

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**
www.carolinalegal.com

Charlotte • Raleigh • Columbia
201 South College Street Suite 1690 Charlotte, NC 28244 Phone: 704/343-4822 Facsimile: 704/343-0211

In This Issue

Justice Has a New Home.....	cover
From the President.....	1
Lawyers in the News.....	1
CLE Courses.....	2
A History of Mecklenburg Courts.....	3
Cheroff Delivers 2006 Law & Society Lecture.....	4
Robinson Receives Professionalism Award.....	4
Introducing Tim Smith.....	4
Enjoying the Practice of Life as a Lawyer.....	5
Bank of America Pro Bono Will Clinic.....	6
YLS Helps during the Holidays.....	6

MECKLENBURG COUNTY BAR
438 Queens Road
Charlotte, NC 28207

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

DATED MATERIAL

THE

MECKLENBURG BAR NEWS

A Publication of the Mecklenburg County Bar Volume 33 No. 7 © 2007 Mecklenburg County Bar

January 2007

Justice Has a New Home

By CHARLES KELLER, JR., COMMUNITY ACCESS AND
OUTREACH ADMINISTRATOR

As we begin the countdown to the long-awaited day when we make the transition from our current courthouse into our new courthouse, I thought it might be beneficial to make everyone aware of the exciting changes in store for all of us who will work and conduct business in our new facility.

As the new eastern gatepost into downtown, the courthouse strikes an imposing presence on the Charlotte skyline. The facility is nine stories high and provides 569,000 net square feet for court functions. There are a total of 39 courtrooms to handle criminal, civil, domestic, juvenile, and small claims matters. Thirty-five of these courtrooms will be operational from the outset, with four “shelled” for future expansion. The building also includes a collegial judges’ office floor, the offices of the Clerk of Superior Court and Trial Court Administrator, civil processing functions of the Sheriff’s Office, and a spacious jury assembly lounge.

The building is organized to provide clear, easily understood circulation to all the various functions. At its center, public circulation encircles a day-lit atrium that provides orientation to first-time visitors and offers a sense of spaciousness to offset the tensions frequently associated with the Court’s business. The atrium is really the centerpiece of the facility. It features a unique design by creating a semicircular form within a triangular space. Round columns define the inner semicircle, supporting a public landscaped terrace at level four. The triangular space then rises an additional two stories around the terrace and will be roofed with shallow plantings, which can be seen from the windows of the upper floors.

The perimeter of the triangular plan accommodates courtrooms and office space along the two street frontages, with six public elevators and a monumental stair on the third side, overlooking the courtyard, that allows access from

continued on page 3



Entrance to the new courthouse

www.meckbar.org

January 2007

From the President



Tony Lathrop,
MCB President

“Back Hall” Access for Lawyers

On October 23, a group of court and government officials met regarding the issue of lawyer access to the “back halls” behind courtrooms in the new courthouse. The group included Chief District Court Judge Fritz

Mercer, Chief Resident Superior Court Judge Bob Johnston, Clerk of Court Martha Curran, Sheriff Jim Pendergraph, Chief Deputy Chip Bailey, County Commission Chair Parks Helms, Trial Court Administrator Todd Nuccio, and me.

A considerable amount of feedback was obtained from lawyers before this meeting. I did not see or hear any support from practicing attorneys for restricting attorney access to the back hallways.

The group decided, with dissent from Parks Helms and me, that in the new courthouse, at least initially, lawyers and their staff members—such as couriers and paralegals—would not be permitted in the back hallways. This initial decision will be in effect for at least the first four months of operation, and will then be reviewed. I believe that there is a reasonable chance that this policy will be “lightened up” with your input.

Concerns of folks who favor limiting access include security and interruptions. There are concerns on both sides of this topic. Court-houses in other counties have limited access and have tried to find a balance between convenience and security concerns. Achieving the proper balance is not always an easy decision.

The above-referenced group discussed a number of issues. I will list a number of these below in the form of questions and ask that you provide your input on these issues:

1. Is safety an issue when there will continue to be screening checkpoints for weapons at all public entrances to the new courthouse?
2. Is there a security concern for court personnel notwithstanding the entrance screening?
3. Approximately how many attorneys regularly use the current back hallway (either personally or through their paralegals or couriers)?
4. Would a card access system work, for those attorneys who have to frequently send couriers or paralegals to drop off and pick up orders, etc.?
5. Is there generally just “too much congestion” in the back halls, creating a need for limitation of access?
6. Is it practical or appropriate to limit or prohibit the access of *pro se* litigants to the back hallways?

continued on page 7



Lawyers in the News by Robert P. Johnston

15th Annual Wade Edwards High School Mock Trial January 27 and 28

The state finals of the 15th Annual Wade Edwards High School Mock Trial competition will take place in the new Mecklenburg County Courthouse on January 27 and 28.

The competition is the only statewide high school-level mock trial program in North Carolina. Sixteen high school teams from across the state—all of which survived regional trials on November 18—are expected to compete.

Judges and attorneys interested in participating may e-mail liz@ncatl.org to contact Liz Avery-Jones at the North Carolina Academy of Trial Lawyers, which is sponsoring the event. Locally

they may contact Frances Knox at fknox@knoxlawcenter.com.

Participants in the regional competition included Alandrea Anderson, Judge Bob Bell, Judge Richard Boner, Allen Brotherton, Brad Champion, Howard Cohen, Jessica Copeland, Mike Daisley, Tracy Derteen, Judge Al Diaz, Tom Dickinson, Terri Edwards, Gary Hemric, Judge Bob Johnston, Laura Manfreda, Jay McKeown, Amanda Mingo, Chuck Monnett, Ben Smith, Mark Sumwalt, Vernon Sumwalt, Robert Sumner, Jason Taylor, Allison VanDyke, and Casey Viser. **MCB**

McIntosh Law Firm Receives Community Service Award

The National Association of Retail Collections Attorneys (NARCA) recently presented the McIntosh Law Firm its 2006 Community Service Award.

The award is given to the member firm that “best demonstrates an overall firm commitment to and implementation of activities for the betterment of its community.” It comes with a \$1,000 donation to the charity of the firm’s choice, which was the Torrence Chapel After-School Program at Cornelius Presbyterian Church.

In an acceptance letter to NARCA, Bob McIntosh wrote, “We understand that we can spend all the dollars available and more, but the real return—both personally and professionally—happens when we show up and take part in the

project, whether it be a Habitat build, a community fish fry or barbeque, or a charity golf tournament for Special Olympics or the DARE program. This commitment and philosophy is at the heart of our marketing—let’s put a helping hand and a

smiling face with the firm name. Validation of our efforts may not come in the form of new clients related to specific events, but our community has been kind to us in its recognition of our efforts.”

MCB



McIntosh

Simmons Elected to Federation of Defense and Corporate Counsel



Simmons

The Federation of Defense and Corporate Counsel (FDCC) recently elected L.D. Simmons to its membership.

According to FDCC’s website, “Membership is limited and selective. Election is by the Board of Directors upon recommendation of an

independent Admissions Committee [that determines] those selected have distinguished themselves professionally. Current membership is slightly over 1,400 and includes members from each of the United States plus Australia, Canada, Europe, Puerto Rico, and other areas.”

Simmons received his juris doctor from Vanderbilt University in 1984 and practices in the area of commercial litigation with a concentration in insurance, reinsurance, and bad-faith litigation at Helms Mulliss & Wicker. **MCB**

DeMayo Firm Donates 2,242 Pounds of Food

By splitting its staff into teams, the Law Offices of Michael A. DeMayo collected 2,242 pounds of food during its annual participation in the Second Harvest Food Bank of Metrolina food drive.

According to a firm press release, DeMayo’s staff competed against each other to see who could donate the most food. At the final tally, the firm gathered more than 10 barrels of food weighing in at 2,242 pounds. At the beginning of the competition, DeMayo agreed to match, dollar per pound, his employees’ total food contribution and donated an additional \$2,500 to the Food Bank.

Each pound of food is equivalent to roughly

one meal. As a result, the Food Bank will be able to feed nearly 750 needy people three meals a day with the firm’s donation. The firm collected canned fruits and vegetables, as well as high-protein foods including tuna, chicken, and canned beef stew.

“Being a part of this annual food drive is our way to help alleviate the hunger that many experience on a daily basis in our community,” said DeMayo. **MCB**



DeMayo



Daily CLE Planner

January

- 1/9/07 Banking and Finance at Moore & Van Allen 9:00 a.m. to 3:00 p.m. (video)
- 1/12/07 Banking and Finance at MCB Center 9:00 a.m. to 3:00 p.m. (video)
- 1/16/07 The Disease of Addiction at MCB Center 12:30 to 1:30 p.m.
- 1/17/07 Trust Accounting at MCB Center 9:00 to 10:00 a.m. (video)
- 1/18/07 Family Law Section Lunch & CLE at MCB Center 12:45 to 1:45 p.m.
- 1/19/07 Estate Planning Ethics Session 1 at MCB Center 7:45 to 8:45 a.m.
- 1/19/07 Duty of Loyalty & Attorney Fees at MCB Center 9:00 a.m. to 12:00 p.m. (video)
- 1/25/07 Accounting for Lawyers at MCB Center 11:00 a.m. to 1:00 p.m.
- 1/26/07 All Star Trial Advocacy at the Charlotte Chamber 9:00 a.m. to 3:00 p.m.
- 1/26/07 Is Stress Defining Your Law Practice at Days Inn Cornelius 12:30 to 1:30 p.m.
- 1/26/07 Estate Planning Advanced Session 2 at MCB Center 8:00 to 9:00 a.m.

February

- 2/1/07 Representing Nonprofits details TBA
- 2/2/07 Practice Before the Clerk at the New Courthouse 9:00 a.m. to 12:15 p.m.
- 2/6/07 Mental Illness and the Death Penalty at MCB Center 9:00 a.m. to 4:00 p.m. (video)
- 2/7/07 The Disease of Addiction at MCB Center 12:00 to 1:00 p.m. (video)
- 2/9/07 and 2/10/07 Annual Review at the Crowne Plaza Uptown 12 hours
- 2/13/07 Estate Planning Session 3 Family Limited Partnerships at MCB Center 8:00 to 9:00 a.m.
- 2/14/07 Trust Accounting at MCB Center 9:00 to 10:00 a.m. (video)
- 2/15/07 Family Law Section Lunch & CLE at MCB Center 12:45 to 1:45 p.m.
- 2/15/07 Collections 9:00 a.m. to 12:15 p.m.
- 2/16/07 Annual Civil Litigation Forum details TBA
- 2/16/07 Duty of Loyalty & Attorney Fees at MCB Center 9:00 a.m. to 12:00 p.m. (video)

- 2/16/07 Mental Health Tune Up at MCB Center 1:00 to 2:00 p.m. (video)
- 2/19/07 Changing Lanes: How Stress Impacts Ethical and Professional Decision Making at MCB Center 1:00 to 3:00 p.m.
- 2/20/07 The Disease of Addiction at MCB Center 12:00 to 1:00 p.m. (video)
- 2/22/07 Estate Planning Session 4 Family Business Succession Planning at MCB Center 8:00 to 9:30 a.m.
- 2/23/07 Private Capital Markets at MCB Center 9:00 a.m. to 1:00 p.m.
- 2/23/07 Diversity Matters details TBA
- 2/26/07 Computer Forensics and Electronic Discovery at MCB Center 9:00 a.m. to 12:15 p.m.
- 2/27/07 1031 Exchanges at MCB Center 9:00 a.m. to 12:30 p.m.
- 2/28/07 Duty of Loyalty & Attorney Fees at MCB Center 9:00 a.m. to 12:00 p.m. (video)
- 2/28/07 Mental Health Tune Up at MCB Center 1:00 to 2:00 p.m. (video)

Live Programs

The Disease of Addiction

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

Accounting for Lawyers

CLE Credit: 2.0 hours General
Date: Thursday, January 25, 2007
Time: Reg. 10:45 a.m.
Program 11:00 a.m.–1:00 p.m.
Location: MCB Center, 438 Queens Rd.
Fees: \$80 attorney rate, \$40 paralegal rate

Estate Planning Series

CLE Credit: 4.5 hours total (1.0 Ethics and 3.5 General)
Dates & Times: Friday, January 19, 2007, 7:45–8:45 a.m. (Ethics)
Friday, January 26, 2007, 8:00–9:00 a.m. (Advanced Topics)
Tuesday, February 13, 2007, 8:00–9:00 a.m. (Family Limited Partnerships)
Thursday, February 22, 2007, from 8:00–9:30 a.m. (Family Business Succession Planning)
Reg. 15 minutes before the start of each session
Location: MCB Center, 438 Queens Rd.
Fees: \$50 attorney rate for single session or \$175 attorney rate for all four, \$30 paralegal rate for single session or \$100 paralegal rate for all four

All Star Trial Advocacy

CLE Credit: 5.0 hours General
Date: Friday, January 26, 2007
Time: Reg. 8:15 a.m.
Program 8:45 a.m.–3:00 p.m.
Location: Chamber of Commerce, Belk Action Center
Fees: \$180 attorney rate, \$90 paralegal rate

Is Stress Defining Your Experience of Law Practice

CLE Credit: 1.0 hour Mental Health/
Substance Abuse
Date: Friday, January 26, 2007
Time: Reg. 12:00 p.m.
Program 12:30–1:30 p.m.
Location: Days Inn Cornelius (Exit 28), 19901 Holiday Lane
Fees: \$60 attorney rate, \$30 paralegal rate

Representing Nonprofits

CLE Credit: 3.0 hours General
Date: Thursday, February 1, 2007
Time: Reg. 8:30 a.m.
Program 9:00 a.m.–12:15 p.m.
Location: Dowd YMCA, 7th floor
Fees: \$110 attorney rate, \$65 paralegal rate

Practice Before the Clerk

CLE Credit: 3.0 hours General
Date: Friday, February 2, 2007
Time: Reg. 8:30 a.m.
Program 9:00 a.m.–12:15 p.m.
Location: New Courthouse, Courtroom 6170
Fees: \$110 attorney rate, \$65 paralegal rate

Annual Review

CLE Credit: 12.0 hours total (3.0 Ethics, 1.0 Substance Abuse, and 8.0 General), fulfilling one year of NCSB-mandated CLE hours
Dates: Friday, February 9, and Saturday, February 10, 2007
Location: Crowne Plaza Uptown (formerly Best Western Uptown), 201 South McDowell St.
Fees: \$455 attorney rate before 2/1/07, \$495 attorney rate after 2/1/07

Collections

CLE Credit: 3.0 hours total
Date: Thursday, February 15, 2007
Time: Reg. 8:30 a.m.
Program 9:00 a.m.–12:15 p.m.
Location: TBD
Fees: \$110 attorney rate, \$65 paralegal rate

Civil Litigation Forum

CLE Credit: 6.0 hours total
Date: Friday, February 16, 2007
Time: Reg. 8:30 a.m.
Program 9:00 a.m.–4:00 p.m.
Location: Chamber of Commerce (tentative)
Fees: \$180 Civil Litigation Section member rate, \$210 non-CLS member attorney rate, \$90 paralegal rate

Changing Lanes: How Stress Impacts Ethical and Professional Decision Making

CLE Credit: 2.0 hours Mental Health/
Substance Abuse
Date: Monday, February 19, 2007
Time: Reg. 12:30 p.m.
Program 1:00–3:00 p.m.
Location: MCB Center, 438 Queens Rd.
Fees: \$90 attorney rate, \$45 paralegal rate

Diversity Matters

CLE Credit: 3.0 to 6.0 hours total
Date: Friday, February 23, 2007
Time: TBA
Location: TBA
Fees: TBA

Private Capital Markets

CLE Credit: 4.0 hours General
Date: Friday, February 23, 2007
Time: Reg. 8:30 a.m.
Program 9:00 a.m.–1:00 p.m.
Location: MCB Center, 438 Queens Rd.
Fees: \$175 attorney rate, \$90 paralegal rate

Computer Forensics and Electronic Discovery

CLE Credit: 3.0 hours General
Date: Monday, February 27, 2007
Time: Reg. 8:30 a.m.
Program 9:00 a.m.–12:15 p.m.
Location: MCB Center, 438 Queens Rd.
Fees: \$135 attorney rate, \$65 paralegal rate

Advanced 1031 Tax-Deferred Exchanges

CLE Credit: 3.25 hours General
Date: Tuesday, February 27, 2007
Time: Reg. 8:30 a.m.
Program 9:00 a.m.–12:30 p.m.
Location: MCB Center, 438 Queens Rd.
Fees: \$135 attorney rate, \$65 paralegal rate

Online CLE Programing Available at www.meckbar.org

On demand, available 24 hours
NC State Bar allows up to 4 hours of online courses annually
Customer service line 800/590-6867
MCB endorses only Education Over the Net as our online hosting service



Mental Health Tune-Up

CLE Credit: 1.0 hour Mental Health/
Substance Abuse
Date: Friday, February 16, 2007, from
1:00–2:00 p.m.
Friday, March 16, 2007, from
1:00–2:00 p.m.
Please arrive 15 minutes prior to
start of program
Location: MCB Center, 438 Queens Rd.
Fees: \$60 attorney rate, \$30 paralegal
rate

**The Duty of Loyalty and Attorney Fees:
Ethics Issues 2006**

CLE Credit: 3.0 hours Ethics
Date: Friday, January 19, 2007
Friday, February 16, 2007
Wednesday, February 28, 2007
Friday, March 16, 2007
All from 9:00 a.m.–12:00 p.m.
Please arrive 15 minutes prior to
start of program
Location: MCB Center, 438 Queens Rd.
Fees: \$135 attorney rate, \$75 paralegal
rate

6th Annual Banking and Finance Forum

CLE Credit: 6.0 hours General
Date: Tuesday, January 9, 2007, at
Moore & Van Allen
Thursday, January 12, 2007, at
MCB Center
Time: Reg. 8:30 a.m.
Program 9:00 a.m.–3:00 p.m.
Fees: \$210 full-day attorney rate, \$105
half-day attorney rate, \$105 full-
day paralegal rate, \$55 half-day
paralegal rate

Trust Accounting

CLE Credit: 1.0 hour Ethics
Date: Wednesday, January 17, 2007
Wednesday, February 14, 2007
Time: Reg. 8:45 a.m.
Program 9:00–10:00 a.m.
Location: MCB Center, 438 Queens Rd.
Fees: \$55 attorney rate, \$30 paralegal
rate

The Disease of Addiction

CLE Credit: 1.0 hour Mental Health/
Substance Abuse
Date: Wednesday, February 7, 2007
Tuesday, February 20, 2007
Time: Reg. 11:45 a.m.
Program 12:00–1:00 p.m.
Location: MCB Center, 438 Queens Rd.
Fees: \$60 attorney rate, \$30 paralegal
rate

Mental Illness and the Death Penalty

CLE Credit: 6.75 hours General
Date: Tuesday, February 6, 2007
Time: Reg. 8:45 a.m.
Program 9:00 a.m.–4:00 p.m.
Location: MCB Center, 438 Queens Rd.
Fees: \$180 attorney rate; \$90 paralegal
rate

**Office-Sharing
Opportunity**

Beautiful executive offices,
workstations, break area,
and storage in the Carillon Building,
227 West Trade Street.
Ideal space for small law firm.
Short-term arrangements
will be considered.
Call Tom or Joe at 704/376-6574
or e-mail joetissue@mrsmt.com.

A History of Mecklenburg Courts

By CHASE SAUNDERS*

The First Courthouse, 1766 to 1810

In 16th-century English villages, building a courthouse or town market in the middle of main streets was standard practice, and this trend continued in early American villages. Many county seats in North Carolina and other states still have courthouses in these same locations today, and a number of town market buildings still exist in England.

From the establishment of Mecklenburg County in 1762 until Charlotte was founded in 1766, court in a variety of homes, taverns, and other places. Tradition places a number of courts near Charlotte in the home of Thomas Spratt, one of the earliest settlers. Court was held only four times a year and lasted for a day or two.

The first building designated as an actual courthouse in Mecklenburg County was completed prior to November 3, 1766, and was located in the middle of the intersection of Trade Street and Tryon Street in what was then the small village of Charlotte. It was a log cabin perched on 10-ft.-tall brick pillars. In the center of the space beneath the courthouse was a post marking the middle of town. Distances to other towns, river fords, etc. were measured from this post. The open space beneath the courthouse served as a town market, following the tradition in England, for the selling of animals, produce, and other goods.

According to the Mecklenburg County court records, the space beneath the courthouse was enclosed in 1779, "... So as to keep out Suttlers, Horses, Sheep, Hogs, and all other things that may have any tendency to make it disagreeable."

It was in this Mecklenburg courthouse where the representatives, meeting on May 19, 1775, first heard the news of Lexington and Concord. They debated and approved the *Mecklenburg Declaration*

of Independence and heard it read aloud from the courthouse steps on May 20, 1775. Commissioners met there and wrote the *Mecklenburg Resolves* on May 31, then dispatched Captain James Jack to the Continental Congress in Philadelphia with both documents.

When British General Cornwallis entered Charlotte in October 1780, Colonel Davie and his men fired from the brick columns and stone walls under the courthouse to delay the British advance. This skirmish was later known as the Battle of Charlotte.

Lord Cornwallis used the courthouse as a threshing floor for the grain his troops gathered from the surrounding countryside. In 1783 the building was covered with boards, leading it to be later described as a frame building.

The Second Courthouse, 1810 to 1845

In the 1875 Charlotte City Directory there is a description of Charlotte 50 years before:

The Court House... was a square brick building, hipped roof (the old log building which existed in 1775, had been removed) terminating with a cupola on top. The whipping post, stocks and pillory stood in the middle of the street... in full view of the judge's bench... For many years the Sheriff and Clerks of the Superior and County Courts, and the Register of Deeds, kept their offices at their houses in the country... until the Legislature passed an act requiring them to be kept at the Court House. Then... the upper story of the Court House was cut up into offices, and thereby spoiling the only good ballroom in town, as all the public balls or dances were held in the second story of the Court House, and all the preaching was done in the lower story in the Court room. Ministers

continued on page 7

Justice Has New Home

continued from cover

the second level to the ninth level. The basement level contains private parking with 57 spaces for judges and key court officials as well as 35 various-sized holding cells for prisoners awaiting court hearings. A tunnel connects the courthouse to Jail Central across the street for secure transportation of these individuals. The highest-volume activities are located on the two entry levels—connected by escalators as well as stairs—within the atrium to provide easy access between the entry floors.

On the upper floors, courts have been organized by their type, with supporting offices and ancillary functions: criminal courts on levels four and five, civil courts on level six, and family courts on level eight. Behind the courtrooms, a private corridor connects the courtrooms with the jury deliberation rooms, support spaces, and staff stairs and elevators. Dedicated elevators connecting central holding with the courtroom holding cells handle detainee circulation. The seventh floor will remain unfinished until the need arises for future expansion. The top floor is devoted to the judges' offices, conference spaces, and library. As an added feature, the perimeter wall at this level has been pulled back to provide terraces outside the windows.

All said, the new courthouse is truly an impressive facility. Its iconic design exemplifies the importance of our justice system and the basic premise of equal access under the law for everyone.

As the building nears completion, we enter an exciting and challenging stage of the project. Over the last several months, court officials have been

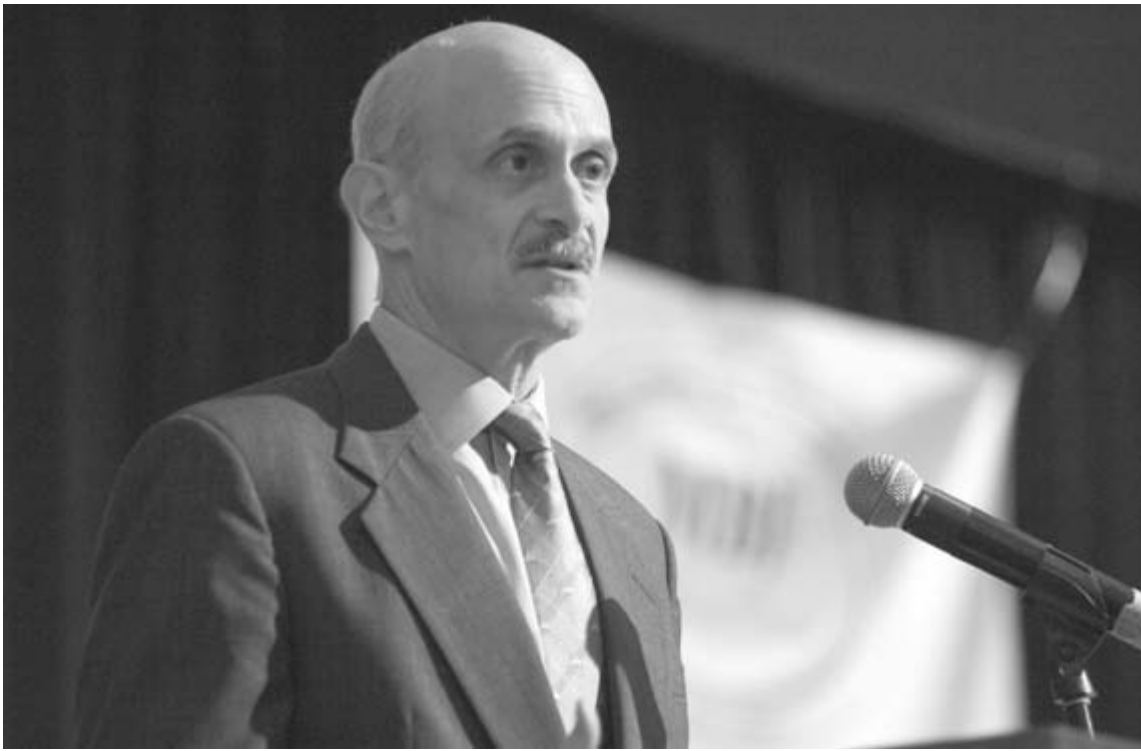
working on establishing room numbers; assigning work spaces; assigning new telephone and fax numbers; updating our forms, letterhead, and business cards; securing new equipment; examining furniture requirements and layout; and developing a transition plan.

The actual move is scheduled to occur during the week of January 6, 2007, and the Court will open for business in the new facility on Tuesday, January 16. Court will be closed during the week of the move, with the exception of the emergency courts. The plan is for the various offices to move in stages, in an attempt to remain open to the public during the transition. The County has hired AOS USA to coordinate the move. They are located here in Charlotte and bring a wealth of knowledge and experience to the move project. The project managers recently met with each agency to review their spaces and to gather information about what will be moved. If you have any questions regarding logistics or mechanics of the move, please do not hesitate to see me.

Considerable time and expense have gone into making this important public facility the showpiece of the community. A grand opening ceremony is planned for Friday, February 9, 2007, to commemorate the official opening of the building.

Thank you for all your patience during the construction phase, and thank you in advance for your assistance, cooperation, and patience during the transition from our current location into our new facility. The end result will be well worth the investment of our time and effort. **MCB**

2006 Law & Society Lecture



Secretary of Homeland Security Michael Chertoff addressed more than 300 Bar members, civic leaders, and members of the public at the Law & Society Lecture, held at the Westin Hotel on November 15, 2006. Chertoff discussed the impact of immigration on both national and local levels and explained the Department of Homeland Security's role in protecting our borders.

MCB

Robinson Receives Professionalism Award



Bryant presents Ayscue Professionalism Award to Robinson

Russell Robinson, II, was given the Mecklenburg Bar Foundation Ayscue Professionalism Award at the Law and Society Lecture on November 15, 2006.

Over 300 attended the luncheon, which featured the remarks of Secretary of Homeland Security Michael Chertoff.

Bob Sink summarized Robinson's contributions and reflected on his traits "to which we can all aspire and about which we can all be instructed." (Sink's full remarks are available on www.meckbar.org).

Mecklenburg Bar Foundation President Jamie Bryant presented the award.

Robinson, a founding partner of Robinson Bradshaw & Hinson, received his law degree from

Duke University, where he was Order of the Coif and Editor-in-Chief of the *Duke Law Journal*. He had previously graduated, Phi Beta Kappa, from Princeton University.

Chairman of The Duke Endowment, Robinson has served as chairman of the Board of Trustees of the University of North Carolina at Charlotte. He has been a member of the Board of Visitors at Duke Law School and Johnson C. Smith University and has served as counsel to the John Motley Morehead Foundation for 40 years.

He is the author of *Robinson on North Carolina Corporate Law*.

Previous recipients of the Ayscue Professionalism Award include Ozzie Ayscue and Julius Chambers.

MCB

Profile

Introducing Tim Smith

BY TRICIA MORVAN DERR

I am pleased to report that Tim Smith and his wife have formally separated. No, not in their marital partnership, but in their law practice where he and wife, Jackie, have worked together for the past eight years. No irreconcilable differences are involved in this split: Tim Smith is leaving his law practice because he has just been elected to serve as one of Mecklenburg County's 18 district court judges. On January 1, 2007, Tim Smith officially became Judge Smith at a private swearing-in ceremony.

Smith, a Charlotte native, is looking forward to returning to a public service-oriented career path. Just out of law school, Smith worked as an assistant public defender for Mecklenburg County for three years before entering private practice. With mentoring and guidance from Public Defender Isabel Day, Smith had what he describes as a "rich learning environment" and unparalleled collegiality. "There, I learned the craft of law practice," he said. "Every lunch we had together was like a CLE for me." While with the Public Defender's (PD's) office, he spent a lot of time handling cases in front of the late Judge Bill Scarborough, who Smith describes as an icon of "compassion, wisdom, and humor." It was his respect and admiration for Judge Scarborough that drove his desire to run for district court judge.

Even after leaving the PD's office, Smith continued his dedication to public service and has remained close to the attorneys there. Throughout the years, he has served as a mentor to new attorneys appointed to involuntary commitments and has been available to assist the PD's office from time to time. Since 1998, he has served as a district court arbitrator and proudly reports that two-thirds of more than 300 civil disputes he has handled have been resolved. He attributes his success to his candor with the parties at arbitration. "I try to explain why the decision was made the way it was," he said. This way, according to Smith, the parties have a more realistic expectation of what a jury might do with the case if tried.

Smith is also active in the community and especially at his children's school, University Park Creative Arts Elementary, where he makes regular appearances as his own character creation "Timmy Tunz." Timmy Tunz, an exaggerated 1950s-style disc jockey, has been adopted by the kids as a sort of mascot for the school. Smith has a great time playing Timmy Tunz and sees it as his way to show support for his children and for parental involvement in schools.

As a judge, Smith sees his role as one of "fairness and impartiality... I will listen to both sides," he said, "and try to explain my decisions."

"Do you think you'll model yourself after Judge Scarborough?" I asked.

"I've been lucky enough in my career to have practiced with some incredible judges and some talented attorneys," he said. "I'll borrow pieces from them all and come up with my own style."

The public swearing-in ceremony will take place on January 22, 2007, at 1:30 p.m. in the new courthouse with a reception following the ceremony. MCB

Enjoying the Practice of Life as a Lawyer

CHRIS OSBORN, CHAIR,
LAWYER SUPPORT COMMITTEE

"We were meant to live for so much more.

Have we lost ourselves?

Somewhere we live inside."

—"Meant to Live" by Switchfoot

In lieu of the usual "Atticus Answers" column, the Lawyer Support Committee (LSC) wanted to take a few moments this month to introduce you to our committee, and specifically to its new theme for the year 2007: *Enjoying the Practice of Life as a Lawyer*.

Most of us are used to thinking about the "practice of law" as a concept unto itself. However, there are two common pitfalls for many of us who have chosen this noble profession as a career. The first is that we may begin to see the practice of law as life itself. The aphorism about the law being a "jealous mistress" is not without foundation in reality. The magnitude and intensity of the disputes that we help people fight or resolve, the deals that we put together, the life issues that we often hold in our hands can, at times, be overwhelming. That fact, combined with the economic aspect of practice (in private practice, at least, where performance is often measured in terms of hours billed and dollars earned), means that our demanding profession can easily consume the vast majority of both our waking hours and the finite capacity that we have for mental and emotional engagement with the world. Often, the practice of law becomes our entire "life" not by any conscious decision that we have made at such a broad conceptual level, but as the result of numerous smaller and seemingly inconsequential decisions that we have made, almost instinctively, along the way.

On the other end of the spectrum, it may be that some of us are capable of compartmentalizing our careers and taking great care not to let our identity be defined solely by our chosen profession. We live robust lives outside the law, with ample time reserved for family, hobbies, or civic and charitable involvement. However, in doing so, we may forget that being a lawyer is an integral part of our very being; that is, "who we are" is in fact partially a function of "what we do." Most of us were drawn to the law because we had a penchant for analytical reasoning, precision of communication, and perhaps a passion to help people using those skills. The fact that we practice law does say something about who we are and how we are wired. What we spend all day doing does affect how we think and feel and act in the rest of our lives. (In married life, for one example, "thinking like a lawyer" is an innate or learned skill set that may not always be an asset in certain relational contexts!) Being a lawyer presents both obstacles and opportunities in life

that are unique to our profession; we have both challenges and resources not necessarily characteristic of folks in other professions.

Thus, for each of us, life is more than the practice of law, and yet we are indeed lawyers as we go through it. While this may seem a statement of the obvious, in practical application, the maintenance of an appropriate balance and regard for these considerations are difficult.

With this tension in mind, the LSC has adopted its theme for 2007: *Enjoying the Practice of Life as a Lawyer*. This theme stresses that what we ought to be about is living life to the fullest—as neighbors, family members, citizens, lovers, parishioners, sports fans, and countless other roles that we play—knowing that in doing so, our calling as attorneys will have a profound impact on how we do it.

We also mean to suggest that life is something to be "practiced," in that none of us has it perfectly down. We are all, to some degree or another, still learning how to navigate through disappointment and hope in the many forms they may take. If we are still making an effort to enjoy life, then we most likely are still triumphing and failing, advancing and running for cover, engaging and checking out, stumbling and getting back up again. (For me, at least, many of those things often happen in the same day!) Like any athlete in training, we need to "practice" life: to be intentional and mindful about what we are doing, how we do it, and how we are affecting the people with whom we do it. We need to take stock of where we are, what condition we are in, and have a plan for how to do the tasks that lie before us.

Although the LSC may often be thought of as a committee of last resort—*i.e.*, the folks who get called in when a lawyer is facing a substance abuse or mental health crisis—in fact, it exists to encourage the efforts of members of the Bar to live fulfilling, rewarding lives. Part of how we "practice life," to be sure, is bearing our fellow lawyers' burdens in a time of crisis. But, as a committee, we would be even happier if there were fewer crises to help folks through. We believe that some (though certainly not all) of the crises that we all find ourselves in might be avoidable, or at least mitigable, if we remember our connections to one another and have meaningful conversations about the pinnacles and pitfalls of life and law. The members of our Bar have much to offer one another in the way of guidance, support, and encouragement in how to

practice life as lawyers.

Accordingly in 2007, the LSC hopes to be actively engaged in helping Bar members encourage each other toward greater fulfillment, peace, and healthy confidence in their practices and their lives. One way that we hope to promote the pursuit of well-balanced fulfillment in the practice of law is through celebration and story. We hope to cooperate with the Bar members and committees that have already begun finding ways to celebrate those who have made law a high calling and found fulfillment in doing so. We also hope to facilitate opportunities for Bar members to hear from fellow lawyers who have not been able to navigate life in as balanced a fashion as they would have liked, so that we might benefit from the wisdom they have gained through experience. And we are currently planning a continuing legal education seminar (to satisfy the substance abuse/mental health requirement!) in February that will use movie clips to facilitate a discussion of dealing with stress in practice.

In undertaking these efforts as a committee, we are truly only standing on the shoulders of giants such as U.S. Magistrate Judge Carl Horn III and Lawyers Assistance Program Director Don Carroll in their efforts to encourage fulfillment and balance among the members of the Bar. Judge Horn's book, *LawyerLife: Finding a Life and Higher Calling in the Practice of Law*, and Don Carroll's recent book, *A Lawyers' Guide to Healing*, should be required reading for any new lawyer.

But there is only so much that we can know about the law from studying books. To learn the law, we have had to practice it. The same can be said of life, and thus we hope to encourage active and purposeful consideration of and conversations about the things that matter in all of our lives—and how we as lawyers can meet the challenges we face with the unique resources at our disposal.

The LSC would love to have you join with us in these efforts, either formally by joining our committee (we really need more lawyers from all areas of practice!), or informally by thinking about our theme and encouraging discussion about work/life balance among your colleagues. You do not have to be in crisis or "recovery" of any sort to be part of what we are about. You simply need to be willing to consider whether there is "so much more" available from your practice of life as a lawyer. As the new chair of the LSC, I welcome your comments, feedback, and most of all, your willingness to suit up for practice. **MCB**

Associate Wanted

Small Charlotte law firm is in need of a self-motivated and organized associate to handle complex civil litigation matters as well as some criminal cases. Please e-mail your information to lawapplicants@hotmail.com.

HUSEBY & II
LITIGATION ATTORNEYS

Will you invest 30 MINUTES to increase your deposition and court room presentation skills?

You can, with DepoView and Video Streaming!

WE ARE OFFERING TO TRAIN YOU ON THIS NEW TECHNOLOGY, in your office, on-line, AT NO CHARGE!

Feel free to call us directly and schedule a time that suits you. 704-333-9889 Ext. 249. We look forward to hearing from you.

"Be confident that our team is on the job."

Nationwide court reporting coverage.

1-800-333-2082 www.huseby.com



Bank of America Pro Bono Will Clinic Touches the Lives of Many

BY STEPHEN A. MAYO

On November 2, 29 associates from the Bank of America Legal Department participated in a will clinic with Legal Services for the Elderly (LSE) for indigent elderly members of the Charlotte community. The numerous will closings conducted on November 2 were the culmination of an eight-week effort where the Bank of America Legal Department volunteers attended a one-and-a-half-hour training session, interviewed their clients by phone, completed draft documentation, reviewed the documentation with a North Carolina licensed estate attorney, and revised the documentation before meeting their clients. The types of documentation prepared by the volunteers included wills, powers of attorney, declarations of a desire for a natural death, and health care powers of attorney. Twenty-eight clients received the benefit of the volunteer services provided by the members of the Legal Department who spent a combined 197 hours participating in the project.

In addition to helping the indigent, the volunteers received great

satisfaction for their efforts.

Mena Woodall said, "I liked the project very much. I really enjoyed providing a valuable service to my community. Besides, I've always liked to be around the elderly."

Liz Remailly said, "It was nice to be involved with a project where you felt you were truly helping someone and that someone was completely grateful."

The project will also serve as an inspiration for similar projects by other institutions. Mark Henriques, a member of the board of directors for LSE, indicated that the organization successfully used the clinic as a model to obtain a United Way

grant that will enable it to hire additional staff to facilitate similar projects with local large law firms and in-house legal departments in the future.

The Pro Bono Will Clinic was a joint effort between the law firm of Culp Elliot & Carpenter, who provided the training and the will form documentation; LSE, who identified the clients; and the Bank of America Legal Department, who provided the volunteer work. Bank of America volunteers included Jason Schubert, Mary Hardy, Emma Scott, Pat Wise, Pat Duquette, Sandy Turner, Lloyd Harrison, Clara Blanding, Katrina Owen, Steve Mayo, Donna George, Michelle Parker, Liz Remailly, Bob Roth, Jennie Raine, Ana

Villalba, Ethel Foster, Ellen Perrin, Earleen Mobley, Jill Lanois, Kim Pellicone, Teri Strom, Jennifer Tallmadge, Barbara Dawson, Mena Woodall, Sarah Goddard, Brenda Mareski, Mary Willard, and Brian Frumkin.

If you would like to help our community through LSE or any other legal services program, contact Jen Howle at the MCB Volunteer Lawyers Program at VLP@meckbar.org.

MCB

2006–07 VLP Pro Bono Awards Call for Nominees

The Mecklenburg County Bar (MCB) recognizes extraordinary pro bono service. MCB Volunteer Lawyers Program welcomes nominations for the 2006–07 Pro Bono Awards. This year's categories are:

- Outstanding Individual Attorney
- Outstanding Large Firm (with 25 attorneys or more)*
- Outstanding Small Firm (with 24 attorneys or less)

*firm total not limited to Mecklenburg County

Winners will receive their awards at the MCB Annual Meeting on May 24, 2007, at Marshall Park.

Please submit nominations in writing before March 2, 2007. Any attorney, law firm, or partner organization may submit nominations. Send nominations to MCB Volunteer Lawyers Program, 438 Queens Road, Charlotte, NC 28207 or VLP@meckbar.org. **MCB**

YLS Lends a Helping Hand during Holiday Season

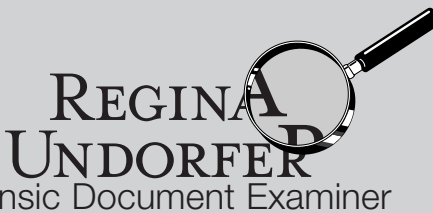
MITCHELL KELLING, CHAIR,
YOUNG LAWYERS SECTION

This fall and winter, the Young Lawyers Section (YLS) participated in several holiday community service projects through the Department of Social Services' (DSS) Community Resources Office. For Thanksgiving, more than 30 lawyers and law firm employees sponsored one or

more families here in Mecklenburg County by providing each family with food for a Thanksgiving meal or gift cards for the families to buy and prepare their own Thanksgiving celebrations. Many thanks to all who participated in this wonderful program and reached out to local families in need.

As in years past, the YLS also participated in DSS's Giving Tree Program. For the Giving Tree Program, DSS compiled lists of specific holiday gifts that were requested by children, adults, and seniors who are in DSS's care. For example, one 5-year-old girl this year asked for a kitchen playset, while a 104-year-old woman requested a new pair of pajamas. Using the DSS lists, YLS fulfilled at least 225 gift requests for children and at least 195

gift requests for adults and seniors—including that kitchen playset and those pajamas. Participating in the Giving Tree added merriment to the holidays not only for the recipients of the gifts but for those who opened their hearts and gave. Thank you to each lawyer/law firm staff member who gave a gift and to each person who coordinated the gift giving within his or her office. YLS more than surpassed our previous record of gifts given through the Giving Tree, and we could not have done so without all the support we received from the lawyers and staff members of firms, corporations, and government agencies around Mecklenburg County. If you were not involved this year, please do not miss the opportunity to be involved with holiday service projects next year. **MCB**



**REGINA
UNDORFER**
Forensic Document Examiner

- Genuine/questioned signatures
- Genuine/questioned handwriting
- Anonymous/disguised writing
- Disputed wills
- Raised checks
- Robbery notes
- Altered records
- Graffiti
- Bomb threat notes

cell: 305/710-4623
fax: 704/330-7843
email: r_undorfer@bellsouth.net

EDITORIAL POLICY

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

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

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

Pre-Order Your 2006-07 MCB Directory Today!



New Directory Features New Courthouse Listings

Due to come out in late January 2007 to coincide with the opening of the new courthouse, this year's directory will be a critical resource to find updated contact information on the courts, judges, and agencies that are relocating. And, as always, you'll find contact information for each member, individually, and by firm. So order your additional copies today!



Name _____		Firm name _____	
Phone number _____		Fax number _____	
E-mail _____		Address _____	
City _____	State _____	Zip _____	

Please reserve _____ additional* **member** copies (\$35 each) of the 2006-07 Directory.

Please reserve _____ **nonmember** copies (\$50 each) of the 2006-07 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) **TOTALING** \$ _____

VISA Master Card

Name on Card

Card Number

Expiration Date

Please mail your order form and check to **MCB DIRECTORY**, 438 Queens Rd., Charlotte, NC 28207, or fax it to 704/333-6209 if paying by credit card.

A History of Mecklenburg Courts *continued from page 3*

of all denominations, when they came to Charlotte, preached in the Court House.

This courthouse was built by John Dow in 1810, and by 1812, he still had not been paid all he was owed for constructing it.

Over the years the second courthouse was repaired and improved in various ways including "plain Porticoes over each of the Court House doors & have the same finished with steps & painted..." Later the roof was covered with tin and a bell was installed in the cupola.

The Third Courthouse, 1845 to 1897

By April 1841, the second courthouse was considered to be in disrepair and too small for the growing county.

In January 1842, after some back and forth on whether it was feasible to build a new courthouse or repair the old courthouse, the magistrates proceeded to lay "an additional Tax of 12 1/2 cents on Each Poll [voter] and 6 cents additional Tax on the \$100 Valuation of Land for Building a Court House..."

The third courthouse was constructed on the northeast corner of Trade and Church Streets, where the Marriot Hotel now stands, and the contract called for it to be completed by January 1842. It was an imposing brick structure, 44 ft. wide and 66 ft. deep, with four large columns across the front and two flights of stairs in the portico rising to the second floor. It was finally completed in 1845.

In April 1846 the Court appointed a committee to recover and repair the courthouse—just one year after it had been built!

A distinctive feature of the courthouse property was the water tower, or standpipe, which stood immediately behind the courthouse. It was a vertical pipe perhaps 17 ft. in diameter which stood twice as high as the courthouse, looking more like a chimney than a water tower. It was built in 1881 when Charlotte first installed running water and appears in every existing photograph of the third courthouse.

The Fourth Court House, 1897 to 1928

The 1870 Charlotte City Directory announced that the county commissioners had "purchased the grounds and made all arrangements for the erection of a very handsome Court House in the

city of Charlotte, which will cost, grounds and all, \$75,000. This building will be located on the corner of Third and Tryon Streets." Despite this optimism, the fourth courthouse was actually built 27 years later, on that same lot.

In 1891 the *Charlotte News* reported that a mob had taken over the jury room in the courthouse for the purpose of consuming at least 86 watermelons and strewing the rinds and seeds all over the floor.

In the *Charlotte News* of April 3, 1891, there was talk of a new courthouse. By this time, the old one was obsolete and inadequate. It would be six years until a new courthouse was built.

The fourth courthouse was finally built in 1896 and was located at 301 South Tryon Street, on the same property where Queens College was established in 1771. This \$52,500 structure was designed by architect Frank Pierce Milburn and was 75 by 120 ft. in size. The main entrance had an open portico surmounted by a large dome.

The Fifth Court House, 1928 to 1978

On January 25, 1909, the *Charlotte Daily Observer* reported that a Women's Club committee had visited the courthouse and was appalled by the dirt, smells, and general uncleanness, not to mention the tobacco spit all over the floors, including the court room.

By 1917, judges and other court officials were calling for a new courthouse due to the crowded conditions in the present one, especially in the areas used to store the various court records.

In the early 1920s, there was a movement to build a new structure combining the City Hall and the County Courthouse, which the county commissioners supported and the city leaders opposed. They went to Raleigh to pursue having a special law passed to allow this level of city-county consolidation. The question was put to the voters. The city voters approved the idea, but the county voters did not and the referendum failed.

The city of Charlotte built a new city hall, which opened in 1925, while the county courts continued to debate whether to repair the old courthouse or to build a new one.

It was not until 1928 that the new courthouse opened, at a cost of \$900,000, at 700 East Trade Street, next to the new city hall. The new courthouse featured an underground tunnel

to bring prisoners from the garage to the courthouse, an elevator to the jail on the fourth floor, a county museum on the third floor, and a kitchen serving the jail, the county police and, upon occasion, county jurors. The architect was Louis H. Asbury, a Charlotte native who also built the Myers Park United Methodist Church.

In an article in *Southern Architect*, architect M. E. Boyer Jr. extolled the "orderly functions of an excellent courthouse plan" and described the exterior columns and windows in glowing terms, commenting that "The fad of modernistic architecture is again resisted!"

The Sixth Court House, 1978 to 2007

By 1970, the courthouse of 1928 was becoming inadequate to the needs of the courts and a bond issue was put forward for \$13 million to build a new one. The voters turned it down. On May 19, 1978, the sixth courthouse opened at 800 East Fourth Street, across from the fifth courthouse. The total cost of construction was \$5.3 million.

Despite the fact that Mecklenburg County has built a total of seven courthouses in 241 years, or an average of one every 40 years, at the dedication of the sixth courthouse the Chair of the County Commissioners commented, "This kind of thing happens only once a century or so."

**Historical facts provided by James Williams and Mary Boyer*

President's Letter

continued from page 1

- If jurors have to pass through back hallways in the new courthouse on their way to jury rooms, is there a potential for jurors to overhear conversations that they should not be hearing?
- Can access to other floors of the courthouse through the back stairwells (for example, to the clerk's office) be limited to court officials through the use of key cards, as is done in multistory office buildings that contain many tenants (who are all required to have access to the back stairwells for fire code reasons)?

I want to reiterate that I believe that attorneys and their assistants should have access to the courthouse back hallways. If you have opinions on this subject, please do not hesitate to contact me or the folks listed above.