

From the President



**John Lassiter,
MCB President**

Looking Back and Forth

As we begin the new year, all of us take time to reflect on the past year and begin to look forward to what the future might bring. Our Bar is no different, though the scope of our assessment and planning might be a bit more comprehensive than a one-year retrospective or a few resolutions.

Our look back is looking way back. The Mecklenburg County Bar (MCB) was first organized in 1912, and several commemorative activities are underway. First, in conjunction with the Mecklenburg Bar Foundation (MBF), we have appointed a Bar History Committee that has taken preliminary steps toward capturing our history in a book about our Bar and the lawyers, law firms, and cases that have distinguished our membership. Ray Farris and Mark Bernstein have agreed to lead this effort and will bring a time line and recommendations to the Boards of Directors in the coming weeks. They are particularly interested in historical information and photographs that will be needed for the research and chronicling of our membership. If you have documents, pictures, or Bar memorabilia, please see page 6 of the December 2008 *Bar News* for details on our needs and how to share those with us. Second, our centennial is only three years away and our 100-Year Celebration Committee, chaired by Shirley Fulton and Mark Merritt, has already started their planning efforts. Ideas include a Barwide gala, historical exhibition, and a variety of events celebrating this milestone.

Our look to the future involves a little history as well. In 1993, the Mecklenburg Bar Foundation purchased our 5,900-square-foot building for \$435,000 and the property across Luther Street for an additional \$105,000 with the idea that the properties could be combined for future expansion as the Bar grew. Since that date, our membership has nearly doubled, our continuing legal education (CLE) programs have outgrown the Bar Center for many of its courses, and staff offices are in every conceivable space in the building without violating the fire code. Last year, the MCB and MBF retained Gantt Huberman to conduct a space analysis and develop a preliminary plan on the current real estate. Though the needed 13,000 feet of office and meeting space could be built on the properties, two difficult issues were identified: First, parking for visitors, principally for our CLE programs, could not be provided. Second, the land would have to be rezoned from residential to office use, an option that would have opposition from both

continued on page 6



Lawyers in the News by Robert P. Johnston

Election Brings Changes to District Court

In an election unprecedented since the creation of the local district court, four Mecklenburg County incumbents have failed to win reelection. One race involved two non-incumbents.

Judges Donnie Hoover and Tom Moore survived contested races to retain their seats.



Belk

Bill Belk defeated **Judge Ben Thalheimer**, who had served over five years as a district court judge.

Having obtained his bachelor's degree from University of North Carolina (UNC) at Chapel Hill, Belk received a master of business administration from Emory University and his law degree from Wake Forest University in 1983. In 1984 he obtained a master in law and taxation from Emory.

Concerning his legal experience, Belk is quoted in the *Charlotte Observer* as saying, "A number of nonprofits have asked for my legal expertise. I have also provided counsel for individuals, small business owners, and corporations."

In a newspaper advertisement, he stated, "I am running for the District Court to implement much needed change. We need a system that will deliver an expeditious, fair, and cost-effective legal solution to all who go through our court system."



Best

Kimberly Best defeated **Judge Todd Owens**, who had served since 2004.

With an undergraduate degree in communications from the University of Michigan, Best received her law degree from Indiana University in 1994. A former Mecklenburg County magistrate, Best has practiced family law, criminal law, juvenile law, and bankruptcy. She told the *Observer*, "Mecklenburg County citizens deserve the best. They deserve a judge who will be humble, fair, and respectful. I have over 10 years' legal experience and bring to the bench experience in all areas that will come before me. I will not show favoritism based on personal friendships with any of the attorneys or litigants."

In a race to replace the retiring **Judge Hugh Campbell**, **Charlotte Brown-Williams** defeated **Steve Kearney**.

A 1979 economics major who graduated from York College of the City University of New York,

Brown-Williams obtained her law degree from St. John's University in 1990. She received her master of divinity from Hood Theological Seminary in 2001.

Brown-Williams has been engaged in the general practice of law from 1994 to 1997 and since 2002. She was an assistant public defender in Cumberland County and a child-support enforcement attorney for Anson and Richmond counties. In addition, she has served as general counsel for Livingston College.

"With over 45 years of life experiences, I will bring knowledge, diverse work expertise, common sense, and a strong work ethic to the bench," she stated.

John Totten defeated **Chief District Court Judge Fritz Mercer**, who had been on the bench for 18 years.

A Morehead Scholar, Totten was graduated from UNC at Chapel Hill in 1979. He obtained his law degree from Wake Forest University in 1986. In addition, he studied at Yale Law School and Yale Divinity School. A former assistant district attorney, Totten has practiced as a member of a law firm and as a sole practitioner for 23 years.

He told the *Observer*, "...I will commit to being part of the solution and work diligently to see that justice in Mecklenburg County is carried out firmly, fairly, and impartially."

An *Observer* headline read, "2 Candidates on Ballot but Only 1 Wants Position."

Elizabeth Trosch got it any way, defeating incumbent **Judge Theo Nixon**.

An assistant public defender for six years, Trosch had sought an appointment to the district court bench and filed to be on the ballot because Governor Michael Easley had not made the appointment before the end of filing. She did not campaign.

Trosch was graduated from Hollins College in 1998 and received her law degree from Wake Forest School of Law in 2002. She hopes to continue her involvement with the drug treatment court and with juvenile court. **MCB**



Brown-Williams



Totten



Trosch

Chambers Earns ABA Spirit of Excellence Award



Chambers

Thanks to a nomination from the Mecklenburg County Bar's Special Committee on Diversity, **Julius L. Chambers** will receive the 2009 *Spirit of Excellence Award* from the American Bar Association (ABA) Commission on Racial and Ethnic Diversity in the Profession. The award will be presented on February 14 during the 2009 ABA Mid-Year Meeting.

The ABA Commission on Racial and Ethnic

Diversity in the Profession is a catalyst to change the legal profession to reflect the society it serves. It helps racially and ethnically diverse lawyers advance their careers and standing in the profession.

Chambers has been involved in many landmark cases, including *Swann v. Charlotte-Mecklenburg Board of Education*, *Griggs v. Duke Power Co.*, and *Albemarle Paper Co. v. Moody*.

He is the first African-American to serve as editor of the *Law Review* at the University of North

continued on page 6



Consider the MCB CLE Advantage

Your Bar offers high-quality, incredibly convenient, and cost-effective continuing legal education programs right here in Mecklenburg County. The feedback on our accreditation and evaluation forms consistently rates our training as excellent. We offer live and replay CLEs here at the Bar Center, other local sites, and even at your own office as well as online programs right at your desk 24/7.

Our programs are competitively priced—with rarely any additional long-distance travel expenses.

And our customer service is friendly, competent, and understanding.

Support your local Bar by getting your CLE credits through the courses listed below.

Video Replays

You can bring CLE video replays to your firm by contacting CLE Coordinator

Lisa Armanini (larmanini@meckbar.org) or CLE Assistant Sally Kenney (skenney@meckbar.org).

Video replay hours do *not* count towards to the four-hour online allotment

Live Programs

Video Replays

Domain Name Disputes

CLE Credit: 1.0 General

Date: Tuesday, January 27, 2009

Time: Registration 12:00 p.m.
Program 12:30–1:30 p.m.

Location: MCB Center, 438 Queens Rd.

Fees: \$75 attorney rate;
\$35 paralegal rate

Estate Planning Series

Sponsored by MCB Estate Planning Section

CLE Credit: 4.0 total

Dates: Tuesday, January 27, 2009;
Tuesday, February 3, 2009;
Tuesday, February 17, 2009;
and Tuesday, February 24, 2009

Time: Registration 7:45 a.m.
Program 8:00–9:00 a.m.

Fees: \$195 all four sessions attorney rate;
\$100 all four sessions paralegal rate

All Star Trial Advocacy 2009

CLE Credit: 5.5 General and 1.0 Ethics

Date: Friday, January 30, 2009

Time: Registration 8:45 a.m.
Program 9:00 a.m.–3:30 p.m.

Location: Charlotte School of Law,
2145 Suttle Ave.

Fees: \$275 attorney rate;
\$135 paralegal rate

Annual Review 2009

CLE Credit: 12.0 total (8.0 General,
3.0 Ethics, and 1.0 Mental
Health/Substance Abuse)

Dates: Friday, February 6, 2009, and
Saturday, February 7, 2009

Time: Registration 8:30 a.m. Friday
and 7:45 a.m. Saturday
Program 9:00 a.m.–5:00 p.m.
Friday and 8:00 a.m.–1:00 p.m.
Saturday

Location: Crowne Plaza Hotel,
201 S. McDowell St.

Fees: \$545 for attorneys;
\$275 for paralegals

Presentation Skills for Attorneys

CLE Credit: 3.5 total

Date: Tuesday, February 10, 2009

Time: Registration 8:30 a.m.
Program 9:00 a.m.–12:30 p.m.

Location: Interact Studio,
1435 West Morehead St.

Fee: \$195 attorney rate

ReelTime CLE: Ethical Dilemmas Their Impact on Attorney Mental Health

CLE Credit: 1.0 Ethics and 1.0 Mental
Health/Substance Abuse

Date: Friday, February 13, 2009

Time: Registration 12:30 p.m.
Program 1:00–3:00 p.m.

Location: MCB Center, 438 Queens Rd.

Fees: \$120 attorney rate;
\$55 paralegal rate

Constitutional Tales: North Carolina's Education Constitution

CLE Credit: 1.0 Ethics and 1.0 General

Date: Wednesday, February 18, 2009

Time: Registration 12:30 p.m.
Program 1:00–3:00 p.m.

Location: Levine Museum of the New
South, 200 7th St.

Fees: \$120 attorney rate;
\$55 paralegal rate

The Ethics of E-Mail and Other Communications

CLE Credit: 1.0 Ethics

Date: Thursday, February 19, 2009

Time: Registration 12:00 p.m.
Program 12:30–1:30 p.m.

Location: MCB Center, 438 Queens Rd.

Fees: \$75 attorney rate;
\$35 paralegal rate

Civil Litigation Forum

Sponsored by MCB Civil Litigation Section

CLE Credit: 6.0 total

Date: Friday, February 20, 2009

Time: Registration 8:30 a.m.
Program 9:00 a.m.–4:00 p.m.

Location: TBA

Fees: TBA

Professionalism and Leadership Seminar at Sea

CLE Credit: 7.5 Ethics and 1.5 Mental
Health/Substance Abuse

Dates: June 17, 2009, through June
25, 2009

Time: TBA

Location: Regent Cruise Line Alaska
Voyage

Fees: \$450 CLE only (does not
include travel and cruise
expenses)

Discovering New Ways to Represent Your Clients More Effectively: Therapeutic Jurisprudence

CLE Credit: 2.0 Ethics and 1.0 Mental
Health/Substance Abuse

Dates: Wednesday, January 28, 2009;
Wednesday, February 11, 2009;
and Wednesday, February 25,
2009

Time: Registration 15 minutes prior to
program
Program 9:00 a.m.–12:15 p.m.

Location: MCB Center, 438 Queens Rd.

Fees: \$150 attorney rate;
\$75 paralegal rate

Residential and Commercial Landlord-Tenant Law 2008 Practical & Ethical Concerns

CLE Credit: 3.0 General and 1.0 Ethics

Dates: Monday, February 9, 2009

Time: Registration 15 minutes prior to
program
Program 12:00–4:00 p.m.

Location: MCB Center, 438 Queens Rd.

Fees: \$175 attorney rate;
\$110 pro bono attorney rate;
\$90 paralegal rate

8th Banking and Finance Forum

CLE Credit: 6.0 General

Dates: Monday, February 16, 2009

Time: Registration 15 minutes prior to
program
Program 9:00 a.m.–4:00 p.m.

Location: MCB Center, 438 Queens Rd.

Fees: \$275 attorney rate;
\$135 paralegal rate

Lawyer Anxiety and Personality Disorders 2008

CLE Credit: 1.0 Mental Health/Substance
Abuse

Dates: Wednesday, January 28, 2009;
Wednesday, February 11, 2009;
and Wednesday, February 25,
2009

Time: Registration 15 minutes prior to
program
Program 12:30–1:30 p.m.

Location: MCB Center, 438 Queens Rd.

Fees: \$75 attorney rate;
\$35 paralegal rate

A Practical and Ethical Approach to E-Discovery

CLE Credit: 2.0 General and 1.0 Ethics

Dates: Tuesday, February 24, 2009

Time: Registration 15 minutes prior to
the program
Program 12:00–3:00 p.m.

Location: MCB Center, 438 Queens Rd.

Fees: \$150 attorney rate;
\$75 paralegal rate

Online CLE Programs

Online CLE Program at www.meckbar.org. On demand, available 24 hours.

NC State Bar allows up to 4 hours of online courses annually—

video and live programs do *not* count towards that total. Customer service line 800/590-6867.

MCB endorses only Education Over the Net as our online hosting service.


YLS Volunteer Educational Programs

BY ANNE J. RANDALL
CHAIR, YOUNG LAWYERS SECTION

Young Lawyers Needed for Trial of the Big Bad Wolf

We need your help in serving as “teachers” for the Mecklenburg County Bar (MCB) Young Lawyers Section (YLS) Education Committee Project. This fun three-month project involves helping Charlotte-Mecklenburg Schools (CMS) third graders explore the law, including role playing the Trial of the Big Bad Wolf. For more information, please e-mail Andy Habenicht at Andy.Habenicht@klgates.com.

Young Lawyers Mentor High School Students

The 2008 Academic Internship Program was a great success thanks to the MCB YLS, the gracious speakers, and CMS. Sixteen high school students from across the county spent their fall semester learning the ins and outs of the legal profession. The students met once a week with a different local attorney who taught the students about his/her area of law. The students learned about topics ranging from sports law to intellectual property to immigration. The students raved about many of the presenters, and several have expressed increased interest in attending law school. Special thanks to all of the wonderful volunteers who donated their time and energy to this program, especially Jonathan Feit of James, McElroy & Diehl; Kimlani Ford of the U.S. Attorney’s Office; John Gathings of Moore & Van Allen; Michael Hoefling and Daniel Merlin of Johnston, Allison & Hord; Cynthia Jones of Horack Talley; George Miller of Dozier, Miller, Pollard & Murphy; Miranda Olvera of Alston & Bird; Judge Todd Owens; Sergeant Charles Pearson of the Mecklenburg County Sheriff’s Office; Richard Thigpen of the Carolina Panthers; and the Charlotte School of Law. If you would like more information on this program or are interested in participating in the 2009 season, please contact Amy Foxhall (AFoxhall@DMPM.com) or Amy Hunt (AHunt@HorackTalley.com). 

Winter Social—Save the Date

The YLS Winter Social will be on February 26, 2009, from 7:00–9:00 p.m. at the Dunhill Hotel.

Class A Attorney Office Space Available

Approximately 2,500 square feet of law office space in desirable SouthPark location available for lease or sublease.

Includes four private offices, accommodation for five or more staff, conference room, library, and break room, with free on-site parking.

Contact

bgilman@smithdebnamlaw.com for more information.

An Essential Legal Tool: The MCB Directory

Due to come out in late February 2009, the 2008–09 Annual Membership Directory is a critical reference tool for you and your staff. Here’s how legal staff all over our county use their copies of the Directory:

The Mecklenburg County Bar Membership Directory is a must-have resource for all legal support staff! No other legal publication provides a more user-friendly and valuable reference tool than our MCB Directory. It is so much more than an attorney phone directory—it provides instant access to contact numbers, addresses, and e-mails for County, State, and Federal Agencies as well as a detailed floor-by-floor map of our County Courthouse. The MCB Directory enables me, as a legal support staff, to provide quick, accurate, and detailed information to my attorneys and is a great time-saving resource tool in my work day.

—Carla Brafford, CLA, NCCP
Womble Carlyle Sandridge & Rice, PLLC

Order this essential resource for your paralegals and support staff* today!

2008–09 MCB Directory Order Form

Name _____

Firm name _____

Address _____

E-mail _____

Phone _____ Fax _____

Please reserve ____ additional* member copies (\$40 each) of the 2008–09 Directory.

*Members receive one copy free as part of their membership dues.

I’m enclosing a check payable to **Mecklenburg County Bar TOTALING** \$ _____

I’m paying with a credit card (add \$2 processing fee) \$ _____

Name on card _____ VISA MasterCard AmEx

Card number _____ Exp. date _____

Please mail your order form and check to
MCB Directory, 438 Queens Road, Charlotte, North Carolina 28207
or fax the form to 704/333-6209 if paying by credit card.


MCB Chambers Diversity Champion Award

Nominations are being sought for the Mecklenburg County Bar’s Julius L. Chambers Diversity Champion Award. Nominee names and information supporting your nominations should be sent by **February 25, 2009**, to Stephanie A. Marella, Diversity Coordinator, MCB, 438 Queens Road, Charlotte, NC 28207.

The award will be presented at the McMillan Fund Dinner on April 14, 2009 (more details on the Dinner will be announced in the February 2008 *Bar News*).

The purpose of the Julius L. Chambers Diversity Champion Award is to recognize an individual who embodies high ethical standards, unquestioned

integrity, consistent competence, and who champions diversity in the legal profession. Criteria may include one or more of the following:

- Facilitates recruitment, hiring, retention, and promotion of diverse individuals in the legal profession.
- Provides outstanding service and education to the community at large by unifying and uplifting diverse people of all backgrounds.
- Promotes ideals of diversity in the legal profession. 



Ambition is an asset. But failing to calculate the risks associated with your goals can land you in trouble.

Lawyers Mutual Liability Insurance Company is founded, governed and staffed by North Carolina attorneys, so we know the direction in which you are headed. Our exceptional risk management programs help you foresee and avoid liability problems, and our malpractice coverage is backed by a seasoned team of claims attorneys who boast a 90% rate of favorable outcomes when notified of a reparable error at the earliest possible date.

Let **Lawyers Mutual** help you calculate your next steps before you take them. With us, you can be sure you’re headed in the right direction.

Calculate your moves

Lawyers Mutual. Think Ahead.

919.677.8900 ■ 800.662.8843 ■ Fax: 919.677.9641 ■ www.LMLNC.com ■ LML@LMLNC.com

Sustainable Exercise

BY CHRIS OSBORN, CHAIR,
LAWYERLIFE RESOURCE COMMITTEE

I will begin this article with a confession: I was supposed to write an article about exercise for over a year now. At least 12 *Bar News* deadlines have come and gone since the LawyerLife Resource Committee first tasked me to write this article to encourage our members to enhance their practices by developing the habit of regular exercise. No fewer than eight times have I had to tell Mecklenburg County Bar Communications Coordinator Val Munei, “Nope, not this month.” It actually has become somewhat of a running joke: my effort to write an article about why some of us lawyers have such a hard time sustaining a good habit such as regular exercise has itself become an exercise in procrastination.

The good news is that you are reading this article now. That means I must have gotten it done, right? Something must have happened to break the creative logjam. What was it? Did I feel shame at not having completed this article as promised to my committee members? Did Val give me an ultimatum: “Finish the article by November 30 or I’ll never run it!” Not really—they are a pretty forgiving bunch. Did I feel guilt, at eight or ten deadlines missed, promises broken? Maybe a little, but it is not like that would be a new thing.

No, what happened was that it finally struck me that I have had the same problems writing this article that I used to have with making time regularly to exercise. Simply put, I have a history of procrastination that is tough to overcome. Additionally, I wasn’t motivated enough internally to get it done. And finally, I wasn’t sure where to begin. I think these same factors may be in play for a lot of us when trying to develop a habit of regular exercise. Maybe thinking about these things together will help both you readers and me to get unstuck from the places we have been.

Overcoming History

It is an incredible irony that my exercise of choice is jogging. I used to hate running—with a passion. In middle school I had to run two miles for the soccer team I played on. For junior varsity basketball, it was wind sprints. I was small, asthmatic, and slow. The command to run produced in me—then and for a long time afterwards—a feeling of dread. So you can imagine my response when in graduate school my then-fiancée suggested that we take up running as a hobby. “No, thanks!” All I could envision was me trudging along in agony, some loud coach in polyester shorts screaming at me to “get a move on,” and my speedier teammates (which was all of them) jeering me along.

Many of us may have formative experiences with exercise that cause us to regard it as a form of

punishment—to look upon it as work, duty, or slavery. At some point I had to confront these formative memories to see if they really needed to hold such a powerful defining role for my present-day self. As I began to run with my new bride, I discovered a new and different side of running. It became a social and enjoyable event. With her guidance I discovered that there was such a thing as a “second wind,” in which the endorphin rush that kicked in after the first mile or so made the entire enterprise more bearable and, ultimately in fact, enjoyable. Over time, as I stuck with running even when it was difficult, I wrote a new history, and my new experiences of exercise began to override the old negative images that had instinctively risen up whenever I considered the thought.

Motivation Matters

The main thing that changed as I began to consider running as a hobby, though, was my motivation. In the beginning, it was a great way to spend time with my wife, and that was enough. But slowly I began to enjoy the activity for itself—I began to appreciate the benefits. In short, what began to change was my desire. I tasted the fruits of running—the satisfaction of a race completed, the increased endurance when I’d play a pickup basketball or soccer game—and I began to want them more.

Isn’t this how we all operate? Fear, obligation, and guilt are poor motivators in producing long-term change. They work for a while, as evidenced by the spike in health club attendance and church attendance that normally happens at this time of year. But this “unholy triumvirate” of motivators is unable to produce lasting change because one fear or obligation is all too easily supplanted by another bigger and more ominous one. Developing a sustainable change in habit requires a resetting of desire, a true and real change in heart and underlying motivation. In other words, we find time to do what we want to do. So the way to develop a new good habit is to get to the place where we want to—more than we want to stay stuck in the old ways, whatever they may be.

I had to really reckon with this when I began practicing law. In private practice, I discovered, in a very tangible sense, that my time was not my own—it was something I essentially sold for a price. The problem was that I now had competing desires: yes, I wanted to be healthy and I enjoyed running, but I also had work to do, hours to bill, tasks to accomplish. And when we had kids, that only increased the demands on my time.

This is where the internal change in desire had to deepen in order to take root. We lead busy lives. Every hour in our day is not only accounted for but has numerous other worthwhile causes and tasks

clamoring for it. Unless my heart is tuned to desire exercise and the benefits that I gain from it, there is no way it will find a place in my schedule (much like my efforts to write this article!).

Now, however, I have experienced such enjoyable and significant times running or playing soccer that my desire is simply stronger. I want to stay active, I want to be healthy, I want to get my blood pumping faster *more* than I want that extra hour in bed or at my desk. And I have discovered that I actually sleep better and work noticeably more efficiently when I have had exercise. In fact, it turns out that I love my family and engage with my friends and colleagues better as well. My habit of exercise has only become sustainable as it has become a part of my life that I see as beneficial to the other parts of my life, all of which are still very important.

But Where to Begin?

The last obstacle may perhaps be the easiest to overcome, and it is tied to the first two. If it is true that the best motivation for change is a positive desire, then it follows that the easiest exercise habit to begin and sustain will be the one that produces the most enjoyment. We do not all have to run, lift weights, or swim. Rather, we can *each* find the kind of physical activity that is enjoyable. We will only keep coming back to it if the want-to is strong enough, and the want-to will be strongest in the places where we have experienced the most positive benefits. So search your athletic history and look for the kinds of activities that you most enjoyed; then see if there is a way to work them regularly into your weekly routine. There are running and biking clubs, outdoor adventure programs, and team sports—organized and pickup—that provide all sorts of options for all personalities and athletic types. Start with something small that you can get excited about, and see what grows from there.


That is how I finally got this article written: I stared my history of procrastination in the face and vowed not to let it rule me. My desire to get the article written grew strong enough for it to be prioritized above other tasks. And, most importantly, I jumped in and picked a place to start.

In the same way, a habit of exercise can only be developed by a heart that wants it. It begins with a simple step in the new direction one desires, failures of the past notwithstanding. As 2009 begins, let’s look beyond the fear of being fat, the tradition of New Year’s resolutions, or the guilt of holiday indulgence for the deep-seated motivation to develop a new, sustainable pattern of exercise. The fact that I wrote—and you read—this article is proof that lasting, meaningful change can happen with a willing heart and just one small step. Happy New Year!

MCB

PARTNERS GENERAL COUNSEL IN-HOUSE COUNSEL ASSOCIATES

MAJOR, LINDSEY & AFRICA
welcomes Keeley Mitchell-Wallace



Keeley Mitchell-Wallace
kmitchell-wallace@mlaglobal.com

Major, Lindsey & Africa, the leader in attorney search for more than 25 years, is pleased to announce the addition of Keeley Mitchell-Wallace to its Charlotte office. Keeley will represent top-tier associates in the lateral market.

Keeley comes to MLA as an experienced legal recruiter who has practiced law at such respected firms as Seward & Kissel, K&L Gates and Wolf, Block, Schorr and Solis-Cohen.

Contact the Charlotte office today and see how Keeley and MLA's global network of search professionals can help you.

MAJOR, LINDSEY & AFRICA
ATTORNEY SEARCH CONSULTANTS

212 S. Tryon Street, Suite 1660
Charlotte, NC 28281
704-375-5364
www.MLAGLOBAL.COM

Powerful placements.™

The Best Traditions of Our Profession

BY BRETT DRESSLER AND JOEY FOXHALL,
CO-CHAIRS, SILENT PARTNERS PROGRAM


On November 12, 2008, participants in the 2008–09 Silent Partners program, which is sponsored by the Mecklenburg County Bar's Professionalism Committee, gathered at the Charlotte School of Law (CSL) for reunions, introductions, and a reminder about the best traditions of the legal community. The program pairs lawyers who have been members of the Bar for three years or less, known as Associates, with distinguished and accomplished lawyers and judges whose careers exemplify the highest ideals of the legal profession, known as Partners. The theme for this year's program is "Integrity Has No Need of Rules."

The formal portion of the program began with a welcome from Dr. Eugene Clark, Dean and Professor of Law at CSL, who spoke on the importance of a link between CSL, the Bar, and the greater Charlotte community. As examples of CSL's commitment to that link, Dean Clark touted the practical experience

of every member of the faculty, the thousands of hours of community service provided by students, and—in keeping with the theme of the Silent Partners program—CSL's emphasis on the importance of mentoring young legal professionals. He extended an invitation to the Bar to visit and take advantage of the resources of the school, and the Silent Partners Committee extended its sincere appreciation for CSL's hosting and co-sponsorship of the kickoff event.

Noted South Carolina defense attorney Jack Swerling addressed the Partners and Associates on what it means to be a lawyer. Mr. Swerling reminded participants of the commitment to ideals lawyers have displayed throughout history, ranging from the brilliance and bravery exhibited by the signers of the Declaration of Independence to the tangible sacrifice made by the lawyers who fought at the Alamo. He talked about the honor in being a voice for those who might otherwise not be heard and about the concept of protecting the rights of each person in

order to preserve the rights of all people. Aside from cultivating a pride of profession in the audience, Mr. Swerling spoke about the heavy responsibility that lawyers bear in keeping the rule of law for and with the public. He pointed to the direct path from the suspension of individual freedoms in Germany to the unthinkable atrocities of the Dachau concentration camp as a grim reminder of the price to be paid for underestimating that responsibility.

Both Partners and Associates appreciated Mr. Swerling's perspective, and groups could be heard discussing the challenges and excitement of playing a part in shaping the legal landscape for years to come. In short, it was a successful beginning to another Silent Partners cycle. For more information about the program, or if you have interest in participating in the future, please contact Brett Dressler of Sellers, Hinshaw, Ayers, Dortch & Lyons, P.A. at 704/377-5050. 

The Year in Review

continued from cover



MCB Past-President Bob Stephens (middle with award) shared the stage at the 2008 MLK Prayer Breakfast with former Congress member and Past-President & CEO of the NAACP Kweisi Mfume (left), 2008 MLK Event Chair Milton Jones Jr., and Executive Director of the McCrorey YMCA Keith Vinson (right).

On January 21, 2008, the H.L. McCrorey YMCA honored the Mecklenburg County Bar (MCB) with the Spirit Award in recognition of the Bar's work in promoting inclusion, equality, and diversity in the legal profession and the community.

In March, 40 volunteer attorneys from Duke Energy; Alston & Bird; Cadwalader, Wickersham & Taft; Sonnenschein Nath & Rosenthal; and other firms worked at the Duke Energy Center to assist local small-business owners as part of the North Carolina Lawyers for Entrepreneurs Assistance Program (NCLEAP). NCLEAP is a program of the North Carolina Bar Association (NCBA).

In March and April, the MCB Young Lawyers Section (YLS) sponsored its annual Clothing Drive to benefit Crisis Assistance Ministry, an organization that provides help for Mecklenburg County residents facing financial distress.

In April, lawyers from across the state volunteered to answer questions from the public over the telephone and in person as part of the NCBA's "4All" Project. Local lawyers gave consultations at the main branch of the public library and took telephone calls at the WBTV studio. Twenty lawyers worked at the SelfServe Center for a day and helped the public fill out and type forms for various legal services.



Vivian Chambers, Julius Chambers, and Brandon Lofton at the 2008 McMillan Fund Dinner

Also in April, Charlotte lawyer Julius L. Chambers received the first MCB Diversity Champion Award at the Mecklenburg Bar Foundation's McMillan Fund Dinner. Chambers is a distinguished civil rights attorney who successfully represented the plaintiffs in the Charlotte-Mecklenburg Schools desegregation case, *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971).

In May, Sarah Buffett and Kimberly Zirkle of Moore & Van Allen's Charlotte office were honored at the Power of Justice Luncheon for their outstanding pro bono efforts.

On August 12, 2008, the MCB Special Committee on Diversity began its third annual "Lunch with a Lawyer" program. Through a partnership with Charlotte-Mecklenburg Schools, lawyers participating in this program serve as mentors to rising eighth-graders throughout the school year.

Also in August, the MCB Community Schools


Project provided school supplies to three local elementary schools with special help from Legal Aid of North Carolina, Legal Services of Southern Piedmont, and McGuireWoods.

McGuireWoods had merged earlier in 2008 with Charlotte-based Helms Mulliss & Wicker, a 145-lawyer firm with offices in Charlotte, Raleigh, and Wilmington. The combination of the two firms resulted in a 900-lawyer firm with offices in 17 cities in the U.S., Europe, and Central Asia.

For the Thanksgiving holiday, the YLS partnered with the Department of Social Services (DSS) to sponsor families in Mecklenburg County who were in need. Under this initiative, local lawyers and law firms volunteered to buy and deliver Thanksgiving meals to needy families.

And the YLS joined forces again with the DSS later in 2008 in the Holiday Giving Tree program, which provides families in need with clothing, books, and toys for the holidays.


Finally, the Mecklenburg Bar Foundation saw tremendous success with its Patrons Fund 2008, reaching its goal of raising \$100,000 for three initiatives that benefit children in our county.

And there were, of course, countless other acts of selfless generosity by other law firms and members of the MCB in aid of our community and the public good—too many by far to include in one article. In addition to remembering 2008 as a year of economic tribulation, we should, therefore, also recall it proudly as a year of tremendous benevolence and charity by members of our Bar. 



Eighth graders, parents, attorney mentors, and school administrators enjoyed the 2008 Lunch with a Lawyer Kickoff Luncheon

Choose Your Newsletter Format

As part of your Bar's efforts to go greener, we now offer you a choice as to whether you receive your *Bar News* in the usual recyclable white paper format or online. If you'd like the online option, please e-mail Jill Wiggins at jwiggins@meckbar.org (subject line: Online Bar News) and let her know this preference. It may take a hard copy issue or so for this to take effect, but you will then receive e-mail notifications that the newest issue has been posted to our website. 

Local Attorneys Win Elections

BY ALAN EDMONDS

Several members of the Mecklenburg County Bar won election to federal, state, and county offices in the November 2008 elections.

Mel Watt (D) was reelected to the United States House of Representatives 12th District seat. Watt has served as congressman for this district since 1992.

Dan Clodfelter (D) of Moore & Van Allen PLLC was reelected to the North Carolina State Senate from District 37. Clodfelter has served several terms in the Senate and is gaining in seniority.

Nick Mackey (D) was elected to the North Carolina House of Representatives in District 99. Mackey, of Mackey & Associates, PLLC, tried to succeed Jim Pendergraph as Mecklenburg County Sheriff in 2007. This is Mackey's first term in the State House.

Harold Cogdell Jr. (D) of Law Offices of Harold Cogdell Jr., P.C., was elected to the Mecklenburg County Commission to one of the at-large seats. Cogdell previously served on the Charlotte City Council.

Dumont Clarke IV (D) of Moore & Van Allen PLLC was reelected to the Mecklenburg County Commission representing District 4.

Neil Cooksey (R) of Smith, Cooksey, and Vickstrom PLLC was elected for his first term to the Mecklenburg County Commission from District 5. Cooksey takes over the seat formerly held by Dan Bishop (R) of Bishop, Capitano, and Moss, P.A., who declined to run for reelection.

Attention must be paid to the long service of H. Parks Helms (D) of Helms, Henderson & Associates, P.A., who retired after serving as a Mecklenburg County commissioner since 1992. For several years, Helms was Chair of the County Commission. Prior to serving the County as a commissioner, Helms served several terms in the North Carolina House of Representatives.

For information on the newly elected judges, please see "Lawyers in the News" on page 1.

All attorneys serving in public office and running for office are to be thanked for their time and effort. **MCB**

EDITORIAL POLICY

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

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

Communications Committee: Tricia Derr, *Chair*, Judge Bob Johnston, Mike Daisley, Alan Edmonds, Will Esser, Jon Goldberg, Allison Karp, Charles Keller, John Lassiter, Phillip Lewis, Valerie Munei, Nancy Roberson, Michael Shor, Russ Traw



Court Communiqués

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

A New Year, A New Family

At least 40 children in Mecklenburg County's foster care system will start out the new year with a new family, as they were officially adopted by their "forever families" in mid-November. The adoptions were finalized during a special session of court at the Mecklenburg County Courthouse on Saturday, November 15, 2008. The event was followed by a reception in the lobby of the Courthouse to celebrate the new families.

The events, part of the annual National Adoption Day, were free and open to the public. Approximately 300 adults and children attended this year. For the fifth year in a row, the Mecklenburg County Department of Social Services (DSS), Mecklenburg County Juvenile Court, the Guardian *Ad Litem* Office, and the Mecklenburg County Clerk of Court organized these events. District Court Judge Lisa C. Bell presided over the court session. The celebration at the Courthouse also included games and activities for children as well as guest speakers, including Board of Mecklenburg County Commissioner Chair Jennifer Roberts. Representatives from various adoption agencies were on hand to answer questions regarding adoption.

"Almost a third of all Mecklenburg County's foster care adoptions took place on this special day," said Judge Bell. There are currently around 1,000 children in Mecklenburg County's foster care system. Of those, almost 300 are cleared and ready to be adopted.

Nationwide, there are an estimated 510,000 children in foster care, 129,000 of whom are available for adoption. Since 1987, the number of children in foster care has nearly doubled, and the average time a child languishes in foster care has lengthened to over two years. Over 19 percent spend five or more years waiting to be adopted. Each year, approximately 20,000 children in foster care will age out of the system without ever being placed with a permanent family.

The official sponsor of this year's local Adoption Day was Justice Initiatives Inc. Additional generous support came from Girl Scout Troop #939, the Clerk of Superior Court, the Mecklenburg County Sheriff's Office, The Keith Corporation, Chick-Fil-A on Woodlawn Road, Harris Teeter, Dave and Jamie Warren, and the Honorable Lisa C. Bell.

About National Adoption Day

Each year, on a Saturday before Thanksgiving, the National Adoption Day Coalition sponsors National Adoption Day to raise awareness of the need to find permanent, loving homes for the thousands of children in foster care who are currently available for adoption and to ensure that post-adoption services are available to families. This year, an unprecedented number of courts and communities across the nation came together to finalize the adoptions of children from foster care and to celebrate all families who adopt. **MCB**



Judge Bell (with microphone) presided over Mecklenburg County's Adoption Day Celebration

From the President

continued from page 1

surrounding neighbors and the Planning Commission.

The Boards of both the Bar and the Bar Foundation have initiated a process to evaluate our options for relocating the Bar Center. We have appointed a Bar Facilities Committee, chaired by Pender McElroy and Bill McMullen, to evaluate real estate options, financing, and timing. They will be working with our MCB Finance and Operations Committee to bring recommendations back to the Boards and membership. As the process moves forward, every effort will be made to keep you informed. **MCB**

Lawyers in the News

continued from page 1

Carolina School of Law, where he graduated first in a class of 100 in 1962. He later established the state's first integrated law firm.

Chambers has served as director-counsel of the Legal Defense Fund; as chancellor of his alma mater North Carolina Central University; as adjunct professor of law at the University of Virginia, the University of Pennsylvania, Columbia University, and the University of Michigan; and as clinical professor of law and director of the Center for Civil Rights at the University of North Carolina School of Law. He returned to private practice in 2001 with **Ferguson Stein Chambers Gresham & Sumter**.

Chambers is the recipient of the Mecklenburg Bar Foundation's 2005 Ayscue Professionalism Award, the ABA's 2006 Thurgood Marshall Award, as well as the Mecklenburg County Bar's 2007 Diversity Champion Award, which is now named after him. **MCB**

Upcoming Winter Gatherings


MCB Luncheon Series

The Mecklenburg County Bar (MCB) Luncheon Series Committee would like to thank Humpy Wheeler for serving as our keynote speaker at the January luncheon. Charlotte-Mecklenburg Schools Superintendent Peter Gorman will be our speaker for the March 12 Luncheon. Keep an eye on our website and your weekly *Bar Blast* for our February speaker.

And along with what our guests bring to the table in their discussions, please remember that primary focus for our monthly luncheons is on spending some time together as colleagues. See you at our next luncheon on February 12!

Schedule for 2009


Date	Speaker	Registration Deadline
Feb. 12, 2009	TBA	Feb. 6, 2009
Mar. 12, 2009	CMS Superintendent Peter Gorman	Mar. 6, 2009
Apr. 9, 2009	TBA	Apr. 3, 2009
June 11, 2009	TBA	June 5, 2009

To register for any of our luncheons, please go to www.meckbar.org. For more information, please contact Leah Reed (lreed@meckbar.org or 704/375-8624, ext. 114) 

Thursday, January 29, 2009

Support the Bar Leadership Institute

Make a difference to our Bar's future by supporting the Bar Leadership Institute (BLI). The BLI is a five-month educational program that provides information and inspiration about leadership and service opportunities in the Bar, the greater Mecklenburg community, and beyond. While it is co-sponsored by the MCB and the MBF, the program is not wholly self-funding, so we look forward to financial support from our members.

You can help sustain the program by either attending the 2009 BLI Kickoff Dinner on Thursday, January 29, 2009, 6:00–9:00 p.m. at Maggiano's (at South Park Mall) or sending in a contribution earmarked for BLI. The cost of the dinner is \$75 per person, \$25 of which is a tax-deductible donation to the MBF. Please respond by January 22, 2009, by returning the completed form below. 

2009 BLI Kickoff Dinner Registration Form

Name _____

Firm name _____

Address _____

E-mail _____

Phone _____ Fax _____

Yes, I would like to attend the BLI Kickoff Dinner \$75

No, I cannot attend this year, but I have enclosed a donation of _____

I'm enclosing a check payable to **Mecklenburg Bar Foundation-BLI** TOTALING: \$ _____

Please mail your registration form and check by **1/22/09** to BLI Kickoff Dinner, 438 Queens Road, Charlotte, North Carolina 28207

Thursday, January 29, 2009

Law & Society Luncheon Approaching Fast

You only have a few days to register for the 2008–09 Mecklenburg County Bar/Mecklenburg Bar Foundation (MBF) Law & Society Luncheon. It will be held at noon, Thursday, January 29, 2009, at the Hilton Charlotte Center City. This year's program includes three inspirational greats from our state:


University of North Carolina at Chapel Hill (UNC) Chancellor Holden Thorp will discuss "The Changing Nature of Relationships Between Universities and Society." Thorp's background includes work at UNC, the California Institute of Technology, Yale University, and North Carolina State University.

North Carolina Supreme Court Chief Justice Sarah Parker will receive the MBF's Ayscue Professionalism Award to recognize in part her public service to our community. Her contributions include service on the Governor's Crime Commission, North Carolina Equal Access to Justice Commission, State Advisory Council on Juvenile and Delinquency Prevention, as well as past boards of the North Carolina Bar Association and the MCB.

And Mecklenburg County District Attorney Peter Gilchrist will be presented the Boy Scouts of America's Distinguished Eagle Scout Award for service in his profession and to his community for a

period of at least 25 years after attaining the level of Eagle Scout.

This luncheon also presents an opportunity to donate to the good works of the Bar Foundation. For

more information on tax-deductible sponsorship opportunities, please contact Law & Society Co-Chairs Pete Anderson (704/372-7370) and Luther Moore (704/426-8403). 

2009 MCB MBF Law & Society Registration Form

if entire table (seating 10) desired, please do not use this form, instead please call 704/375-8624 for more information

Name _____

Firm name _____

Address _____

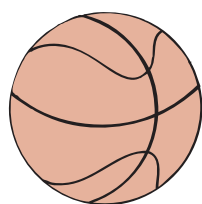
E-mail _____


Phone _____ Fax _____

I'm enclosing a check payable to **Mecklenburg Bar Foundation** TOTALING: \$35

Please mail your registration form and check by **1/22/09** to Law & Society Luncheon, 438 Queens Road, Charlotte, North Carolina 28207

MCB Basketball Season




The Mecklenburg County Bar Basketball League will begin its 2009 season in late February/early March 2009. Games will be played at the Harris YMCA. If you're interested in participating, please contact Matt Arnold at mra@arnoldsmithlaw.com or Nick Allmon at nallmon@rbh.com as soon as possible! 

Saturday, February 21, 2009

"Diversity Day" Conference

The annual Increasing Diversity in the Legal Profession Conference is coming up on Saturday, February 21, 2009, from 10:30 a.m.–2:30 p.m. at Grimes Lounge in The University Memorial Union, Johnson C. Smith University. Minority high school and college students will hear about the role individuals with legal training play in everyday society; meet with attorneys, judges, law school

admissions officers, and law students; and have an opportunity to share their views of the law and lawyers. Lunch will be provided to all registered attendees. If you are interested in showing your support or know of a student who might be interested in participating in this free event, please contact Stephanie Marella at smarella@meckbar.org. 

Knowledge of the Legal Market. Access to Talent.

With practice and recruitment experience in every major market in North and South Carolina, CAROLINA LEGAL STAFFING, the trusted leader in legal employment services, provides full service permanent and temporary placement for attorneys, paralegals and legal support personnel.

CAROLINA LEGAL STAFFING LLC

Charlotte • Raleigh • Columbia • Greenville
201 South College Street • Suite 1690 • Charlotte, NC 28244 • 704/343-4822
www.carolinalegal.com • email: info@carolinalegal.com

In This Issue

2008 in Review.....cover	Sustainable Exercise	4
From the President.....1	The Best Traditions of Our Profession.....	5
Lawyers in the News.....1	Newsletter Available Online.....	5
CLE Courses.....2	Local Attorneys Win Elections.....	6
YLS Volunteer Educational Programs.....3	Court Communiqués.....	6
Pre-Order 2008-09 MCB Directories.....3	Upcoming Winter Gatherings	7
Chambers Diversity Champion Award Nominations Sought.....3		

MECKLENBURG COUNTY BAR
438 Queens Road
Charlotte, NC 28207

PRSRPT STD
U.S. POSTAGE
PAID
CHARLOTTE, NC
PERMIT NO. 3337

DATED MATERIAL

THE MECKLENBURG BAR NEWS

A Publication of the Mecklenburg County Bar Volume 35 No. 7 © 2009 Mecklenburg County Bar

January 2009

The Year in Review

BY PHILLIP E. LEWIS

The Book of Ecclesiastes sagely reminds us that “what has been will be again.” I understand this simple yet elegant aphorism to mean that, in general, the present echoes the past: wars of today are not unlike the wars of antiquity; life rolls immutably on in broad, sweeping cycles. There is, so to speak, “nothing new under the sun.”

Because we as humans may be intrinsically prone to seek out patterns and likenesses between what may otherwise be dissimilar eras and events, it is all too easy to identify unsettling parallels between the present economic situation and a notable prior period of economic desperation in our nation’s history.

Most economists, nevertheless, seem to be approaching a consensus that our current economic woes will not reach the severity of the Great Depression, during which unemployment rates climbed as high as 24% and U.S. GDP declined nearly 30% from 1929 to 1933.

Yet even the most sanguine experts offer only bleak predictions of a “slow and fitful” economic recovery that may not emerge anytime soon, with the banking industry still facing a maelstrom of uncertainty and commercial and residential development persistently sluggish with no obvious trend toward reversal.

In preparation for this article, I spoke to a great many Mecklenburg County lawyers, and nearly all of them said the current economic crisis was, in their perception, the most salient aspect of 2008. Many told me their firms had been forced to cut back expenses, personnel, and sometimes lawyers. Law firms with significant securitization and real estate practices appear to have been harmed the most, with a surprising number of positions eliminated as part of the belt-tightening process. Against this grim backdrop we should recall that the

Ecclesiastical axiom noted above may be apposite not only with respect to recurring adversity, but also with prosperity. What has been will doubtless be again: We will certainly return to better days in the days ahead, and we will do so with the resolute application of diligence, perseverance, and the strong dedication to the public good that we have so frequently demonstrated in times of hardship and need.

We should proudly observe in this light that in 2008 Mecklenburg County lawyers remained actively and strongly committed to the public despite the difficult economic climate, performing acts of benevolence too numerous to mention.

2008 began with an announcement in this newsletter that Kennedy Covington (now K&L Gates) was presented with the Outstanding Philanthropic Organization Award by the Charlotte Chapter of the Association of Fundraising Professionals. The firm and its attorneys received the award for substantial contributions to the Campaign for Cultural Facilities, the American Diabetes Association, and Legal Services of Southern Piedmont, among many others.

Kennedy Covington and Pittsburgh-based multinational law firm K&L Gates wedded later in the year, the merger resulting in a law firm of 1,700 lawyers with 28 offices in the U.S., Europe, and Asia. Founded in 1957, Charlotte-based Kennedy Covington contributed more than 175 lawyers to the merger.



**Gene Pridgen accepted
Kennedy Covington’s
philanthropic award**

continued on page 5

January 2009

www.meckbar.org