyers feel the need to keep a certain number of cases going in order to make a living, but the practical reality is that there are only so many hours in a day and only so many cases one lawyer can handle administratively with no support staff. Inevitably what follows is a lawyer's desperate attempt to keep up. And the first thing to get pushed to the back burner is any form of administrative paperwork to ensure the lawyer is paid for his or her work.

Everyone seems to hear about the capital case that cost the state millions of dollars in defense costs over several years. The General Assembly often uses these costs as justification for further cuts in hourly rates. But what no one sees or hears about are the hundreds of hours (dare I say thousands of hours) that go completely uncompensated for each fiscal year.

In my first few months at the Lawyer Assistance Program, when talking with any lawyer who handled court appointed work and who was suffering from major depression, I learned very quickly to ask the immediate follow up question, "When was the last time you filed a fee app?" Invariably, responses range from, "I cannot remember the last time," to, "A year ago or so…maybe longer." When lawyers are suffering from depression, all of his or her energy goes into handling cases and showing up in court—and wearing the mask that everything is OK. There is no energy left for things like filing fee applications or billing private clients. To one who has not experienced it, this description may seem far-fetched. It is all too common. Often, the very first task we undertake at the LAP is to ask our volunteers to assist the lawyer with billing private clients and filing fee applications that are not past the filing deadline so that at least some revenue is coming in.

The Lawyer Assistance Program is seeing more lawyers who technically can be classified as indigent themselves. We are seeing lawyers who have no health insurance, whose homes are in foreclosure, and who are completely bankrupt. By the time these lawyers reach our door, they have been working for free for over a year, on average, and have burned through whatever financial

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How to Tell a Story

By Wade M. Smith

Once upon a time I was in a jury trial, poised to make my closing argument. As I sat waiting for the judge to signal go, my client leaned over and asked if he could make a suggestion. Slightly irritated at this interruption of my communication with the jury gods, but recognizing that the Rules of Professional Conduct would hold me steadfastly to the duty to hear from my client, I said that I would be thrilled to have him make a suggestion. He said, "Mr. Smith, do you know how it is when you bite into a firm, ripe apple and there is a popping noise and some juice flies out and gets all over your shirt? Well, that is how I want you to argue my case." I realized that in this little story, which took two sentences, he had hit the nail squarely on the head. A law professor, given a full semester in a course on trial practice could not have created a more effective description of what a jury argument should be. It took my client 30 seconds to tell me a story. It was clean and crisp. It lit the landscape like a bolt of lightning, and that is what storytelling is all about.

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Somewhere along the way in my life as a trial lawyer, I understood that every case contains a story. It may be a traffic case. Or it may be a complex case in which the facts are nearly impossible to gather and understand. But all cases come to us containing a story. The person who tells the story best enjoys a remarkable advantage. This is an astounding thing to consider. If we can get command of the facts and tell the story, so that the apple pops and we get juice all over our shirts, we have a much better chance of winning.

However, most stories we tell do not find their way into a jury argument. We tell stories each day to friends and in speeches and presentations. There is much satisfaction in telling a story well, which explodes, causing peals of laughter, great weeping, or moves our audience precisely in the direction we wish to take them.

Each story, well told, is a celebration of

the power of language. There are more than 500,000 words in our language. Each word is a tool. There are wrenches and screwdrivers and hammers and saws. When we construct sentences, we choose from 500,000 words. What a stunning idea. If we choose the right words, there is thunder and lightning. If we choose the wrong words the whole thing falls on its face. Words come with colors attached. It is like painting a picture. We can choose cool colors or warm colors.

How many times have we heard people say that they just can't remember jokes or stories? These people never get to tell a story or joke. We know that good storytellers are not born knowing how to tell a story, and they certainly are not born with stories to tell. Good storytelling requires that one have an appreciation for stories and be a collector of stories. This means that one must try to remember stories. I recommend the creation of a story file. My story file is 30 years old. When I hear a good story, I write it down. My file includes sections for dog stories, barber shop stories, and stories about mules, horses, judges, lawyers, doctors, preachers, courtrooms, and on and on. I often ask a person to repeat a story for me. You never hear a good storyteller say, "I've already heard that one." I am never concerned that someone is telling me a story I have heard before. I want to hear it again and I want to see how this storyteller has changed parts of the story. I always hope to improve it. I will insert my own spin and alter the tale in any way I can to improve it.

It always adds to the enjoyment of a story if the teller relishes the telling. A great storyteller develops a unique style. This happens over time. A great storyteller finds his own voice.

Some people just can't tell a story. They mess up every time they try. Usually they fumble the punchline. While they stand thunderstruck, as they try to retrieve the punchline from a cluttered brain, the audience drifts away thinking, "He can't tell a joke." There is only one way to avoid this embarrassing spectacle. Practice, practice, practice. That is the rule. You must go over and over the story, and memorize the punchline. You have to tell it the same way every time. The punchline must flow flawlessly.

The Pause

Some stories cry out for a well placed pause. The pause must be thoroughly practiced, because it can't be too long or it will distract from the tale, and it can't be so short that it is ineffective. There is a wonderful dramatic pause in *The Golden Arm* by Mark Twain. My favorite story to illustrate this idea is about a man who was terrified that he would be called upon to pray in church. Finally, he was elected to the Board of Deacons and he then knew he would be called upon to pray. He bought a hat and wrote out a prayer, which he placed in the crown of his hat. Then, if called upon, he could rise, look down into his hat, and there would be the prayer. One Sunday morning he was called upon to pray. He rose majestically and in a resolute voice said, "Our Heavenly Father—long pause—I have brought the wrong hat." If the pause is just right the audience explodes with surprise and laughter.

Context

Nothing is more important than context in storytelling. A story must be appropriate for the setting in which it is told. It must relate to the people who are hearing it and the circumstances in which it is told. Storytellers must be sensitive to their surroundings. Who are these people who will hear the story? The teller must think about race, gender, religion, sexual orientation, and the reason people have gathered. Is this a political rally? Are these people members of one political party? Will they be easily offended? Your brain is constantly offering up stories to tell. You must mentally sort them out and have the good sense to can most of them. Only the most appropriate and best should be told. If you have any doubt, don't tell the story.

Husband Your Credibility

Manage your credibility as a storyteller carefully. We all know people who go around constantly telling stories. If you even get near this person, you are going to have to endure a joke. So, you avoid him if you can. Be known for telling only winners and for telling them sparingly. The line between a welcomed storyteller and a nuisance is narrow. Leave your audience hoping for another.

Lawyers as Storytellers

Lawyers are natural storytellers and so are judges. We attend conventions and share stories there. We tell stories of our trials and of waiting for juries. We tell stories of cross examinations and great jury moments. One of my favorite storytellers is Bobby Lee Cook, a lawyer who practices in Summerville, Georgia. His stories are about real events from his trials. If you see Bobby Lee Cook at a convention or seminar, there is always a crowd around him. People want to hear what he has to say. My own mentor, Carlisle Higgins, North Carolina Supreme Court justice, was a wonderful storyteller. He told true stories about his boyhood in the mountains of North Carolina. His stories were filled with everyday experiences: his dog, his school days in a one room school, and his failure to stay in school because of his

mischievous nature. He was surrounded by a host of judges and lawyers who loved to tell stories and loved to hear his stories. Each day at The North Carolina Supreme Court, at coffee time, the court gathered to listen to his stories and to tell their own. I learned from observing these sessions that ours is a profession filled with the greatest storytellers in this land. Lawyers are naturally good at telling tales of their adventures.

The Commandments of the Storyteller

I offer now my own ten commandments of the storyteller art:

1. The story must be appropriate in tone and appropriate for the context within which it is shared. Nothing is worse than telling a story and having an immediate feeling that it was inappropriate. It contained a word that did not fit the occasion. It hurt feelings. It was insensitive. Some storytellers go around with the faint taste of shoe leather in their mouths. Stories can hurt ethnic groups. They can hurt someone who has recently sustained a loss. Utmost care must be used in choosing a story.

2. If possible, the story should relate to the conversation. Stories don't fall out of the sky. Usually something triggers them.

3. If you have a story ready and the appropriate moment passes, let it go. Another moment will come.

4. Be especially careful of loaded words. Racial words or words relating to sex or sexual orientation are dangerous. Insensitive stories about politics are usually inappropriate.

5. Let your stories be a treat. Tell only a few. Leave your audience asking for more.

6. Don't tell a story until you have it perfect. Tell it the same way every time. Never find yourself groping for the punchline.

7. Avoid stories that go on and on. If the audience becomes restless, the story is doomed.

8. There is nothing funny about the bathroom.

9. Profanity in stories is dangerous and it should be used only when there is no doubt that it is appropriate.

10. Wherever you go, always have one good story ready, just in case you are called upon. You are a storyteller and this is expected.

Three of My Favorite Stories and When to Tell Them

1. When you need to say that you don't know the answer to a question:

A census taker was working the deep back woods of North Carolina and came to a cabin with a yard full of children with runny noses and ragged clothes. He knocked on the door of the cabin and a haggard looking woman came to the door. The gentleman said, "Ma'am, I am here to take the census." The woman said, "What the heck is that?" The census taker said, "Well, every ten years the government sends people like me to find how many people are living in our country." "Well," she said, "you have come to the wrong place." "Why is that?" he said. "We don't know the answer" she said.

2. When you need to illustrate the passage of time:

A man went out with friends to a sports bar to watch a ball game and by accident he fell into a barrel of beer and drowned. His friends went to tell his wife. She said, upon learning what happened, "Oh my, I do hope he went fast." "Oh no, ma'am," they said, "he got out three times to pee."

3. When you need to put arrogance in its place:

A minister was having breakfast one morning with his wife. As they finished, she said, "Dear, I am going to run into town for a few minutes, and while I am gone don't look under the bed." The minute she left the driveway, he dove under the bed to see what in the world was under there and he found a shoe box with three eggs and $10,000 cash. As soon as his wife came home he said to her, "Dear, I am so sorry, but I had to look under the bed and what I found was a shoe box with three eggs and $10,000 in cash. What in the world is that all about?" "Well," she said, "when we were first married 25 years ago, I vowed that every time you preached a bad sermon, I would put an egg in that box." "Wow," said the preacher, "25 years, three eggs, that's not bad. But what about the $10,000?" "Oh," she said, "well, when I'd get a dozen, I'd sell 'em."

Conclusion

Storytellers are not born, they are created one story at a time. They collect stories and they appreciate and celebrate good storytellers and the art of telling great stories. Today is a good day to begin to cultivate the art of telling great stories. ■

Wade Smith is a lawyer at Tharrington Smith in Raleigh.

Budget Cuts (cont.)

resources they might have had in reserve. They have no money for therapy or for antidepressant medication. We have had to refer more lawyers to county crises assistance services than ever before in our history.

Because lawyers are so adept at "never let 'em see you sweat," what amounts to a public health crisis in our profession flies under everyone's radar. Many assume that what I am describing occurs with new, inexperienced lawyers. Quite the opposite. We are seeing this occur with seasoned lawyers who have been practicing for 20 or more years—fine lawyers with superior legal skills.

The hope with this article is to illuminate an often invisible process—to provide a "behind the scenes" glimpse at some of the very real effects the prolonged economic downturn and attending budget cuts have had on our brethren. The criminal justice system rightly focuses on ensuring that the parties receive a fair hearing and resolution of their case. However, a criminal justice system cannot operate effectively and sustainably when the lawyers called upon to provide representation in these cases are so poorly paid that their finances threaten their emotional and mental health. ■

Tom Maher is the executive director of North Carolina Indigent Defense Services and Robynn Moraites is the executive director of the North Carolina Lawyer Assistance Program.

Saving Students from Downing in Debt—NC LEAF

By Evelyn Pursley

Many law graduates finish law school owing in excess of $100,000 in education loans (the average law school student debt in NC is around $109,610). Since 1990, the average tuition law school students pay has increased by over 200%. Graduates who want to take public service jobs are, therefore, faced with a serious challenge as they must meet their monthly education loan obligations (often the size of a mortgage payment) while earning traditionally lower salaries. Many find that they cannot make ends meet on a public service salary and are forced to forgo the opportunity to use their legal skills in service to their communities. Many who do accept public service legal jobs find they must leave after two to three years of service for higher-paying employment, leaving the public service employer with the cost of rehiring and retraining.

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When it was started by students—with support from the deans of the state's then five law schools—in 1989, the NC Legal Education Assistance Foundation (NC LEAF) was the first non-profit organization dedicated to loan repayment assistance for lawyers in the nation. Luke Largess of Tin Fulton Walker & Owen in Charlotte and current president of NC LEAF was one of those students. "Students who worked in public interest fellowships sparked the idea at an end of internship retreat in the summer of 1988. We convened a meeting of interested law students that fall. We went to our respective deans with the idea of forming a non-profit to run a state-wide program for graduates who took public service positions in North Carolina after law school. NC IOLTA

and Z. Smith Reynolds gave us the initial seed money, and we stumbled forward a bit blindly. It took awhile to get good traction, but we were on to something that gathered lots of support."

As NC IOLTA executive director, I have always loved knowing that this organization that has accomplished so much good for our state was started by a small group of law students. It reminds me of that great admonition that we should "never doubt that a small group of thoughtful, committed citizens can change the world."

Since that time, principally through legislative funding and IOLTA support, NC LEAF has provided debt repayment assistance of over $5.8 million to over 500 public interest attorneys working in 83 counties throughout North Carolina. These attorneys have served as assistant district attorneys, public defenders, and in legal aid offices. "Their work ensures the equal access to justice our society prizes," says NC LEAF Executive Director Esther Hall.

Loan repayment assistance programs (LRAPs) like NC LEAF help bridge the gap for graduates working for public service organizations or agencies. And, by providing much-needed assistance to these public service lawyers, LRAPs help public service employers attract and retain gifted and committed young lawyers, which in turn benefits the communities in which they live and work.

Jim Barrett of Pisgah Legal Services in Asheville has seen those benefits in his program. "Law school loan repayment assistance helps us retain staff attorneys beyond their training period so that they are most productive at solving clients' difficult problems. NC LEAF is, therefore, so important to the approximately 100,000 low-income people who need Pisgah Legal Services to help them meet their basic needs and be safe from domestic violence."

From the beginning, the program has worked collaboratively with law schools and bar organizations in our state. The program's board is composed of their representatives.

Current board member Susan Doyle represents the NC Conference of District Attorneys. "As an NC LEAF board member, I have seen the importance of being able to provide assistance to attorneys who want to give back to their communities through public service. In many cases, these attorneys would be unable to continue with this much needed work but for the help of NC LEAF. As the elected district attorney for Johnston County, I have witnessed firsthand the difference NC LEAF can make in helping assistant district attorneys fulfill their passion of prosecution, even while their salary is not enough to pay back enormous law school debt."

The program has continued to receive annual grant funding from IOLTA for operating support. Since 1990, IOLTA has granted $1.1 million to NC LEAF, almost all of which has been allocated to operating support so NC LEAF could use other funding—particularly state funding—for loan repayment assistance. Understanding its importance to the state, the General Assembly also appropriated funds for the program that were used for loan repayments from 1993 until 2011. "We are incredibly grateful to IOLTA for their consistent support to operate our program, which has allowed us to direct state and other funding to the public interest attorneys to discharge their debts," says Hall. The program has worked hard to diversify its funding base and to raise funds from individuals and law firms. It has become the administrator for additional LRAPs, but is most anxious to convince the General Assembly to provide financial support for the program again to stabilize funding for this important work.

NC LEAF Administers Additional LRAPs

Given its experience in administering a loan repayment assistance program, NC LEAF was asked to take on that task for a number of additional programs. Since 2010, it has been the designated state agency for disbursement of the federally funded John R. Justice Loan Repayment Assistance Program, designed to encourage qualified attorneys to choose careers as prosecutors and public defenders and continue in that service for three years. The grant provides equal assistance for prosecutors and public defenders, and has assisted 86 participants through the four years with $582,674 in funding.

Jennifer Harjo, current president of the NC Association of Public Defenders and NC LEAF Board member understands the value of loan repayment assistance through this program and from NC LEAF. "The ability to retain highly qualified and trained attorneys in a Public Defender Office is crucial to the preservation of the constitutional rights and liberties of all citizens. It is also the link to courtroom efficiency and timely resolution of cases. Due to the financial assistance of NC LEAF, North Carolina Public Defender Offices have been able to retain some extremely hardworking, dedicated, and underpaid attorneys who would otherwise be compelled to leave public service."

NC LEAF is also pleased to administer the Legal Aid of North Carolina (LANC) loan repayment assistance program for its staff attorneys since 2007. LANC is the largest legal aid program in North Carolina and receives the federal funding from the Legal Services Corporation. After six months of employment at LANC, attorneys can qualify for up to $400 each month to go towards student loans. Part of the funding for this support comes from the Legal Aid of NC Fund at the NC Bar Foundation endowment, as several donors gave money specifically to support loan repayment assistance for LANC attorneys who graduated from their law schools—Wake Forest, UNC, and Duke. George Hausen, LANC executive director, is grateful to be able to use NC LEAF's services. "We very much appreciate having a loan repayment assistance program with the experience to administer this program competently and efficiently. Loan repayment assistance has directly impacted our ability to retain experienced attorneys through this economic downturn. These attorneys have provided greater expertise and capacity to respond to the increased need for our services." Sixty LANC attorneys are currently enrolled in the program.

In 2008 the federal College Cost Reduction & Access Act created a Public Service Loan Forgiveness Program, under which public interest attorneys, after 10 years and 120 loan payments, may qualify for forgiveness on the remaining balance of their student loans. While NC LEAF does not administer this program, it does provide information about the program to potential participants trying to decide how to structure their loan repayment future most effectively.

Responding to Funding Crisis

From 1993 through 2011, NC LEAF enjoyed its most stable funding as it received state funding (from an initial appropriation of $25,000 up to $500,000 in 2010-11) for loan repayments and operating funding from an annual IOLTA grant and law school support. Both were augmented by a fund-raising campaign, including a law firm campaign

that allowed firms to sponsor individual attorneys. Since losing the state funding—the largest source of its loan repayments—the program has struggled to continue its loan repayment assistance.

Public interest attorneys working in Mecklenburg County have greatly benefitted from the generosity of the C. D. Spangler Foundation. In 2009 the foundation made a $250,000 gift in honor of Peter Gilchrist, retiring district attorney, who had been a staunch supporter of NC LEAF. As he told the American Bar Association when they were encouraging the establishments of LRAPs in 2003, "Law graduates today have a staggering amount of educational debt, which places a substantial burden on their ability to work in the public sector. I have lost many young lawyers, most of them forced to seek higher salaries elsewhere in order to deal with the financial strain of repaying law school debt while providing for their families. By helping young law graduates accept and remain in public service careers, North Carolina's LRAP makes a tremendous difference for the citizens of my state." The Mecklenburg Bar Foundation has added $78,000 to those funds in annual grants made since 2009 in support of public service lawyers in their county. To date, 43 attorneys in Mecklenburg County have been assisted through this combined support.

Other organizations have also stepped up to help NC LEAF as it struggles to continue loan repayment assistance in the absence of the state funding. NC IOLTA added small grants for loan repayment assistance to its operating support for 2013 and 2014. The NC Bar Association donated $30,000, and the NC State Bar is providing rent-free space to the organization in its new building. The NC Equal Access to Justice Foundation offered matching grant challenges of $15,000 each in 2012 and 2013, both of which were met through NC LEAF fundraising. As Esther Hall notes, "It is particularly gratifying to see the level of support from former participants in response to our appeal for funds. They value the assistance received from NC LEAF early in their careers, and are generous in helping replenish the source so their peers can benefit."

Why We Support the Work—One Lawyer's Story

Heather Taraska, assistant district attorney in Mecklenburg County, appreciates NC LEAF for assisting her in paying off her educational loans.

"When I told my parents that I wanted to go to law school to become a public interest attorney, they were able to offer me moral, but not financial, support. I borrowed money to pay for my tuition, my books, and my living expenses. I borrowed a lot of money, upwards of $75,000. After graduating 12 years ago, I began my career as a prosecutor earning $27,500 a year. I wasn't sure how I was going to pay off my loans while working in the public sector, and it terrified me. NC LEAF helped me make my loan payments every month until there were no longer any to be made. Thanks to NC LEAF, I still put bad guys in jail, debt free." ■

For more information regarding NC LEAF, please visit the website: ncleaf.org.

Evelyn Pursley has been the executive director of NC IOLTA since July 1997.

Innocent after Proven Guilty—Incident at Donnaha

By Gray Wilson

Herbert Thomas Shore spent 17 years in prison for a murder he did not commit. He was one of four participants in a drunken brawl among friends in the Donnaha community in the northwest corner of Forsyth County on August 23, 1994. Early in the evening, when the parties to this affray were already primed with Maker's Mark, beer, and vodka, an argument broke out between Shore and Tim Williams over a $10 NASCAR bet that Williams allegedly lost. Shore tried to take it out of his hide, but Williams soon got the best of the fisticuffs, prompting Shore to pull a pocket knife on him. Williams replied with a tire jack, and once again Shore was outmatched, fleeing into the woods to lick his wounds.

When he recovered, he staggered home, only to be confronted by his stepson, who grabbed some firearms and drove Shore back to Donnaha to set things right with Williams. To do so, Shore packed an L.C. Smith 12-gauge, double-barrel shotgun with a modified choke, while his stepson carried a Beretta 20-gauge, single-barrel shotgun.

Meanwhile, Williams and his companion, Larry Hicks, had traveled to Hicks' home nearby to retrieve a Mossberg 12-gauge sawed-off, pump action riot gun, modified with a pistol grip and hair trigger. They were waiting behind Williams' van in his driveway when Shore and his stepson stopped their Jeep on the roadway out front. It was unclear who started firing first, but before long the night was peppered with a variety of reports from the assortment of shotguns. By the time the shootout was over, Williams lay dead in his front yard with the top of his head blown off. The autopsy revealed that he had been killed by a 12-gauge slug, which is a large plug of lead. Shore fled before the sheriff could arrest him at his home, evaded capture for six months, then turned himself in to await trial. Shore declared that he was not the one who shot Williams, although he did admit winging him with a load of birdshot in the thigh before leaving the scene.

At the trial two years later in 1996, Assistant District Attorneys David Spence and Fred Bauer prosecuted the case, defended by Fred Crumpler and David Freedman. Judge William Z. Wood Jr. presided over a hotly contested battle, in which the jury was tasked with figuring out what happened that night in Donnaha, with little assistance from eyewitnesses. Shore's stepson, also under indictment for murder, refused to testify, and Larry Hicks, who had been wounded in the eye by a shotgun pellet during the affray, conveniently recalled nothing. But Shore took the stand in his defense and promptly failed, gutting his credibility under steady cross-examination from Spence, who reduced the defendant to putty within 30 minutes. Four able attorneys argued passionately to the jury, which took just over an hour to find Shore guilty of first-degree murder and a host of lesser charges. A lone replacement juror dissented during the sentencing phase, sparing Shore's life by one vote. The trip to Central Prison followed.

Over the next decade, multiple appeals, motions for appropriate relief, and even a clemency petition to then Governor Mike Easley were mounted without success. One appellate court declared that there was "overwhelming evidence of guilt," and from

the transcript at trial, this was not an unreasonable conclusion. In the meantime, Shore languished in the state correctional system, being shipped around North Carolina to various facilities. At the age of 62, he sustained a mild heart attack and underwent two-vessel bypass surgery. He learned that his stepson had pleaded guilty to second-degree murder and was similarly housed elsewhere for a 20-year term. But Shore was in for life, and he knew he would die in prison. His lovely wife, who had also been erroneously charged with harboring a fugitive while her husband was on the lam, divorced him after ten years. Shore stopped praying for freedom—all he really wanted was to die.

In 2007 we were retained by Jerry Smith, a highly successful businessman and friend of Shore, to take one more look at the case. The 2,000-page transcript was hardly encouraging, but one salient omission emerged from a review of the trial. The State Bureau of Investigation ballistics laboratory had inspected an empty 12-gauge Winchester shotgun shell found next to the victim, but could not tie it to any weapon. That shell was a "reload," meaning reloaded by hand after the initial factory shell had been fired. There was no way to tell if the reload had fired birdshot or a slug, but it was clearly a slug that had killed the victim. Several 12-gauge Remington-Peters shotgun shells found in the roadway, however, were easily matched to Shore's shotgun because of unmistakable features on the casings. The SBI confirmed that all of those shells had fired birdshot, not a slug. Hence, the only shell that could have fired the fatal round was the Winchester found next to the victim. But nobody could match it to a weapon at the scene.

That did not stop Smith, who promptly hired the best ballistics expert in the world—Ronald Scott from Phoenix, Arizona. Scott was the kind of professional the US government retained to investigate questionable shootings in Iraq. He was supremely credentialed and had testified in hundreds of trials around the country over the course of his distinguished career. We flew him to North Carolina after obtaining both shotguns and all of the spent shell casings from the property room at the courthouse (which required a court order and police escort). Scott was quick to tell us that he thought it unlikely that he could establish definitively which shotgun the Winchester shell came from, but he was confident that he would at least be able to exclude Shore's shotgun if it was not fired from that 12-gauge. So we packed up and shipped everything to him in Arizona for microscopic examination at his home laboratory.

Several weeks later in March 2011, Scott called me at my office with some startling news. Not only was he able to exclude the Winchester shell as never having been fired from Shore's shotgun, he was also able to conclude to a high degree of certainty that this shell in fact came from the 12-gauge shotgun in the possession of Larry Hicks, who was standing behind the van just next to the victim the night of the shooting. How could this have happened? No one would ever know for sure—and no one was talking—but it was likely that Hicks accidentally pulled the hair trigger during the affray, as he stood there that night frightened, injured, and intoxicated, killing his friend in the process. The micrographs I received from Scott left no doubt that he was correct. How the SBI lab missed this connection remains a mystery.

I called Matt Breeding, an assistant district attorney we had been working with on this matter, to discuss Scott's findings, and he was understandably skeptical. This would not be the first time someone with a law degree had informed the local DA that an innocent man had been wrongfully convicted. But the new DA in Forsyth County was Jim O'Neill, whom we had met with earlier to present our work on the case. We were pleasantly surprised to hear O'Neill politely tell us that he did not care about the procedural posture of the matter (on which we were likely foreclosed at this point), nor what a model prisoner Shore had been. He said he only cared about doing the right thing. In this case, it would turn out that he meant it. Breeding asked me to send our information over for him for review by Stephen Bunch, a retired ballistics expert formerly employed with the FBI, and that he would let us know what they (meaning the expert and the DA's Office) thought of this latest development.

In a few weeks I got another call from Breeding, who informed me that his expert agreed with our own, and that he had already made a call to the prison facility in Caswell County where Shore was incarcerated to have him brought to Winston-Salem. Shore was ecstatic when I visited him in the Forsyth County Detention Center, but he had no idea why he had been shipped there. I explained, and tears formed in his eyes as I did so. Through the glass partition, he asked me if this could really be true, and I told him to hang on for the hearing, which took a couple of weeks and a lot maneuvering with the DA's Office to arrange. Local criminal law attorney Chris Beechler was instrumental in greasing the skids for the hearing that resulted in Shore's release by Superior Court Judge John O. Craig. Jerry Smith was there to observe, and was commended for his efforts on behalf of Shore. The murder charge was stricken, and Shore was approved for immediate release based on time served on the remaining charges. On June 6, 2011, he walked out of jail toting a couple of large black trash bags which contained all his worldly possessions.

Shore moved back into his family home in Winston-Salem, where his mother had died only a year earlier. He settled back into a life of freedom, tinkered with carburetors in the garage behind his house, and eventually acquired a quarter horse and a pair of hound dogs. Formerly a nationally ranked barrel racer, Shore was also an accomplished auto mechanic who had once owned a successful repair shop in the city. He became reacquainted with his children, grandchildren, and siblings, and remained friends with his former spouse. After a while he even found a girlfriend. We went to the cemetery where Tim Williams was buried so that Shore could pay his respects. We also went to the scene of the shooting up in Donnaha, a field now plowed under with little more than Joe Pye Weed for cover. Shore was able to pry a couple of pebbles of birdshot from the bark of an old sycamore tree. It was a hot August afternoon with towering cumulus clouds building and thunder booming in the distance inside an approaching gray mass. There had been several more murders in Donnaha since the shooting in 1994, and a Cherokee burial ground had recently been discovered nearby, with a host of artifacts and evidence of human sacrifice. Shore heaved a sigh of relief as we pulled away. Then we headed home. ■

G. Gray Wilson is a senior partner with the Wilson Helms & Cartledge, LLP, and a State Bar councilor representing Judicial District 21.

A Life Recognized—Judge Hiram Ward

By Daniel R. Taylor Jr.

In an early life suitable for a Tom Clancy novel and a later life qualifying for one of the highest offices of our country, Hiram Ward exemplified "Pro Humanitate" and his love of Wake Forest has been matched by few.

The Early Years

Tom Brokaw called them "the greatest generation," and United States District Judge Frank Bullock described his friend Hiram Hamilton Ward as one of "the greatest generation's" greatest members. Born in Thomasville, North Carolina, in 1923, and raised during the Depression on a family farm outside of Denton, North Carolina, Ward was an adventurer who loved the outdoors, hunting, and fishing. Under the tutelage of his older brother, he learned to fly a small airplane while he was still in high school. He was the first boy in Denton to become an Eagle Scout, an experience he relied on and cherished the remainder of his life. Ward's hometown adventures, however, would pale in comparison to what was to come, as he documented in his wartime diaries.

Aware of the war in Europe and sensing involvement by the United States in the near future, Ward sought to enlist in the United States Army Air Corp following graduation from Denton High School in 1940. At age 17 he was unable to do so without his parents' consent. His parents agreed and in October 1940, Ward reported for basic training at Jefferson Barracks, Missouri, near St. Louis. Assigned to the 12th Bombardment Group, 83rd Bombardment Squadron, Ward lacked the age and education to qualify for military pilot training, and when the Japanese bombed Pearl Harbor on December 7, 1941,[1] Ward was training to become a radio operator and aircraft mechanic. In the spring and early summer of 1942, Ward and the 83rd Bombardment Squadron, flying an early version of the B-25,[2] flew patrols in search of Japanese submarines off the West Coast and, perhaps an omen of things to come, practiced bombing and close air support missions in the California desert.

Flight to the Front

In July of 1942, Hiram Ward and the 83rd relocated to MacDill Field, outside of Tampa, Florida, and prepared to deploy to Africa where Adolph Hitler's forces under the command of Erwin Rommel were advancing on the Suez Canal and the oil fields of the Middle East. A few months after his 18th birthday, Ward wrote that his plane landed "at Khartoum after dark and in the rain on a dimly lit by flare pot runway."

As the B-25s of the 83rd were making their way to the Egyptian delta, the British forces commanded by Major General Neil Ritchie and the German forces under Field Marshall Erwin Rommel were fighting for control of North Africa, a stalemate between two exhausted forces. On August 19, 1942, Ward's plane arrived in the combat zone "after shooting off the prescribed flares, circling the designated points, and following the routed corridors." In the following months, the 83rd, with Ward now assigned the additional duty as gunner, repulsed Rommel's "end run" to break through the El Alamein line at Alma Halfa. Historians universally regard the battle of El Alamein as the turning point in the Germans' efforts to capture the Suez Canal, and one if not the most important battle in shortening the war with Germany. The American B-25s are credited with making the most significant contribution to the victory. The devastation brought by the 83rd was so severe that Rommel himself called the squadron "the Earth Quakers." In the months that follow, Ward and the B-25s of the 83rd, flying close air support for British ground forces, pursued the German forces as they retreated West along the southern shore of the Mediterranean—through places like Egypt, Libya, and until the

German forces fled North Africa. The pace of the pursuit was so intense that the bombers of the 83rd rarely returned to the airstrip from which they had departed—their ground support ever moving their base field westward in pursuit of the retreating enemy.

Ward and the 83rd spent the next six months bombing Italian and German forces in Italy. On the morning of February 2, 1944, an announcement was posted on the 83rd Squadron Flight Operations Board which read simply "Prepare for overseas movement as you have dropped your last bomb in Italy." Ward and other flight crew members were advised, "We would be taking only our personal belongings." Ward described the trip:

> On February 6, 1944, we departed for Taranto (Italy) in a truck convoy, arriving there late that night. No provisions had been made for us so we lived on cold C rations and water and slept in bombed out buildings on the harbor waterfront. On the afternoon of February 8th, we boarded the British troop ship "Dilmara" (packed like sardines), and that night steamed south into the Mediterranean Sea.
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> The next morning the rumors that we were going home to become a training group for overseas combat were dashed—we were heading east instead of west.

The journey took Ward through Port Said (Egypt) to Camp Huckstep (Egypt), near Heliopolis (one of the oldest cities in ancient Egypt) just North of Cairo (Egypt) for two weeks of R&R, where Ward would recount that, "The food was good and you could even get candy bars, ice cream, hamburgers, and Coca Colas." But war time R&R is short and on February 29, 1944, the now 20-year-old Ward once again boarded the Dilmara, leaving Port Tewfik at the east end of the Suez Canal, and sailed through the Gulf of Suez, the Red Sea, the Gulf of Aden, the Indian Ocean, and the Arabian Sea, arriving in Bombay, India, on March 12, 1944. From Bombay, the 83rd traveled by train and by riverboat to Kurmatola (India). Ward wrote:

> We arrived at Kurmatola, India (now Bangladesh), March 21, 1944, to find a steel mat runway on a strip that the army engineers had cleared in the jungle. Disbursed around the field were new B-25Hs & B-25Js just flown over from the States by the Air Corps Ferry Command. Further back in the jungle were dispersed buildings called "bashas." These were made of split bamboo sides with a thick thatched roof and concrete floor. Several brick and cement washrooms were scattered through the basha area so we no longer had to bathe from a steel helmet.

Once ground crews checked out the planes, the 83rd began transitional flying to familiarize themselves with the new aircraft, and within a few days the squadron was flying missions against the Japanese forces in Burma in support of General Stillwell's efforts to keep the Japanese ground forces away from the Burma Road.

Shot Down Over Burma

On July 9, 1944, Ward flew his 54th (and last) mission, in which he narrowly escaped death. He described the harrowing mission and the events of the next few days as follows:

> Our target was in the Myitkyina area of Northern Burma. The weather was poor in East India, but we were informed that it was clear over the Burma Valley. While it was a nine plane mission, two planes had to drop out—one with engine problems and the second with a bad tire when we landed to refuel. The remaining seven planes continued with the mission. After we crossed the Chin Hills [a mountain range that runs from Burma into India] and into Burma, the weather was, as predicted, good. As we were trying to get back into formation after coming through the bad weather over the Chin Hills, we were jumped by Japanese fighter planes. Some of our men say there were 16 Jap planes, while others counted 13. In any event, we had a running fight for several minutes and knocked several of the Jap planes down before the P-51s arrived to get the Japs off our back. I was credited with one Zero.
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> Our top turret gunner was killed, I was wounded, and the tail gunner and the photographer both had slight shrapnel wounds from the Japanese fighters' explosive shells. Our left inboard tank had blue flame like a blow torch shooting out of two holes in the tank. We were not getting full power from the right engine, so we dropped the bottom hatches and threw everything of weight overboard. By then we were down too low to bail out.
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> We kept losing altitude until we were almost at the top level with only jungle in sight ahead. Suddenly we saw an opening ahead—probably an abandoned rice paddy—so we belly landed in the water, muck, and mire of the opening. To our amazement, the gas tank did not explode. The fire on the top of the left wing tank was undoubtedly smothered by the water and mud that came over the leading edge of the wing as we landed. We scurried out of the plane and to a hillside in the jungle about 500 yards away. What we originally thought was smoke rising from the plane turned out to be vapor from the hot engines submerged in water.
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> Once I got down, I could not get up. I had lost a lot of blood from the wounds in each thigh and the right groin. A couple of our crew members went back to the plane and got our parachute backpacks, which contained the first aid kits and emergency rations. They then cut away my trousers, put pressure bandages over the four largest wounds to stop the bleeding, and gave me an injection of an entire tube of Novocain, which actually contained two doses. This was about 3 PM.
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> I do not remember much about that night except that I became nauseated from the overdose of Novocain, that it was raining hard, and that mosquitoes all but carried me away.
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> Sometime the next day, 15 or 16 oriental soldiers came to our airplane, took a look inside, picked up our trail, and came straight to me. They turned out to be Kachin guerrillas enlisted by the OSS to fight behind the lines for the British and American forces. The Kachins were under the command of an English and an Indian officer.
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> The Kachins hated the Japanese because of the treatment they and their race received from them when they overran Burma. Kachins were small, wiry people about 5'2" - 5'4" tall. They knew the Burmese jungle as well as they knew their own home. Within minutes they constructed a stretcher from bamboo poles, vines, and my parachute. They carried me out of the jungle, sometimes wadeing in water up to their chest. They avoided open areas and any area where we might be seen by anyone, especially the Japanese.
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> We arrived at the guerrilla camp in the

jungle about dark. An Indian doctor worked on my legs, while others held me down as the doctor had nothing with which to kill the pain. I must have passed out again because it was daylight when I awoke.

The following day, Tuesday, July 11, we learned that the P-51s, who knew where we went down, had notified the OSS, and that the Kachin Guerrillas had been sent out to rescue us before the Japanese could get to us. That afternoon an L-5 Grasshopper, which the army used as an artillery spotter, circled the guerrillas' camp at treetop level and dropped a note requesting that a strip be cleared for him to land. The Kachins had this done within a few minutes, and the L-5 landed.

I was placed on a stretcher in the rear of the plane. The pilot, a Sgt. Anderson, asked my crew members to hold the tail while he applied the brakes and gave it full throttle. At his signal they released the tail, we bounded down the strip a few yards and were airborne. Avoiding Japanese positions and Myitkyina, which was held by the Japanese, we finally landed at a strip northwest of Myitkyina, and I was carried to Dr. Gordon Seagrave's tent. Dr. Seagrave (the Burma surgeon) cleaned my wounds, cutting away dead flesh, and applied sulfa powder. He then dressed the wounds and said the military would get me to the 20th General Field Hospital the next day.

Return to the US

On July 12, Ward was moved by air to the United States Army 20th General Hospital in Ledo, India:

> Shrapnel was removed from my right groin and one piece from my right leg. Small fragments were removed from my right hand and face. A temporary cap was place over the broken tooth. The surgeon indicated the rest could be done in the USA.

On July 31, Ward was discharged from the medical unit and reassigned to the rehabilitation unit, "graduated from crutches to a cane in late August," and subsequently returned to the 83rd Squadron where he awaited the completion of paperwork for his return to the United States. He left on September 22. It took several flights before he landed at LaGuardia Field in New York on October 2, 1944.

Ward's orders required him to report to Redistribution Station #2 in Miami, Florida, but allowed a 22-day delay en route furlough. He caught a train to High Point and was reunited with his family before traveling on to Miami on October 25, 1944. In December, while in Miami, Ward underwent further operations to remove 13 additional fragments of shrapnel from his right thigh so he could walk without a limp. However, the surgeons were unable to remove a number of additional fragments, which he carried with him for the remainder of this life. He was then reassigned to Boca Raton, Florida, to await discharge. On May 17, 1945, Ward began his trip from Boca Raton to the Separation Center at Fort Bragg, North Carolina, where he was "[s]eparated from the service with an Honorable Discharge, all back pay, and a one way bus ticket to Denton, North Carolina."

Medically discharged on May 20th, with numerous pieces of shrapnel remaining in his body and a partial disability, Ward had served four years and seven months, of which half—two years and three months—had been overseas. Less than a month after his 22nd birthday, he was one of a relatively small number of Americans who had fought on three continents against all of the major Axis powers—Germany, Italy, and Japan. Ward had risen to the rank of technical sergeant, United States Army Air Corps, received the Bronze Star, the Purple Heart, the Air Medal along with Presidential Unit Citation, the American Defense Medal, the Europe-African Middle East Theater Ribbon with five campaign stars, the Asiatic Pacific Theater Medal with one bronze service star, and the WWII Victory Medal. Ward was ready to move on to the next phase of his young life.

Wake Forest and Evelyn

In the fall of 1945, Ward and his friend, Elwood Dockham, enrolled in North Carolina State University, moved their personal belongings into their newly assigned dormitory room, and drove Ward's new used car approximately 20 miles to Wake Forest, North Carolina, to visit his Aunt Snyder. Ruth was married to Everett Snyder, who managed the Wake Forest College bookstore and soda shop. It was a life-altering day.

Everett Snyder wanted Ward to attend Wake Forest and was not to be denied. He presented the Wake Forest campus to Ward and Dockham and promised Ward a job in the bookstore to allow him to earn the additional money needed to attend Wake Forest. Everett identified a room for them to rent at one of the fraternity houses, and introduced the young men to the registrar of the college, Grady Patterson, who promised to handle the paperwork. By the end of the day, Ward and Dockham were students, enrolled at Wake Forest College, returning to Raleigh only to retrieve their personal belongings.

Wake Forest was a comfortable environment of 400 students, and Ward developed a lasting relationship with Everett Snyder, hunting and fishing with him frequently. Early in the first semester, Snyder introduced Ward to the lovely Evelyn McDaniel, a student from Florida. A warm friendship developed, then grew. Ward, a serious student, completed his undergraduate studies at Wake Forest College less than two years after stepping foot on campus.[3] He married Evelyn McDaniel on June 1, 1947.

Influenced greatly by a business law course taught by legendary Wake Forest Professor Edgar W. Timberlake, Ward's thoughts turned to law school. After reflection, including the thought that he might already be too old to attend law school at age 24, he was persuaded to the contrary by his father-in-law as well as his father's close friend, Sim DeLapp, a prominent Lexington, North Carolina, lawyer. Ward enrolled in Wake Forest Law School in the fall of 1947. He was a diligent student and graduated in the spring of 1950, third in his law school class. The relationships he developed those five years would be close to his heart for the rest of his life—Evelyn, the Law, and Wake Forest.

Knowing of Ward's desire to practice law in his hometown, which had never had a lawyer, DeLapp encouraged Ward to run for the North Carolina House of Representatives when the law school experience was coming to a close. DeLapp counseled Ward that he "needed to work to be recognized as a lawyer," rather than to be the 17 year old boy people would remember from ten years earlier. Hiram took Sim's advice to heart. Evelyn Ward recalls her husband having no real expectation of winning, but eating lots of chicken and barbecue dinners and speechifying in an attempt to publicize his name in the community. Being doggedly persistent and equally persuasive—traits exhibited since his childhood

and galvanized by his life's experiences—Ward came close to defeating a long-time, deeply entrenched local politician, losing by less than 1,000 votes.

The Practice of Law

As Ward explored his options for the practice of law, a local bank promised him its title work if he would return home to Denton, which he did, becoming the first lawyer ever to establish an office in Denton. In the following years, his practice consisted of the promised title work, other real estate work, probate work, criminal matters in the lower court, and an occasional appearance in Superior Court in criminal and civil matters.

At Wake Forest Law School, Ward became close with one of his professors, I. Beverly Lake Sr. When Lake accepted an appointment with the National Production Authority (NPA) in Washington, DC, Ward joined him in July 1951 as a staff attorney, and served as Lake's first assistant for approximately nine months. The NPA was created as part of the Department of Commerce in September 1950, shortly after the commencement of the Korean War. It was tasked with promoting production and supply of materials necessary for recently commenced defense mobilization. Nine months after Ward moved to Washington, DC, Lake returned to North Carolina, joining the North Carolina Attorney General's Office. Ward returned as well, joining his father's close friend, Sim DeLapp, in forming DeLapp & Ward in April 1952, a general practice law firm in Lexington, North Carolina. Also, during 1951 and 1952, Ward was the Southern Representative for the Eisenhower for President Campaign, traveling throughout the South organizing support and speaking on behalf of General Dwight Eisenhower, who was elected the 34th President of the United States in November of 1952.

In addition to his active trial practice, Ward agreed to serve as interim judge of Denton Recorder's Court following the death of the judge. He also served three terms on the North Carolina State Board of Elections. Following reports of massive voter fraud in Madison County, Ward, serving as chair, oversaw the election fraud investigation and proceedings in 1964. Later that year he was appointed by United States District Judge Edward M. Stanley of the Middle District of North Carolina as chair of the Federal Land Condemnation Commission for the Kerr Scott Dam Reservoirs. Over the next year, Ward held hearings, received evidence, and determined the "just compensation" to be paid to landowners of over 100 separate tracts of land taken by the government to create the reservoir. Every case decided by the commission that was appealed was confirmed by the United States Court of Appeals for the Fourth Circuit.

Lest one think that Ward was totally consumed by this work as a lawyer, he renewed his interest in flying and purchased a Cessna 180. Always the cautious one, prepared for the unexpected, Ward insisted that Evelyn learn to fly, which she did, and they enjoyed many family trips with their two sons when his busy legal practice allowed.

Reflecting on the most important cases of his practicing career, the lawyers with whom he regularly jousted and the judges before whom he frequently appeared, Ward's list is both varied and impressive. Ward's career includes handling successfully a significant plaintiff's personal injury case, avoiding the death penalty by pleading temporary insanity for a man charged with the brutal murder of his estranged wife and her lover, obtaining an acquittal based on self-defense where the deceased—after making threatening advances on the defendant and his wife—was shot and killed with a 22-caliber pistol with only one of the five rounds entering the deceased body from the front. Ward represented Branch Bank & Trust Company before the North Carolina Banking Commission and the follow-up appeal to the Supreme Court in its efforts to open two branches in Davidson County, opposed by Lexington State Bank, and in a very protracted action removed a "cloud" from the title of stock of six different companies, and obtained a declaration that a complex contract between the companies was valid and enforceable. Ward aided clients in establishing new laws in North Carolina, including important laws establishing the power of the bankruptcy courts.

These civil and criminal cases were tried with and against some of the finest lawyers in this area of the United States—real lions of the North Carolina Bar—including Claude Pierce, Hubert Humphrey, Bynum Hunter, Ralph Stockton, McNeil Smith, Walter Brinkley, Don Walser, Grady Barnhill, Weston Hatfield, Roy Hall, Norwood Robinson, John Minor, Bill Davis, Sim DeLapp, Wade Phillips, W.P. Sandridge, Charles Kivett, Doug Albright, and Ed Washington. He tried cases before some of the most respected judges of the day—legends of the bench—including John J. Parker, Edward M. Stanley, Rufus Reynolds, Johnson Hayes, H.H. Hubbard, Hamilton Hobgood, John McLaughlin, Walter Johnson, George Ragsdale, Walter Crissman, Robert Martin, and Edward Clark.

The Bench and Wake Forest

United States District Judge Edward M. Stanley died unexpectedly in December 1971. It is of little wonder that, with his extraordinary knowledge of the law and broad experience, Ward was immediately recognized as an able replacement, notwithstanding strong competition from other members of the Bar. Ward was nominated by President Richard M. Nixon on May 18, 1972, confirmed by the United States Senate on June 28, 1972,[4] and sworn in as a United States District Judge for the Middle District of North Carolina on July 12, 1972.[5]

Ward's career on the bench tracked in many respects his early adult life in the military, his experiences in law school, and his time as a practicing attorney. Just as he saw early action in World War II, within days of becoming a federal judge, Ward presided over a confrontation that had been brewing between Pilot Freight Carriers and the Teamsters Union for two years. The controversy had been previously addressed by an arbitration panel and courts in two different states. Pilot obtained permission from the Interstate Commerce Commission to conduct business in Florida, which expanded the freight carrier's operations from Boston to Miami. The underlying legal question was whether the Teamsters had the right to represent the Pilot drivers in Florida in labor negotiations, as the Teamsters did in North Carolina. The Teamsters submitted the question to a regional industry grievance committee, which sided with the Teamsters. Pilot contended that the contact did not apply, contending that only the national industry grievance committee had jurisdiction to hear the dispute. Thus, Pilot was of the view that the regional industry grievance committee was without authority to decide the issue, and its decision was without binding effect. As a result, Pilot refused to recognize the Teamsters' right to represent Florida drivers. With Pilot refusing to honor the award of

the regional Industry Grievance Committee, the Teamsters organized a nationwide strike of Pilot's operations. This resulted in organized Pilot drivers across the United States refusing to drive. The strike crippled Pilot's operations, and Pilot was forced to lay off thousands of workers.

Immediately after the Teamsters' organized the strike, Pilot commenced a lawsuit against the Teamsters in federal court in Tampa and moved for an injunction prohibiting the Teamsters from continuing its strike. A federal judge in Tampa denied Pilot's request. Pilot commenced a somewhat narrow legal action in Winston-Salem, North Carolina Superior Court, and obtained a temporary restraining order prohibiting Teamsters from striking in North Carolina. The suit also sought in excess of $10,000,000 from the Teamsters and claimed that Pilot was losing $200,000 a day as a result of the strike. As allowed by federal law, the Teamsters removed the North Carolina state court action to the United States District Court for the Middle District of North Carolina where the Teamsters sought to have the injunction dissolved, allowing the North Carolina strike to continue. Pilot moved to have the North Carolina injunction enforced until trial. A hearing on the motion in this complex matter was set before the recently appointed Judge Ward, just 15 days after he was sworn in as a federal judge.

Ward possessed no previous experience with the complex issues of union and labor law. Yet, after studying the legal memoranda of the parties and listening to witnesses and arguments for two days, he handed down a decision described by commentators and noted labor law scholars as completely correct. Neither party appealed. The intense focus and accuracy of the decision surprised no one who knew Ward and foreshadowed the pace by which Ward moved through the next 16 years as a United States District Court Judge. Immediately after issuing his ruling to a courtroom packed by the parties and the press in the Pilot/Teamsters case, Ward returned to the quiet of his chamber and before the end of the day entered a final judgment in a case he inherited from deceased Judge Stanley that restricted professional basketball player and former University of North Carolina star Billy Cunningham, then playing for the Philadelphia 76ers of the National Basketball Association, from playing for any team other than the Carolina Cougars of the American Basketball Association. So widely varied was the early legal life of Hiram Ward, Federal District Court judge.

In the following years, Ward presided over cases alleging illegal and discriminatory firing because of race and age by corporations and municipalities, and he upheld the constitutionality of numerous North Carolina statutes, including a statute that prohibited collective bargaining by public employees and a statute that proscribed certain conduct at massage parlors. Although he took his job seriously and was thought by most lawyers who appeared before him to be a stern taskmaster, there was a lighter side as was evident in his opinion upholding Durham's massage parlor statute in which he wrote, "This case represents a touchy situation in which it will be impossible not to rub one of the parties the wrong way."

He tried one of the first computer software cases presented in North Carolina which lasted for weeks and was significant in that few of the jurors knew what a computer was, much less owned one.

North Carolina led the nation in bank robberies during this time, primarily because North Carolina was one of the few states that allowed branch banking. Rarely a criminal session of court passed without at least one robbery of some description on the docket. One of the most fascinating was the "jack in the box" case where the perpetrators conspired to ship one of their accomplices from Greensboro to Atlanta on an Eastern Airlines flight in a large box. The plan was the co-conspirator would exit the box, steal millions of dollars of securities from a Wells Fargo container, and return to the box with the securities to be retrieved in Atlanta by his co-conspirators. Like almost every bank robber during this time, the perpetrators either pled guilty or were convicted and found themselves resident in a federal penitentiary.

In a case symbolic of the turbulent 1970s, Lyle Snider, a Quaker tax protester, claimed everyone in the world was his dependent on his federal tax return and refused to pay federal taxes based on his belief that the war in Vietnam and Cambodia was illegal. To further his protection against the government, Snider, along with his wife, declined to follow the customary practice of standing at the beginning and end of a court session as the judge enters or leaves the courtroom. Ward explained to them that the custom takes place not as any personal homage or honor to the judge, but out of respect for the system and as an object reminder to everyone, including the judge, that the controversies then before the court are to be treated with respect and seriousness, and that equal justice is to be dispensed to all. Those words—that the controversies then before the court are to be treated with respect and seriousness and that equal justice is to be dispensed to all—were core beliefs of Ward.

Ward also tried a number of unusual bank-related white collar criminal cases. He tried several Burlington doctors charged with misapplication of bank funds and whose conduct, as bank directors, led to the failure of a Burlington bank. He also tried numerous cases related to malfeasance at the then Northwestern Bank, which later merged into First Union, then into Wachovia, then into Wells Fargo. The cases included misapplication of bank funds by the bank's president, Edwin Duncan, and related cases where bank officials engaged in illegal electronic eavesdropping of both the Federal Bureau of Investigations and the Internal Revenue Service. After his unsuccessful appeal, Edwin Duncan paid Ward a high compliment.

> I never really thought those convictions would be overturned, mainly because I thought the judge who presided over my trials [Hiram Ward] did a damned good job of handling the cases. I never talked to him outside the courtroom, but he seemed like a good fellow, and it was obvious to me he knew what he was doing. (*Greensboro Daily News*, October 24, 1979.)

Ward was not shy about righting wrongs. In a class action commenced by Forsyth County Legal Aid, he determined that Forsyth Memorial Hospital had not met its legal obligations to provide indigent care as required by the Hill Burton Act. He ordered the hospital to advise patients that they may qualify for free health care upon admission, to make prompt decisions with regard to which patients will be treated free, and to adopt strict guidelines regulating the transfer of patients out of the hospital.

The nature and quantity of the cases in the federal courts of North Carolina and how they were administered underwent dramatic changes during the time Ward served. When he first went on the bench, Ward was one of two judges to service six courthouses throughout the district. The judge and staff would

travel to each of these courthouses twice a year for a weekly criminal and then a weekly civil session, in effect riding the circuit. Life was more leisurely and interaction with the bar more frequent, intimate, and casual. The cases were simpler—for example, "moonshine" (non-tax paid liquor), bank robbery, and contract disputes. The court functioned more like it had since its beginning.

All that quickly changed during the 1970s and 1980s. Caseloads doubled every ten years during the time Ward sat on the bench. This necessitated abandoning the circuit riding system to one where the litigants and attorneys came to the judge at one of three courthouses. The complexity of the cases also grew. After the passage of the Civil Rights Act in the late 1960s, Ward's court became a leader in resolving hotly contested, emotionally packed, and complicated class action, racial discrimination cases. Other forms of discrimination cases soon filled the court's docket, and then came complicated environmental, intellectual property, and more complex business lawsuits. Drug and gun cases dominated and overwhelmed the criminal docket. The life of a federal judge went from being more akin to a genial overseer of disputes, to being more like a business manager efficiently producing an almost infinite variety of written products. Every case could and often did require Ward, his colleagues, and their staffs to become "experts" in a different area of law. The pace was at times hectic and so very different from what Ward expected when he took the job. Yet he did it and did it extremely well as the litigants and attorneys who appeared before him will attest. In order to unwind, Ward would return to his beloved Denton home and cabin for a restorative in the peaceful land of his ancestors he called "God's Country." It being one of his two loves (aside from his family and friends), the other was Wake Forest. He would often hunt with his close friend Fred Crumpler, and often fish with fellow Wake Forest graduates.

Ward planned to stay on the bench as chief judge until his replacement was confirmed because he did not want his departure to increase the workload of his fellow judges. Because of delays in Washington, however, it became evident that doing so would prevent his friend and fellow judge Richard Erwin from becoming the first African American chief district court judge in North Carolina and the second in the South. Federal law precluded a judge from becoming chief judge after his or her 65th birthday. Erwin was to turn 65 on August 23, 1988. Faced with the reality that Congress would not act in sufficient time to confirm a replacement so as to allow him to retire and Erwin to be appointed chief judge before his 65th birthday, Ward advised President Reagan of his decision and elected to take senior status on August 19, 1988. As desired by Ward, Erwin was then appointed chief judge.

Throughout his time on the bench, Ward remained ever dedicated to Wake Forest. He served on the Board of Visitors of Wake Forest School of Law from 1973 until his death. He strongly supported the appointment of N. Carlton Tilley as his replacement on the federal bench, but perhaps most important was his dedication to his law clerks, almost all of whom were recent Wake Forest Law graduates. Federal judges hire recent law school graduates to assist them in their research and writing obligations. Generally, the job lasts a year or two, then the law clerk moves on in his or her career and is replaced by another recent law school graduate. Performing as he did in all matters in his life, Ward took his responsibilities seriously, and he used this opportunity not just to ensure that his law clerks were prepared to be the best lawyers possible, but also as an opportunity to give back to the school he loved so dearly.

All of Ward's law clerks are alumni of Wake Forest Law School and now, years later, in no small part due to his influence and guidance, and an excellent Wake Forest legal education, they find themselves leaders in the legal profession, leaders of their firms, judges, and among of the most successful lawyers in the country. Twenty-three alumni of Wake Forest School of Law had the privilege of and received the benefits of serving as law clerks for Judge Ward.

Wake Forest remains ever thankful for Ward's service and dedication. Wake Forest School of Law recognized him with the Outstanding Alumni Service Award in 1980 and 1989, and in 1996 Wake Forest University honored him with an honorary Doctor of Laws degree. In 1994 he received the Liberty Bell Award, one of the highest awards of the North Carolina Bar Association. As it came from practicing attorneys, he took great pride that his "harshest critics" as he jokingly referred to the trial bar, would bestow such an honor on him. On July 6, 1999, as a result of substantial behind the scenes work by a number of his clerks, as well as lawyers with whom he had worked, and United States Congressman Howard Coble, the building in which he worked from the late summer of 1976 was renamed the "Hiram H. Ward Federal Building and US Courthouse." Following Ward's death on April 4, 2002, his law clerks, family, and friends endowed a scholarship in his name to assist others to pursue their legal education at Wake Forest.

Six students have benefited from the scholarship so far, and with additional donors that number will grow. One of the

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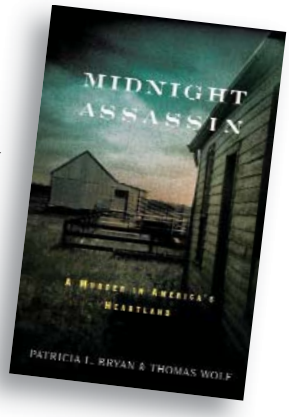
Book Review - *Midnight Assassin: A Murder in America's Heartland*

By Margaret Dickson



When I first picked up *Midnight Assassin*, by authors Bryan, a UNC law professor, and Wolf, her writer husband, I anticipated a sad but standard tale of domestic violence, and I dreaded a boring tale of turn-of-the-20th-century Midwestern farm life.

I was wrong on both counts.

Midnight Assassin is an account of the murder of John Hossack in rural Iowa in December 1900. Hossack, a well-known and prosperous farmer, was bludgeoned to death in his bed in the dark of night with his wife, Margaret, and several of their children in the home at the time. His wife of 32 years was charged and tried twice for his murder. A sensational occurrence, the story is told through newspaper accounts and firsthand reports from people who were in and around Warren County, Iowa, when the crime was committed, and similar accounts of Margaret Hossack's two murder trials.

Midnight Assassin is a true story that reads like a good whodunit. The authors bring the mysterious and compelling story to life without forcing any point of view on the reader. They allow the obvious but unanswered questions to remain just that.

It is also a snapshot of a time in American history far different than our own, but whose assumptions about gender roles continue to echo through our 21st century culture.

Margaret and John Hossack had a troubled marriage, according to neighbors to whom she complained about her husband's cruelty and miserliness to their family. Their children supported her view of their father. But in 1900, an Iowa farm wife in such a marriage had few places to turn for help. Isolated in a rural community with little daily contact with anyone beyond her immediate family, hindered by the widespread belief that family troubles were no one else's business, and burdened by gender stereotypes that forced her subservience to her husband and men in general, Margaret Hossack was stuck.

Margaret consistently maintained that her husband was fatally struck by an intruder as she slept by his side. She told of hearing someone leave the house, and a neighbor recalled seeing and hearing a horseman gallop away from the Hossack home. Margaret said she thought the family dog acted strangely, and some theorized the animal might have been drugged. Blood was seen on her nightclothes, but on the back side, a fact inconsistent with having swung a tool that split her husband's head. And then there was the neighbor with whom John Hossack had quarreled.

Margaret Hossack was tried by an all male jury in April following the murder, in a proceeding whose published coverage included unflattering descriptions of her physical appearance and speculation about both her wifely behavior and her guilt. The courtroom was packed with women who attended daily. Jurors deliberated overnight and found her guilty. She was sentenced to life imprisonment and incarcerated in the women's section of the Iowa state penitentiary.

The tide of public opinion was swinging, however, and the Hossack verdict was overturned by the Iowa Supreme Court. A subsequent re-trial in 1903, at which Margaret Hossack was again surrounded by her children and sympathetic women spectators, ended in a hung jury. The Warren County Board of Supervisors declined to fund another trial, and Margaret Hossack lived out her life quietly. Speculation abounded that she had protected one of her children who actually committed the murder, but no one was ever charged.

Margaret died in 1916 and is buried beside her husband.

Running through the story of Margaret and John Hossack is the story of Susan Glaspell, a young reporter who covered the first trial for the *Des Moines Daily News* and who never forgot Margaret's haunting story. Glaspell did not speculate about Margaret's guilt or innocence, but she was clearly sympathetic to the plight of a rural Midwestern farm wife whose fate hung on the judgment of men much like her husband.

Glaspell returned to her family home in Davenport, Iowa, and began a career as a fiction writer. She became an early feminist and wrote a bestseller about a woman artist's path toward self-discovery, a journey that didn't include marriage and motherhood. She later moved to New York City and Provincetown, Massachusetts, married, and continued her writing. She wrote *Trifles*, a well-received play about a woman accused of killing her husband. She later reworked *Trifles* into a short story entitled "A Jury of Her Peers," which has been anthologized and is read by students today. She was awarded a Pulitzer in 1931.

It has been said that we Americans love a good murder story, and *Midnight Assassin* certainly delivers. Across more than a century, it reflects back to us our ongoing fascination with crime and with achieving justice, and the impacts of media and public opinion on the entire process. It also reminds us that there are some things we will just never know.

A good read, indeed. ■

Margaret Dixon is a public member on the State Bar's Council.

Lawyers Receive Professional Discipline

Disbarments

William Britt of Lumberton misappropriated entrusted funds totaling at least $175,000. He was disbarred by the Disciplinary Hearing Commission.

Kia Scott of Concord embezzled entrusted funds, violated the rules for trust account management, altered official court documents, made false representations to the court, and committed a criminal offense showing professional unfitness. She was disbarred by the DHC.

Mark Kevin Seifert, formerly of Cary, pled guilty to nine felony counts of second degree sexual exploitation of a minor. He surrendered his law license and was disbarred by the Wake County Superior Court.

Suspensions & Stayed Suspensions

Gregory Bullard of Lumberton did not perform monthly and quarterly trust account reconciliations, did not comply with his Trust Account Compliance Program contract, and did not timely correct deficiencies in his trust accounting practices. The DHC suspended him for two years. The suspension is stayed for five years upon compliance with numerous conditions.

Steven Cheuvront of Morganton forged the initials of a prosecutor on two dismissals and filed the dismissals with the clerk. The DHC suspended him for two years. After serving one year active suspension, Cheuvront may petition for a stay of the balance upon showing compliance with numerous conditions. The DHC found several mitigating factors.

The DHC suspended **Allan De Laine** of Clayton for two years. De Laine forged a client's name on a civil complaint, dismissed the action without the client's knowledge or authorization, and neglected the cases of two clients, causing their claims to be time-barred. After serving one year active suspension, he may petition for a stay of the balance upon showing compliance with numerous conditions.

Ronna Dawn Gibbs of Gibsonville, formerly of Havelock, was suspended by the DHC for three years. The suspension was stayed for three years upon Gibbs' compliance with certain conditions. During 2004 and 2005, Gibbs neglected the cases of numerous clients, did not promptly comply with orders of the bankruptcy court, and did not participate in the State Bar's fee dispute program. The DHC concluded that Gibbs' misconduct was substantially the result of a disability from which she has now recovered. She was recently reinstated from disability inactive status.

Michael Griffin of Shelby did not maintain accurate client ledgers, did not provide annual written accountings to clients, did not promptly disburse entrusted funds to clients, did not identify the client against whose funds he drafted an item payable to himself, did not reconcile his trust account, and disbursed funds for the benefit of clients who did not have funds in the trust account. The DHC suspended Griffin for two years. The suspension is stayed for three years upon compliance with numerous conditions.

The DHC suspended former assistant district attorney **Elaine Kelley** of Linden for four years. She and the elected district attorney who employed her agreed to increase her compensation by submitting false travel claims to the Administrative Office of the Courts. Kelley received reimbursement for 63 mileage claims totaling over $14,000 for mileage she did not incur. After serving two years active suspension, Kelly may apply for a stay of the balance upon showing compliance with numerous conditions.

William Shilling of Franklin was convicted of child abuse and communicating threats. Shilling also made false statements to investigating officers and to the State Bar. The DHC suspended him for two years. After serving one year active suspension, Shilling may petition for a stay of the balance upon showing compliance with numerous conditions.

Interim Suspensions

The DHC entered a consent order imposing an interim suspension of the law license of **George Rexford** ("**Rex**") **Gore** of Shallotte. Gore, the former elected district attorney, pled guilty in Brunswick County Superior Court to the misdemeanor of Willful Failure to Discharge Duties.

Censures

Robert Lee Scott of Greensboro was censured by the DHC. Scott did not timely obtain title insurance, did not timely pay the title insurance premium, and did not adequately communicate with his client about unpaid property taxes in a real estate closing.

Reprimands

Winston-Salem lawyer **Shiloh A. Daum** was reprimanded by the Grievance Committee. Daum associated himself with two out-of-state law firms. Both firms violated the Rules of Professional Conduct in advertising on their websites and in direct mail.

The Wake County Superior Court reprimanded **David Kirkbride** of Raleigh for making a false statement under oath to the court.

John J. Peck of Wilmington was reprimanded by the Grievance Committee. Peck engaged in a conflict of interest and did not consistently indicate on the face of items payable to him from his trust account the client balance from which the item was drawn.

The Grievance Committee reprimanded Jacksonville lawyer **Stephanie Lynne Villaver**. Villaver violated several Rules of Professional Conduct governing lawyer advertising.

Charlotte lawyer **Melvin L. Wall Jr.** was reprimanded by the Grievance Committee. Wall served as a surety on a bond and co-mingled his personal funds with entrusted funds.

Transfers to Disability Inactive Status

The chair of the Grievance Committee

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How I Almost Became Another Lawyer Who Killed Himself

By Brian Clarke

The legal profession has a problem. Lawyers are suffering and, far too often, they are taking their own lives.

Lawyers, as a group, are 3.6 times more likely to suffer from depression than the average person. A John Hopkins study found that of 104 occupations, lawyers were the most likely to suffer depression.

Further, according to a two-year study completed in 1997, suicide accounted for 10.8% of all deaths among lawyers in the United States and Canada, and was the third leading cause of death. Of more importance was the suicide rate among lawyers, which was 69.3 suicide deaths per 100,000 individuals, as compared to 10-14 suicide deaths per 100,000 individuals in the general population. In short, the rate of death by suicide for lawyers was nearly six times the suicide rate of the general population.

A quality of life survey by the North Carolina Bar Association in the early 1990s revealed that almost 26% of respondents exhibited symptoms of clinical depression, and almost 12% said they contemplated suicide at least once a month. Studies in other states have found similar results. In recent years, several states have been averaging one lawyer suicide a month.

Before I tell my story, I want to spend a little time talking about why these diseases are so prevalent among lawyers.

One of the more eloquent "whys" for the high incidence of depression among lawyers was contained in an opinion piece by Patrick Krill (a lawyer, clinician, and board-certified counselor) that accompanied a CNN article on lawyer suicides. As Patrick put it, "lawyers are both the guardians of your most precious liberties, and the butts of your harshest jokes; inhabiting the unique role of both hero and villain in our cultural imagination…" Patrick explained that the high incidence of depression (and substance abuse, which is another huge problem) was due to a number of factors, but that "the rampant, multidimensional stress of the profession is certainly a factor." Further, "there are also some personality traits common among lawyers—self-reliance, ambition, perfectionism, and competitiveness—that aren't always consistent with healthy coping skills and the type of emotional elasticity necessary to endure the unrelenting pressures and unexpected disappointments that a career in the law can bring."

Patrick's discussion of this issue really struck a chord with me. Practicing law is hard. The law part is not that hard (that was the fun part for me), but the business side of law is a bear. Finding clients, billing time, and collecting money are just a few aspects of the business of law of which I was not a big fan. Keeping tasks and deadlines in dozens (or hundreds) of cases straight, and getting everything done well and on time, is a constant challenge. The fear of letting one of those balls drop can be terrifying, especially for the Type A perfectionist who is always terrified of making a mistake or doing a less than perfect job. Forget work-life balance. Forget vacations. Every day out of the office is another day you are behind.

Plus, as a lawyer (and especially as a litigator), no matter how good a job you do, sometimes you lose. That inevitable loss is made worse by the emotion that the lawyer often takes on from his or her client. Almost no client is excited to call her lawyer. Clients only call, of course, when they have problems. Those problems can range from the mild (for example, a traffic ticket) to the profound (like a capital murder charge). But whatever the problem, the client is counting on the lawyer to fix it. Every lawyer I know takes that expectation and responsibility very seriously. As much as you try not to get emotionally invested in your client's case or problem, you often do.

When that happens, losing hurts. Letting your client down hurts. This pain leads to reliving the case and thinking about all of the things you could have done better. This then leads to increased vigilance in the next case. While this is not necessarily a bad thing, for some lawyers this leads to a constant fear of making mistakes, then a constant spike of stress hormones that, eventually, wear the lawyer down. This constant bombardment of stress hormones can trigger a change in brain chemistry that, over time, leads to major depression.

Depression is a subtle and insidious disease. By the time you are sick enough to recognize that you have a problem, your ability to engage in accurate self-evaluation is significantly impaired. It is a strange thing to know, deep down, that something is wrong with you, but to not be able to recognize the massive changes in yourself. Helping yourself at that point is often impossible. Unfortunately, those suffering from depression become expert actors, extremely adept at hiding their problems and building a façade of normalcy. Eventually it takes all of your energy to maintain this façade. The façade becomes the only thing there is.

Depression is not a character flaw. It is

not a weakness. It is not a moral failing. You cannot "just get over it." No amount of will-power, determination, or intestinal fortitude will cure it. Depression is a disease caused (in very basic and general terms) by an imbalance and/or insufficiency of two neurotransmitters in the brain: serotonin and norepinephrine. In this way, it is biologically similar to diabetes, which is caused by the insufficiency of insulin in the body. As a disease, depression can be treated, and treated very effectively. But it takes time and it takes help—personal help and professional help.

And now we get to the personal part. Don't say I didn't warn you.

Though I likely had been depressed for a long while, I was diagnosed with severe clinical depression in late 2005. As another lawyer who helped me put it, suffering from depression is like being in the bottom of a dark hole with—as you perceive it from the bottom—no way out. The joy is sucked from everything. Quite often, you just want to end the suffering—not so much your own, but the perceived suffering of those around you.

You have frequent thoughts that everyone would be better off if you were not around anymore because, being in such misery yourself, you clearly bring only misery to those around you. When you are in the hole, suicide seems like the kindest think you can do for your family and friends, as ending your life would end their pain and misery.

While I do not remember all of the details of my descent into the hole, it was certainly rooted in trying to do it all—perfectly. After my second child was born, I was trying to be all things to all people at all times. Superstar lawyer. Superstar citizen. Superstar husband. Superstar father. Of course, this was impossible. The feeling that began to dominate my life was guilt. A constant, crushing guilt. Guilt that I was not in the office enough because I was spending too much time with my family. Guilt that I was letting my family down because I was spending too much time at work. Guilt that I was letting my bosses down because I was not being the perfect lawyer to which they had become accustomed. Guilt. Guilt. Guilt.

The deeper I sunk into the hole, the more energy I put into maintaining my façade of super-ness, and the less energy was left for either my family or my clients. And the guiltier I felt. It was a brutal downward spiral. Eventually it took every ounce of energy I had to maintain the façade and go through the motions of the day. The façade was all there was. Suicide seemed rational.

There were danger signs, of course, but neither I nor anyone around me recognized them for what they were. I burst into tears during a meeting with my bosses. I started taking the long way to work in the morning and home in the evenings—often taking an hour or more to make the five mile trip. Eventually—after months of this—my wife asked me what was wrong and I responded, "I just don't know if I can do this anymore." She asked what "this" was. I said, "You know...life," and started bawling. The façade crumbled and I was utterly adrift. (I don't actually remember this conversation with my wife, but she does.)

After getting over the initial shock of my emotional collapse, my wife forced me to go to the doctor and get help. She took the initiative to find a doctor, make me an appointment, and took me (which is good, because I was utterly incapable of doing any of those things). She called my firm and told them I needed FMLA leave. One of my colleagues put me in touch with the NC State Bar's Lawyer Assistance Program (LAP), which connected me with a LAP volunteer who had suffered from severe depression and recovered. I found the peer support of LAP to be a critical tool in my road to recovery. With his help, treatment from my doctor, and the support and love of my family, I got better and better. I started taking medication and clawed my way to the top of the hole.

But, for more than a year I was sort of clinging to the edge of the hole about to plummet back down. So I changed doctors and medications and did a lot of talk therapy. Eventually, more than 18 months later, I was finally back to some semblance of my "old self." I was happy again (mostly). I was a good father again (mostly). I was a good husband again (mostly). I enjoyed being a lawyer again (mostly). I enjoyed life again.

There have been a couple of relapses, where the hole tried to reclaim me. However, I never fell all the way back down. I will happily take medication for the rest of my life. And I will regularly see a therapist for the rest of my life. I will be forever vigilant regarding my mental state. Small prices to pay.

Had I not gotten help, I would not be writing this article because I would likely not be alive today. No amount of will power or determination could have helped me climb out of that hole. Only by treating my disease with medication and therapy was I able to recover, control my illness, and get my life back.

Now, I don't write any of this to solicit sympathy or pity. I am doing fine. I have five wonderful (if occasionally maddening) children and an amazing wife. I have a job that I love and am truly good at. I have the job that I was put on this earth to perform, which makes me incredibly lucky. I have wonderful students who will be outstanding lawyers. I have no complaints.

I write this because I know that when you are depressed you feel incredibly, profoundly alone. You feel that you are the only person on earth who has felt the way you do. You feel like no one out there in the world understands what you are dealing with. You feel like you will never feel "normal" again.

But you are not alone. You are not the only person to feel this way. There are lots of people who understand. I understand. I have been there. I got better. So can you.

So please, if you are suffering from depression or anxiety (or both) get help. Tell your spouse. Tell your partner. Tell a colleague. Ask for help. Asking for help does not make you weak. It takes profound strength to ask for help. You can get better. You can get your life back.

Trust me when I say that life is so much better once you get out of—and away from—that dark hole. It is well worth the effort. ■

Brian Clarke is an assistant professor of law at Charlotte School of Law.

The North Carolina Lawyer Assistance Program is a confidential program of assistance for all North Carolina lawyers, judges, and law students, which helps address problems of stress, depression, alcoholism, addiction, or other problems that may lead to impairing a lawyer's ability to practice. If you would like more information, go to nclap.org or call: Cathy Killian (for Charlotte and areas west) at 704-910-2310, Towanda Garner (in the Piedmont area) at 919-719-9290, or Robynn Moraites (for Raleigh and down east) at 704-892-5699.

I'm Telling Mom! Reporting Professional Misconduct

By Suzanne Lever

The mandatory reporting requirement set out in Rule 8.3 is an important way that the legal profession enforces the Rules of Professional Conduct. However, the nuances of the reporting requirement frequently perplex new, as well as seasoned, lawyers.

Rule 8.3(a) provides:

> A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects, shall inform the North Carolina State Bar or the court having jurisdiction over the matter.

"I think Billy read my diary."

Rule 8.3 requires the lawyer's *actual knowledge* of a violation of the Rules—not speculation or conjecture. The terminology section of the Rules of Professional Conduct, Rule 1.0, states that "knowingly," "known," and "knows" denote "actual knowledge of the fact in question," but also provides that "a person's knowledge may be inferred from the circumstances."

"Billy is picking his nose!"

Only a violation that raises a *substantial question* about *specific traits* of the lawyer—honesty, trustworthiness, or fitness—must be reported. Comment [4] to Rule 8.3 provides:

> If a lawyer were obliged to report every violation of the Rules, the failure to report any violation would itself be a professional offense. Such a requirement existed in many jurisdictions but proved to be unenforceable. This Rule limits the reporting obligation to those offenses that a self-regulating profession must vigorously endeavor to prevent. A measure of judgment is, therefore, required in complying with the provisions of this Rule. The term "substantial" refers to the seriousness of the possible offense and not the quantum of evidence of which the lawyer is aware. A report should be made to the North Carolina State Bar unless some other agency or court is more appropriate in the circumstances. Similar considerations apply to the reporting of judicial misconduct.

For example, in most instances, failure to follow the technical requirements of the advertising rules would not raise a "substantial question" about honesty, trustworthiness, or fitness. Similarly, a conflict of interest or an inadvertent contact with a represented person would generally not rise to this level. If a lawyer found possible incompetent representation upon reviewing a prior lawyer's file, the lawyer would likely not be required to report that conduct unless it was serious or serial malpractice, thus raising a substantial question about fitness to practice law. Matters involving a lawyer's trust account should always be reported.

The "substantial question" requirement is discussed in RPC 243 (1997). In RPC 243, a prosecutor threatens to use the statutory calendaring power of the District Attorney's Office to delay a defendant's trial if the defendant will not accept a plea bargain. The opinion concludes the prosecutor's threat to use the criminal trial scheduling process to coerce a plea agreement from a criminal defendant is prejudicial to the administration of justice in violation of Rule 8.4.

As to whether a lawyer who overhears the threat has a duty to report the prosecutor to the Bar, the opinion provides:

> Prosecutor's conduct may be an isolated incident resulting from a momentary lapse in judgment. If so, such conduct does not raise a "substantial" question as to Prosecutor's fitness as a lawyer. The lawyer who overhears the conversation may want to counsel Prosecutor with regard to his conduct, but the lawyer is not required to report the conduct to the State Bar. However, if the lawyer knows that Prosecutor routinely abuses the discretionary power to schedule criminal cases or, after being advised that this conduct is a violation of the Rules, Prosecutor continues the conduct, the lawyer should report the matter to the State Bar or other appropriate authority.

A similar conclusion was reached in 2011 FEO 4, which deals with exclusive reciprocal referral agreements. The opinion provides that a lawyer who discovers that another lawyer is participating in what appears to be an improper referral arrangement should first communicate his concerns to the other lawyer and recommend that the lawyer contact the State Bar for an ethics opinion as to his continuing participation. The opinion goes on to state that if, after this communication, the lawyer has knowledge that the other lawyer has continued his participation in an improper referral arrangement, the lawyer must report the other lawyer to the Bar.

"You can't tell mom. You pinky swore!"

The duty of confidentiality, as set forth in Rule 1.6, limits a lawyer's duty to report the misconduct of another lawyer. *See* Rule 8.3(c). If a client's interests would be harmed by reporting to the State Bar (or a court with jurisdiction), or the client instructs the lawyer not to report, the lawyer may not report unless one of the exceptions to the duty set forth in Rule 1.6(b) applies. Comment [3] to Rule 8.3 provides that "a lawyer should encourage a client to consent to disclosure where prosecution would not substantially prejudice the client's interests."

"I didn't think I needed to tell mom. I told dad."

Reporting the matter to the court having jurisdiction over the matter satisfies the reporting requirements of Rule 8.3.

Comment [2] to the rule provides:

> Although the North Carolina State Bar is always an appropriate place to report a violation of the Rules of Professional Conduct, the courts of North Carolina have concurrent jurisdiction over the conduct of the lawyers who appear before them. Therefore, a lawyer's duty to report may be satisfied by reporting to the presiding judge the misconduct of any lawyer who is representing a client before the court.

Reporting misconduct based on a lawyer's impairment to the Lawyer Assistance Program (LAP) of the North Carolina State Bar *does not satisfy* the reporting requirements of Rule 8.3. The report of misconduct should be made to the Grievance Committee of the State Bar if the lawyer's impairment results in a violation of the Rules of Professional Conduct that is sufficient to trigger the reporting requirement. See 2003 FEO 2.

However, as stated in 2003 FEO 2, reporting to the Bar as required under Rule 8.3 "does not diminish the appropriateness of also making a confidential report to LAP. The bar's disciplinary program and LAP often deal with the same lawyer and are not mutually exclusive. The discipline program addresses conduct; LAP addresses the underlying illness that may have caused the conduct. Both programs, in the long run, protect the public interest."

Discussing an issue with ethics counsel *does not* satisfy the reporting requirement.

"I'll give you my left over Easter candy if you don't tell mom."

A lawyer may not participate in the settlement of a dispute conditioned on an agreement not to report lawyer misconduct or an agreement to withdraw a previously filed grievance. *See* RPC 84 (1990). Similarly, a threat to file disciplinary charges is unethical in circumstances where a lawyer would be required to file such charges by Rule 8.3. Such a threat would also be improper if the disciplinary charges are frivolous. *See* Rule 3.1.

"If I just glue this vase back together, mom will never know."

Maybe not. With the limited exception set out in Rule 8.3(d), there is no duty under Rule 8.3 to self-report. This seems to be the most common misconception about Rule 8.3. However, Rule .0116, *Reciprocal Discipline & Disability Proceedings*, of the State Bar administrative rules on discipline and disability (27 N.C.A.C. 1B), requires a lawyer licensed in North Carolina who has been disciplined in any state or federal court for a violation of the Rules of Professional Conduct in effect in such state or federal court, or who has been transferred to disability inactive status or its equivalent by any state or federal court, to make a written report of the action to the North Carolina State Bar within 30 days. Failure to make the report may subject the lawyer to professional discipline. Rule 8.3(d) of the Rules of Professional Conduct.

Notwithstanding the absence of a requirement in Rule 8.3 to self report potential professional misconduct to the State Bar, it may be in the lawyer's best interest to self-report conduct that involves dishonesty, fraud, deceit, or misrepresentation because it may be considered a mitigating factor in the event a grievance file is opened, and discipline may be imposed. While self-reporting will not eliminate the possibility of discipline, it may affect the level of discipline. Before a lawyer decides to self-report, the lawyer should consider whether to seek advice from counsel and/or the lawyer's professional liability carrier.

"I used my lunch money to buy Pokemon cards."

It is important to note that there is a separate reporting duty (as well as a different reporting standard) when it comes to safekeeping property. Rule 1.15-2(o) states that "[a] lawyer who discovers or reasonably believes that entrusted property has been misappropriated or misapplied shall promptly inform the North Carolina State Bar." It is prudent to remember that the reporting requirement in Rule 1.15-2 is different from that set out in Rule 8.3 and applies to a lawyer's own conduct as well as the conduct of other lawyers or nonlawyers. Contacting the trust account compliance counsel Peter Bolac regarding such trust account issues will satisfy the reporting requirement of Rule 1.15-2.

"Nobody likes a tattletale."

While lawyers may feel icky "snitching" on their colleagues, sometimes it is necessary. The reason for the reporting obligation set out in Rule 8.3 is summarized in the Preamble to the Rules of Professional Conduct:

> The legal profession is largely self-governing. Although other professions also have been granted powers of self-government, the legal profession is unique in this respect because of the close relationship between the profession and the processes of government and law enforcement... The legal profession's relative autonomy carries with it a responsibility to assure that its regulations are conceived in the public interest and not in furtherance of parochial or self-interested concerns of the bar. Every lawyer is responsible for observance of the Rules of Professional Conduct. A lawyer should also aid in securing their observance by other lawyers.

Preamble to the Rules of Professional Conduct, Rule 0.1, paras. [14], [16]. Lawyers have been entrusted with these responsibilities because they are in the best position to observe misconduct by fellow lawyers, and to assist the legal profession in investigating and sanctioning misconduct. "Neglect of these responsibilities compromises the independence of the profession and the public interest which it serves." Preamble, para. [16]. Therefore, so long as the report is not frivolous, or made simply to harass another lawyer, a lawyer should not hesitate to make any report that, while not required under Rule 8.3, the lawyer reasonably believes is necessary for the protection of the public or the profession. ■

Suzanne Lever is assistant ethics counsel for the North Carolina State Bar.

Disciplinary Actions (cont.)

transferred **Stephen L. Snyder** of Spruce Pine, **James M. Gaither Jr.** of Hickory, **Mark Waple** of Fayetteville, and **Reid G. Brown** of Waynesville to disability inactive status.

Reinstatements

The DHC reinstated **R. Dawn Gibbs**, formerly of Havelock and now of Burlington, from disability inactive status.

Douglas T. Simons of Durham surrendered his law license and was disbarred by the State Bar Council in 2005. Simons admitted that he misappropriated at least $300,000. In February 2014 the DHC recommended denial of his petition for reinstatement. Simons has not indicated whether he will appeal to the council. ■

Profiles in Specialization—Pamela Silverman

By Denise Mullen, Assistant Director of Legal Specialization

I recently had an opportunity to talk with Pamela Silverman, a board certified specialist in estate planning and probate law practicing in Mecklenburg and Union Counties. Pam attended Brown University, earning her undergraduate degree in psychology, and subsequently received her law degree from Duke University. Following graduation she spent several years practicing tax law at Kennedy Covington. Taking two extended sabbaticals to accommodate raising her children, Pam returned to full-time practice about ten years ago and began to focus on estates and trusts. She opened her own firm and, as soon as she met the criteria in 2011, applied to be board certified. She also offers legal services in equine law to area horse farm owners and fellow equestrian competitors. A competitive rider herself, Pam has attained United States Dressage Federation Silver Medal status. Following are some of her comments about the specialization program and the impact it has had on her career.

Q; Why did you pursue certification?

There were a number of reasons, but mainly because of my varied background and my unconventional career path, I felt that certification was a very important credential for me to validate my work experience and knowledge.

Q: How did you prepare for the exam?

I knew that the exam was daunting and that I would have to prepare. I purchased the video replay of the Estate Planning Survey Course from the NC Bar Association, as the live course wasn't offered that year. I did a lot of reading and self study. I identified areas that I knew were not my strengths and focused a great deal of my study attention on those. I also contacted one of the mentors on the list that the State Bar provided and found her to be tremendously helpful in guiding my study plan.

Q: Was the certification process valuable to you in any way?

Yes, the process was very valuable—exceedingly valuable, in fact. Because estate planning attorneys typically work independently, it was initially a bit intimidating to generate a list of references. It turned out to be a good opportunity to reach out to my peers. I was greeted positively and encouraged. I appreciated the experience of getting pushed out of my comfort zone. The exam preparation was also tremendously valuable. I feel like I should do it on a regular basis. In my daily practice I don't address all of the estate planning issues every month. I think it's easy to get rusty. Dedicating my time to a thorough review of estate planning law was the most valuable thing I've done for my practice in the last five years.

Q: How has certification been helpful to your practice?

I think becoming board certified has been most helpful in raising my self-confidence. Being able to achieve this goal was extremely validating for me. I find that marketing and networking are much more important in a solo practice than a large firm. Having this extra credential is very valuable among the legal community.

Q: What are your best referral sources?

I receive most of my referrals from other lawyers—those who are board certified and those who aren't. I also have financial advisors, trust officers, and accountants who refer potential clients my way.

Q: How does certification benefit your clients?

The certification gives my clients the assurance that I have the expertise to handle their cases. It seems that in a large firm, expertise is assumed, whereas in a small firm or solo practice, clients don't necessarily have that same confidence and expectation of quality. Having the additional credential of certification helps clients and potential clients to really understand my level of dedication to this practice area and the breadth of knowledge that I have to offer.

Q: Are there any hot topics in your specialty area right now?

Recent changes to the laws have had a large impact on middle market clients, typically those with estates around one to nine million or even ten million dollars in value.

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Income Outlook Remains Bleak for Near Future

Income

All IOLTA income earned in 2013 has now been received and recorded. Unfortunately, we must report that the income from IOLTA accounts continues to decrease as many banks are recertifying their comparability rates at lower levels. Income from IOLTA accounts declined by 9% and was under $2 million ($1,767,728) for the second year. Our total income, however, was $2.4 million due to two cy pres awards during 2013 totaling over $650,000.

In March the Federal Reserve shifted its "forward guidance" on how long it plans to keep short-term interest rates at zero. The Fed said it will now consider a "wide range" of factors instead of relying mainly on the unemployment rate. It wants investors to know it will keep rates low for some time with no plans to quickly raise them. Most Fed officials don't expect the first rate hike until 2015, with rates rising somewhat faster in 2016. (The current prediction is for 1% at the end of 2015 and 2.25% a year later.) If past history holds true, however, it will take awhile after the change in the Fed rate for rates on IOLTA accounts to increase. In the meantime, we are continuing to work with the NC Equal Access to Justice Commission (EAJC) to educate lawyers and judges about cy pres awards for the benefit of civil legal services, and have updated the commission's manual, *Cy Pres and Other Court Awards*, which is located on our website.

Grants

Beginning with 2010 grants we have limited our grant-making to a core group of (mainly) legal aid providers. Even with that restriction and using over $2.5 million in reserve funds, grants have dramatically decreased (by over 40%). For 2013 we were able to keep grants steady at the 2012 level of $2.3 million without using any additional funds from reserve because of a large cy pres award received in 2012. We were also able to add funds to our reserve, bringing it to just under $1 million. The reserve funds and the additional income from cy pres awards received in 2013 allowed the trustees to keep grants steady at $2.3 million again for 2014, though we will have to take $215,000 from reserve to meet that figure. The reserve now holds just over $740,000.

State Funds

In addition to its own funds, NC IOLTA administers the state funding for legal aid on behalf of the NC State Bar. Total state funding distributed for 2012-13 was $3.5 million, decreased from over $5 million in 2010-11 due to reductions to both the appropriated funds and the filing fee allocations. The Equal Access to Justice Commission and the NCBA continue to work to sustain and improve this funding. ■

Specialization Profile (cont.)

Many estate planning clients fall into that range, and it's important for those who set up trust and estate plans several years ago to seek updated counsel and determine if adjustments are necessary.

Q: Is certification important in your region?

In the Mecklenburg and Union County areas where I live and practice, being able to offer the services of a board certified specialist in estate planning law is very important. Many clients and potential clients have substantial wealth that is tied up in land ownership and, therefore, not liquid. I have lived in Union County for many years on my own horse farm, so I understand the issues other residents face on both a professional and a personal level. To my knowledge, I am the only board certified specialist in estate planning law in Union County, and I work hard to keep an elevated presence there. I am active in both the Union County Chamber of Commerce and the Women in Business group. I appreciate being a part of this community and being able to offer a valuable and needed service to my neighbors.

Q: How did equine law become a part of your practice?

Those services developed out of my own hobby about 15 years ago. Through my own personal experience as a competitive dressage rider, I became knowledgeable about purchasing, leasing, and selling horses. Others in the industry began to seek my advice and counsel for their equine facility operations and other transactional issues like horse purchase and financing agreements, boarding agreements, and sponsorship arrangements between professional trainers and investors. It makes up a small portion of my practice, approximately 10-15%, but it's a portion that I enjoy very much!

Q: Does certification benefit the public?

Certification provides a filter for the public to enable them to reach out and find the level of competence they are seeking in a lawyer. In estate and trust work, it can be very difficult for clients to evaluate the work completed by a lawyer or even to understand the language used. Selecting a board certified attorney gives clients a greater comfort level and sense of trust.

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

I think that board certification for lawyers will continue to increase in importance. We live in a very complex world, and most lawyers are moving in the direction of offering more specialized services. Lawyers should always strive to improve their existing level of practice. It is important to challenge yourself, push yourself out of your comfort zone, and not be complacent. Board certification is a worthy credential to obtain. ■

For more information on the State Bar's specialization program, please us on the web at nclawspecialists.gov.

Top Tips on Trust Accounting: DOs and DON'Ts of Accepting Credit Cards

By Peter Bolac

DO read the relevant ethics opinions on credit cards before you decide to accept credit cards for advanced fees and costs. RPC 247, *Payment of Fees by Electronic Transfer* (1997); 97 FEO 9, *Credit Card Chargebacks Against a Trust Account* (1998); 2009 FEO 4, *Credit Card Account that Avoids Commingling* (2009).

DON'T just ask your friends what they use and do the same. There is a chance they are doing it wrong and are in violation of the rules.

DO know the rules on passing the costs associated with credit cards on to your clients (allowed by our ethics opinions with full advance disclosure, but may be in violation of merchant agreements or consumer protection laws). Further, lawyers must ensure that swipe fees or discount charges assessed against the trust account are 1) properly accounted for, and 2) not paid with client funds unless the funds were specifically collected for that purpose.

DON'T deposit unearned fees and advanced costs into your operating account. Entrusted funds should **NEVER**, under any circumstances, touch a lawyer's operating account until they are earned by the lawyer. When in doubt or when limited by circumstances such as a bank's inability to distinguish between earned and unearned charges, funds should be deposited into the trust account and earned fees should be promptly removed to the lawyer's operating account.

DO know the rules relating to protecting your trust account from chargebacks. A lawyer must attempt to negotiate an agreement with his or her bank that requires the bank to debit chargebacks against an account other than the trust account. If the bank will not agree to debit another account, the lawyer must establish a trust account for the sole purpose of receiving advance payments by credit card and transfer all payments from this account immediately to the general trust account. This will protect the funds of other clients from chargeback debits (*see* 97 FEO 9).

DON'T share credit card equipment with another firm if sharing will result in the temporary commingling of both firms' funds.

DO consider using a payment processor that is tailored for the legal community. There are many processors that cater to lawyers by agreeing to separate unearned fees (deposited into trust account) and earned fees (deposited into operating account), and protect trust funds from any debits by charging swipe fees and chargebacks to the operating account. The costs of these accounts are competitive with other providers, and these companies are knowledgeable about the specific requirements in Rule 1.15. While the State Bar cannot vouch for any particular company, the North Carolina Bar Association recommends LawPay as their preferred credit card processor for lawyers (lawpay.com).

DON'T use PayPal to collect entrusted funds. RPC 247 says that advanced fees and expenses must be deposited "directly" into a trust account. When a lawyer accepts credit card payments through PayPal, the money is deposited into a PayPal account and the lawyer must transfer the money from the PayPal account into the trust account. Since the PayPal account is not a trust account, this process is not permitted. Lawyers are permitted, however, to use PayPal to accept earned fees that will be deposited into your operating account.

DO know that the proper way to refund unearned fees paid by electronic transfer is by a trust account check (RPC 247).

DON'T participate in a merchant agreement that grants the bank a security interest in the trust account. Rule 1.15-1(g) prohibits the use or pledge of funds in a trust account to obtain credit. A lawyer may not participate in such an agreement unless the trust account is *specifically exempted* from the grant of a security interest. For example, this would prohibit a lawyer from using the service Square unless the company is willing to alter its merchant agreement, which requires the lawyer to grant "*a security interest in, as well as a right of setoff against, and hereby assign, convey, deliver, pledge, and transfer to us, as security for repayment of any obligations due under this Agreement, all of your right, title, and interest in and to all of your accounts with us.*" (squareup.com/legal/ua)

DO your homework. Having the ability to accept credit card payments from clients can be a great tool for a law practice, but make sure that you are aware of the rules and risks associated with this process.

If you have any questions relating to credit cards or any other trust accounting issue, please contact Peter Bolac at (919) 450-7860 or PBolac@ncbar.gov. Follow Peter on Twitter @TrustAccountNC for alerts on trust account scams. ■

Peter Bolac is the State Bar's district bar liaison and trust account compliance counsel.

Random Audits

Districts randomly selected for audit in the 2nd quarter are District 10 (Wake County) and District 13 (Bladen, Brunswick, and Columbus Counties).

Thank You to Our Meeting Sponsor

Thank you to Lawyers Mutual for sponsoring the Councilor Picnic.

Amendments Approved by the Supreme Court

On March 6, 2014, and April 10, 2014, the North Carolina Supreme Court approved the following amendments to the rules of the North Carolina State Bar (for the complete text see the Fall 2013 and Winter 2013 editions of the *Journal* or visit the State Bar website):

Amendments to the Rules on Classes of Membership

27 N.C.A.C. 1A, Section .0200, Membership - Annual Membership Fees

The amendments allow an inactive member of the State Bar to be designated as "retired" in the State Bar membership records and to hold himself or herself out as a "Retired Member of the State Bar."

Amendments to the Rules for Judicial District Bars

27 N.C.A.C. 1A, Section .0900, Organization of the Judicial District Bars

The amendments exempt members who are on active military duty or newly admitted to the Bar from the obligation to pay a judicial district bar annual membership fee. The proposed amendments also require judicial district bars that assess mandatory membership fees for the first time after 2013 to adopt a fiscal year of July 1- June 30.

Amendments to the Model Bylaws for Judicial District Bars

27 N.C.A.C. 1A, Section .1000, Model Bylaws for Use by Judicial District Bars

The amendments reflect 2013 changes to NC Gen. Stat. §7A-142, the statute that allows members of a judicial district bar to participate in the selection of nominees to be considered by the governor when filling a vacant district court judgeship in the district.

Amendments to Delete References to the "Judicial Surcharge" from the Rules Governing the Procedures for the Administrative Committee

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

In 2013 the General Assembly eliminated the judicial surcharge, which the State Bar had previously been obligated to collect from its members for distribution to the State Board of Elections. In consequence, it was necessary to delete all references to the surcharge from the State Bar's rules on inactive status and administrative suspension.

Amendments to the Rules and Regulations Governing the CLE Program

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

The amendments to the CLE rules and regulations accomplish the following: change the name of the professionalism requirement for new lawyers to "Professionalism for New Admittees Program" (PNA Program); specify that the PNA Program may be presented by live webcast or by video replay if one hour of every six hours of programming is live; revise the accredited sponsor rule to reflect accurately the process that is used to approve programs presented by accredited sponsors; permit the accreditation of a product-specific technology course if there is a nexus to the practice of law and certain other conditions are met; increase the number of CLE credits that may be taken online each year from 4 to 6; correct a typographical error that implies that more than 6 hours of computer-based CLE may be carried over to the next calendar year; and clarify that webcasting is a live simultaneous broadcast that is not subject to the restrictions on video replay presentations.

Amendments to The Plan of Legal Specialization

27 N.C.A.C. 1D, Section .1700, The Plan of Legal Specialization; Section .1800 Hearing and Appeal Rules of the Board of Legal Specialization

The amendments add trademark law to the official list of recognized specialties and allow denial of a regrading petition by the chair of the Board of Legal Specialization upon a finding that insufficient points are at issue to justify regrading the examination.

Amendments to the Rules for Registration of Interstate and International Law Firms

27 N.C.A.C. 1E, .0200, Registration of Interstate and International Law Firms

The amendments require any law firm filing a certificate of authority to transact business in North Carolina with the secretary of state to register with the State Bar as an interstate or international law firm.

Amendments to the Rules for the Paralegal Certification Program

27 N.C.A.C. 1G, Section .0100, The Plan for Certification of Paralegals; Section .0200 Rules Governing Continuing Paralegal Education

The amendments to the Plan for Certification of Paralegals clarify the current duties of the Paralegal Certification Committee; allow certified paralegal members of the board to be reappointed by the council at the end of their terms without nomination by vote of all certified paralegals; permit denial of certification because of misconduct based on dishonesty, fraud, deceit, or misrepresentation; and expand the standards for qualified paralegal studies programs to include institutional members of national accrediting agencies recognized by the United States Department of Education. The amendments to the rules on continuing paralegal education (CPE) allow stress management courses to be approved for CPE.

Amendments Pending Approval of the Supreme Court

At its meeting on April 25, 2014, the council of the North Carolina State Bar voted to adopt the following rule amendments for transmission to the North Carolina Supreme Court for approval (for the complete text see the Spring 2014 edition of the *Journal* or visit the State Bar website):

Proposed Amendments to the Procedures for Reinstatement from Inactive Status and Administrative Suspension

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

The proposed amendments eliminate the three different CLE requirements for reinstatement from inactive status and administrative suspension in favor of one standard that applies to all petitioners for reinstatement without regard to when the petitioner was transferred to inactive or suspended status; make March 10, 2011, the effective date for the requirement of passage of the bar exam if a petitioner was administratively suspended for seven years or more; and permit a member to take up to 6.0 CLE credits per year online to satisfy the requirements for reinstatement from inactive status and administrative suspension.

Proposed Amendments to the Certification Standards for the Criminal Law Specialty

27 NCAC 1D, Section .2500, Certification Standards for the Criminal Law Specialty

The proposed amendment reduces the number of opposing counsel and judges that must be listed as peer references on an application for certification in criminal law.

Proposed Amendments to the Rules of Professional Conduct

27 NCAC 2, The Rules of Professional Conduct

In 2009 the American Bar Association (ABA) appointed the ABA Ethics 20/20 Commission to review the ABA Model Rules of Professional Conduct and the US system of lawyer regulation in the context of advances in technology and global legal practice. In response to the recommendations of the ABA Ethics 20/20 Commission, the ABA amended some of the ABA Model Rules of Professional Conduct to address issues of technology, outsourcing, and lawyer mobility. In March 2013 a special committee of State Bar councilors was appointed to study the ABA's actions and to make recommendations to the State Bar Council on whether the North Carolina Rules of Professional Conduct (the NC Rules) should be similarly amended. At the conclusion of its review, the Study Committee on (ABA) Ethics 20/20 recommended amendments to 13 of the NC Rules. The proposed amendments were approved for publication at the council's January 2014 meeting and were published in the Spring 2014 edition of the *Journal* together with an executive summary. The executive summary and proposed rule amendments can be viewed on the State Bar website at the following address: ncbar.gov/PDFs/Ethics_20-20.pdf.

At its meeting on October 25, 2013, the council voted to adopt amendments to Rule 1.17 and Rule 7.3 of the Rules of Professional Conduct for transmission to the North Carolina Supreme Court for approval (for the complete text see the Fall 2013 edition of the *Journal* or visit the State Bar website). However, at its meeting on January 24, 2014, the council determined that submission of the proposed amendments to Rule 1.17 and Rule 7.3 to the Court should be deferred until after the publication of the amendments to the NC Rules proposed by the Study Committee on Ethics 20/20, which include unrelated proposed amendments to Rule 1.17 and Rule 7.3. All pending proposed amendments to the NC Rules will be combined and submitted to the Supreme Court at one time.

Proposed amendments to the following North Carolina Rules of Professional Conduct will be submitted to the Supreme Court (proposed amendments to the title of a rule are noted):

Rule 1.0, *Terminology*
Rule 1.1, *Competence*
Rule 1.4, *Communication*
Rule 1.6, *Confidentiality of Information*
Rule 1.17, *Sale of a Law Practice*
Rule 1.18, *Duties to Prospective Client*
Rule 4.4, *Respect for Rights of Third Persons*
Rule 5.3, *Responsibilities Regarding Nonlawyer* ~~*Assistants*~~ ***Assistance***
Rule 5.5, *Unauthorized Practice of Law;* ***Multijurisdictional Practice of Law***
Rule 7.1, *Communications Concerning a Lawyer's Services*
Rule 7.2, *Advertising*
Rule 7.3, ~~*Direct Contact with Potential*~~ ***Solicitation of*** *Clients*
Rule 8.3, *Disciplinary Authority; Choice of Law*

Proposed Amendments to the Rules Governing Admission to the Practice of Law in the State of North Carolina

Section .0100, Organization

Proposed amendments to Rules Governing Admission to the Practice of Law change the street and mailing address listed for the offices of the Board of Law Examiners to reflect the board's recent move to a new location.

Proposed Amendments

At its meeting on April 25, 2014, the council voted to publish the following proposed rule amendments for comment from the members of the bar:

Proposed Amendment to the Rules Governing the Administration of the CLE Program

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

The proposed amendment will require a lawyer to be a nonresident for at least six consecutive months in a given year to qualify for the nonresident exemption from

The Process

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

mandatory CLE.

.1517 Exemptions

(a) Notification of Board.

...

(d) Nonresidents. Any active member residing outside of North Carolina who does not practice in North Carolina for at least six (6) **consecutive** months and does not represent North Carolina clients on matters governed by North Carolina law shall be exempt from the requirements of these rules.

(e) Law Teachers.

...

Proposed Amendments to Certification Standards for the Immigration Law Specialty

27 NCAC 1D, Section .2600, Certification Standards for the Immigration Law Specialty

The proposed amendments clarify that CLE courses on topics related to immigration law may be used to satisfy the CLE requirements for certification and recertification, and require four peer references to be from lawyers or judges who have substantial experience in immigration law.

.2605 Standards for Certification as a Specialist in Immigration Law

Each applicant for certification as a specialist in immigration law shall meet the minimum standards set forth in Rule .1720 of this subchapter. In addition, each applicant shall meet the following standards for certification in immigration law:

(a) Licensure and Practice ...

(b) ...

(c) Continuing Legal Education - An applicant must earn no less than 48 hours of accredited continuing legal education (CLE) credits in **topics relating to** immigration law during the four years preceding application. At least 20 of the 48 CLE credit hours must be earned during the first and second year preceding application and at least 20 of the CLE hours must be earned during the third and fourth years preceding application. Of the 48 hours, at least 42 must be in immigration law; the balance may be in the related areas of federal administrative procedure, trial advocacy, evidence, taxation, family law, employment law, and criminal law and procedure.

(d) Peer Review - An applicant must make a satisfactory showing of qualification through peer review. An applicant must provide the names of ten lawyers or judges who are familiar with the competence and qualification of the applicant in the specialty field….All references must be licensed and in good standing to practice in North Carolina. At least ~~two~~ **four** of the completed peer reference forms received by the board must be from lawyers or judges who have substantial practice or judicial experience in immigration law….

(e) ...

.2606 Standards for Continued Certification as a Specialist

The period of certification is five years... [E]ach applicant for continued certification as a specialist shall comply with the specific requirements set forth below in addition to any general standards required by the board of all applicants for continued certification.

(a) Substantial Involvement ...

(b) Continuing Legal Education - The specialist must have earned no less than 60 hours of accredited continuing legal education credits in **topics relating to** immigration law as accredited by the board. At least 30 of the 60 CLE credit hours must be earned during the first three years after certification or recertification, as applicable. Of the 60 hours, at least 52 must be in immigration law; the balance may be in the related areas of federal administrative procedure, trial advocacy, evidence, taxation, family law, employment law, and criminal law and procedure.

(c) Peer Review ... ■

Judge Ward (cont.)

scholarship recipients themselves can best convey the importance of Hiram Ward's legacy and the scholarship that honors it:

Hiram Ward's life reflected the Wake Forest "Pro Humanitate" motto, and he would surely be proud that his legacy lives on through the students helped by the scholarship in his name. ■

This article was researched and written by Daniel R. Taylor Jr., one of Judge Ward's early law clerks, with the assistance of Evelyn Ward, who provided access to Judge's Ward's handwritten notes, a scrapbook she maintained about Judge Ward's career, and conversations and comments from numerous clerks. Daniel Taylor is a senior partner in the Winston-Salem office of Kilpatrick Townsend & Stockton.

Endnotes

1. Japan and Germany declared war on the United States on December 7, 1941, "a day that will live in infamy" and United States responded by declaring war on Japan on December 8, 1941, and on Germany on December 11, 1941.
2. The B-25 was a twin engine medium bomber and one of America's most famous airplanes of World War II. The first test flight was on August 19, 1940, and the first production B-25 was delivered to a United States Army Air Corp unit in February 1941.
3. At the time, Wake Forest had an accelerated program for returning war veterans. Ward spent two academic years and two summers in the college, and then three years in the law school. He obtained both degrees in five years.
4. Ward, a lifelong Republican, was introduced at his confirmation hearing before North Carolina's very highly regarded Democratic United States Senator Sam Ervin.
5. North Carolina has three judicial districts, and the Middle District includes a 28-county area stretching from Virginia to South Carolina, and from Durham to Wilkesboro. The main office of the Middle District is in Greensboro, but Ward took up residency in the then-Post Office building on 5th Street in Winston-Salem. Winston-Salem was the leading business city in North Carolina at the time and home of the most publicly traded companies in North Carolina.

Committee Proposes Opinion on Advising Clients about Social Media

Council Actions

At its meeting on April 25, 2014, the State Bar Council adopted the ethics opinions summarized below:

2014 Formal Ethics Opinion 2

Dual Representation of Trustee and Secured Creditor in Contested Foreclosure

Opinion rules that a lawyer may not represent both the trustee and the secured creditor in a contested foreclosure proceeding.

2014 Formal Ethics Opinion 3

Pro Bono *Legal Services Provided by Government and Public Sector Lawyers*

Opinion encourages government lawyers to engage in *pro bono* representation unless prohibited by law from doing so.

Ethics Committee Actions

At its meeting on April 24, 2014, the Ethics Committee voted to send the following proposed opinions to subcommittees for further or continued study: Proposed 2013 FEO 14, *Representation of Parties to a Commercial Real Estate Loan Closing*, and Proposed 2014 FEO 1, *Protecting Confidential Client Information When Mentoring*. The Ethics Committee also voted to publish revised versions of two proposed opinions and three new proposed opinions. The comments of readers on the proposed opinions are welcomed.

Proposed 2013 Formal Ethics Opinion 8
Responding to the Mental Impairment of Firm Lawyer
April 24, 2014

Proposed opinion analyzes the responsibilities of the partners and supervisory lawyers in a firm when another firm lawyer has a mental impairment.

Introduction:

As the lawyers from the "Baby Boomer" generation advance in years, there will be more instances of lawyers who suffer from mental impairment or diminished capacity due to age. In addition, lawyers suffer from depression and substance abuse at approximately twice the rate of the general population.[1] This opinion examines the obligations of lawyers in a firm who learn that another firm lawyer suffers from a mental condition that impairs the lawyer's ability to practice law or has resulted in a violation of a Rule of Professional Conduct. This opinion relies upon ABA Commission on Ethics and Professional Responsibility, Formal Opinion 03-429 (2003) [hereinafter ABA Formal Op. 03-429] for its approach to the issues raised by the mental impairment of a lawyer in a firm. For further guidance, readers are encouraged to refer to the ABA opinion.

Inquiry #1:

Attorney X has been practicing law successfully for over 40 years and is a prominent lawyer in his community. In recent years, his ability to remember has diminished and he has become confused on occasion. The other lawyers in his firm are concerned that he may be suffering from the early stages of Alzheimer's disease or dementia.

What are the professional responsibilities[2] of the other lawyers in the firm?[3]

Opinion #1:

The partners[4] in the firm must make reasonable efforts to ensure that Attorney X does not violate the Rules of Professional Conduct.

Mental impairment may lead to inability to competently represent a client as required by Rule 1.1, inability to complete tasks in a diligent manner as required by Rule 1.3, and inability to communicate with clients about their representation as required by Rule 1.4. Although a consequence of the lawyer's impairment, these are violations of the Rules of Professional Conduct nonetheless. As noted in ABA Formal Op. 03-429, "[i]mpaired lawyers have the same obligations under the [Rules of Professional Conduct] as other lawyers. Simply stated, mental impairment does not lessen a lawyer's obligation to provide clients with competent representation." Under Rule 1.16(a)(2), a lawyer is prohibited from representing a client and, where representation has commenced, required to withdraw if "the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client." Unfortunately, an impaired lawyer may not be aware or may deny that his impairment is negatively impacting his ability to represent clients. ABA Formal Op. 03-429.

Rule 5.1(a) requires partners in a firm and all lawyers with comparable managerial authority in the firm to "make reasonable efforts to ensure that the firm or the organization has in effect measures giving reasonable assurance that all lawyers in the firm or the organization conform to the Rules of Professional Conduct." Similarly, Rule 5.1(b) requires a lawyer having direct supervisory authority over another lawyer to "make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct." Taken together, these provisions require a managerial or supervisory lawyer who suspects or knows that a lawyer is impaired to closely supervise[5] the conduct of the impaired lawyer because of the risk that the impairment will result in violations of the Rules.

When deciding what should be done in response to a lawyer's apparent mental impairment, it may be helpful to partners and supervising lawyers to consult a mental health professional for advice about identifying mental impairment and assistance for the impaired lawyer. *Id.* As observed in ABA Formal Op. 03-429,

> [t]he firm's paramount obligation is to take steps to protect the interest of its clients. The first step may be to confront the impaired lawyer with the facts of his impairment and insist upon steps to assure that clients are represented appropriately notwithstanding the lawyer's

impairment. Other steps include forcefully urging the impaired lawyer to accept assistance to prevent future violations or limiting the ability of the impaired lawyer to handle legal matters or deal with clients.

Id. If the lawyer's mental impairment can be accommodated by changing the lawyer's work environment or the type of work that the lawyer performs, such steps also should be taken.[6] "Depending on the nature, severity, and permanence (or likelihood of periodic recurrence) of the lawyer's impairment, management of the firm has an obligation to supervise the legal services performed by the lawyer and, in an appropriate case, prevent the lawyer from rendering legal services to clients of the firm." *Id.* Making a confidential report to the State Bar's Lawyer Assistance Program (LAP) (or to another lawyers assistance program approved by the State Bar[7]) would also be an appropriate step. The LAP can provide the impaired lawyer with confidential advice, referrals, and other assistance.

Inquiry #2:

Attorney X's mental capacity continues to diminish. Apparently as a consequence of mental impairment, Attorney X failed to deliver client funds to the office manager for deposit in the trust account. It is believed that he converted the funds to his own use. In addition, Attorney X failed to complete discovery for a number of clients although he declined assistance from the other lawyers in the firm. Some clients may face court sanctions as a consequence. Although Attorney X is engaging and articulate when he meets with clients, he no longer seems able to prepare for litigation and, on more than one occasion, Attorney X's presentation in court was muddled, meandering, and confused.

What are the professional responsibilities of the other lawyers in the firm?

Opinion #2:

Attorney X has violated Rule 1.15 by failing to place entrusted funds in the firm trust account. He has also violated Rule 1.1 and Rule 1.3 by providing incompetent representation and by failing to act with reasonable promptness in completing discovery. These are violations of the Rules of Professional Conduct that may have to be reported to the State Bar or to the court. In addition, steps may have to be taken to provide additional ongoing supervision for Attorney X or to change the circumstances or type of work that he performs to avoid additional violations of his professional duties. The other lawyers in the firm must also take steps to mitigate the adverse consequences of Attorney X's past conduct including replacing client funds.

Rule 8.3(a) requires a lawyer "who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects [to] inform the North Carolina State Bar or the court having jurisdiction over the matter." Only misconduct that raises a "substantial question" as to the lawyer's honesty, trustworthiness, or fitness must be reported. As noted in the Comment,

> [t]his Rule limits the reporting obligation to those offenses that a self-regulating profession must vigorously endeavor to prevent. A measure of judgment is, therefore, required in complying with the provisions of this Rule. The term "substantial" refers to the seriousness of the possible offense and not the quantum of evidence of which the lawyer is aware.

Rule 8.3, cmt. [4].

If an impaired lawyer's misconduct is isolated and unlikely to recur because the mental impairment has ended or is controlled by medication or treatment, no report of incompetent or delinquent representation may be required. *See* RPC 243 (an "isolated incident resulting from a momentary lapse of judgment" does not raise a substantial question about honesty, trustworthiness, or fitness). "Similarly, if the firm is able to eliminate the risk of future violations of the duties of competence and diligence under the [Rules] through close supervision of the lawyer's work, it would not be required to report the impaired lawyer's violation." ABA Formal Op. 03-429.

However, reporting is required if the misconduct is serious, such as the violation of the trust accounting rules described in this inquiry, or the lawyer insists upon continuing to practice although his mental impairment has rendered him unable to represent clients as required by the Rules of Professional Conduct.[8] In either situation, a report of misconduct may not be made if it would require the disclosure of confidential client information in violation of Rule 1.6, and the client does not consent to disclosure. *See* Rule 8.3(c).

Rule 1.4(b) requires a lawyer to "explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation." If the managing lawyers determine that the impaired lawyer cannot provide competent and diligent representation and should be removed from a client's case, the situation must be explained to the client so that the client can decide whether to agree to be represented by another lawyer in the firm or to seek other legal counsel.

Rule 5.1(c) requires a partner or a lawyer with comparable managerial authority or with supervisory authority over another lawyer to take reasonable remedial action to avoid the consequences of the lawyer's viola-

Public Information

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

Citation

To foster consistency in citation to the North Carolina Rules of Professional Conduct and the formal ethics opinions adopted by the North Carolina State Bar Council, the following formats are recommended:

· To cite a North Carolina Rule of Professional Conduct: NC Rules of Prof'l Conduct Rule 1.1 (2003)

· To cite a North Carolina formal ethics opinion: NC State Bar Formal Op. 1 (2011)

Note that the current, informal method of citation used within the formal ethics opinions themselves and in this *Journal* article will continue for a transitional period.

Rules, Procedure, Comments

All opinions of the Ethics Committee are predicated upon the Rules of Professional Conduct as revised effective March 1, 2003, and thereafter amended, and referred to herein as the Rules of Professional Conduct (2003). The proposed opinions are issued pursuant to the "Procedures for Ruling on Questions of Legal Ethics." 27 N.C.A.C. ID, Sect .0100. Any interested person or group may submit a written comment or request to be heard concerning a proposed opinion. Any comment or request should be directed to the Ethics Committee at PO Box 25908, Raleigh, NC 27611, by June 30, 2014.

Captions and Headnotes

A caption and a short description of each of the proposed opinions precedes the statement of the inquiry. The captions and descriptions are provided as research aids and are not official statements of the Ethics Committee or the council.

tion of the Rules. Even if the impaired lawyer is removed from a representation, the firm lawyers must make every effort to mitigate any adverse consequences of the impaired lawyer's prior representation of the client.

Inquiry #3:

If the firm partners determine that Attorney X has violated the Rules and there is a duty to report under Rule 8.3, may they fulfill the duty by reporting Attorney X to the State Bar's Lawyer Assistance Program (LAP)?

Opinion #3:

No. 2003 Formal Ethics Opinion 2 addressed this issue in the context of reporting opposing counsel as follows:

The report of misconduct should be made to the Grievance Committee of the State Bar if a lawyer's impairment results in a violation of the Rules that is sufficient to trigger the reporting requirement. The lawyer must be held professionally accountable. *See, e.g.*, Rule .0130(e) of the Rules on Discipline and Disability of Attorneys, 27 N.C.A.C. 1B, Section .0100 (information regarding a member's alleged drug use will be referred to LAP; information regarding the member's alleged additional misconduct will be reported to the chair of the Grievance Committee).

Making a report to the State Bar, as required under Rule 8.3(a), does not diminish the appropriateness of also making a confidential report to LAP. The Bar's disciplinary program and LAP often deal with the same lawyer and are not mutually exclusive. The discipline program addresses conduct; LAP addresses the underlying illness that may have caused the conduct. Both programs, in the long run, protect the public interest.

Inquiry #4:

Attorney X announces his intent to leave the firm to set up his own solo practice and to take all of his client files with him. The other lawyers in the firm are concerned that, absent any supervision or assistance, Attorney X will be unable to competently represent clients because of his mental impairment.

What are the duties of the remaining lawyers in the firm if Attorney X leaves and sets up his own practice?

Opinion #4:

In addition to any duty to report, the remaining lawyers may have a duty to any current client of Attorney X to ensure that the client has sufficient information to make an informed decision about continuing to be represented by Attorney X.

As noted in Opinion #2, Rule 1.4(b) requires a lawyer to "explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation." The clients of an impaired lawyer who leaves a firm must decide whether to follow the departed lawyer to his new law practice. To make an informed decision, the clients must be informed of "the facts surrounding the withdrawal to the extent disclosure is reasonably necessary for those clients to make an informed decision about the selection of counsel." ABA Formal Op. 03-429.[9] There is no comparable duty to former clients of the impaired lawyer as long as the firm avoids any action that might be interpreted as an endorsement of the services of the departed, impaired lawyer, including sending a joint letter regarding the lawyer's departure from the firm.

The remaining lawyers in the firm may conclude that, while under their supervision and support, the impaired lawyer did not violate the Rules and, therefore, there is no duty to report to the State Bar under Rule 8.3. Nevertheless, subject to the duty of confidentiality to clients under Rule 1.6, voluntarily reporting the impaired lawyer to LAP (or another lawyer assistance program approved by the State Bar) would be appropriate. The impaired lawyer will receive assistance and support from LAP and this may help to prevent harm to the interests of the impaired lawyer's clients.

Inquiry #5:

Associate lawyers and staff members are often the first to observe behavior indicating that a lawyer has a mental impairment. If an associate lawyer or a staff member reports behavior by Attorney X that indicates that Attorney X is impaired and may be unable to represent clients competently and diligently, what is a partner's or supervising lawyer's duty upon receiving such a report?

Opinion #5:

If a partner or supervising lawyer receives a report of impairment from an associate lawyer or a staff member, regardless of whether the lawyer suspected of impairment is a senior partner or an associate, the partner or supervising lawyer must investigate and, if it appears that the report is meritorious, take appropriate measures to ensure that the impaired lawyer's conduct conforms to the Rules of Professional Conduct. See Opinion #1 and Rule 5.1(a). It is never appropriate to protect the impaired lawyer by refusing to act upon or ignoring a report of impairment or by attempting to cover up the lawyer's impairment.

Inquiry #6:

If an associate lawyer in the firm observes behavior by Attorney X that indicates that Attorney X is not competent to represent

clients, what should the associate lawyer do?

Opinion #6:

The associate lawyer must report his or her observations to a supervising lawyer or the senior management of the firm as necessary to bring the situation to the attention of lawyers in the firm who can take action.

Inquiry #7:

An associate lawyer in the firm reports to his supervising lawyer that he suspects that Attorney X is mentally impaired. He also describes to the supervising lawyer conduct by Attorney X that violated Rules 1.1 and 1.3. The supervising lawyer tells the associate to ignore the situation and to not say anything to anyone about his observations including clients, other lawyers in the firm, or staff members. The associate concludes that no action will be taken to investigate or address Attorney X's behavior. Does the associate lawyer have any further obligation?

Opinion #7:

A subordinate lawyer is bound by the Rules of Professional Conduct notwithstanding that the subordinate lawyer acts at the direction of another lawyer in the firm. Rule 5.2(a). If the associate lawyer believes that the duty to report professional misconduct under Rule 8.3 may be triggered by the conduct of Attorney X, the associate lawyer should discuss this concern with his supervising lawyer. If the supervising lawyer declines to address the situation, the associate lawyer should seek guidance as to his professional responsibilities from the lawyers at the State Bar who provide informal ethics advice.

Inquiry #8:

Assume that Attorney X is the sole principal in the firm and there is one associate lawyer. Attorney X displays behavior that may indicate that he is in the early stages of Alzheimer's disease or dementia. There is no senior management to whom the associate lawyer can report. What should the associate lawyer do?

Opinion #8:

If the associate lawyer believes that the duty to report professional misconduct under Rule 8.3 may be triggered by the conduct of Attorney X, the associate lawyer should seek guidance as to his professional responsibilities from the lawyers at the State Bar who provide informal ethics advice. *See* Opinion #7. Regardless of whether Attorney X's conduct triggers the duty to report, the associate lawyer may seek advice and assistance from the LAP or from another approved lawyer assistance program, or may contact a trusted, more experienced lawyer in another firm to serve as a mentor or advisor on how to address the situation.

Inquiry #9:

Assume Attorney X is a sole practitioner and the lawyers in his community observe behavior that may indicate that he is in the early stages of Alzheimer's disease or dementia. What is the responsibility of the lawyers in the community?

Opinion #9:

The Rules of Professional Conduct impose no specific duty on other members of the bar to take action relative to a potentially impaired fellow lawyer except the duty to report to the State Bar if the other lawyer's conduct raises a substantial question about his honesty, trustworthiness, or fitness to practice law and the information about the lawyer is not confidential client information. *See* Opinion #7. Nevertheless, as a matter of professional responsibility, attendant to the duties to seek to improve the legal profession and to protect the interests of the public that are articulated in the Preamble to the Rules of Professional Conduct, the lawyers in the community are encouraged to assist the potentially impaired lawyer to find treatment or to transition from the practice of law. A mental health professional, the LAP, or another lawyer assistance program can be consulted for advice and assistance.

Inquiry #10:

Do the responses to any of the inquiries above change if the lawyer's impairment is due to some other reason such as substance abuse or mental illness?

Opinion #10:

No.

Endnotes

1. ABA Comm. on Ethics and Prof'l Responsibility, Formal Op. 03-429 (2003) (citing George Edward Bailly, *Impairment, the Profession, and Your Law Partner*, 11 No.1 Prof. Law. 2 (1999)) [hereinafter ABA Formal Op. 03-429].
2. This opinion does not address the issues that may arise under the Americans with Disabilities Act of 1990, 42 US C. §§12101 *et seq.* (2003) (the ADA) relative to an employer's legal responsibilities to an impaired lawyer. Lawyers are advised to consult the ADA and the Equal Employment Opportunity Commission's website, eeoc.gov, for guidance.
3. "Firm" as used in the Rules of Professional Conduct and this opinion denotes "a lawyer or lawyers in a law partnership, professional corporation, sole proprietorship, or other association authorized to practice law; or lawyers employed in a legal services organization or the legal department of a corporation, government entity, or other organization." Rule 1.0(d).
4. "Partner" as used in the Rules of Professional Conduct and this opinion denotes "a member of a partnership, a shareholder in a law firm organized as a professional corporation, or a member of an association authorized to practice law." Rule 1.0(h).
5. It is improper for a firm to charge a client for additional supervision for an impaired lawyer if the supervision exceeds what is normally required to ensure competent representation unless the client is advised of the reason for the additional supervision and agrees to the charges. *See* Rule 1.5(a).
6. ABA Formal Op. 03-429 provides the following examples of accommodation:

   A lawyer who, because of his mental impairment, is unable to perform tasks under strict deadlines or other pressures, might be able to function in compliance with the [Rules] if he can work in an unpressured environment. In addition, the type of work involved, as opposed to the circumstances under which the work occurs, might need to be examined when considering the effect that an impairment might have on a lawyer's performance. For example, an impairment may make it impossible for a lawyer to handle a jury trial or hostile takeover competently, but not interfere at all with his performing legal research or drafting transaction documents.
7. One such program is the Transitioning Lawyers Commission (or "TLC") of the North Carolina Bar Association, which considers issues of aging and cognitive impairment and helps lawyers to wind down their law practices to "retire gracefully." *See more at*: tlc.ncbar.org.
8. ABA Formal Op. 03-429 cautions that when reporting an impaired lawyer pursuant to Rule 8.3, disclosure of the impairment may be necessary; however, the reporting lawyer should be careful to avoid violating the ADA.
9. ABA Formal Op. 03-429 counsels that, when providing a client with information about the departed lawyer, a firm lawyer "must be careful to limit any statement to ones for which there is a reasonable factual foundation." This will avoid violating the prohibition on false and misleading communications in Rule 7.1 and the prohibition on deceit and misrepresentation in Rule 8.4(c).

Proposed 2013 Formal Ethics Opinion 12
Disclosure of Settlement Terms to Former Lawyer Asserting a Claim for Fee Division
April 24, 2014

Proposed opinion rules that, in a worker's compensation case, when a client terminates representation, the subsequently hired lawyer may disclose the settlement terms to the former

lawyer to resolve a pre-litigation claim for fee division pursuant to an applicable exception to the duty of confidentiality.

Facts:

Client hired Lawyer A to represent Client in a workers' compensation matter. A year later, Client discharged Lawyer A and subsequently hired Lawyer B. Lawyer A filed a motion to withdraw as counsel while reserving her right to a legal fee. Lawyer B settled Client's workers' compensation case and the Industrial Commission entered an order approving the settlement and the legal fee to be paid from the proceeds of the settlement. Lawyer A asked Lawyer B for a copy of the Industrial Commission's order. Client instructed Lawyer B to keep the settlement information confidential. Lawyer B therefore refused to provide Lawyer A with a copy of the Industrial Commission's order, and also refused to disclose the settlement amount. However, Lawyer B asked Lawyer A to submit an accounting of Lawyer A's hours in the case and Lawyer A's hourly rate. Lawyer A refused to provide an accounting of her time without more information about the settlement. Lawyer A insists that she needs to know the settlement amount to determine the amount of the fee that is to be divided between the two lawyers. Lawyer A further asserts that before she can determine the amount of her fee, she must know which injury claims are subject to the settlement.

Inquiry:

May Lawyer B share the settlement details with Lawyer A?

Opinion:

Yes. Keeping a client's information confidential is paramount among the duties a lawyer owes to the client. Unless Client consents to the disclosure of information about the settlement, or one of the exceptions set out in Rule 1.6(b) applies, Lawyer B may not reveal the details of the settlement to Lawyer A.

A client has the right to discharge his lawyer at any time. Where a lawyer with a contingency fee contract is terminated before the matter is concluded, the discharged lawyer has a claim for *quantum meruit* recovery from the proceeds of the matter. *Covington v. Rhodes*, 38 NC App. 61, 247 S.E.2d 305 (1978), *disc. rev. denied*, 296 NC 410, 251 S.E.2d 468 (1979). Furthermore, the discharged lawyer may file his claim for *quantum meruit* against the client or against the subsequent lawyer. *Guess v. Parrott*, 160 NC App. 325, 585 S.E.2d 464 (2003).

Rather than wait for Lawyer A to file suit, however, the better practice is to attempt to resolve a dispute before litigation. To this end, at the beginning of the representation, Lawyer B should counsel Client about the law pertaining to Lawyer A's claim for a legal fee based on *quantum meruit*. Lawyer B also should explain to Client that Rule 1.6(b)(6) permits a lawyer to disclose confidential client information, without the client's consent, "to respond to allegations in any proceeding concerning the lawyer's representation of the client," and that the exception to the rule, as noted in the comment, "does not require the lawyer to await the commencement of an action or proceeding…" Rule 1.6, cmt [11]. Therefore, Lawyer B may disclose the details of the settlement to resolve Lawyer A's claim for a share of the fee. Only that information relevant to the valuation of Lawyer A's legal services may be disclosed.

Proposed 2014 Formal Ethics Opinion 4
Serving Subpoenas on Health Care Providers Covered by HIPAA
April 24, 2014

Proposed opinion rules that a lawyer may send a subpoena for medical records to an entity covered by HIPAA without providing the assurances necessary for the entity to comply with the subpoena as set out in 45 C.F.R. §164.512(e)(ii).

Introduction:

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) required the US Department of Health and Human Services (USDHHS) to establish a set of national standards for the protection of certain health information including identifiable medical records of individual patients. Pursuant to this mandate, the USDHHS issued Standards for Privacy of Individually Identifiable Health Information (the Privacy Rule), which established national standards for the protection of protected health information. The Privacy Rule applies to any health care provider who transmits health information in electronic form in connection with certain specified transactions.[1]

At issue in this inquiry is 45 C.F.R. §164.512(e) of the Privacy Rule, which pertains to disclosure of protected health information in judicial and administrative proceedings. Pursuant to 45 C.F.R. §164.512(e), covered entities may disclose protected health information in a judicial or administrative proceeding if the request for the information is in response to an order from a court or administrative tribunal. Such information may also be disclosed in response to a subpoena or other lawful process if certain assurances regarding notice to the individual or a protective order are provided. Specifically, a covered entity may disclose protected health information if the covered entity receives satisfactory assurance from the party seeking the information that reasonable efforts have been made by such party to ensure that the individual who is the subject of the requested protected health information was given notice of the request, or the covered entity received satisfactory assurance from the party seeking the information that reasonable efforts were made by such party to secure a qualified protective order. 45 C.F.R. §164.512(e)(1)(ii)(2013).

However, 45 C.F.R. §164.512(e)(1)(vi) allows a covered entity to disclose protected health information in response to a subpoena without receiving satisfactory assurance from the requesting party if the covered entity itself makes reasonable efforts to provide notice to the individual or to seek a qualified protective order.

Inquiry #1:

May a lawyer send a subpoena to an entity covered by HIPAA and demand compliance without providing the assurances set out in 45 C.F.R. §164.512(e)(ii)?

Opinion #1:

Yes, assuming the subpoena complies with the Rules of Civil Procedure.

As a matter of professional courtesy, if the lawyer does not provide the necessary assurances set out in the Privacy Rule, the lawyer may include a letter with the subpoena alerting the entity that certain health information may be subject to state and/or federal privacy laws and informing the entity that it may delay compliance with the subpoena for a reasonable amount of time to comply with any applicable privacy laws. *See* Rule 1.2(a)(2) (lawyer does not violate rules by treating others with courtesy). In addition to being a matter of professional courtesy, it may be in the client's best interest to seek compliance with federal and state privacy

laws to avoid subsequent objections to the disclosure of the produced materials that may cause delay, additional expense, or prohibit the use of the produced materials.

Inquiry #2:

Would the response to Inquiry #1 be different if the health care provider receiving the subpoena is also a client of the lawyer's firm in an unrelated matter?

Opinion #2:

Assuming that the client seeking the medical records and the provider/client have the same interest in seeing that the medical records are produced in accordance with applicable law, the lawyer serving the subpoena may, with the informed consent confirmed in writing of both clients, provide advice to the provider/client relative to the requirements of the various privacy rules and may give the provider/client a reasonable amount of time to comply.

If the lawyer provides advice to the provider/client relative to the subpoena and a conflict arises pertaining to the subpoena (i.e., provider/client desires to quash the subpoena or, upon the provider/client's failure to respond to the subpoena, the client seeking the medical records is required to file a motion to compel or a motion for sanctions), the lawyer may not represent either the client seeking the records or the provider/client relative to the enforcement of the subpoena, unless both clients give their informed consent confirmed in writing.

Endnote

1. Summary of the HIPAA Privacy Rule, OCR Privacy Brief, US Department of Health and Human Services, Office for Civil Rights: hhs.gov/ocr/privacy/hipaa/understanding/summary/index.html.

Proposed 2014 Formal Ethics Opinion 5
Advising a Civil Litigation Client about Social Media
April 24, 2014

Proposed opinion rules a lawyer must advise a client about information on social media if information and postings on social media are relevant and material to the client's representation. The lawyer may advise a client to remove information on social media if not spoliation or otherwise illegal.

Facts:

A client has a legal matter that will probably be litigated although a law suit has not been filed. The client's postings and other information on a social media website (referred to collectively as "postings") could be used to impeach the client or are otherwise relevant to the issues in the law suit.

Inquiry #1:

Prior to filing a law suit, may the lawyer give the client advice about the legal implications of postings on social media websites and coach the client on what should and should not be shared on social media? May the lawyer give the same advice after a law suit is filed?

Opinion #1:

Yes. Lawyers must provide competent and diligent representation to clients. Rule 1.1 and Rule 1.3. To the extent relevant and material to a client's legal matter, competent representation includes knowledge of social media and an understanding of how it will impact the client's case including the client's credibility. If a client's postings on social media might impact the client's legal matter, the lawyer must advise the client of the legal ramifications of existing postings, future postings, and third party comments. Advice should be given before and after the law suit is filed.

Inquiry #2:

May the lawyer instruct the client to remove existing postings on social media? After a law suit is filed, may the lawyer give the client such advice?

Opinion #2:

No, in general, relevant social media postings must be preserved.

The New York State Bar opined that a lawyer may advise a client about posting on a social media website and may review and discuss the client's posts, including what posts may be removed, if the lawyer complies with the rules and law on preservation and spoliation of evidence. NY State Bar, Ethics Op. 745 (2013). We agree.

A lawyer shall not counsel a client to engage, or assist a client, in conduct the lawyer knows is criminal or fraudulent. Rule 1.2(d). The lawyer therefore should examine the law on spoliation[1] and obstruction of justice and determine whether removing existing postings would be a violation of the law.

If removing postings does not constitute spoliation and is not otherwise illegal or a violation of a court order, the lawyer may instruct the client to remove existing postings on social media. If the lawyer advises the client to take down postings on social media, where there is a potential that destruction of the postings would constitute spoliation, the lawyer must also advise the client to preserve the postings by printing the material, or saving the material to a memory stick, compact disc, DVD, or other technology, including web-based technology, used to save documents, audio, and video. The lawyer may also take possession of the material for purposes of preserving the same. Advice should be given before and after the law suit is filed.

Inquiry #3:

May the lawyer instruct the client to change the security and privacy settings on social media pages to the highest level of restricted access? May the lawyer give the same advice after a law suit is filed?

Opinion #3:

Yes, if such advice is not a violation of law or a court order. Advice should be given before and after the law suit is filed.

Endnote

1. *Black's Law Dictionary* defines spoliation as the intentional concealment, destruction, alteration, or mutilation of evidence, usually documents, thereby making them unusable or invalid. The doctrine of spoliation of evidence holds that when "a party fails to introduce in evidence documents that are relevant to the matter in question and within his control...there is a presumption, or at least an inference, that the evidence withheld, if forthcoming, would injure his case." *Jones v. GMRI, Inc.*, 144 NC App. 558, 565, 551 S.E.2d 867, 872(2001) (quoting *Yarborough v. Hughes*, 139 NC 199, 209, 51 S.E. 904, 907-08 (1905)).

Proposed 2014 Formal Ethics Opinion 6
Duty to Avoid Conflicts When Advising Members of Nonprofit Organization
April 24, 2014

Proposed opinion rules that a lawyer who provides free brief consultations to members of a nonprofit organization must screen for conflicts prior to conducting a consultation.

Inquiry:

A nonprofit organization of nonlawyer professionals provides its members with contact information for certain medical and

other professionals who have agreed to provide the members with brief consultations to answer questions on various subjects that are relevant to the members' professional practices.

The organization has asked Lawyer if she is willing to provide such consultations to its members concerning their legal questions. If Lawyer agrees, she will be described by the organization on its website as a member support legal resource. It will be clear that Lawyer is not an employee of the organization and that she has volunteered to provide such consultations directly to the organization's members. Such consultations will be without charge to the members, and the organization will not compensate Lawyer for her services.

Lawyer will secure the informed consent of each inquiring member to the limited scope of such representation. However, Lawyer believes that it would be impractical for Lawyer to conduct a conflicts search on each member who calls her before she consults with that member concerning his or her legal question.

It is reasonable to suppose that some members who call Lawyer for a free consultation may, thereafter, wish to engage her to represent them on a paid basis. However, the initial consultation is not conditioned on such continued representation. Lawyer will conduct a conflicts check as to any member who seeks to engage her in an ongoing representation before commencing such representation.

Rule 6.5(a), Limited Legal Services Programs, provides:

> A lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter: (1) is subject to Rules 1.7 and 1.9(a) only if the lawyer knows that the representation of the client involves a conflict of interest; and (2) is subject to Rule 1.10 only if the lawyer knows that another lawyer associated with the lawyer in a law firm is disqualified by Rule 1.7 or 1.9(a) with respect to the matter.

Is Lawyer's initial consultation with members of the organization governed by Rule 6.5 such that Lawyer is subject to Rules 1.7 and 1.9(a) only if she *knows* that the representation of the client involves a conflict of interest?

Opinion:

No. Rule 6.5 does not apply. Comment [1] to Rule 6.5 states that "[l]egal services organizations, courts, and various nonprofit organizations have established programs through which lawyers provide short-term limited legal services—such as advice or the completion of legal forms—that will assist persons to address their legal problems without further representation by a lawyer." Rule 6.5 is designed to encourage lawyers to participate in nonprofit programs offering limited legal services on a short-term basis. Examples of such programs include legal-advice hotlines, advice-only clinics, or *pro se* counseling programs. *See* Rule 6.5, cmt. [1]. As noted in Comment [1] to Rule 6.5: "Such programs are normally operated under circumstances in which it is not feasible for a lawyer to systematically screen for conflicts of interest as is generally required before undertaking a representation." Therefore, Rule 6.5 relaxes the application of the conflict of interest rules.

Rule 6.5 was adopted in response to concerns that a strict application of the conflicts of interest rules may be deterring lawyers from serving as volunteers in programs providing short-term limited legal services under the auspices of a nonprofit organization or a court-annexed program. *See* Ann. Model Rules of Prof'l Conduct R. 6.5 (7th ed. 2009). Rule 6.5's exception to the duty to avoid conflicts of interest applies only where it is not feasible for the lawyer to complete a comprehensive conflicts check prior to undertaking the representation. The proposed arrangement with Lawyer does not present such a scenario. Upon being contacted by a member of the nonprofit organization, it is feasible for Lawyer to complete a conflicts check prior to conducting the initial consultation. Therefore, Rule 6.5 does not apply and Lawyer has a duty to screen for conflicts of interest as otherwise set out in the Rules of Professional Conduct. ■

In Memoriam

Richard G. Badgett
Winston-Salem, NC

James Leo Carr
Durham, NC

William Eugene Crosswhite
Statesville, NC

Mary C. Fairley
Woodstock, GA

Benjamin Robert Gilliatt
Shelby, NC

Margaret Adams Harris
Greensboro, NC

James Cameron MacRae
Fayetteville, NC

Boyd B. Massagee Jr.
Hendersonville, NC

William Franklin McLeod Sr.
Reidsville, NC

Martin Luther Nesbitt Jr.
Asheville, NC

Louis Knox Newton
Wilmington, NC

Lewis Hillsman Parham Jr.
Charlotte, NC

Joseph C. Reynolds
Asheville, NC

Stephen S. Schmidly
Asheboro, NC

Ricky Franklin Shumate
Greensboro, NC

Richard E. Steinbronn
Andrews, NC

John Calhoun Sterritt IV
Asheville, NC

David Kerr Taylor Jr.
Washington, DC

Janice Irene Van Dyke
Durham, NC

Alice Newell Watkins-Corey
Greensboro, NC

Thomas D. Windsor
Marshville, NC

Law School Briefs

All of the law schools located in North Carolina are invited to provide material for this column. Below are the submissions we received this quarter.

Campbell University School of Law

Campbell Law climbs five spots in latest* US News *rankings—Campbell Law School climbed five spots and remained in the top tier for law schools per the latest *US News & World Report* rankings released on March 11. Standing 121st nationally, the ranking bests Campbell Law's previous benchmark of 126 set a year ago. Campbell Law ranked high in several metrics comprising the overall rankings, including student/faculty ratio, graduates employed nine months after graduation with a full-time job lasting at least a year for which bar passage was required or a JD degree was an advantage, and bar passage. Of the seven law schools in North Carolina, Campbell Law stands as one of four institutions ranked inside the top tier.

Campbell Law ranks second on February NC bar exam—Campbell Law School ranked second among the seven North Carolina law schools for first-time bar passage on the February 2014 North Carolina bar exam. Of the six Campbell Law graduates who sat for the exam for the first time, five (83.33%) passed.

Campbell Law earns high marks from The National Jurist for bar passage, employment—Campbell Law School scored an "A" in bar passage and an "A-" in employment in new rankings recently released by The National Jurist. With the rankings, Campbell Law stands as one of just 22 institutions nationally to receive a grade of "A-" or better in both the bar passage and employment categories.

West named 2014 Women in Business award winner—Campbell Law Assistant Dean of External Relations Megan West was named a 2014 Women in Business award winner by the *Triangle Business Journal*. A 2010 Campbell Law graduate, West was recognized at an awards luncheon on April 7 at the Raleigh Marriott City Center.

Duke Law School

Leading scholar of comparative legal history, Chinese law, joins faculty—Taisu Zhang, an interdisciplinary scholar of comparative and economic legal history, property law, and Chinese law, will join the governing faculty in July. Zhang, whose ambitious research agenda includes empirical and theoretical study of property rights in pre-industrial China and Western Europe as well as the operation of the contemporary Chinese judiciary, has been a visiting professor of law at Duke since 2012. His work illuminates the role of culture in shaping legal institutions and the economic impact of those institutions.

Two graduates selected for Supreme Court clerkships—Two 2012 graduates of Duke Law School have been selected for Supreme Court clerkships. Supreme Court Associate Justice Clarence Thomas has selected Jenn Bandy as a clerk for the 2014-2015 term. She clerked for Judge William H. Pryor Jr. of the US Court of the Appeals for the Eleventh Circuit in Birmingham, AL, before joining Kirkland & Ellis in Washington, DC, as an associate.

Sarah Boyce '12 will clerk for former Associate Justice Sandra Day O'Connor during the 2015-16 term. Her time will be divided between assisting O'Connor, who retired from the court in 2006 but remains engaged in judicial service on the United States Courts of Appeals, and serving as a fifth clerk for one of the active justices. Boyce, who previously clerked for Judge Jeffrey S. Sutton of the US Court of Appeals for the Sixth Circuit, is currently completing a one-year Bristow Fellowship in the US Department of Justice.

Eight Duke Law graduates have been selected for Supreme Court clerkships since 2010.

Elon University School of Law

Elon Law student joins First Lady at State of the Union—Tyrone Davis '14, a Leadership Fellow at Elon Law, attended the President's annual address on January 28 as a guest of First Lady Michelle Obama, an honor the White House reserves for "extraordinary Americans who exemplify the themes and ideals laid out in the State of the Union Address." Davis helped Elizabeth City State University decrease carbon emissions by 200 metric tons annually.

Brennan Aberle featured "fighting for the underdog"—A February 17 *News & Record* article featured Elon Law alumnus Brennan Aberle '12, an assistant public defender in Guilford County. "I get to be the person who's there for someone when no one else is there," said Aberle, who was named after a US Supreme Court justice, as were his two brothers, by their father, an appellate public defender in Louisiana.

Family reunification enabled by Elon Law students—After a ten-year separation caused by civil war in Somalia, four children were reunited with their mother on April 16 in Greensboro, aided by law students in Elon's Humanitarian Immigration Law Clinic.

Elon Law forum commemorates Julius Chambers—Elon Law's 2014 Martin Luther King Jr. forum explored the life and legacy of one of the nation's most significant civil rights attorneys. "Few other lawyers have had such a profound influence and impact on the progress of justice and the advancement of civil rights as did Julius Chambers," said George R. Johnson Jr., dean and professor of law.

Elon Law to host national symposium on experiential education in law—The June 13-15 symposium will feature William C. Hubbard, president elect of the ABA, and Bill Henderson, professor of law, Maurer School of Law at Indiana University at Bloomington. Visit law.elon.edu/aell to register.

Visit law.elon.edu for details on all stories above.

North Carolina Central University School of Law

Legal eagles are on the line—Beginning this academic year, second- and third-year students in the North Carolina Central University School of Law are participating in the Lawyer on the Line (LOTL) program, an outreach service of the North Carolina Bar Association in partnership with Legal Aid of North Carolina. Low-wealth clients who con-

tact Legal Aid with simple, civil cases are referred to this hotline service through which lawyers volunteer one-hour phone consultations to start them on their path to justice. Law students participate alongside the volunteer attorneys through the LOTL Law School Co-op.

When cases are referred to the students, the first hour is an intake interview. To learn how to conduct these screening calls, Legal Aid provides the students with access to resource materials in an online library. With facts in hand, the students research the relevant case law and write reports, including their recommendations. Students submit these for review to the NCCU faculty with the relevant expertise and to the supervising volunteer attorney, NCCU Law Alumna Elysia Prendergast Jones. Once the students have the go-ahead, they call the clients back to deliver their advice, and sometimes additional services.

"It's several steps," said Jones. "Lawyer on the Line is one call, one client, one hour, but what the students do is much more intensive. They pull case law. They research. The regular attorneys aren't required to do that."

Jones reminds the students that their role is to empower the client. "They want to fight for their clients, but they must help the people take charge."

The cases run the gamut from landlord and tenant disputes to child custody, expungements, accessing government benefits, and bankruptcy.

"It's great experience for the students, and it allows Legal Aid to make more efficient use of its limited resources," said Professor Page Potter, director of NCCU's *Pro Bono* Program.

University of North Carolina School of Law

Commencement—Donald Verrilli, the current solicitor general of the United States, will deliver the commencement address for UNC School of Law. Verrilli was appointed as solicitor general by President Obama in 2009, and has briefed and argued, on behalf of the United States, some of the most significant Supreme Court cases of recent years.

Banking Institute—Cyber-security threats to financial institutions, the reconstruction of mortgage lending, and the future of community banking were just some of the topics addressed at the Annual Banking Institute hosted April 3-4 in Charlotte by the UNC Center for Banking and Finance. The keynote speaker was Timothy J. Mayopoulos, president and CEO of Fannie Mae.

Center for Civil Rights—Theodore M. "Ted" Shaw will join UNC School of Law July 1 as the first Julius L. Chambers Distinguished Professor of Law and as director of the UNC Center for Civil Rights. The position had been open since founding director Julius L. Chambers, who died last year, stepped down in 2010. Previously Shaw served as director-counsel of the NAACP Legal Defense Fund, the legal arm of the civil rights movement founded by Thurgood Marshall. Shaw joined the LDF in 1982 to litigate school desegregation, voting, and other civil rights cases.

Distinguished Alumni Awards—UNC School of Law celebrated its annual distinguished alumni award winners at the annual Law Alumni Weekend Leadership and Awards Dinner, April 10. The Lifetime Achievement Award was presented to Irvin W. "Hank" Hankins '75, partner and general counsel at Parker Poe in Charlotte. The Distinguished Alumni Award was presented to Barbara Weyher '77, founding partner at Yates, McLamb and Weyher in Raleigh. The school also presented its Outstanding Recent Graduate Award to Lindsey Roberson '07, assistant district attorney in New Hanover County.

Wake Forest University School of Law

Wake Forest Law Appellate Advocacy Clinic takes appeal to SCOTUS—Wake Forest Law Professor John Korzen argued one of the Appellate Advocacy Clinic appeals, *CTS Corporation v. Waldburger*, a civil nuisance action, in the US Supreme Court on Wednesday, April 23. Korzen, who is director of the clinic, says all ten of the clinic's students helped with the research, briefing, and the oral argument preparation, and they all attended the argument. "Working on a case at the Supreme Court and attending the argument, in a case with important nationwide ramifications, was a memorable culmination to all of the students' law school experiences," Korzen said. "They have learned a lot about real-world appellate practice all year through their other appeals, and this experience took the clinic to another level." The Appellate Advocacy Clinic is a two-semester course for 3Ls.

Wake Forest Law professor presents annual report to UN Human Rights Council—Wake Forest Law Professor John Knox, UN independent expert on human rights and the environment, presented his annual report to the UN Human Rights Council on Monday, March 10. The report concludes that environmental harm can adversely affect the ability to enjoy human rights, including rights to life, health, and property. To protect human rights from this harm, states are therefore required to assess environmental impacts on human rights and to make environmental information public, to facilitate participation in environmental decision-making, and to provide access to remedies, among others. His main recommendation is that states and others take these human rights obligations into account in the development and implementation of their environmental policies. The Human Rights Council, which is the principal UN human rights body, appointed Knox in 2012 to a three-year mandate to clarify the relationship of human rights principles and environmental protection. ■

John B. McMillan Distinguished Service Award

Joseph B. Roberts III is a recipient of the John B. McMillan Distinguished Service Award. A native of Gastonia, Mr. Roberts earned his undergraduate degree from the University of North Carolina in 1962, and his law degree from UNC Law School in 1964. Mr. Roberts began in general practice and eventually became one of the state's most respected lawyers in the field of workers' compensation law. He currently practices workers' compensation in Gastonia as the senior partner of the Roberts Law Firm, PA. Throughout his nearly 50 years of practice, Mr. Roberts has established himself as an outstanding attorney, mentor, community servant, and leader. Among countless other endeavors, Mr. Roberts served in the North Carolina House of Representatives, was president of the 27th Judicial District Bar, was a member of the Gaston County Board of Elections, and chaired the Workers' Compensation Section of the North Carolina Bar Association. He has spoken at numerous CLEs and has written many articles relating to workers' compensation law. Throughout his entire career, Mr. Roberts has mentored the lawyers of Gastonia in the ways of professionalism in a lawyer's dealings with courts, colleagues, clients, and the community. A man of integrity who has consistently represented the disadvantaged and dispossessed, Joseph Roberts is a deserving recipient of the John B. McMillan Distinguished Service Award.

K. Edward Greene is a recipient of the John B. McMillan Distinguished Service Award. Mr. Greene earned his undergraduate degree from East Carolina University, his law degree from UNC Law School, and an L.L.M. in Judicial Process from the University of Virginia. Mr. Greene began his law practice in Harnett County in 1969. He served as a district court judge for seven years followed by 16 years as a member of the North Carolina Court of Appeals. On and off the bench, Judge Greene treats every person with courtesy and respect, and encourages respect for the law and the process. Mr. Greene retired from the court of appeals in 2002 as the court's senior associate judge, and now practices full-time at Wyrick, Robbins, Yates & Ponton focusing on appellate litigation. For over 44 years of practice, Mr. Greene has devoted himself to the furtherance of the profession by teaching family law and torts at both Campbell Law School and UNC Law School. He has lectured at countless CLE programs, and has published multiple law review articles on trial practice. He has been listed among the Best Lawyers in America, and named one of the Top 100 Super Lawyers in North Carolina. Mr. Greene is a certified mediator and arbitrator, and is an active member of the NC Courts Commission and the Advocates for Justice. Judge Greene's contributions to his community and the legal profession make him a deserving recipient of the John B. McMillan Distinguished Service Award.

Seeking Award Nominations

The John B. McMillan Distinguished Service Award honors current and retired members of the North Carolina State Bar who have demonstrated exemplary service to the legal profession. Awards will be presented in recipients' districts, with the State Bar councilor from the recipient's district introducing the recipient and presenting the certificate. Recipients will also be recognized in the *Journal* and honored at the State Bar's annual meeting in Raleigh.

Members of the bar are encouraged to nominate colleagues who have demonstrated outstanding service to the profession. The nomination form is available on the State Bar's website, ncbar.gov. Please direct questions to Peter Bolac at the State Bar office, (919) 828-4620. ■

State Bar Outlook (cont.)

altogether. That being the case, our Issues Committee has recently given considerable thought to how lawyers—particularly sole practitioners—can minimize the risks associated with sudden unavailability by engaging in some thoughtful "succession planning." We know, for instance, that state bars in a few other states encourage or require attorneys to nominate their own trustees in advance. Then, when need arises, there are, presumably, willing and able lawyers ready to step in. Frankly, I doubt that that sort of "advance directive" will ultimately do much good. Finding someone to serve is generally one of the least troublesome aspects of the situation. But, we would do well to support any initiative that tends to focus the Bar's attention on the problem and on each lawyer's professional obligation to do what he or she reasonably can to avoid needless harm to clients in the event of his or her own unexpected absence. Something as simple as caching passwords in a safe but accessible place could make life much easier for those who are "left behind." Even more helpful would be a commitment to a well-organized filing system that would make it easy to identify current clients and to separate the active files from those that are closed. Compliance with the Rule of Professional Conduct in regard to trust accounting would also be welcome. The trustee for any decent and self-respecting lawyer ought to be able to readily ascertain the ownership of all entrusted funds and quickly confirm the honesty of the person in whose shoes he or she is standing. Finally, a good lawyer ought to provide for the cost of closing the doors on the way out. A modest amount of money on deposit for that purpose or a small prepaid life insurance policy would go a long way toward insulating clients from their lawyer's misfortune, or his or her decision, suddenly, to go "waltzing Matilda." ■

L. Thomas Lunsford II is the executive director of the North Carolina State Bar.

Client Security Fund Reimburses Victims

At its April 24, 2014, meeting, the North Carolina State Bar Client Security Fund Board of Trustees approved payments of $27,104.88 to five applicants who suffered financial losses due to the misconduct of North Carolina lawyers.

The payments authorized were:

1. An award of $1,000 to a former client of Thomas Clements of Fayetteville. The board determined that when Clements accepted representation of the client for a domestic matter, Clements had been put on notice that an administrative suspension would become effective within 30 days of service unless he completed his CLE hours and paid the non-compliance fee. Clements failed to comply and the suspension became effective. Clements provided no valuable legal services or refund to the client. Clements was suspended on September 22, 2013, and later transferred to disability inactive status on January 15, 2014.

2. An award of $1,850 to a former client of Annette Exum of Raleigh. The board determined that Exum was retained to represent a client in an EEOC claim against the client's former employer. Exum failed to file suit in federal court on the client's behalf within the time allowed. Exum was suspended on January 5, 2011, and later transferred to disability inactive status on February 7, 2011.

3. An award of $17,940.88 to a former client of J. Neal Rodgers of Charlotte. The board determined that Rodgers was retained to handle a client's personal injury matter. Rodgers settled the matter and retained funds to satisfy a medical lien. The State Bar froze Rodgers' trust account prior to the funds being disbursed. Rodgers' trust account balance is insufficient to pay all of his clients' obligations. Rodgers was disbarred on May 25, 2012. The board previously approved reimbursement to another Rodgers client a total of $26,009.63.

4 An award of $400 to a former client of Ronald Carl True of Asheville. The board determined that True was retained by a client to represent her and her friend in separate actions for divorce from their spouses. True died on March 3, 2013, without having provided his client's friend any valuable services.

5. An award of $5,914 to a former client of David Vesel of Raleigh. The board determined that Vesel handled a client's refinance closing. Vesel wrote out disbursement checks to the client's creditors, which he gave to the client for disbursement. The client failed to distribute the checks to the creditors prior to the State Bar freezing Vesel's trust account based upon Vesel's misappropriation. Vesel was disbarred on July 5, 2013. ■

July 2014 Bar Exam Applicants

The July 2014 Bar Examination will be held in Raleigh on July 29 and 30, 2014. Published below are the names of the applicants whose applications were received on or before April 30, 2014. Members are requested to examine it and notify the board in a signed letter of any information which might influence the board in considering the general fitness of any applicant for admission. Correspondence should be directed to Lee A. Vlahos, Executive Director, Board of Law Examiners, 5510 Six Forks Rd., Suite 300, Raleigh, NC 27609.

Dean Achterman
Wake Forest, NC
Laura Ackerman
Durham, NC
Daniel Adducci
Raleigh, NC
Atolani Akinkuotu
Winston-Salem, NC
Jennifer Aldrich
Little Mountain, SC
Amber Allen
Greensboro, NC
David Allen
Pearl River, NY
Victoria Ames
Scottsdale, AZ
Chad Anderson
Durham, NC
Kristin Andrews
Durham, NC
Matthew Andrews
Greensboro, NC
Patrick Anstead
Fayetteville, NC
Patrick Apple
Pleasant Garden, NC
Shannon Arata
Durham, NC
Michael Arena
Clayton, MO
Ryan Arens
Winston-Salem, NC
Cindy Arevalo
Durham, NC
Robert Armstrong
Cary, NC
Nicole Arrington
Charleston, SC
Seth Ascher
Durham, NC
Leah Ash
Charlotte, NC
Emery Ashley Jr.
Smithfield, NC
Linda Atiase
Charlotte, NC
Peter Austin
Morrisville, NC
Christian Ayers
Memphis, TN
Erica Backus
Charlotte, NC
Helen Baddour
Raleigh, NC
Philip Baetjer
Winston-Salem, NC
James Bailey
Winston-Salem, NC
Brittany Bailey
Durham, NC
Wilmoth Baker
Durham, NC
John Baker
Indian Land, SC
Megan Ballard
Atlanta, GA
Sherifatu Bangura
Durham, NC
Adam Banks
Raleigh, NC
Holly Bannerman
Wake Forest, NC
Anna Barefoot
Concord, NC
Sarah Barnes
Raleigh, NC
Christopher Barnes
Rocky Mount, NC
Neil Barnes
Pittsboro, NC
Milton Barnette
Raleigh, NC
James Bartorelli
High Point, NC
Julia Bartz

Durham, NC
Sarah Beamer
Charlotte, NC
Olivia Becilla
Raleigh, NC
Emily Beeson
Greensboro, NC
Jonathan Beigle
Lynchburg, VA
Traci Belk
Rock Hill, SC
David Bell
Durham, NC
Dana Bell
Cary, NC
Cameron Belton
Charlotte, NC
Alisha Benjamin
Raleigh, NC
Mary Bergstrom
Silver Spring, MD
Alexis Berkowitz
Cornelius, NC
Brittany Birch
Santa Monica, CA
Daniel Blackburn
Purlear, NC
Erin Blackwell
Winston-Salem, NC
Latoya Blackwell
Durham, NC
William Blake
Durham, NC
William Blalock
Greensboro, NC
Tamara Bland
Morrisville, NC
Kyle Blodgett
Greensboro, NC
Jhanalyn Blount
Little Rock, AR
Jamie Blundell
Charlotte, NC
Brittany Boatman
Valparaiso, IN
Jennifer Bobowski
Greensboro, NC
Chelsey Boggs
Washington, DC
Abbey Boggs
Charlotte, NC
Jennifer Bogue
Raleigh, NC
Lauren Bohdan
Lexington, VA
Callen Bolick
Apex, NC
Vincent Borden
Charlottesville, VA
Linda Boss
Winston-Salem, NC
Glenna Boston
Durham, NC
Yallana Boston-McGee
Carrboro, NC
Kate Bostrom
Greensboro, NC
Natalia Botella
Charlotte, NC
Jennifer Bottoms
Charlotte, NC
Charles Bowen
Charlotte, NC
Michael Bowlin
Charlotte, NC
Elizabeth Bowling
Charlotte, NC
Lindsey Bowman
Mechanicsville, VA
Sarah Bowman
Fletcher, NC
Angel Bowser
Lansing, MI
Douglas Boyette
Raleigh, NC
Brittany Branch
Charlotte, NC
Joshua Brasch
Charlotte, NC
David Brennan
Winston-Salem, NC
Molly Brewer
Raleigh, NC
Joseph Brewer
North Wilkesboro, NC
Erin Briley
Durham, NC
Logan Britt
Charlotte, NC
Joseph Britton
Zebulon, NC
Jack Brock
Winterville, NC
Nicholas Brod
Durham, NC
Ross Bromberger
Apex, NC
Karen Brooks
Winston-Salem, NC
Virginia Broome
Mint Hill, NC
Megan Brothers
Raleigh, NC
Lindsey Brower
Charlotte, NC
Matthew Brower
Lawrence, KS
Andrew Brower
Greensboro, NC
Thomas Brown
Greensboro, NC
Anthony Brown
Charlotte, NC
Malcolm Brown
Durham, NC
Mary Brown
Raleigh, NC
Anitra Brown
Raleigh, NC
Maria Brown
Durham, NC
Catherine Bruce
Chapel Hill, NC
Zoe Bruck
New Orleans, LA
Maria Bruner
Durham, NC
Nicholas Brunner
Finksburg, MD
Alexandria Bryant
Raleigh, NC
Justin Bryant
Mount Airy, NC
Thailer Buari
Winston-Salem, NC
Elizabeth Buckley
Durham, NC
Loryn Buckner
Durham, NC
Matthew Buckner
Durham, NC
Seth Bullard
Winston-Salem, NC
Marcos Bullock
Charlotte, NC
Emily Bullock
Charlotte, NC
Michael Bunch
Greensboro, NC
John Bunge
Gainesville, FL
Carl Burchette
Chapel HIll, NC
Shante Burke-Hayer
Charlotte, NC
Sherea Burnett
Graham, NC
Robert Burrow
Charlotte, NC
Benjamin Buskirk
Raleigh, NC
Amanda Buyrn
Raleigh, NC
Micah Byrd
Durham, NC
Jourdan Cabe
Durham, NC
Alex Cabe
Waynesville, NC
Amanda Cairns
Raleigh, NC
Tyler Caldwell
Winston-Salem, NC
Anil Caleb
Fayetteville, NC
Colin Campbell
Lynchburg, VA
Grant Canington
Raleigh, NC
Eric Cannon
Greensboro, NC
Bryan Cantley
Raleigh, NC
Brendan Cappiello
Chapel Hill, NC
John Cargill
Greensboro, NC
Draper Carlile
Charlotte, NC
Rachel Carlson
Oxford, MS
Kriss Anne Carlstrom
Charlotte, NC
Brett Carpenter
Raleigh, NC
Anthony Carreri
Lansing, MI
Isabel Carson
Charlotte, NC
Kelly Carson
New Haven, CT
Evan Carter
Charlottesville, VA
Courtney Carter
Charlotte, NC
Sydney Carter
Charlotte, NC
Benjamin Carter
Rocky Mount, NC
Ashley Carter
Mebane, NC
Candace Casey
Winston-Salem, NC
Avery Catlin
Lexington, VA
Galo Centenera
Chapel Hill, NC
Andrew Chamberlain
Charlotte, NC
Cheyenne Chambers
Columbus, OH
Katherine Chanas
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Eleanor Chandler
Raleigh, NC
Roby Chatterji
Chapel Hill, NC
Andrew Cheek
Charlotte, NC
Richard Cheek
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Marcus Childress
Alexandria, VA
Rex Cho
Raleigh, NC
Allan Chua
Charlotte, NC
Travis Cianciulli
Raleigh, NC
Sarah Cibik
Raleigh, NC
Erick Cipau
Allston, MA
Corey Clapper
Raleigh, NC
Vanessa Clark
Charlotte, NC
Kinna Clark
Durham, NC
Jennifer Claud-White
Raleigh, NC
David Clemmons
Charlotte, NC
Catherine Clodfelter
Chapel Hill, NC
James Coates
Ada, OH
Anna Cobb
Chapel Hill, NC
Jessika Coe
Chicago, IL
Diane Collopy
Cary, NC
Sarah Colwell
Chapel Hill, NC
Mariamarta Conrad
Coats, NC
Teresa Cook
chapel hill, NC
Justin Cook
Kernersville, NC
Scott Cook
Greensboro, NC
Thomas Cooke
New York, NY
Aneshia Cooper
Durham, NC
Haley Cooper
Clinton, NC
Sarah Core
Four Oaks, NC
Stephanie Corley
Wilmington, NC
Katherine Corpening
Raleigh, NC
Brittni Cortright
Charlotte, NC
Guy Cousins
Charlotte, NC
Erin Cowan
Lexington, NC
Ron Cowart
Charlotte, NC
Lindsey Cox
Charlotte, NC
Taylor Crabtree
Durham, NC
Jasmine Crawford
Elizabeth City, NC
Elspeth Crawford
Asheboro, NC
Justin Crawley
Grundy, VA
Kelly Crecco
Chapel Hill, NC
Margaret Cromer
Durham, NC
Brentley Cronquist
Roxboro, NC
James Crowder
Graham, NC
James Crutchley
Fayetteville, NC
Phyllis Culbertson
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Emma Cullen
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Vanessa Curtis
Morrisville, NC
Caitlin Cutchin
Winston-Salem, NC
Melissa Dahl
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Wesley Dail
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Stephen Dalton
Brevard, NC
Molly Daniel-Springs
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Kenneth Dantinne
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Meredith Darlington
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Debolina Das
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Hannah Davies
Rutherfordton, NC
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Greensboro, NC
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Davidson, NC
Valyce Davis
Roanoke Rapids, NC
Charles Davis
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Kayla Davis
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Raleigh, NC
Jacob Davis
Raleigh, NC
Jill Dawkins
Charlotte, NC

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James Deal
Carrboro, NC
Aundrea Dean
Charlotte, NC
Stephen DeGrow
Winston-Salem, NC
Kristen DelForge
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Lana Denning
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Timothy Denninger
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Winston-Salem, NC
Kevin Denny
Chapel Hill, NC
Lee Denton
Winston-Salem, NC
Kenneth Deon
Columbia, SC
Jonathan deShetler
Columbia, SC
Tasneem Dharamsi
Virginia Beach, VA
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William Dickey
Fayetteville, NC
Elizabeth Dils
Raleigh, NC
Deshaun Dilworth
Indian Trail, NC
Daniel DiMaria
Fayetteville, NC
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Greenville, NC
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Carolyn Donohue
Charlotte, NC
Katharine Doran
Salisbury, NC
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Durham, NC
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Raleigh, NC
James Douglas
Chapel Hill, NC
Katherine Dowell
Raleigh, NC
William Dozier
Raleigh, NC
Brandy Drake
Albemarle, NC
Christopher Draughn
Charlotte, NC
Megan Driggers
Winston-Salem, NC
Daniel Driscoll
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William Duncan
Columbia, SC
Eric Duncan
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Ross Duncklee
Cary, NC
Kristen Dunham
Greensboro, NC
Chad Dunn
Charlottesville, VA
Stephen Dunn
Clayton, NC
Julian DuRant
Winston-Salem, SC
Amanda Dure
Washington, DC
Luka Duric
Salisbury, NC
John Durnovich
Charlotte, NC
William Dyer V
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Daniel Dziuban
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Christopher Edwards
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Nigel Edwards
Raleigh, NC
Ryan Eletto
Chapel Hill, NC
Naomi Ellis
Raleigh, NC
Marshall Ellis
Raleigh, NC
Belal Elrahal
Chapel Hill, NC
John Emmrich
Charlotte, NC
Megan Endersby
Winston-Salem, NC
Lindsey Engels
Charlotte, NC
Robert Ennis
Chapel Hill, NC
Harold Eustache
Winston-Salem, NC
Irene Eustathiou
Cary, NC
John Evans
Greensboro, NC
Connie Evans
Charlotte, NC
Andrew Evans
Raleigh, NC
Jonathan Evans
Durham, NC
Elizabeth Evans
Beulaville, NC
Emily Everest
Atlanta, GA
Adam Everett
Raleigh, NC
Lauren Eversole
Lancaster, OH
Rebecca Fackler
Charlotte, NC
Ryan Fairchild
Chapel Hill, NC
Olivia Fajen
Durham, NC
Ronald Fallatt
Charlotte, NC
Stephanie Faris
Pittsboro, NC
Jason Farley
Raleigh, NC
Shane Farr
Durham, NC
Chance Farr
Fort Mill, SC
Sarah Farris
Raleigh, NC
Michael Fausnight
Raleigh, NC
Elizabeth Feagans
Charlotte, NC
John Fede
Greensboro, NC
Nicole Fegan
Atlanta, GA
Ryan Feinberg
Charlotte, NC
Piper Ferguson
Raleigh, NC
Amber Ferrell
Charlotte, NC
David Festin
Charlotte, NC
Brent Finnell
Apex, NC
Ryan Fisher
Chapel Hill, NC
Rebecca Fiss
Chapel Hill, NC
Kevin Flanigan
Winston-Salem, NC
Walter Fletcher
Durham, NC
Ibelis Flores
Charlotte, NC
William Flowers
Charlotte, NC
Qisoundra Flowers
Fuquay Varina, NC
Jamaal Forney
Fayetteville, NC
Bradley Fortier
Durham, NC
Rebecca Fortune
Chapel Hill, NC
Anita Foss
Bloomington, IN
Nicholas Fracassi
North Wilkesboro, NC
Templin Frame
Cornelius, NC
Victoria Franklin
Sanford, NC
Joshua Franks
Brookline, MA
Clayton Frazier
Raleigh, NC
Molly Fredeking
Charlotte, NC
Tyler Fredrickson
Crossnore, NC
Natalie Freeman
Charlotte, NC
Breanna Freeman
Raleigh, NC
Megan Frers
Charlotte, NC
Ama Frimpong
Winston-Salem, NC
Matthew Froelich
Elgin, SC
Michael Frongello
Apex, NC
Lindsey Frye
Chapel Hill, NC
Rachel Fulk
Raleigh, NC
Lev Gabrilovich
Chapel Hill, NC
Amanda Gainey
Morrisville, NC
James Gambrell
Charlotte, NC
Michael Gandee
Wilmington, NC
Sean Gannaway
Winston-Salem, NC
Tyler Ganzel
Charlotte, NC
Lucas Garber
Charlotte, NC
Rebekah Garcia
Winston-Salem, NC
Latoya Gardner
Charlotte, NC
Jennifer Garey
Apex, NC
Amber Garland
Charlotte, NC
David Garvin
Chapel Hill, NC
Steven Gauck
Cary, NC
Charles George
Aiken, SC
Julia German
Durham, NC
Indranil Ghosh
Durham, NC
Tiffany Gidley
Raleigh, NC
Kimberly Gill
Lansing, MI
Gael Gilles
Fort Mill, SC
Jason Gillis
Elizabeth City, NC
Valonne Givens
Sneads Ferry, NC
Gloria Gloria
Charlotte, NC
Quinn Godwin
Chapel Hill, NC
Janessa Goldstein
Charlotte, NC
James Goodwin
Winston-Salem, NC
Robert Goolsby
Raleigh, NC
Kelli Gordon
Raleigh, NC
Brittany Gordon
Metairie, LA
Michael Gossett
Charleston, SC
Michael Goudreault
Mooresville, NC
Madeline Gould
Charlotte, NC
Charlene Gourlay
Charlotte, NC
Marisa Graham
Mooresville, NC
Isa Gratacos Rosario
New Bern, NC
William Gravatt
Durham, NC
Carla Gray
Chapel Hill, NC
Lauren-Kelly Greenbacker
Washington, DC
Laura Greene
Raleigh, NC
Jonathan Greer
Cary, NC
Leah Gregoire
Dallas, NC
Caroline Gregory
Raleigh, NC
Jordan Griffin
Monroe, NC
Bryan Grossman
Raleigh, NC
Eva Gullick
Chapel Hill, NC
Robert Gunst
Winston-Salem, NC
Nina Gupta
Fayetteville, NC
Kathryn Guyette
Charlotte, NC
Harper Gwatney
Raleigh, NC
Ashley Gwyn
Charlotte, NC
Michael Haigler
Charlotte, NC
Adam Hall
King, NC
Joshua Hall
Hope Mills, NC
Destin Hall
Lenoir, NC
Amberley Hammer
Currituck, NC
John Hanna
Charlotte, NC
Craig Harasimowicz

Winston-Salem, NC
Christopher Harden
Charlotte, NC
Amber Hardy
Winston-Salem, NC
Andrew Hargrove
Raleigh, NC
Lauren Harkey
Chapel Hill, NC
James Harrell
Winston-Salem, NC
Nathan Harrill
Winston-Salem, NC
Ashley Harris
Raleigh, NC
Angel Harris
Cary, NC
Molly Harris
Durham, NC
Christine Hart
Matthews, NC
Colleen Hart
Chapel Hill, NC
Elaine Hartman
Raleigh, NC
Christopher Hartsfield
Charlotte, NC
Julija Hassel
Charlotte, NC
Adam Hauser
Greensboro, NC
Phillip Hausman
Raleigh, NC
Gregory Haver
Charlotte, NC
Hailey Hawkins
Charlotte, NC
Megan Hawn
Maiden, NC
Suzanne Haynes
Greensboro, NC
Meredith Hearn
Winston-Salem, NC
Mary Hedges
Raleigh, NC
Joel Heimbach
Raleigh, NC
Nicholas Helms
Stanfield, NC
Robert Henderson
Winston-Salem, NC
Timothy Henderson
Carrboro, NC
Iyanna Henry
Chapel Hill, NC
Christopher Hensley
Cary, NC
Martha Hernandez
Wendell, NC
Kathryn Herndon
Kings Mountain, NC
Clifford Herndon
Rockingham, NC
Matthew Herr
Durham, NC
William Hester
Winston-Salem, NC
Alice Hicks
Winston-Salem, NC
Samuel Hightower
Chapel Hill, NC
Molly Hilburn-Holte
Raleigh, NC
Laura Hill
Greensboro, NC
Lydia Hill
Columbia, SC
Lindsey Hills
Charlotte, NC
Sarah Hink
Raleigh, NC
Chassidy Hinton
Durham, NC
Alexandra Hirsch
Charlotte, NC
Ariel Hodge
Greensboro, NC
Lisa Hodges
Raleigh, NC
Paul Hogle
Durham, NC
Scott Holder
Durham, NC
Ross Holland
Winston-Salem, NC
Benjamin Holt
Durham, NC
Mallory Horne
Greensboro, NC
Devlin Horton
Chapel Hill, NC
Cory Howard
Winston-Salem, NC
Jaimey Howard
Durham, NC
Rachel Hsiao
Lillington, NC
Amanda Huegerich
Chapel Hill, NC
Palmer Huffstetler
Lincolnton, NC
Donald Huggins
Fuquay-Varina, NC
Kathryn Hughes
Winston-Salem, NC
Timothy Hughes
Asheville, NC
Amber Hughes
Kinston, NC
Jeremy Hughes
Charlotte, NC
Timothy Hultzman
Durham, NC
Jacob Husain
Charlotte, NC
Jeffery Hux
Raleigh, NC
Tony Huynh
Greensboro, NC
Kenneth Isaacs
Boone, NC
Karmina Ishak
Raleigh, NC
Daniel Iten
Charlotte, NC
C. L. Jackson
Charlotte, NC
Jeremy Jackson
Raleigh, NC
Nathan James
Raleigh, NC
Marisa James
Charlotte, NC
Nathan Jarrett
Jackson, MS
Keith Jaworski
Lexington, VA
Rachel Jeanes
Greensboro, NC
Philip Jefferay
Raleigh, NC
Walter Jenkins
Biscoe, NC
Justin Jenkins
Winston-Salem, NC
Kenneth Jennings
Raleigh, NC
Jonathan Jerkins
Raleigh, NC
Margaret Jernigan
Raleigh, NC
Gabriel Jimenez Medina
Wake Forest, NC
David Jimerfield
Cary, NC
Harry Johnson
Raleigh, NC
William Johnson
Durham, NC
Caroline Johnson
Ambler, PA
Lisa Johnson
Port Saint Lucie, FL
Sarah Johnson
Columbia, SC
Hilary Johnson
Charlotte, NC
Charles Johnson III
Oak Island, NC
Jenny Joliet
Noblesville, IN
James Jolley
Raleigh, NC
Leah Jones
Winston-Salem, NC
Whitney Jones
Charlotte, NC
Jacqueline Jones
Charlotte, NC
Gerald Jones
Charlotte, NC
Ticora Jones
Salisbury, NC
Meredith J Jones
Holly Ridge, NC
Casey Jones
Wilson's Mills, NC
Kaitlyn Jones
High Point, NC
Samuel Jones
Greensboro, NC
Monica Jones
Harrisburg, NC
Ashton Jordan
Tallahassee, FL
Ryan Joyce
Winston-Salem, NC
Zachary Joyner
Chapel Hill, NC
Francis Jurovich
Flat Rock, NC
Marianna Kacjuba
Denver, NC
Emily Kafka
Robbins, NC
Anna Kalarites
Arlington, VA
Holly Kamm
Charlotte, NC
Daniel Keeney
Winston-Salem, NC
Jasmine Kelly
Winston-Salem, NC
Donald Kelly
Coral Gables, FL
Alexander Kelly
Winston-Salem, NC
Benjamin Kempton
Raleigh, NC
Christopher Kendall
Raleigh, NC
Mary Kennedy
Charlotte, NC
Ryan Kennedy
Durham, NC
Victoria Kepes
Sullivans island, SC
Matthew Kerr
Charlotte, NC
Seaira Kersch
New Orleans, LA
Joseph Kesler
Raleigh, NC
Danielle Kestnbaum
Highland Park, IL
Amber Khan
Mebane, NC
Lawrence Kibler Jr.
Huntersville, NC
Sarah Kim
Concord, NC
Amanda Kincaid
Greensboro, NC
Mary Fletcher King
Raleigh, NC
Isaac King
South Miami, FL
Nikol King
Mount Pleasant, SC
Michael King
Mount Olive, NC
Amanda King
Advance, NC
Yanneka King
Raleigh, NC
Erin King
Chapel Hill, NC
Steven King
Chapel Hill, NC
Alyssa Kisby
Durham, NC
Kevin Kitcey
Charlotte, NC
Benjamin Kleinman
Chapel Hill, NC
Daniel Knight
Raleigh, NC
David Knoespel
Lexington, VA
Heryka Knoespel
Lexington, VA
Tammy Kom
Astoria, NY
Katherine Koone
Greensboro, NC
Charlotte Kraich
Earlysville, VA
Laura Krcmaric
Durham, NC
Sperethoula Kroustalis
Greensboro, NC
Mario Krueger
Apex, NC
Rachel Krumholtz
Charlotte, NC
Megan Kunz
Kernersville, NC
Georgia Kuplic
Chapel Hill, NC
Elizabeth Kyser
Winston-Salem, NC
Stephanie Laboy
Durham, NC
Kamay Lafalaise
Winston-Salem, NC
Tiffany Lail
Winston-Salem, NC
David Lambert
Asheboro, NC
David Lambeth
Chapel Hill, NC
Peter Lamm
Greensboro, NC
David Lampert
Ada, OH
Joshua Lance
Chapel Hill, NC
Charles Lane
Greensboro, NC
James Lanier
Charlotte, NC
Matthew Lanning
Charlotte, NC
Patrick Lawler
Chapel Hill, NC
Seth Lawrence
Chapel Hill, NC
Ashley Lawrence
New Bern, NC
LeeAnne Lawrence
Edenton, NC
Justin Lea
Winston, NC
Madeline Lea
Hurdle Mills, NC
James Lee
Raleigh, NC
Dawn Lee
Winston-Salem, NC
Phoebe Lee
Durham, NC
Nicholas Lee
Virginia Beach, VA
Kelsey Lee
Concord, NC
Scott Leeds
Miami, FL
Whitney Levis
Charlotte, NC
Adrienne Lewis
Huntersville, NC
Brett Lewis
Raleigh, NC
Logan Liles
Zebulon, NC

James Limehouse
Winston-Salem, NC
Charles Lingerfelt
Morrisville, NC
Howard Lintz
Chapel Hill, NC
Elizabeth Linzan
Charlotte, NC
Allen Livingston
Charlotte, NC
Sean Lobar
White Hall, MD
Sarah Loehr
Charlotte, NC
Daniel Logan
Winston-Salem, NC
Torrey Lomas
Matthews, NC
Kevin Long
Charlotte, NC
Brittany Long
Fletcher, NC
John Long Jr.
Cary, NC
Rebecca Lopes
Fayetteville, NC
Jacob Lopes
Winston-Salem, NC
Maria Lopez
Charlotte, NC
Wade Love
Greensboro, NC
Anna Love
Zebulon, NC
James Lucarello
Charlotte, NC
Jasmine Lucas
Carthage, NC
Laura Luffman
Greensboro, NC
Katrice Lyles
Boiling Springs, SC
John Lyman
Chapel Hill, NC
Erin MacDonald
Durham, NC
Lucy MacDonald
Raleigh, NC
Roland Macher
Cornelius, NC
Marc Mackenzie
Falls Church, VA
Anuradha Madan
Chapel Hill, NC
Andrea Madle
Durham, NC
Munashe Magarira
Chapel Hill, NC
Patterson Maharajh
Charlotte, NC
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Columbia, SC
Chad Malmberg
Waxhaw, NC
Emily Malone
Washington, DC
Emily Maloney
Mooresville, NC
Courtney Mann
Charlotte, NC
Justin Mann
Raleigh, NC
Alexandra Mansbach
Charlotte, NC
Peyton Mansure
Greensboro, NC
Pedro Mantilla
Raleigh, NC
Luis Maradiaga
Chapel Hill, NC
Blake Marcus
Lansing, MI
Ashley Markham
Durham, NC
Thomas Markle
Nashotah, WI
Mary Markle
Tempe, AZ
William Marks
Statesville, NC
Karey Marren
Columbus, GA
Kayla Marshall
Charlottesville, VA
Edward Marshall
Charlotte, NC
Aaron Marshall
Charlotte, NC
Michael Martin
Raleigh, NC
Haley Martin
Charlotte, NC
Sarah Martin
Wingate, NC
Emily Martin
Chesapeake, VA
Molly Martinson
Chapel Hill, NC
Eric Martinson
Raleigh, NC
William Massengale
Chapel Hill, NC
Dylan Mataway-Novak
Durham, NC
Emily Mather
Raleigh, NC
Audra Matney
Knoxville, TN
Kenneth Mattern
Sanford, NC
Caroline Mauch
Greensboro, NC
Justin May
Raleigh, NC
Ashley McAlarney
Chapel Hill, NC
Scott McAllister
Charlotte, NC
Sharee McCall
Apex, NC
Kayla McCann
Ashland, KY
Blaire McClanahan
Greensboro, NC
Teresa McCollum
Rock Hill, SC
Catherine McCormick
Chapel Hill, NC
Shawndria McCoy
Knightdale, NC
Keith McCrickard
Greensboro, NC
Deborah McDermott
Durham, NC
Angelica McDonald
Durham, NC
Charles McDowell
Raleigh, NC
Ramona McGee
Durham, NC
Kasey McGee
Pittsburgh, PA
Colin McGrath
Raleigh, NC
John McGraw
Raleigh, NC
Cory McInnis
Laurinburg, NC
David McKaig
Knightdale, NC
Madeline McKeller
Washington, DC
Terrence McKelvey
Nashville, TN
Franklin McKinney
Raleigh, NC
Sarah McLean
Gastonia, NC
Maria McLendon
Asheville, NC
Raquel McLennon
Apex, NC
James McLeod
Tuscaloosa, AL
John McMurray
Columbia, SC
Anna McNeill
Raleigh, NC
Eliu Mendez
Raleigh, NC
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Charlotte, NC
Samuel Merritt
East Lansing, MI
Barbara Meskill
Charlotte, NC
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Greensboro, NC
Keith Metz
Charlotte, NC
Steven Meyerhoffer
Raleigh, NC
William Miles
Wrightsville Beach, NC
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Charlotte, NC
Amanda Miller
Charlotte, NC
Jonathan Miller
New York, NY
Adam Mincher
Oxford, NC
Maria Minis
Belmont, NC
Michael Minnick
Los Angeles, CA
Candace Mitchell
New York, NY
William Mitchell
Greensboro, NC
Catherine Mitchell
Durham, NC
Jocelyn Mitnaul
Chapel Hill, NC
Brittany Mixon
Raleigh, NC
Gerren Mobley
Raleigh, NC
Brandon Moen
Charlotte, NC
Ryan Moffitt
Burlington, NC
Camille Mollozzi
Washington, DC
Brandon Monette
Charlotte, NC
Iara Montoro
Lexington, KY
Brittany Moore
Asheviille, NC
Matthew Moore
Davidson, NC
Stephen Moore
Raleigh, NC
Joshua Mooring
Grundy, VA
Daniel Moose
Raleigh, NC
Obed Morales
Winston-Salem, NC
Bradley Moree
Raleigh, NC
Emily Moree
Raleigh, NC
Molly Morgan
Durham, NC
Rashad Morgan
Durham, NC
Thomas Morrow
Summerfield, NC
Aaron Morse
Charlotte, NC
Joseph Mosher
Charlotte, NC
Blaire Mosley
Huntersville, NC
Benjamin Mueller
Silverthorne, CO
Saiyani Mukombe
Durham, NC
Samantha Mul
Charlotte, NC
Daniel Mullins
Chapel Hill, NC
Satie Munn
Chapel Hill, NC
Michael Murphy
Raleigh, NC
Anna Murphy
Greensboro, NC
Seanna Murray
Charlotte, NC
Sarah Murray
Raleigh, NC
Kahran Myers
Charlotte, NC
John Nail
Winston-Salem, NC
Michael Nash
Browns Summit, NC
Tessa Neal
Grundy, VA
Jonathon Neale
Charlotte, NC
Mara Nelson
Cherokee, NC
Elena Nesch
Durham, NC
Brett Neve
Chapel Hill, NC
Erin Nevitt
Raleigh, NC
Johanna Newman
Charleston, SC
Caleb Newman
Huntersville, NC
Rachel Nicholas
Durham, NC
William Nichols
Clayton, NC
Sherrie Niles
Franklin, MA
Daniel Nisenson
Williamsburg, VA
Monica Noble
Raleigh, NC
Cassidy Nolan
Durham, NC
Sarah Norris
Raleigh, NC
Patrick Novak
Philadelphia, PA
Ana Nunez
Durham, NC
Ann Nutter
Louisville, KY
Jillian Nyhof
Lexington, VA
Carlon Ocel
Alexandria, VA
Seiko Okada
Carrboro, NC
Maura OKeefe
Chapel Hill, NC
Colin Okoye
Raleigh, NC
Philip Olivier
Raleigh, NC
David Omer
Raleigh, NC
Yoko Onishi
Yokohama, Japan
Ukachukwu Onuoha
Chapel Hill, NC
Michelle Oria
Sunrise, FL
Amelia O'Rourke-Owens
Durham, NC
Nikolas Ortega
Raleigh, NC
Jenalee Osier
Pineville, NC
Susan Overby
Raleigh, NC
Joseph Owen
Chapel Hill, NC
Victoria Owens
Charlotte, NC
Kelly Owens
Charlotte, NC
Kathleen Oxley
Charlotte, NC
William Pagan
Durham, NC
Shannon Page

Raleigh, NC
Matthew Pagett
Raleigh, NC
Nikeeta Pal
Pineville, NC
Susan Park
Chapel Hill, NC
William Parker
Durham, NC
Melvin Parker
Wake Forest, NC
Barbara Parker
Knoxville, TN
Elizabeth Parrott
Raleigh, NC
Jeanelle Patel
Raleigh, NC
Minisha Patel
High Point, NC
Ann Patterson
Tallahassee, FL
Brandon Patton
Raleigh, NC
Timothy Pavone
Charlotte, NC
Donald Pender
Durham, NC
Seleste Perez
Charlotte, NC
Rome Perlman
Charlotte, NC
John Perna
Cary, NC
Josepine Peters
Beaver, WV
Courtney Peters
Raleigh, NC
Sandra Petersson
Charlotte, NC
Joseph Petrack
Lexington, NC
Jacob Phelps
Oxford, MS
Justin Philbeck
Winston-Salem, NC
Catherine Phillips
Raleigh, NC
Anne Phillips
Ann Arbor, MI
Mandalin Phillips
Charlotte, NC
Jeffrey Philogene
Charlotte, NC
Robert Pike
Nashville, NC
Andrew Pinto
Greensboro, NC
Gabrielle Pippen
Greensboro, NC
Dulce Plaza
Charlotte, NC
Dawson Plimpton
Mars Hill, NC
Zachary Poole
Salisbury, NC
Joyce Pope
Chapel Hill, NC
Ryan Potts III
Charlotte, NC
Jason Power
Charlotte, NC
Kaitlin Powers
Chapel Hill, NC
Lauren Powers
Chapel Hill, NC
Trevor Presler
Durham, NC
Kayla Price
Clinton, NC
Haley Price
Greensboro, NC
Jessica Price
Monroe, NC
Daniel Prichard
Durham, NC
Asia Prince
Holly Springs, NC
Thomas Prince
Charlotte, NC
Stephen Prince
Pinehurst, NC
Stephen Pritchard
Winston-Salem, NC
Stephanie Proietty
Charlotte, NC
Lachelle Pulliam
Charlotte, NC
James Pully
Raleigh, NC
Kelsey Queen
Charlotte, NC
Kelly Quick
Durham, NC
Jessica Ra
Raleigh, NC
George Raad Jr
Charlotte, NC
Allison Rackley
Carrboro, NC
Ryan Radford
Columbia, MD
Jacob Raehn
Columbia, SC
Carla Raez
Huntersville, NC
Brenna Ragghianti
Greensboro, NC
Jonathan Rash
Durham, NC
Caitlin Ray
Huntington, WV
Megan Ray
Jacksonville, FL
Emily Ray
Charlotte, NC
Christopher Rayburn
Charlotte, NC
Patrick Reale
Charlotte, NC
Andrew Realon
Greensboro, NC
John Reece
Winston-Salem, NC
Melissa Reed
Apex, NC
Breanne Reed
Pittsburgh, PA
Thomas Reichert
Ocean View, DE
Justin Reimer
Chapel Hill, NC
Christopher Reinhard
Raleigh, NC
Katie Reynolds
Chapel Hill, NC
Rebecca Reynolds
Charlotte, NC
Chad Rhoades
Clemmons, NC
Giles Rhodenhiser
Durham, NC
Howard Rhodes
Hillsborough, NC
Adrianne Ribar
Rougemont, NC
Christina Rice
Charlotte, NC
Natalya RIce
East Bend, NC
Cara Richards
Cary, NC
Ian Richardson
Raleigh, NC
Ramon Richardson
Rockville, MD
Ethridge Ricks
Chapel Hill, NC
Kent Ridge
Charlotte, NC
Jonathan Ries
Charlotte, NC
Chad Riggsbee
Raleigh, NC
Samone Ripley
Winston-Salem, NC
Zachary Rivenbark
Burgaw, NC
Adrainne Roberts
Winston-Salem, NC
Nicholas Roberts
High Point, NC
Christian Robin
Greensboro, NC
Porsha Robinson
Chapel Hill, NC
Daron Robinson Jr.
Mount Holly, NC
Rosa Rodriguez-Michel
Chapel Hill, NC
Jeffrey Roether
New York, NY
Myles Rogers
Winston-Salem, NC
Emily Rojas
Chapel Hill, NC
Erica Romain
Chapel Hill, NC
Lindsay Romine
Raleigh, NC
Lianna Rossman
Charlotte, NC
Alexander Rothschild
Winston-Salem, NC
Tiffany Roulhac
Fayetteville, NC
Kathryn Ruark
Chapel Hill, NC
Christopher Rumfelt
Marion, NC
Virginia Runion
Campbell, CA
Rebecca Rushton
Eugene, OR
Karen Rust
Jamestown, NC
Kelly Ryan
Chapel Hill, NC
Dana Rybak
Raleigh, NC
Holly Safi
Durham, NC
Harun Saglik
Cary, NC
Bianca Sahni
Charlotte, NC
Katelyn Sally
Raleigh, NC
Navdeep Sandhu
Durham, NC
Alyson Sandul
Odenton, MD
Regina Sarkis
Charlotte, NC
Alexander Saunders
Raleigh, NC
Elizabeth Sawyer
Chicago, IL
Jeremy Schneider
Sterling, VA
Juan Sclafani
Forest, VA
Andrew Scott
Greensboro, NC
John Sechrist
Winston-Salem, NC
Robin Seila
San Juan, PR
Edith Serrano
Rougemont, NC
Bobby Sessoms
Athens, GA
Eli Sevcik-Timberg
Chapel Hill, NC
Michael Shapiro
Laurinburg, NC
Danielle Shapiro
Ormond Beach, FL
Kristine Shawkey
Charlotte, NC
Ruth Sheehan
Raleigh, NC
Phillip Shelton
Chapel Hill, NC
Troy Shelton
Morrisville, NC
Amanda Sherin
Chapel Hill, NC
Bryan Sherrick
Youngsville, NC
Jungwon Shin
Charlotte, NC
Edwin Shoaf
Winston-Salem, NC
Kevin Sholette
Charlotte, NC
Geri Shomo
Greensboro, NC
Kendall Short
Atlanta, GA
John Simermeyer
Baltimore, MD
Megan Simmons
Goose Creek, SC
Grier Simmons
Raleigh, NC
Brittney Simpson
Simpsonville, SC
Janisha Simpson
Jacksonville, FL
William Sims
Durham, NC
Jesse Skene
Chapel Hill, NC
Jennifer Skinner
Winston-Salem, NC
Michael Skinner
Charlotte, NC
Ashton Slate
Hickory, NC
Kyle Smalling
Raleigh, NC
Monique Smart
Winston-Salem, NC
Chynna Smith
Raleigh, NC
NeQuantis Smith
El Paso, TX
Sherrie Smith
Charlotte, NC
Jena Smith
Charlotte, NC
Morgan Smith
Clemmons, NC
Rachel Smith
Charlotte, NC
Jason Smith
Raleigh, NC
Kenneth Smith
Raleigh, NC
Taylor Smith
Wake Forest, NC
Hillary Smith
Chapel Hill, NC
Lindsay Smith
Durham, NC
Eric Smithson
Stateville, NC
William Snukals
Raleigh, NC
Demitra Sourlis
Chapel Hill, NC
Opeyemi Sowemimo
Durham, NC
Rachel Spears
Eastover, NC
Scotty Speas
Rural Hall, NC
LaSaundra Spencer
Concord, NC
Anthea Spires
Cary, NC
David Staggs
Springfield, MA
Ashley Stallings
Benson, NC
Shemrico Stanley
Charlotte, NC
Cameron Stanton
Greensboro, NC
Kyle Stark
Raleigh, NC
Alexander Stark
Raleigh, NC
Nicholas Stark
Matthews, NC

Adam Steele
Holly Springs, NC
Lear-la Stefanics
Santa Clara, CA
Laraque Stewart
Durham, NC
Charlotte Stewart
Chapel Hill, NC
Adam Stoddard
Cary, NC
Matthew Stone
Raleigh, NC
Andrew Stormer
Raleigh, NC
Stephanie Stracqualursi
Raleigh, NC
Kristi Strawbridge
New Bern, NC
Katherine Street
Clayton, NC
Daniel Strickland
Washington, DC
Cassandra Strunk
Knoxville, TN
Alexandra Suarez
Morrisville, NC
Matthew Sullivan
Charlotte, NC
Jacob Sullivan
Raleigh, NC
Samantha Surles
Chapel Hill, NC
Liliam Sussman
Charlotte, NC
Giles Sutton
Charlotte, NC
Justin Sutton
Durham, NC
Melissa Swaby
Cleveland, OH
Erin Swinney
Durham, NC
Andrew Tamer
Charlotte, NC
Cheston Tang
Winston-Salem, NC
Allison Tanner
Chapel Hill, NC
Shantel Tatem
Charlotte, NC
Christian Taylor
Cary, NC
Michael Taylor
Chapel Hill, NC
Katherine Taylor
Chapel Hill, NC
Brandon Taylor
Fort Mill, SC
Brittany Taylor
Cary, NC
Heather Taylor
Raleigh, NC
Kimberly Thaxton
Cornelius, NC
Zachary Thayer
Durham, NC
Christian Thomas
Winston-Salem, NC
Samantha Thompson
Chapel Hill, NC
Jessica Thompson
Reidsville, NC
Kofi Thompson
Chapel Hill, NC
Maurice Thompson
Columbia, SC
Constance Thompson
Winston-Salem, NC
Alexis Thore
Mooresville, NC
Elizabeth Thornberry
Whitsett, NC
Emily Thornton
Winston-Salem, NC
Thomas Thurman
Durham, NC
Garrett Tillman
Charlotte, NC
Anna Tison
Raleigh, NC
Cheri Todd
Charlotte, NC
Anne Tosco
Chapel Hill, NC
John Toth
Winston-Salem, NC
Christopher Towery
Charlotte, NC
John Townsend
Greensboro, NC
Daniel Tracey
Raleigh, NC
Bradley Trahan
Raleigh, NC
Nicole Trautman
Charlotte, NC
Christina Trent
Naples, FL
Alexandra Tronolone
Chapel Hill, NC
Elizabeth Troutman
Chapel Hill, NC
Jessica Troy
Cary, NC
Douglas Tsao
Winston-Salem, NC
Whitley Turner
Charlotte, NC
Joseph Turrentine
Chapel Hill, NC
Laura Twichell
Winston-Salem, NC
Rebecca Ugolick
Raleigh, NC
Lisa Underwood
Raleigh, NC
Zachary Underwood
Winston-Salem, NC
Emily Unnasch
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David Unwin
Houston, TX
Emily Urch
Durham, NC
Melissa Ursi
Charlotte, NC
Adriana Urtubey
Charlotte, NC
Caitlin Vamvakaris
Winston-Salem, NC
Lily Van Patten
Durham, NC
Elizabeth Vance
Winston-Salem, NC
Allison Vaughn
Lancaster, SC
Ana Lucia Vera
Miami, FL
Andrew Vetrone
Cornelius, NC
Timothy Victory
Raleigh, NC
Ada Vicuna
Huntersville, NC
Matthew Villmer
New York, NY
Andrew Vining
Baton Rouge, LA
Jennifer Vogel
Charlottesville, VA
Christopher Waivers
Raleigh, NC
Kevin Walker
Loveland, OH
Patrick Wallace
Winston-Salem, NC
Charles Walsh
Raleigh, NC
Hedao Wang
Durham, NC
Mimi Wang
Matthews, NC
Ashwini Kumar Wankhede
Summerfield, NC
Merrill Ward
Greensboro, NC
Stephen Warren
Goldsboro, NC
Bridget Warren
Chapel Hill, NC
Justice Warren
Chapel Hill, NC
Porsha Washington
Charlotte, NC
James Waters
Durham, NC
Lindsay Watson
Winston-Salem, NC
Erica Weatherford
Greensboro, NC
Brandon Weaver
Raleigh, NC
Noah Webster
Charlotte, NC
Robert Weinbach
New Bern, NC
Philip Weinstein
Apex, NC
Howard Wellons
Gastonia, NC
Jenna Wells
Spring Lake, NC
Lisanne Welsh
Monroe, NC
Casey Wentz
Cary, NC
Robert Wessels
Hickory, NC
Christopher West
Cary, NC
Robert Weston
Carrboro, NC
Blakely Whilden
Chapel Hill, NC
Shakimah Whitaker
Winston-Salem, NC
Sara White
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Khalilah White
Durham, NC
Heather Whitecotton
Sugar Grove, IL
William Whitehead
Greensboro, NC
Danielle Whitt
Jacksonville, FL
Hannah Whitten
Raleigh, NC
Caroline Wicks
Mount Pleasant, SC
Will Widman
Oxford, MS
Tiffany Wilborn
Charlotte, NC
Sandra Wilburn
Cary, NC
Candyce Wilkerson
Charlotte, NC
Elizabeth Wilkinson
Raleigh, NC
Jonathan Willardson
Wilkesboro, NC
Craig Williams
Fayetteville, NC
David Williams
Raleigh, NC
Catherine Williams
Charlotte, NC
Robert Williams
Columbia, SC
David Williams
Raleigh, NC
Jeremy Williams
Raleigh, NC
Whitney Williams
Durham, NC
Ronald Williams
Raleigh, NC
Karen Williams
Houston, TX
Noble Williamson
Charlotte, NC
Lashanda Willis
Durham, NC
Nelia Willis
Raleigh, NC
Damon Wilson
Winston-Salem, NC
William Wilson
Winston-Salem, NC
Dana Wilson
Winston-Salem, NC
Kathryn Wilson
Washington, DC
Martha Wilson-Parks
Rock Hill, SC
Amadu Wiltshire
Charlotte, NC
Kaleb Wingate
Durham, NC
William Winn
Winston-Salem, NC
Leslie Wise
Charlotte, NC
William Wiseman
Chapel Hill, NC
Morgan Wittman
Durham, NC
Amanda Witzke
Holly Springs, NC
Amy Wold
Charlotte, NC
Cory Wolfe
Chapel Hill, NC
Jordan Wolfe
Hillsborough, NC
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Erin Woodrum
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Katherine Youngblood
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